

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In the administrative areas of Gloucestershire County Council, Cotswold District Council and Tewkesbury Borough Council.

The authorised development is a nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 22 (highways) of the 2008 Act (1) and associated development as defined in section 115(2)(2) (development for which development consent may be granted) of the 2008 Act, comprising—

Work No. 1 – the construction of a new A417 dual carriageway road approximately 5.5 kilometres in length at the location shown on sheets 1, 2, 4, 5 and 6 of the works plans. To include—

- (a) the construction of drainage attenuation basin no. 2 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (b) construction compound no. 1 of approximately 34,660 square metres at the location shown on sheet 1 of the works plans;
- (c) the construction of a land drainage channel at the location shown on sheet 1 of the works plans;
- (d) the construction of 2 public laybys on the eastbound carriageway of the new A417 and 2 public laybys on the westbound carriageway of the new A417 at the locations shown on sheets 1 and 5 of the works plans;
- (e) the construction of drainage culverts at the locations shown on sheets 1, 4 and 5 of the works plans;
- (f) the construction of an open channel (Crickley Hill stream) with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (g) the realignment of the existing Dog Lane at the location shown on sheet 1 of the works plans;
- (h) the construction of a new connecting bridleway track (Cold Slad bridleway) between Dog Lane and the new Cold Slad Lane connecting road as shown on sheets 1 and 2 of the works plans;
- (i) the construction of a bat underpass (Crickley Hill bat underpass) at the location shown on sheet 1 of the works plans;
- (j) the construction of drainage attenuation basin no. 3c with associated drainage facilities, access and landscaping at the location shown on sheet 2 of the works plans;
- (k) the construction of a new local connecting road (Cold Slad Lane) between the existing U41140 and the new Ullenwood junction as shown on sheet 2 of the works plans;

(1) Section 22 was substituted by [S.I. 2013/1883](#) and amended by section 1(6) of, and paragraph 153 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(2) Section 115(2) was amended by section 160(3) of the Housing and Planning Act 2016 (c. 22). There is another amendment to section 115 which is not relevant to this Order.

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- (l) the provision for a new private means of access at Grove Farm at the location shown on sheet 2 of the works plans;
- (m) construction of a new underpass (Grove Farm underpass) at the location shown on sheet 2 of the works plans for the new private means of access at Grove Farm;
- (n) the demolition of Woodside House at the location on sheet 2 of the works plans;
- (o) the demolition of The Air Balloon Public House at the location shown on sheet 2 of the works plans;
- (p) the construction of drainage attenuation basin no. 3a with associated drainage facilities, access and landscaping at the location shown on sheet 2 of the works plans;
- (q) construction compound no.2 of approximately 40,840 square metres at the location shown on sheet 2 of the works plans.
- (r) the construction of mammal culverts at the locations shown on sheets 4 and 5 of the works plans;
- (s) the construction of drainage attenuation basin no. 9 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (t) the construction of drainage attenuation basin no. 10 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (u) construction compound no. 3 of approximately 73,250 square metres at the location shown on sheet 6 of the works plans;
- (v) the demolition of Crickley Hill Tractors at the location on sheet 2 of the works plans;
- (w) the demolition of Pinewood at the location on sheet 2 of the works plans;
- (x) the construction of a new access track at the location shown on sheet 1 of the works plans for the new private means of access at Alexander and Angell Ltd's premises and Flyup 417 Bike Park;
- (y) the construction of a new access track at the location shown on sheet 1 of the works plans for the new private means of access for the residential property at Flyup 417 Bike Park.

Work No. 2 – the construction of an overbridge (Cotswold Way Crossing) for walking, cycling and horse riding over the main carriageway of the new A417 at the location shown on sheet 2 of the works plans.

Work No. 3 – works to de-trunk the existing A417 from the existing Air Balloon roundabout to the existing Cowley roundabout at the location shown on sheets 2, 3, 5 and 6 of the works plans. To include—

- (a) the partial demolition of the existing A417 carriageway with 3m of road surface retained and the replacement of the demolished section of carriageway with a 2m surface for non-motorised users as shown on sheets 2, 3, and 5 of the works plans and the creation of an access to Crickley Ridge and Emma's Grove;
- (b) creation of an unclassified road to access the new car park from the unclassified road leading to Stockwell Farm as shown on sheet 5 of the works plans;
- (c) creation of a new car park for disabled users as shown on sheet 5 of the works plans;
- (d) the narrowing of the carriageway between Cowley roundabout and Stockwell junction as shown on sheets 5 and 6 of the works plans;
- (e) the creation of a new car park as shown on sheet 5 of the works plans;
- (f) the widening of an existing track connecting Barrow Wake car park to existing A417 and provision of a restricted byway as shown on sheets 2 and 3 of the works plans;
- (g) provision of replacement common land as shown on sheets 2 and 3 of the works plans.

Work No. 4 – the realignment of the existing A436 and a new connecting local road (A436 link road) from the Ullenwood junction to Shab Hill junction shown on sheet 2 and sheet 4 of the works plans. To include—

- (a) the construction of Ullenwood junction at the location shown on sheet 2 of the works plans;
- (b) the demolition of the Air Balloon roundabout at the location shown on sheet 2 of the works plans;
- (c) the realignment of the existing C377 to Leckhampton Hill at the location shown on sheet 2 of the work plans;
- (d) the construction of a new connecting local road (A436 link road) between the new Ullenwood junction and Shab Hill junction shown on sheet 2 and sheet 4 of the work plans;
- (e) the realignment of the existing A436 from the new Ullenwood junction at the location shown on sheet 2 of the works plans;
- (f) the construction of drainage attenuation basins nos. 5a, 5b and 5c with associated drainage facilities, access and landscaping at the location shown on sheet 2 of the works plans.

Work No. 5 – the construction of a multi-purpose crossing (Gloucestershire Way Crossing) to include essential ecological mitigation and with provision for walking, cycling and horse riding over the main carriageway of the new A417 and the new A436 link road at the location shown on sheet 2 of the works plans.

Work No. 6 – the construction of a connecting local road between Shab Hill junction and B4070 at Birdlip as shown on sheet 3 and 4 of the works plans. To include—

- (a) the construction of a new roundabout (Barrow Wake roundabout) at the junction of the unclassified road 47282 at Barrow Wake and the unclassified road 50852 at the location shown on sheet 3 of the works plans;
- (b) the length of carriageway (B4070 Birdlip Road) between the new Barrow Wake roundabout to the junction of the B4070 at the location shown on sheet 3 of the works plans;
- (c) the construction of a new carriageway (B4070 Barrow Wake Road) between the new Barrow Wake roundabout to the new Shab Hill junction at the location shown on sheet 3 and 4 of the works plans;
- (d) the construction of a mammal culvert at the location shown on sheet 4 of the works plans;
- (e) the construction of new carriageway (Birdlip Radio Station Lane) northwest of the new Shab Hill roundabout to its junction with the unclassified road U50852 at the location shown on sheet 4 of the works plans;
- (f) the construction of a new carriageway (Shab Hill Farm access) south west of the new Shab Hill roundabout to its junction with the unclassified road U50853 at Shab Hill Farm at the location shown on sheet 4 of the works plans.

Work No. 7 – the construction of a new grade separated dumbbell junction at Shab Hill (Shab Hill junction) shown on sheets 2 and 4 of the works plans. To include—

- (a) the construction of a new roundabout west of the main carriageway of the new A417 at the location shown on sheet 4 of the works plans;
- (b) the construction of a new westbound on-slip to the main carriageway of the new A417, approximately 412 metres in length at the location shown on sheet 2 and 4 of the works plans;
- (c) the construction of a new westbound off-slip from the main carriageway of the new A417, approximately 371 metres in length at the location shown on sheet 4 of the works plans;

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- (d) the construction of drainage attenuation basin no 6 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (e) construction of a new link road and underbridge to connect the east and west roundabouts, at the location shown on sheet 4 of the works plans;
- (f) the construction of a new eastbound off-slip from the main carriageway of the new A417, approximately 426 metres in length at the location shown on sheet 4 of the works plans;
- (g) the construction of a new eastbound on-slip to the main carriageway of the new A417, approximately 424 metres in length at the location shown on sheet 4 of the works plans;
- (h) the construction of a new roundabout east of the main carriageway of the new A417 at the location shown on sheet 4 of the works plans;
- (i) construction of drainage attenuation basin no 7b with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (j) construction of drainage attenuation basin no. 7a with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (k) construction of a new unclassified road (Ullenwood Lane) connecting the eastern roundabout at Shab Hill junction to the unclassified road U50852 at the location shown on sheet 2 and 4 of the works plans;
- (l) construction of drainage attenuation basin no 8 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;

Work No. 8 – the construction of a new overbridge at Cowley Lane at the location shown on sheet 5 of the works plans. To include—

- (a) the construction of a realignment of the Unclassified Road U40859 (known as Cowley Lane) approximately 650 metres in length at the location shown on sheet 5 of the works plans;
- (b) the construction of an overbridge at Cowley Lane at the location shown on sheet 5 of the works plans;
- (c) The construction of stepped access between the unclassified road and the Cowley Overbridge at the location shown on sheet 5 of the works plans;
- (d) The construction of stepped access between the proposed diverted Public Right of Way and the Cowley Overbridge at the location shown on sheet 5 of the works plans.

Work No. 9 – the construction of a new overbridge at Stockwell Farm at the location shown on sheet 5 of the works plans. To include—

- (a) the construction of a private means of access to Stockwell Farm at the location shown on sheet 5 of the works plans;
- (b) the construction of a new overbridge over the main carriageway of the new A417 at the location shown on sheet 5 of the works plans;
- (c) associated drainage features, landscaping and planting at the location shown on sheet 5 of the works plans.

Work No. 10 - the construction of a new at grade junction at Cowley at the location shown on sheet 6 of the works plans. To include—

- (a) the construction of a new roundabout connecting westbound slips onto the local network at the location shown on sheet 6 of the works plans;
- (b) the construction of a realignment of the existing A417 (Ermine Way) connecting to the new roundabout, approximately 52 metres in length at the location shown on sheet 6 of the works plans;

- (c) the construction of a realignment of the existing Climperwell Road connecting to the new roundabout, approximately 163 metres in length at the location shown on sheet 6 of the works plans;
- (d) the construction of a westbound merge and diverge connecting roads from the main carriageway of the new A417, approximately 72 metres in length at the location shown on sheet 6 of the works plans;
- (e) the construction of drainage attenuation basin no. 11a with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (f) the closure and demolition of the existing Cowley roundabout at the location shown on sheet 6 of the works plans;
- (g) the construction of drainage attenuation basin no. 11b with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (h) the construction of drainage attenuation basin no. 11c with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (i) the construction of an eastbound merge and diverge connecting road (Cowley junction loop) from the main carriageway of the new A417, approximately 405 metres in length at the location shown on sheet 6 of the works plans;
- (j) the construction of a private means of access and restricted byway to join the stopped-up Cowley Wood Lane at the location shown on sheet 6 of the works plans.

Work No. 11 – the diversion of 223 metres of power cables at the location shown on sheet 1 of the works plans.

Work No. 12 – the diversion of 753 metres of telecoms equipment at the location shown on sheet 1 and 2 of the works plans.

Work No. 13 – the diversion of 624 metres of water pipeline at the location shown on sheets 1 and 2 of the works plans.

Work No. 14 – the diversion of 38 metres of power cables at the location shown on sheet 1 of the works plans.

Work No. 15 – the diversion of 310 metres of power cables at the location shown on sheets 1 and 2 of the works plans.

Work No. 16 – the diversion of 632 metres of power cables at the location shown on sheets 1 and 2 of the works plans.

Work No. 17 – the diversion of 583 metres of telecoms equipment at the location shown on sheet 1 and 2 of the works plans.

Work No. 18 – the diversion of 69 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 19 – the diversion of 242 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 20 – the diversion of 258 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 21 – the diversion of 47 metres of power cables at the location shown on sheet 2 of the works plans.

Work No. 22 – the diversion of 35 metres of power cables at the location shown on sheet 2 of the works plans

Work No. 23 – the diversion of 2670 metres of telecoms equipment at the location shown on sheets 2, 3 and 4 of the works plans.

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Work No. 24 – the diversion of 102 metres of water pipeline at the location shown on sheet 2 of the works plans.

Work No. 25 – the diversion of 1169 metres of telecoms equipment at the location shown on sheets 2 and 4 of the works plans.

Work No. 26 – the diversion of 95 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 27 – the diversion of 292 metres of telecoms equipment at the location shown on sheet 2 and 4 of the works plans.

Work No. 28 – the diversion of 393 metres of power cables at the location shown on sheets 3 and 4 of the works plans.

Work No. 29 – the diversion of 258 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 30 – the diversion of 67 metres of water pipeline at the location shown on sheet 4 of the works plans.

Work No. 31 – the diversion of 142 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 32 – the diversion of 383 metres of power cables at the location shown on sheet 5 of the works plans.

Work No. 33 – the diversion of 670 metres of telecoms equipment at the location shown on sheet 5 of the works plans.

Work No. 34 – the diversion of 925 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

Work No. 35 – the diversion of 862 metres of water pipeline at the location shown on sheet 6 of the works plans.

Work No. 36 – the diversion of 311 metres of telecoms equipment at the location shown on sheet 6 of the works plans.

In connection with the construction of any of the above works, further development within the Order limits which does not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement consisting of—

- (a) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (b) the strengthening, alteration or demolition of any structure;
- (c) ramps, means of access including private means of access, public rights of way and crossing facilities;
- (d) embankments, abutments, shafts, foundations, retaining walls, barriers, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;
- (e) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables and ducts;
- (f) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;
- (g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;

- (i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures); earthworks (including soil stripping and storage, site levelling); remediation of contamination;
- (j) the felling of trees;
- (k) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and
- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

SCHEDULE 2

Article 5

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“County Archaeologist” means the individual nominated or appointed as such by the relevant planning authority;

“DAMS and OWSI” means the document of that description listed in Schedule 9 (documents to be certified) and certified by the Secretary of State as the Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation for the purposes of this Order;

“Design Summary Report” means document of that description listed in Schedule 9 (documents to be certified) and certified by the Secretary of State as the Design Summary Report for the purposes of this Order;

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“EMP (construction stage)” means the construction stage environmental management plan to be submitted and approved under requirement 3 of this Schedule;

“EMP (end of construction stage)” means the end of construction stage environmental management plan to be developed towards the end of the construction of the authorised development which is to contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and

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(c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies;

“Historic England” means the Historic Buildings and Monuments Commission for England established under the National Heritage Act 1983(b), the functions of which include acting as a statutory consultee and advising the government on the historic environment, including advice to the Department of Digital, Culture, Media and Sport;

“LEMP” means the landscape and ecological management plan;

“Manual of Contract Documents for Highway Works” means the document of that name published electronically by or on behalf of the strategic highway authority for England, or any equivalent replacement published for that document;

“protected species” means species which are subject to protection under the laws of England or which are European protected species;

“structures engineering drawings and sections” means the document of that description listed in Schedule 9 (documents to be certified) and certified by the Secretary of State as the structures engineering drawings and sections for the purposes of this Order.

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

Environmental Management Plan (Construction Stage)

3.—(1) No part of the authorised development is to commence until a EMP (construction stage) for that part has been prepared in consultation with the relevant planning authority, the local highway authority and Natural England and submitted to and approved in writing by the Secretary of State.

(2) The EMP (construction stage) must—

- (a) be substantially in accordance with the environmental management plan (design stage) certified under article 46 (certification of plans etc.);
- (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the authorised development;
- (c) incorporate the measures referred to in the environmental statement as being incorporated in the EMP (construction stage);
- (d) require adherence to working hours of 07:30 to 18:00 on Mondays to Friday and 08:00 to 13:00 on Saturdays, Sundays and public holidays, except for—
 - (i) night-time closures for bridge demolition and installation;
 - (ii) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;
 - (iii) junction tie-in works;
 - (iv) removal of overhead power lines;
 - (v) overnight traffic management measures;
 - (vi) cases of emergency;
 - (vii) any works for which different working hours have been agreed with parties who will or may be affected by those works and recorded in the approved EMP (construction stage), in which case the EMP (construction stage) must require adherence to those working hours; and
 - (viii) as otherwise agreed by the relevant planning authority in advance;

- (e) include the following management plans—
 - (i) Construction Traffic Management Plan;
 - (ii) LEMP;
 - (iii) Materials Management Plan;
 - (iv) Public Rights of Way Management Plan; and
 - (v) Ground and Surface Water Management Plan.
- (3) The authorised development must be constructed in accordance with the approved EMP (construction stage).
- (4) Upon completion of construction of the authorised development the EMP (construction stage) must be converted into the EMP (end of construction stage). The EMP (end of construction phase) must be submitted to the Secretary of State for approval within 28 days of the opening of the authorised development for public use.
- (5) The authorised development must be operated and maintained in accordance with the EMP (end of construction stage) approved under sub-paragraph (4).

Details of consultation

- 4.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker’s response to that consultation.
- (2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph 1 to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.
- (3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.
- (4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Landscaping

- 5.—(1) No part of the authorised development is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and Natural England.
- (2) No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard 5837:2012, have been undertaken to identify any significant constraints posed by trees.
- (3) The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental masterplan and the results of the surveys undertaken under sub-paragraph (2).
- (4) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—
 - (a) location, number, species, size and planting density of any proposed planting;
 - (b) cultivation, importing of materials and other operations to ensure plant establishment;

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- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) details of existing trees to be retained, with measures for their protection during the construction period; and
- (f) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

6.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under requirement 5.

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice, and in accordance with the LEMP approved as part of the EMP (construction stage) and EMP (end of construction stage) under requirement 3.

(3) Any tree or shrub planted as part of the landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Fencing

7. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the Secretary of State in connection with the authorised development.

Land and groundwater contamination

8.—(1) No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced for that part which is to include details of—

- (a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;
- (b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and
- (c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,

and the assessment has been submitted to and approved by the Secretary of State following consultation with the Environment Agency.

(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.

(3) In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State, the Environment Agency and the relevant planning authority, and in agreement with the Environment

Agency and the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

(4) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency and the relevant planning authority.

(5) Remedial measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) No part of the authorised development is to commence until for that part a site-specific written scheme of investigation for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in accordance with the DAMS and OWSI in consultation with the relevant planning authority and the local highway authority, agreed with the County Archaeologist in consultation with Historic England and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the DAMS and OWSI and site-specific written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the DAMS and OWSI and site –specific written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist in consultation with Historic England and implemented within a timescale agreed with the County Archaeologist and the report deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—

- (a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and
- (b) subject to appropriate mitigation as set out in the DAMS and OWSI and mitigation agreed with the County Archaeologist.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.

(6) Prior to commencement of the authorised development, suitable resources and provisions for long term storage of the archaeological archive must be agreed with the County Archaeologist.

Protected species

10.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.

(2) The undertaker must prepare a written scheme for the protection and mitigation measures for any protected species that were not previously identified in the environmental statement or nesting birds found when carrying out the authorised development. Where nesting birds are identified works should cease within 10 metres of the nest until birds have fledged and the nest is no longer in use.

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(3) The undertaker must implement the written scheme prepared under sub-paragraph (2) immediately and construction in the area specified in the written scheme must not recommence until any necessary licences are obtained to enable mitigation measures to be implemented.

Detailed design

11.—(1) The authorised development must be designed in detail and carried out so that it is compatible with—

- (a) the preliminary scheme design shown on the works plans, the general arrangement plans, the engineering drawings and sections, and the structures engineering drawings and sections; and
- (b) the design principles set out in the Design Summary Report,

unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority and local highway authority on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans, the general arrangement plans, the engineering drawings and sections or the structures engineering drawings and sections showing departures from the preliminary design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans, general arrangement plans, engineering drawings and sections or the structures engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

Surface and foul water drainage

12.—(1) No part of the authorised development is to commence until written details of the surface and foul water drainage system for that part, reflecting the mitigation measures in chapter 13 (Road Drainage and the Water Environment) of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and the Environment Agency.

(2) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and the Environment Agency.

Noise Mitigation

13.—(1) No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development, including noise barriers and any very low noise surfacing, have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(2) The written details referred to in sub-paragraph (1) must—

- (a) reflect the mitigation measures included in the environmental statement or,
- (b) where the mitigation proposed materially differs from the mitigation identified in the environmental statement, provide evidence that the mitigation proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the mitigation identified in it.

(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1) and must be retained thereafter.

Approvals and amendments to approved details

14. With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved under this Schedule, the approved details are taken to include any amendments that may subsequently be approved or agreed in writing by the Secretary of State.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

15.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under requirement 16; or
- (c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report referred to in requirement 15 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

then the application is taken to have been refused by the Secretary of State at the end of that period.

Further information

16.—(1) In relation to any part of an application made under this Schedule, the Secretary of State has the right to request such further information from the undertaker as is necessary to enable the Secretary of State to consider the application.

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to consider the application

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and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this requirement in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in requirement 18 of this Schedule and in this requirement.

(4) In this requirement, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(3).

Register of requirements

17.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

Anticipatory steps towards compliance with any requirement

18. If before this Order came into force the undertaker or any other person took any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

SCHEDULE 3

Articles 14 and 18

CLASSIFICATION OF ROADS, ETC.

Note 1: The naming conventions used in this Schedule to describe roads, junctions and structures relate to the naming conventions used in the labels on the traffic regulation measures plans.

Note 2: References to the national speed limit in column (3) of the table in Part 5 of this Schedule are references to the maximum speed limits specified under the 1984 Act and to provision made, or deemed to have been made, under the 1984 Act.

PART 1

TRUNK ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Badgeworth,	A417 Trunk Road

(3) 1971 c. 80.

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(1) <i>Area</i>	(2) <i>Length of road</i>
Cowley, Coberley Civil Parishes	From point A on sheet 1 of the classification of roads plans to point R on sheet 6 of the classification of roads plans, for a total distance of 5470 metres
Cowley Civil Parish	A417 Trunk Road westbound on-slip From point B on sheet 2 of the classification of roads plans to point C on sheet 4 of the classification of roads plans, for a total distance of 408 metres
Cowley Civil Parish	A417 Trunk Road westbound off-slip From point D on sheet 4 of the classification of roads plans to point E on sheet 4 of the classification of roads plans, for a total distance of 371 metres
Cowley Civil Parish	A417 Trunk Road eastbound off-slip From point F on sheet 4 of the classification of roads plans to point G on sheet 4 of the classification of roads plans, for a total distance of 425 metres
Cowley Civil Parish	A417 Trunk Road eastbound on-slip From point H on sheet 4 of the classification of roads plans to point I on sheet 4 of the classification of roads plans, for a total distance of 420 metres
Cowley Civil Parish	Cowley Junction West Link Road From point J on sheet 6 of the classification of roads plans to point K on sheet 6 of the classification of roads plans, for a total distance of 54 metres
Cowley Civil Parish	Cowley Junction East Link Road From point O on sheet 6 of the classification of roads plans to point Q on sheet 6 of the classification of roads plans, for a total distance of 361 metres
Cowley Civil Parish	A417 Trunk Road westbound merge From point K on sheet 6 of the classification of roads plans to point L on sheet 6 of the classification of roads plans, for a total distance of 111 metres
Cowley Civil Parish	A417 Trunk Road westbound diverge From point M on sheet 6 of the classification of roads plans to point K on sheet 6 of the classification of roads plans, for a total distance of 113 metres
Cowley	A417 Trunk Road eastbound diverge

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Civil Parish	From point N on sheet 6 of the classification of roads plans to point O on sheet 6 of the classification of roads plans, for a total distance of 83 metres
Cowley Civil Parish	A417 Trunk Road eastbound merge From point O on sheet 6 of the classification of roads plans to point P on sheet 6 of the classification of roads plans, for a total distance of 81 metres

PART 2

ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Cowley, Coberley Civil Parishes	A417 Trunk Road between point A on sheet 2 and point B on sheet 2 of the de-trunking plans, comprising 498 metres
Cowley Civil Parish	A417 Trunk Road between point C on sheet 3 and point D on sheet 3 of the de-trunking plans, comprising 962 metres
Cowley, Brimpsfield Civil Parishes	A417 Trunk Road between point E on sheet 5 and point F on sheet 5 of the de-trunking plans, comprising 1791 metres
Cowley, Brimpsfield Civil Parishes	A417 Trunk Road between point G on sheet 6 and point H on sheet 6 of the de-trunking plans, comprising 575 metres

PART 3

CLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Coberley Civil Parish	The new roundabout (Ullenwood junction) at point 5 on sheet 2 of the classification of roads plans for a total distance of 135 metres
Coberley Civil Parish	C377 between points 6 and 10 on sheet 2 of the classification of roads plans, comprising 258 metres

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Coberley Civil Parish	Realigned A436 between point 8 to point 9 on sheet 2 of the classification of roads plans for a total distance of 54 metres
Coberley Civil Parish	Local access road (A436 link road) between points 7 and 11a on sheet 2 of the classification of roads plans, comprising 847 metres
Cowley, Coberley Civil Parishes	Local access road (A436 link road) between points 11b and 31 on sheet 4 of the classification of roads plans, comprising 220 metres
Cowley Civil Parish	Realigned B4070 between points 14 and 16 on sheet 3 of the classification of roads plans, comprising 692 metres
Cowley Civil Parish	The new roundabout at point 15 on sheet 3 of the classification of roads plans for a total distance of 65 metres
Cowley Civil Parish	Local access road (B4070 Barrow Wake Road) between points 19 and 22a on sheet 3 of the classification of roads plans, comprising 378 metres
Cowley Civil Parish	Local access road (B4070 Barrow Wake Road) between points 22b and 27 on sheet 4 of the classification of roads plans, comprising 344 metres
Cowley Civil Parish	The new Shab Hill junction western roundabout at point 28 on sheet 4 of the classification of roads plans for a total distance of 103 metres
Cowley Civil Parish	Shab Hill junction link road between point 29 to point 30 on sheet 4 of the classification of roads plans, for a total distance of 197 metres
Cowley Civil Parish	The new Shab Hill junction eastern roundabout at point 33 on sheet 4 of the classification of roads plans for a total distance of 125 metres
Cowley, Brimpsfield Civil Parishes	Realigned Climperwell Road between point 41 and point 42 on sheet 6 of the classification of roads plans, for a total distance of 164 metres

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PART 4 UNCLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Badgeworth Civil Parish	Unclassified road Dog Lane between points 1 and 2 on sheet 1 of the classification of roads plans, comprising 56 metres
Badgeworth, Coberley, Cowley Civil Parishes	Unclassified road Cold Slad Lane between points 3 and 4 on sheet 2 of the classification of roads plans, comprising 722 metres
Cowley, Coberley Civil Parishes	Unclassified road between points 13 and 12a on sheet 2 of the classification of roads plans, comprising 205 metres
Cowley, Coberley Civil Parishes	Unclassified road between points 12b and 32 on sheet 4 of the classification of roads plans, comprising 235 metres
Cowley Civil Parish	Unclassified road between points 20 and 21 on sheet 3 of the classification of roads plans, comprising 58 metres
Cowley Civil Parish	Unclassified road between points 17 and 18 on sheet 3 of the classification of roads plans, comprising 38 metres
Cowley Civil Parish	Unclassified road U50853 between points 23 and 24 on sheet 4 of the classification of roads plans, comprising 115 metres
Cowley Civil Parish	Unclassified road between points 25 and 26 on sheet 4 of the classification of roads plans, comprising 73 metres
Cowley Civil Parish	Unclassified road between points 34 and 35 on sheet 5 of the classification of roads plans, comprising 18 metres
Cowley Civil Parish	Cowley Lane between point 36 to point 37 on sheet 5 of the classification of roads plans, for a total distance of 650 metres
Cowley, Brimpsfield Civil Parishes	Unclassified road between point 38 to point 39 on sheet 6 of the classification of roads plans, for a total distance of 54 metres
Cowley, Brimpsfield Civil Parishes	The new western roundabout at Cowley junction at point 40 on sheet 6 of the classification of roads plans for a total distance of 101 metres

PART 5

SPEED LIMITS

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Road name, number and length</i>	<i>Speed limit</i>
Badgeworth, Cowley, Coberley Civil Parishes	A417 Trunk Road From point A on sheet 1 of the speed limits plans to point N on sheet 6 of the speed limits plans, for a total distance of 5470 metres	National speed limit for dual carriageways
Badgeworth Civil Parish	Unclassified road U41137 From point 1 to point 2 on sheet 1 of the speed limits plans, for a total distance of 56 metres	National speed limit for single carriageways
Cowley Civil Parish	A417 Trunk Road westbound on-slip From point B on sheet 2 of the speed limits plans to point C on sheet 4 of the speed limits plans, for a total distance of 414 metres	National speed limit for dual carriageways
Badgeworth, Coberley Civil Parishes	Unclassified road U41140 From point 3 to point 4 on sheet 2 of the speed limit plans, for a total distance of 726 metres	National speed limit for single carriageways
Coberley Civil Parish	The new Ullenwood junction At point 5 on sheet 2 of the speed limits plans for a total distance of 122 metres	50mph
Coberley Civil Parish	Classified Road C377 (Leckhampton Hill) From point 6 to point 10 on sheet 2 of the speed limits plans, for a total distance of 253 metres	50mph
Coberley Civil Parish	Existing A436 From point 8 to point 9 on sheet 2 of the speed limits plans, for a total distance of 54 metres	50mph
Coberley Civil Parish	The new local access road (A436 link road)	50mph

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
	From point 7 on sheet 2 of the speed limit plans to point 7a on sheet 2 of the speed limit plans for a total distance of 65 metres	
Cowley, Coberley Civil Parishes	The new local access road (A436 link road) From point 7a on sheet 2 of the speed limits plans to point 11a on sheet 2 of the speed limits plans, for a total distance of 783 metres	National speed limit for single carriageways
Cowley, Coberley Civil Parishes	Local access road (to be known as Ullenwood Lane) From point 13 on sheet 2 of the speed limits plans to point 12a on sheet 2 of the speed limits plans, for a total distance of 205 metres	National speed limit for single carriageways
Cowley Civil Parish	Existing B4070 From point 14 to point 15 on sheet 3 of the speed limits plans, for a total distance of 90 metres	30mph
Cowley Civil Parish	Re-aligned B4070 (B4070 Birdlip Road) From point 16 to point 17 on sheet 3 of the speed limits plans, for a total distance of 760 metres	40mph
Cowley Civil Parish	The new roundabout (Barrow Wake roundabout) At point 18 on sheet 3 of the speed limits plans for a total distance of 65 metres	40mph
Cowley Civil Parish	The new local access road (B4070 Barrow Wake Road) From point 19 to point 22a on sheet 3 of the speed limits plans, for a total distance of 378 metres	50mph
Cowley Civil Parish	Unclassified road off the B4070 From point 20 to point 21 on sheet 3 of the speed limits plans, for a total distance of 58 metres	National speed limit for single carriageways

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(1) <i>Area</i>	(2) <i>Road name, number and length</i>	(3) <i>Speed limit</i>
Cowley Coberley Civil Parishes	The new local access road (A436 Link Road) From point 11b on sheet 4 of the speed limits plans to point 31 on sheet 4 of the speed limits plans, for a total distance of 221 metres	National speed limit for single carriageways
Cowley Coberley Civil Parishes	Local access road (Ullenwood Lane) From point 12b on sheet 4 of the speed limits plans to point 33 on sheet 4 of the speed limits plans, for a total distance of 236 metres	National speed limit for single carriageways
Cowley Civil Parish	A417 Trunk Road westbound off-slip From point D on sheet 4 of the speed limits plans to point E on sheet 4 of the speed limits plans, for a total distance of 366 metres	National speed limit for dual carriageways
Cowley Civil Parish	A417 Trunk Road eastbound off-slip From point F on sheet 4 of the speed limits plans to point G on sheet 4 of the speed limits plans, for a total distance of 419 metres	National speed limit for dual carriageways
Cowley Civil Parish	A417 Trunk Road eastbound on-slip From point H on sheet 4 of the speed limits plans to point I on sheet 4 of the speed limits plans, for a total distance of 428 metres	National speed limit for dual carriageways
Cowley Civil Parish	The new local access road (B4070 Barrow Wake Road) From point 22b to point 27 on sheet 4 of the speed limits plans, for a total distance of 373 metres	50mph
Cowley Civil Parish	Unclassified road U50853 (Birdlip Radio Station Lane) From point 23 to point 24 on sheet 4 of the speed limits plans, for a total distance of 131 metres	National speed limit for single carriageways

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(1) <i>Area</i>	(2) <i>Road name, number and length</i>	(3) <i>Speed limit</i>
Cowley Civil Parish	Unclassified road off the B4070 to Shab Hill Farm (Shab Hill Farm access) From point 25 to point 26 on sheet 4 of the speed limits plans, for a total distance of 74 metres	National speed limit for single carriageways
Cowley Civil Parish	The new Shab Hill junction western roundabout At point 28 on sheet 4 of the speed limits plans for a total distance of 103 metres	50mph
Cowley Civil Parish	Shab Hill junction link road From point 29 to point 30 on sheet 4 of the speed limits plans, for a total distance of 197 metres	50mph
Cowley Civil Parish	The new Shab Hill junction eastern roundabout At point 32 on sheet 4 of the speed limits plans for a total distance of 125 metres	50mph
Cowley Civil Parish	Cowley Lane realignment From point 36 to point 37 on sheet 5 of the speed limits plans, for a total distance of 651 metres	National speed limit for single carriageways
Cowley, Brimpsfield Civil Parishes	Realigned and narrowed existing A417 (to be known as Emine Way) From point 34 to point 35 on sheet 5 of the speed limits plans, for a total distance of 64 metres	40mph
Cowley Civil Parish	Cowley Junction western merge / diverge From point J on sheet 6 of the speed limits plans to point K on sheet 6 of the speed limits plans, for a total distance of 67 metres	National speed limit for single carriageways
Cowley Civil Parish	Cowley Junction eastern merge / diverge	National speed limit for single carriageways

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
	From point L on sheet 6 of the speed limits plans to point M on sheet 6 of the speed limits plans, for a total distance of 360 metres	
Cowley, Brimpsfield Civil Parishes	Realigned and narrowed existing A417 (to be known as Ermine Way) From point 38 to point 39 on sheet 6 of the speed limits plans, for a total distance of 74 metres	40mph
Cowley, Brimpsfield Civil Parishes	The new western roundabout at Cowley junction At point 40 on sheet 6 of the speed limits plans for a total distance of 101 metres	National speed limit for single carriageways
Cowley, Brimpsfield Civil Parishes	Realignment of Climperwell Road From point 41 to point 42 on sheet 6 of the speed limits plans, for a total distance of 163 metres	National speed limit for single carriageways

PART 6

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
Badgeworth, Cowley, Coberley Civil Parishes	New A417 Trunk Road From point A on sheet 1 of the clearways and prohibitions plans to point AI on sheet 6 of the clearways and prohibitions plans, for a total distance of 5470 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	A417 Trunk Road westbound on-slip From point G on sheet 2 to point N on sheet 4 of the clearways and prohibitions plans, for a total distance of 414 metres	Clearway (to include verges)
Cowley	Re-aligned A436	Clearway (to include verges and slip roads)

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(1) <i>Area</i>	(2) <i>Road name, number and length</i>	(3) <i>Measures</i>
Civil Parish	From point E on sheet 2 to point F on sheet 2 of the clearways and prohibitions plans, for a total distance of 54 metres	
Cowley Civil Parish	New local access road (A436 link road) From point D on sheet 2 to point T on sheet 4 of the clearways and prohibitions plans, for a total distance of 1068 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	The new roundabout at Ullenwood Junction At point C on sheet 2 of the clearways and prohibitions plans, for a total distance of 135 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	Re-aligned B4070 From point H to point J on sheet 3 of the clearways and prohibitions plans, for a total distance of 710 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	The new roundabout (Barrow Wake roundabout) At a point I on sheet 3 of the clearways and prohibitions plans, for a total distance of 65 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	Re-aligned B4070 From point K on sheet 3 to point L on sheet 4 of the clearways and prohibitions plans, for a total distance of 722 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	A417 Trunk Road westbound off-slip From point P to point Q on sheet 4 of the clearways and prohibitions plans, for a total distance of 366 metres	Clearway (to include verges)
Cowley Civil Parish	A417 Trunk Road eastbound off-slip From point R to point V on sheet 4 of the clearways and prohibitions	Clearway (to include verges)

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
	plans, for a total distance of 419 metres	
Cowley Civil Parish	A417 Trunk Road eastbound on-slip From point W to point X on sheet 4 of the clearways and prohibitions plans, for a total distance of 427 metres	Clearway (to include verges)
Cowley Civil Parish	The new Shab Hill junction western roundabout At a point M on sheet 4 of the clearways and prohibitions plans, for a total distance of 103 metres	Clearway (to include verges)
Cowley Civil Parish	Shab Hill junction link road From point O to point S on sheet 4 of the clearways and prohibitions plans, for a total distance of 197 metres	Clearway (to include verges)
Cowley Civil Parish	The new Shab Hill junction eastern roundabout At a point U on sheet 4 of the clearways and prohibitions plans, for a total distance of 125 metres	Clearway (to include verges)
Cowley, Brimpsfield Civil Parishes	The new Cowley junction roundabout At a point Z on sheet 6 of the clearways and prohibitions plans, for a total distance of 101 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	Cowley Junction link West From point AA to point AB on sheet 6 of the clearways and prohibitions plans, for a total distance of 54 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	A417 Trunk Road westbound merge From point AB to point AC on sheet 6 of the clearways and prohibitions plans, for a total distance of 111 metres	Clearway (to include verges)

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
Cowley Civil Parish	A417 Trunk Road westbound diverge From point AD to point AB on sheet 6 of the clearways and prohibitions plans, for a total distance of 113 metres	Clearway (to include verges)
Cowley Civil Parish	Cowley Junction Loop link road From point AF to point AH on sheet 6 of the clearways and prohibitions plans, for a total distance of 360 metres	Clearway (to include verges and slip roads)
Cowley Civil Parish	A417 Trunk Road eastbound diverge From point AE to point AF on sheet 6 of the clearways and prohibitions plans, for a total distance of 83 metres	Clearway (to include verges)
Cowley Civil Parish	A417 Trunk Road eastbound merge From point AF to point AG on sheet 6 of the clearways and prohibitions plans, for a total distance of 81 metres	Clearway (to include verges)

PART 7

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
Badgeworth, Coberley, Cowley Civil Parishes	Clearways to be revoked along the length of the existing A417 from point B on sheet 1 to point AJ on sheet 2 of the clearways and prohibitions plans for a total distance of 1517 metres	The A417 Trunk Road (Brockworth Bypass, Gloucestershire) (24 Hours Clearway) Order 1997 and the A419/A417 Trunk Road (Blunsdon to Crickley Hill) (24 Hours Clearway) Order 1998	Order to be varied to remove the existing clearway over this length

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
Coberley, Cowley Civil Parishes	Clearways to be revoked on the existing Air Balloon roundabout at point AK on sheet 2 of the clearways and prohibitions plans for a total distance of 151 metres	The A417 Trunk Road (Brockworth Bypass, Gloucestershire) (24 Hours Clearway) Order 1997 and the A419/A417 Trunk Road (Blunsdon to Crickley Hill) (24 Hours Clearway) Order 1998	Order to be varied to remove the existing clearway over this length
Cowley, Brimpsfield Civil Parishes	Clearways to be revoked along the length of the existing A417 from point AL on sheet 2 to point Y on sheet 6 of the clearways and prohibitions plans for a total distance of 3739 metres	The A417 Trunk Road (Brockworth Bypass, Gloucestershire) (24 Hours Clearway) Order 1997 and the A419/A417 Trunk Road (Blunsdon to Crickley Hill) (24 Hours Clearway) Order 1998	Order to be varied to remove the existing clearway over this length
Coberley Civil Parish	Clearways to be revoked along the length of the existing A436 from point AM on sheet 2 to point AN on sheet 2 of the clearways and prohibitions plans for a total distance of 60 metres	The A417 Trunk Road (Brockworth Bypass, Gloucestershire) (24 Hours Clearway) Order 1997 and the A419/A417 Trunk Road (Blunsdon to Crickley Hill) (24 Hours Clearway) Order 1998	Order to be varied to remove the existing clearway over this length
Cowley Civil Parish	Clearways to be revoked along the length of the existing A436 from point AO on sheet 2 to point AP on sheet 2 of the clearways and prohibitions plans for a total distance of 28 metres	The A417 Trunk Road (Brockworth Bypass, Gloucestershire) (24 Hours Clearway) Order 1997 and the A419/A417 Trunk Road (Blunsdon to Crickley Hill) (24 Hours Clearway) Order 1998	Order to be varied to remove the existing clearway over this length
Cowley Civil Parish	Prohibition of right turn from Air Balloon pub car park onto A417 to be revoked at point 1 on sheet 2	A417 Trunk Road (Birdlip Hill) (Prohibition of Right Turn) Order 2001	Order to be revoked

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
	of the clearways and prohibitions plans.		

PART 8 PUBLIC RIGHTS OF WAY

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Status and length of public right of way</i>
Badgeworth Civil Parish	PR1 1020 metres footpath as shown on sheet 1 of the rights of way and access plans
Badgeworth Civil Parish	PR2 24 metres footpath as shown on sheet 1 of the rights of way and access plans
Badgeworth Civil Parish	PR3 831 metres bridleway as shown on sheets 1 and 2 of the rights of way and access plans
Badgeworth Civil Parish	PR4 436 metres to be reclassified as bridleway as shown on sheets 2 and 3 of the rights of way and access plans
Badgeworth Civil Parish	PR5 460 metres bridleway as shown on sheet 2 of the rights of way and access plans
Badgeworth Civil Parish	PR6 24 metres bridleway as shown on sheet 2 of the rights of way and access plans
Badgeworth Civil Parish	PR7 155 metres bridleway as shown on sheet 2 of the rights of way and access plans
Badgeworth Civil Parish	PR8 242 metres footpath as shown on sheet 2 of the rights of way and access plans
Badgeworth	PR9

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Area</i>	(2) <i>Status and length of public right of way</i>
Civil Parish	2870 metres restricted byway as shown on sheets 2,3 and 5 of the rights of way and access plans
Cowley Civil Parish	PR10 255 metres restricted byway as shown on sheet 2 of the rights of way and access plans
Coberley and Cowley Civil Parishes	PR11 221 metres bridleway as shown on sheet 2 of the rights of way and access plans
Coberley and Cowley Civil Parishes	PR12 739 metres footpath as shown on sheet 2 of the rights of way and access plans
Coberley and Cowley Civil Parishes	PR13 91 metres footpath as shown on sheet 2 of the rights of way and access plans
Coberley, Cowley Civil Parishes	PR14 94 metres footpath as show on sheet 2 of the rights of way and access plans
Coberley and Cowley Civil Parishes	PR15 98 metres footpath as shown on sheet 2 of the rights of way and access plans
Coberley and Cowley Civil Parish	PR16 473 metres bridleway as shown on sheet 2 of the rights of way and access plans
Cowley Civil Parish	PR17 417 metres byway open to all traffic as shown on sheet 4 of the rights of way and access plans
Cowley Civil Parish	PR18 277 metres byway open to all traffic as shown on sheet 4 of the rights of way and access plans
Cowley Civil Parish	PR19 29 metres footpath (steps) as shown on sheet 4 of the rights of way and access plans
Cowley	PR20

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(1) <i>Area</i>	(2) <i>Status and length of public right of way</i>
Civil Parish	1023 metres restricted byway as shown on sheets 4 and 5 of the rights of way and access plans
Cowley Civil Parish	PR21 208 metres footpath as shown on sheet 5 of the rights of way and access plans
Cowley Civil Parish	PR22 36 metres footpath (steps) as shown on sheet 5 of the rights of way and access plans
Cowley Civil Parish	PR23 381 metres bridleway as shown on sheet 5 of the rights of way and access plans
Cowley Civil Parish	PR24 325 metres to be reclassified as a bridleway as shown on sheets 5 and 6 of the rights of way and access plans
Cowley Civil Parish	PR25 486 metres to be reclassified as a bridleway as shown on sheets 5 and 6 of the rights of way and access plans
Cowley Civil Parish	PR26 200 metres to be reclassified as a restricted byway as shown on sheet 6 of the rights of way and access plans
Cowley Civil Parish	PR27 464 metres to be reclassified as a restricted byway as shown on sheet 6 of the rights of way and access plans
Cowley Civil Parish	PR28 60 metres footpath as shown on sheet 5 of the rights of way and access plans
Cowley Civil Parish	PR29 272 metres restricted byway as shown on sheet 3 of the rights of way and access plans
Cowley Civil Parish	PR30 141 metres restricted byway as shown on sheet 3 of the rights of way and access plans
Cowley	PR31

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(1)	(2)
<i>Area</i>	<i>Status and length of public right of way</i>
Civil Parish	213 metres bridleway as shown on sheet 4 of the rights of way and access plans

SCHEDULE 4

Articles 16 and 28

PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

In relating this Schedule to the rights of way and access plans, the provisions described in this Schedule are shown on the rights of way and access plans in the following manner—

- (a) Existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule, and are given a reference label (a capital letter and number in a rectangle).
- (b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by—
 - (i) red cross-hatching (for motorways and trunk roads),
 - (ii) black stippling (for other classified roads and highways),
 - (iii) solid blue shading (for public rights of way)
 (as shown in the key on the rights of way and access plans) and are given a reference label (a capital letter in a circle for new highway and a PR number in a circle for new public rights of way) and will be a road unless otherwise stated beneath its reference letter in column (4) of Part 2 of this Schedule.
- (c) Private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by solid black shading (as shown in the key on the rights of way and access plans) over the extent of stopping up described in column (3) of Parts 3 and 4 of this Schedule and are given a reference label (a lower case letter in a circle).
- (d) New private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 4 of this Schedule, are shown by blue diagonal hatching (as shown in the key on the rights of way and access plans) and are given a reference label (a number in a circle).

PART 1

HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1)	(2)	(3)
<i>Area</i>	<i>Highway to be stopped up</i>	<i>Extent of stopping up</i>
<i>Rights of way and access plans – Sheet 1</i>		

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Badgeworth Civil Parish	Badgeworth bridleway 125 – reference A2	652 metres of its entire length

PART 2

HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
<i>Rights of way and access plans – Sheet 1</i>			
Badgeworth Civil Parish	Badgeworth footpath 78 – Reference A1	115 metres between Badgeworth footpath 77 and Badgeworth Bridleway 125	Reference PR1 A new footpath for a total length of 1020 metres
Badgeworth Civil Parish	Badgeworth Footpath 77 – Reference A3	307 metres between Badgeworth footpath 78 and Badgeworth Bridleway 125	Reference PR1 A new footpath for a total length of 1020 metres
Badgeworth Civil Parish	Badgeworth Footpath 74 – Reference A4	328 metres at the northern extent of Badgeworth footpath 74 to Badgeworth bridleway 125	Reference PR2 and PR1 New footpaths for total lengths of 24 metres (PR2) and 1020 metres (PR1)
Badgeworth Civil Parish	Badgeworth footpath 126 – Reference A6	298 metres between Badgeworth footpath 80 and Badgeworth footpath 84	Reference PR1 A new footpath for a total length of 1020 metres
Badgeworth Civil Parish	Badgeworth footpath 80 – Reference A5	38 metres of its northern extent to Badgeworth bridleway 125	Reference PR1 A new footpath for a total length of 1020 metres
Badgeworth	Badgeworth footpath 84 – Reference A7	179 metres of its northern extent	Reference PR1

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Civil Parish			A new footpath for a total length of 1020 metres
Badgeworth Civil Parish			Reference A A new length of Dog Lane for a length of 53 metres south of the U41137
<i>Rights of way and access plans – Sheets 1 and 2</i>			
Badgeworth Civil Parish			Reference PR3 A new length of bridleway for a length of 831 metres between Dog Lane and Cold Slad Lane
<i>Rights of way and access plans – Sheet 2</i>			
Badgeworth Civil Parish	Badgeworth bridleway 87 – Reference A9	56 metres at its northern extent	Reference PR6 A new bridleway for a length of 24 metres through new Grove Farm underpass
Badgeworth Civil Parish	Badgeworth Bridleway 87 – Reference A10	22 metres at its northern extent	Reference PR7 A new bridleway for a length of 155 metres through new Grove Farm underpass
Badgeworth and Cowley Civil Parishes	Cowley Footpath 24 – Reference A11	163 metres at its western extent	Reference PR8 A new footpath for a length of 242 metres
Badgeworth and Cowley Civil Parishes	Badgeworth Footpath 89 Reference A12	171 metres at its northern extent	Reference PR8 A new footpath for a length of 242 metres
Cowley Civil Parish	Unclassified road – Reference A28	255 metres between Barrow Wake car park and the existing A417	Reference PR10 A new length of restricted byway for a length of 255 metres from Barrow Wake

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			car park to the new restricted byway over the northern section of the repurposed A417 including a right to drive animals along PR10 shown hatched green and labelled CM1 on Inset J.
Coberley Civil Parish			Reference PR11 A new length of bridleway for a length of 221 metres between Leckhampton Hill and Cold Slad Lane
Cowley and Coberley Civil Parishes			Reference PR12 A new footpath for a total length of 739 metres
Coberley Civil Parish			Reference PR13 A new footpath for a total length of 91 metres
Cowley Civil Parish	Coberley footpath 15 – Reference A14	91 metres at its southern end	Reference PR14 A new footpath for a length of 94 metres
Cowley Civil Parish	Cowley footpath 3 Reference A15	73 metres at its western end to Coberley footpath 16	Reference PR16 A new bridleway for a length of 473 metres incorporating the new Gloucestershire Way crossing
Coberley Civil Parish	Coberley footpath 16 – Reference A16	71 metres at its easterly extent	Reference PR15 and PR16 A new footpath for a length of 98 metres and a new bridleway for a length of 473 metres

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			incorporating the new Gloucestershire Way crossing
Cowley, Coberley, Badgeworth Civil Parishes			Reference B A new length of unclassified road south west of the proposed Ullenwood junction for a length of 719 metres
Coberley Civil Parish			Reference C A new length of C377 from its junction with the new Ullenwood junction for a length of 250 metres
Coberley Civil Parish			Reference D A new length of the re-aligned A436 from its junction with the new Ullenwood junction for a length of 50 metres
Coberley Civil Parish			Reference E A new circulatory carriageway north east of the existing A436 roundabout for a length of 135 metres
<i>Rights of way and access plans – Sheets 2 and 3</i>			
Badgeworth Civil Parish	Badgeworth footpath 86 – Reference A8	508 metres at its northern extent	Reference PR4 436 metres reclassified as bridleway
<i>Rights of way and access plans – Sheets 2 and 4</i>			
Coberley Civil Parish			Reference F A new length of classified road (A436 link road) south east

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			of the new Ullenwood junction for a length of 1066 metres
Cowley Civil Parish	U50852 – Reference A17	222 metres from a point north east of the Birdlip Radio Station to a point south of Ullenwood	Reference G A new length of unclassified road (Ullenwood Lane) north east of Shab Hill junction for a length of 438 metres
<i>Rights of way and access plans – Sheets 2, 3 and 5</i>			
Badgeworth, Cowley and Coberley Civil Parishes	<i>A417 Trunk Road – Reference A27</i>	<i>2805 metres from south of the Air Balloon public house to the unclassified road leading to Stockwell Farm</i>	Reference PR9 A new length of restricted byway for a length of 2870 metres from Cold Slad Lane to the unclassified road leading to Stockwell Farm
Badgeworth, Cowley and Coberley Civil Parishes	<i>Footway forming part of A417 Trunk Road (Cotswold Way National Trail) – Reference A13</i>	<i>152 metres from south of the Air Balloon public house to a point south of Air Balloon cottages</i>	Reference PR9 A new length of restricted byway for a length of 2870 metres from Cold Slad Lane to the unclassified road leading to Stockwell Farm including a right to drive animals along that part of PR9 shown hatched green and labelled CM1 on Inset J.
<i>Rights of way and access plans – Sheet 3</i>			
Cowley Civil Parish			Reference S A new circulatory carriageway (Barrow Wake roundabout) connecting the classified B4070

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			Barrow Wake Road and the B4070 Birdlip Road
Cowley Civil Parish			Reference T A new length of classified road (B4070 Birdlip Road) to its junction with the Barrow Wake roundabout for a length of 687 metres
Cowley Civil Parish			Reference U A new unclassified northern link road to the new Barrow Wake roundabout for a length of 34 metres
Cowley Civil Parish			Reference V A new southern length of unclassified road from the B4070 Barrow Wake Road for a length of 17 metres
Cowley Civil Parish	B4070 – Reference A30	From a point west of the existing A417 to the new B4070 at Birdlip Road for a length of 272 metres	Reference PR29 A new length of restricted byway for a length of 272 metres from B4070 Birdlip Road to the new restricted byway over the northern section of the repurposed A417.
Cowley Civil Parish			Reference PR30 A new length of restricted byway for a length of 141 metres from the new restricted byway over the northern section of the repurposed

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(1) Area	(2) Highway to be stopped up	(3) Extent of stopping up	(4) New Highway to be substituted/provided
			A417 to the realigned unclassified road south of B4070 Barrow Wake Road.
<i>Rights of way and access plans – Sheets 3 and 4</i>			
Cowley Civil Parish			Reference K A new length of classified road (B4070 Barrow Wake Road) from its junction with the Barrow Wake roundabout to the new western roundabout of the dumbbell junction at Shab Hill for a length of 715 metres
<i>Rights of way and access plans – Sheet 4</i>			
Cowley Civil Parish	U50853 – Reference A18	302 metres from a point west of the new A417 mainline to the new byway open to all traffic PR17	Reference PR17A A new length of byway open to all traffic from its junction with the U50853 to the new unclassified road (Ullenwood Lane) east of Shab Hill junction for a length of 417 metres Reference PR18 A new length of byway open to all traffic from its junction with the U50853 to the U50944 for a length of 277 metres
Cowley Civil Parish	Cowley footpath 7 – Reference A19	11 metres at its southern extent	Reference PR18 A new length of byway open to all traffic from its junction with the U50853 to the U50944

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			for a length of 277 metres
Cowley Civil Parish	U50944 - Reference A31	193m at its northern extent	Reference PR18 A new length of byway open to all traffic from its junction with the U50853 to the U50944 for a length of 277 metres
Cowley Civil Parish			Reference PR19 A new footpath (steps) for a length of 29 metres
Cowley Civil Parish	U50852 – Reference A29	213 metres from a point west of U50853 to the new B4070 Birdlip Road	Reference PR31 A new bridleway for a length of 213 metres from B4070 Barrow Wake Road to U50852.
Cowley Civil Parish			Reference H A new circulatory carriageway forming the eastern roundabout of the new dumbbell junction at Shab Hill for a length of 125 metres
Cowley Civil Parish			Reference I A new link between the western and eastern roundabouts of the new dumbbell junction at Shab Hill for a length of 197 metres
Cowley Civil Parish			Reference J A new circulatory carriageway

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(1) <i>Area</i>	(2) <i>Highway to be stopped up</i>	(3) <i>Extent of stopping up</i>	(4) <i>New Highway to be substituted/provided</i>
			forming the western roundabout of the new dumbbell junction at Shab Hill for a length of 103 metres
Cowley Civil Parish			Reference L The re-aligned northern U50853 to its junction with the U50852 for a new length of 115 metres
Cowley Civil Parish			Reference M The re-aligned U50853 to its junction with the B4070 Barrow Wake Road for a length of 79 metres
Cowley Civil Parish			Reference N Re-aligned U50853 to its junction with the U40859 for a length of 18 metres
<i>Rights of way and access plans – Sheets 4 and 5</i>			
Cowley Civil Parish	Cowley restricted byway 26 – Reference A20	804 metres stopped up along its entire length	Reference PR20 A new restricted byway for a length of 1023 metres
Cowley Civil Parish	U40859 – Reference A21	186 metres stopped up along its entire length	Reference O Re-aligned length of the U40859 north of Cowley roundabout for a length of 699 metres
<i>Rights of way and access plans – Sheet 5</i>			
Cowley Civil Parish	Cowley restricted byway 36 – Reference A22	383 metres of its entire length	References O and PR20

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			Cowley restricted byway 36 to be diverted over realigned length of unclassified U40859 north of Cowley roundabout for a length of 561 metres and to be diverted onto new restricted byway PR20 for a length of 407 metres
Cowley Civil Parish			Reference PR21 A new footpath for a total length of 208 metres
Cowley Civil Parish			Reference PR22 A new footpath (steps) for a total length of 36 metres
Cowley Civil Parish	Cowley footpath 22 – Reference A23	241 metres stopped up along its eastern extent where served by the scheme	Reference PR23 A new bridleway for a length of 381 metres incorporating the new Stockwell overbridge
Cowley Civil Parish			Reference PR28 A new footpath for a total length of 60 metres
<i>Rights of way and access plans – Sheets 5 and 6</i>			
Brimpsfield and Cowley Civil Parishes			Reference R The existing A417 north west of the existing Cowley roundabout to its junction with the access to Stockwell junction for a length of 1280 metres

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Cowley Civil Parish	Cowley footpath 21 – Reference A24	325 metres of its entire length	Reference PR24 325 metres reclassified as bridleway
Cowley Civil Parish	Cowley footpath 22 – Reference A25	559 metres stopped up along its extent	Reference PR25 Reclassified and new bridleway for a length of 486 metres
<i>Rights of way and access plans – Sheet 6</i>			
Brimpsfield and Cowley Civil Parishes			Reference P New unclassified road (realigned former A417) west of the existing Cowley roundabout for a length of 158 metres
Brimpsfield and Cowley Civil Parishes			Reference Q A new circulatory carriageway forming the western roundabout at Cowley junction for a length of 101 metres
Brimpsfield and Cowley Civil Parishes	U40861 – Reference A26	664 metres stopped up from its southern end to private means of access for Harding’s Barn	Reference PR26 A new restricted byway for a length of 200 metres Reference PR27 A new bridleway for a length of 464 metres

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PART 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Badgeworth Civil Parish	Reference b Access to field south of the existing A417 (T) as shown on sheet 1 of the rights of way and access plans	From the existing A417(T) for a length of 23 metres as shown on sheet 1 of the rights of way and access plans
Cowley Civil Parish	Reference h Access to fields north west of new A417 mainline as shown on sheet 2 of the rights of way and access plans	At a point from the existing U50852 Cowley for a length of 78 metres

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New private means of access to be substituted/provided</i>
<i>Rights of way and access plans – Sheet 1</i>			
Badgeworth Civil Parish	Reference a Access to Crickley Hill Farm east of C195 Bentham Lane	At a point west of its junction with the C195 for a length of 984 metres	Reference 1 A new private access to Crickley Hill Farm to the east of C195 Bentham Lane for a length of 846 metres south of its existing access A new private access to Crickley Hill Farm to the east of C195

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(1) Area	(2) Private means of access to be stopped up	(3) Extent of stopping up	(4) New private means of access to be substituted/provided
			Bentham Lane for a length of 320 metres south of its existing access
<i>Rights of way and access plans – Sheet 2</i>			
Badgeworth Civil Parish	Reference c Access to Grove Farm south west of the existing A436 Roundabout	At a point south west of the existing A436 roundabout for a length of 224 metres	Reference 2 A new private access to Grove Farm south west of the existing A436 roundabout for a length of 295 metres north east of its existing access
Coberley Civil Parish	Reference d Access to Ullenwood Bharat Cricket Club	At a point north of the existing A436 roundabout for a length of 14 metres	Reference 3 A new private access to Ullenwood Bharat Cricket Club north of the existing A436 roundabout for a length of 108 metres
Cowley Civil Parish	Reference e Access to Crickley Ridge south west of the existing A436 roundabout	At a point south west of the existing A436 roundabout for a length of 13 metres	Reference 4 A new private access to Crickley Ridge south west of the existing A436 roundabout for a length of 370 metres south of its existing access
Coberley and Cowley Civil Parishes	Reference f Access to Cuckoopen Farm south east of the existing A436 roundabout	At a point south east of the existing A436 roundabout for a length of 124 metres	Reference 5 A new private access to Cuckoopen Farm south east of the existing A436 roundabout for a length of 40 metres east of its existing access Reference 12

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(1) Area	(2) Private means of access to be stopped up	(3) Extent of stopping up	(4) New private means of access to be substituted/provided
			A new private access to Cuckoopen Farm (agricultural land) south east of the existing A436 roundabout for a length of 28 metres south-east of its existing access
Coberley and Cowley Civil Parishes	Reference g Access to Rushwood Kennels and Cattery south east of the existing A436	At a point south east of the existing A436 roundabout for a length of 70 metres	Reference 6 A new private access to Rushwood Kennels and Cattery south east of the existing A436 roundabout for a length of 74 metres east of its existing access
Cowley Civil Parish			Reference 7 A new private access to Crickley Hill Country Park for a length of 28 metres east of the existing access
Cowley Civil Parish			Reference 11 A new private access to Emma's Grove south west of the existing A436 roundabout for a length of 108 metres west of the existing access
<i>Rights of way and access plans – Sheet 3</i>			
Cowley Civil Parish			Reference 8 A new private access to the western end of the B4070 for a length of 146 metres

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New private means of access to be substituted/provided</i>
<i>Rights of way and access plans – Sheet 5</i>			
Cowley Civil Parish	Reference i Access to Stockwell Farm north of the existing Cowley roundabout	At a point north of the existing Cowley roundabout for a length of 208 metres	Reference 9 A new private access to Stockwell Farm north of the existing Cowley roundabout for a length of 381 metres east of its existing access
<i>Rights of way and access plans – Sheet 6</i>			
Cowley Civil Parish			Reference 10 A new private means of access to Harding's Barn, Fosse Farm, Keeper's cottage and B.&M. Babbage & Co. Limited's premises from east of U40861 for a length of 665 metres

SCHEDULE 5

Article 27

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
<i>Land Plans – Sheet 1</i>		
1/1s	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter an existing drainage network	11, 1e
1/1w	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution	11

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
1/1y	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter an existing drainage network	11, 1e
1/1z	New right to construct, use, protect, inspect, maintain and alter an existing drainage network New right to construct, use, protect, inspect, maintain and alter an existing drainage network	11, 1e
1/1ac	New right to construct, use, protect, inspect, maintain and alter an existing drainage network	1e
1/1af	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes New right to construct, use, protect, inspect, maintain and alter an existing drainage network	12, 1, 1h
1/1aj	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	12, 1
1/1ak	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	12, 1
1/1am	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	13, 1
1/2	New right to construct, use, protect, inspect, maintain and alter an existing drainage network	1e

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
1/3a	New right to construct, use, protect, inspect, maintain and alter drainage apparatus	1a
1/3b	New right to construct, use, protect, inspect, maintain and alter drainage apparatus	1a
1/3c	New right to construct, use, protect, inspect, maintain and alter drainage apparatus	1a
1/5c	New right to construct, use, protect, inspect, maintain and alter drainage apparatus	1e
1/19d	New right to construct, use, protect, inspect and maintain a public right of way New right to construct, use, protect, inspect and maintain a private means of access for the benefit of Flyup 417 Bike Park	1-10, 1y
1/19e	New right to construct, use, protect, inspect, maintain and alter electrical apparatus and equipment for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter drainage apparatus and equipment	1l 1x
1/19n	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/19s	New right to construct, use, protect, inspect, maintain and alter drainage apparatus and equipment	1
1/19u	New right to construct, use, protect, inspect, maintain and alter electrical apparatus and equipment for the benefit of Western Power Distribution	1l
1/19v	New right to construct, use, protect, inspect, maintain and alter electrical apparatus and equipment for the benefit of Western Power Distribution	1l
1/20	New right to construct, use, protect, inspect, maintain and alter an existing drainage network	1e
1/20a	New right to construct, use, protect, inspect, maintain and alter an existing drainage network	1h
1/20b	New right to construct, use, protect, inspect, maintain and alter an existing drainage network	1h
1/21	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications	12, 1

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	
1/21a	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/22	New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	12, 1
1/23	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	13, 1
1/23c	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	14
1/24	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/24a	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	14
1/25a	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	14
1/25b	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications	15, 17
1/26a	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/26b	New right to construct, use, protect, inspect, maintain and alter electrical apparatus and equipment for the benefit of Western Power Distribution A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	16, 1

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
1/26c	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/27a	New right to construct, use, protect, inspect and maintain a public right of way	1-10
1/28	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of British Telecommunications	15, 17
1/30	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	15, 17, 1
1/31	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	15, 1
1/31a	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/32	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	15, 17, 1
1/33	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/34	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
1/34a	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
1/35	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p> <p>A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes</p>	17, 15, 1
1/36	<p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes</p>	15, 17, 1
<i>Land Plans – Sheet 2</i>		
2/1	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes</p>	17, 1
2/1a	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes</p>	17, 1
2/1g	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/2	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p>	17, 15, 1

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	
2/3	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/4	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/5	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications	1, 17
2/6	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	17, 1
2/7	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/8	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/9	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/9a	A sub-soil right to construct, use, protect, inspect and maintain longitudinal sub-surface drainage pipes	1
2/10a	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications	16, 17
2/10c	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	16
2/13b	New right to construct, use, protect, inspect and maintain a new soakaway and equipment for the benefit of Gloucestershire County Council	1k
2/13e	New right to construct, use, protect, inspect and maintain a new boundary feature	4c, 1-10

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	New right to construct, use, protect, inspect and maintain a public right of way	
2/13g	New right to construct, use, protect, inspect and maintain a new boundary feature New right to construct, use, protect, inspect and maintain a public right of way	4c, 1-10
2/15a	New right to construct, use, protect, inspect and maintain a new boundary feature	1
2/15b	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	13
2/16a	New right to construct, use, protect, inspect and maintain a new soakaway and equipment for the benefit of Gloucestershire County Council	1k
2/21	New right to construct, use, protect, inspect and maintain a public right of way	3a
2/21e	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	20
2/29	New right to construct, use, protect, inspect and maintain a public right of way New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	1-10, 24
2/29a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear	24, 25
2/30	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
<i>Land Plans – Sheet 3</i>		
3/15c	New right to construct, use, protect, inspect and maintain a new boundary feature	6c
3/15d	New right to construct, use, protect, inspect and maintain a new boundary feature	6c, 28

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	
<i>Land Plans – Sheet 4</i>		
4/2a	New right to construct, use, protect, inspect and maintain a new boundary feature	6c
4/2c	New right to construct, use, protect, inspect and maintain a new boundary feature	6c
4/2d	New right to construct, use, protect, inspect and maintain new mammal culvert	6d
4/2k	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	28
4/2r	New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 9 with associated drainage facilities, access and landscaping	1s
4/3a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/3b	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p> <p>New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect and maintain a public right of way</p>	28, 29, 31, 1-10
4/3d	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution</p>	28, 29, 24, 31

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p>	
4/3e	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/3f	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/4	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/4a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/5a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/5b	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications	28, 29

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	
4/6a	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution</p> <p>New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect and maintain a public right of way</p>	28, 29, 31, 1-10
4/7a	New right to construct, use, protect, inspect and maintain a new boundary feature	6
4/7d	New right to construct, use, protect, inspect and maintain access to an existing structure for environmental mitigation	1-10
4/7f	New right to construct, use, protect, inspect and maintain a new power supply for A417 mainline technology equipment for the benefit of Western Power Distribution	1
4/7g	New right to construct, use, protect, inspect and maintain access to an existing structure for environmental mitigation	1-10
4/8	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/9	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	24
4/9a	<p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p> <p>New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p>	24, 28, 29, 31

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	
4/9b	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/9d	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/10a	New right to construct, use, protect, inspect and maintain access to an existing structure for environmental mitigation	1-10
4/11	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p> <p>New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution</p>	24, 28, 29, 31

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<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
4/11a	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/12	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/12a	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/12b	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31

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<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
4/13	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/13a	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/14	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
4/15	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
4/16	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications</p> <p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water</p>	24, 29, 31
<i>Land Plans – Sheet 5</i>		
5/3a	New right to construct, use, protect, inspect and maintain a new boundary feature	8
5/3d	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	32
5/3e	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	32
5/3g	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	32
5/3h	<p>New right to construct, use, protect, inspect and maintain a new boundary feature</p> <p>New right to construct, use, protect, inspect and maintain new maintenance track</p>	8, 1t
5/3n	New right to construct, use, protect, inspect and maintain a new boundary feature	8
5/3v	New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 10 with associated drainage facilities, access and landscaping	1t
5/3w	<p>New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution</p> <p>New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 9 with associated drainage facilities, access and landscaping</p>	32, 1s

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
5/3x	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Western Power Distribution	32
5/3z	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water New right to construct, use, protect, inspect and maintain a public right of way	35, 1-10
5/3aa	New right to construct, use, protect, inspect and maintain a public right of way New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 10 with associated drainage facilities, access and landscaping	1-10, 1t
5/3ac	New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 9 with associated drainage facilities, access and landscaping	1s
5/3af	New right to construct, use, protect, inspect and maintain a new boundary feature	8
5/3ah	New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of Gigaclear	33
5/3aj	New right to construct, use, protect, inspect and maintain a new underground fibre optic cable and equipment for the benefit of Gigaclear	33
5/4f	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear	33
5/5g	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Gigaclear	33
<i>Land Plans – Sheet 6</i>		
6/1r	New right to construct, use, protect, inspect, maintain a new boundary feature	1
6/5	New right to construct, use, protect, inspect and maintain a public right of way	1-10
6/5a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	35, 1-10

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(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	New right to construct, use, protect, inspect and maintain a public right of way	
6/5c	New right to construct, use, protect, inspect, maintain a new boundary feature	1
6/5j	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	35
6/7a	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water	35
6/7d	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of Severn Trent Water. New right to construct, use, protect, inspect and maintain a new boundary feature.	1, 35
6/7e	New right to construct, use, protect, inspect and maintain a new boundary feature.	1
6/8	New right to construct, use, protect, inspect, maintain and alter statutory undertakers apparatus for the benefit of British Telecommunications New right to construct, use, protect, inspect and maintain a new underground pipeline and equipment for the benefit of Severn Trent Water	34, 35
6/8e	New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 11 with associated drainage facilities, access and landscaping	10h
6/8g	New right to construct, use, protect, inspect and maintain drainage attenuation basin no. 11 with associated drainage facilities, access and landscaping	10h
6/9	New right to construct, use, protect, inspect and maintain a new power supply for A417 mainline technology equipment for the benefit of Western Power Distribution	1

SCHEDULE 6

Article 27

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or imposition of a restrictive covenant as they apply as respects compensation for the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965 (as modified by paragraph 5(5) of Schedule 6 to the A417 Missing Link Development Consent Order 2022 (the “A417 Missing Link Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (as substituted by paragraph 5(8) of Schedule 6 to the A417 Missing Link Order) to acquire an interest in the land; and
- (c) the acquiring authority enter on and take possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”.

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(4) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 30 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 24 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 27(1) (compulsory acquisition of rights and restrictive covenants)—

- (a) with the modifications specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

(4) 1973 c. 26.

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5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in the appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(3) For section 7 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

(5) Section 11(5) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restriction, as well as the notice of entry required by subsection (1) of that section (as it applies to compulsory acquisition under article 24), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(6) (powers of entry: further notices of entry), 11B(7) (counter-notice requiring possession to be taken on specified date), 12(8) (unauthorised entry) and 13(9) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(10) (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(5) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).

(6) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016 (c. 22).

(7) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016.

(8) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9, to, the Courts Act 1971 (c. 23).

(9) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunal, Courts and Enforcement Act 2007 (c. 15).

(10) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 30(4) is also modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

(8) For Schedule 2A of the 1965 Act substitute—

“SCHEDULE 2A

COUNTER NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 31 (application of the 1981 Act) of the A417 Missing Link Development Consent Order 2022 in respect of the land to which the notice to treat relates.

(2) But see article 32(3) (acquisition of subsoil or airspace only) of the A417 Missing Link Development Consent Order 2022 which excludes the acquisition of subsoil or airspace only from this Schedule.

(3) In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the acquiring authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the acquiring authority do not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

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Determination by the Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making the determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph it must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawing of the notice.

15. Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 7

Article 34

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Plot Reference Number shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
<i>Land Plans – Sheet 1</i>			
Badgeworth Civil Parish	1/1b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Plot Reference Number shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Badgeworth Civil Parish	1/1c	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1d	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1e	Required to inspect and good existing drainage culvert	1e
Badgeworth Civil Parish	1/1f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/1g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/1h	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1k	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1m	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1n	Required for the protection of existing vegetation	1
Badgeworth Civil Parish	1/1p	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of planting Required to inspect and make good existing drainage culvert	1, 1e

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Plot Reference Number shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Badgeworth Civil Parish	1/1ad	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/1ae	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline Required to inspect and make good existing drainage culvert	1, 1e
Badgeworth Civil Parish	1/ah	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/4	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/5	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/5a	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/5b	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/6	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/7	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/8	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/9	Required to inspect and make good existing drainage culvert	1e

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Badgeworth Civil Parish	1/10	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/10a	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/11	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/11a	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/12	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/13	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Civil Parish	1/13a	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/14	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/17	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/18	Required to inspect and make good existing drainage culvert	1e
Badgeworth Civil Parish	1/19	Existing WPD overhead line to be dismantled Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access, A417 mainline and mitigation planting	11 1x

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(1) <i>Location</i>	(2) <i>Plot Reference Number shown on land plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
Badgeworth Civil Parish	1/19a	Required for the provision of temporary car parking for Flyup 417 Bike Park Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access and essential mitigation planting	1x
Badgeworth Civil Parish	1/19b	Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access and maintenance access for the benefit of Western Power Distribution and the undertaker	1x
Badgeworth Parish	Civil 1/19f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Flyup 417 Bike Park private means of access	1y
Badgeworth Parish	Civil 1/19g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Badgeworth Parish	Civil 1/19h	Required for the provision of and to provide working space and temporary access for works associated with the A417, Flyup 417 Bike Park private means of access and essential mitigation planting	1 1y
Badgeworth Parish	Civil 1/19j	Required to facilitate the stopping up of an existing public right of way	1y
Badgeworth Parish	Civil 1/19k	Required for the provision of and to provide working space and temporary access for the new A417, watercourse diversion and associated essential mitigation planting	1f
Badgeworth Parish	Civil 1/19o	Required for the provision of and to provide working space and temporary access for works associated with Flyup 417 Bike Park private means of access and essential mitigation planting	1 1x

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Badgeworth Parish	Civil 1/19r	Required for the provision of and to provide working space and temporary access for works associated with essential mitigation planting	1
Badgeworth Parish	Civil 1/19t	Required for the provision of and to provide working space and temporary access for works associated with the Flyup 417 Bike Park private means of access and maintenance access for the benefit of Western Power Distribution and the undertaker	1x
<i>Land Plans – Sheet 2</i>			
Badgeworth Civil Parish	2/10d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the private means of access and turning area for Grove Farm	11
Coberley Civil Parish	2/13d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realigned Leckhampton Hill and protection of existing vegetation	4c
Coberley Civil Parish	2/13f	Required for the construction of new private means of access for Crickley Hill Country Park	4c
Badgeworth Civil Parish	2/13h	Required for the construction of new private means of access for Crickley Hill County Park	4c
Cowley Civil Parish	2/16	Required for the widening of an existing track and provision of a new restricted byway	3f
Coberley Civil Parish	2/20	Required for the construction of new private means of access for Air Balloon Cottages	1k
Coberley Civil Parish	2/21a	Required for the provision of and to provide working space and temporary access for vegetation management	1-10
Coberley Civil Parish	2/21b	Required for the provision of and to provide working space and temporary access for vegetation management	1-10

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Cowley Civil Parish	2/21d	Required for the provision of and to provide working space and temporary access for vegetation management	1-10
Coberley Civil Parish	2/21n	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil, and the treatment of site-generated waste	1q
Cowley Civil Parish	2/24c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realigned Leckhampton Hill	4c
Cowley Civil Parish	2/26	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A436 tie-in at Ullenwood junction	4e
Coberley Civil Parish	2/27a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realigned Leckhampton Hill	4c
Cowley, Coberley Civil Parishes	2/28a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the attenuation basins and to provide screening works during construction	4f
Coberley Civil Parish	2/28b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the attenuation basins and to provide screening works during construction	4f
Coberley Civil Parish	2/28c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the temporary outfall from associated attenuation basins during construction	4f
Coberley Civil Parish	2/28d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the temporary	4f

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		outfall from associated attenuation basins during construction	
Coberley Civil Parish	2/30a	Required for the provision of and to provide working space and temporary access for works associated with the provision of a new public right of way	5
Coberley Civil Parish	2/35a	Required for the provision of and to provide working space and temporary access for works associated with the provision of Ullenwood Lane and associated private means of access	7k
Cowley Civil Parish	2/36a	Required for the provision of and to provide working space and temporary access for works associated with the provision of Ullenwood Lane and associated private means of access	7k
<i>Land Plans – Sheet 3</i>			
Cowley Civil Parish	3/1j	Required for Barrow Wake Car Park landscaping	1-10
Cowley Civil Parish	3/7a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 to Birdlip and associated boundary treatment	6b
Cowley Civil Parish	3/12b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 Birdlip Road and associated boundary treatment	6b
Cowley Civil Parish	3/12f	Required for the provision of and to provide working space and temporary access to construct a new boundary wall along Barrow Wake Car Park	1-10
Cowley Civil Parish	3/13a	Required for the widening of an existing track and provision of a new restricted byway Required for Barrow Wake Car Park landscaping	1-10
Cowley Civil Parish	3/15b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 and associated boundary treatment	6c

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Cowley Civil Parish	3/15e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 and associated boundary treatment	6c
<i>Land Plans – Sheet 4</i>			
Cowley Civil Parish	4/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 and associated boundary treatment	6c
Cowley Civil Parish	4/2f	Required for the provision of and to provide working space and temporary access to construct new mammal crossing and B4070	6c 6d
Cowley Civil Parish	4/2g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 and associated boundary treatment	6c
Cowley Civil Parish	4/2h	Required for the provision of and to provide working space and temporary access for works associated with the provision of B4070 and associated boundary treatment	6c
Cowley Civil Parish	4/2j	Required for the provision of and to provide working space and temporary access for works associated with the alteration of Severn Trent Water statutory undertakers apparatus Required for the provision of and to provide working space and temporary access for works associated with the alteration of British Telecommunications statutory undertakers apparatus	24, 29
Cowley Civil Parish	4/2m	Required for the provision of and to provide working space and temporary access for works associated with the provision of byway open to all traffic	1
Cowley Civil Parish	4/2n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline	1
Cowley	4/2q	Required for the provision of and to provide working space and temporary access for works	1

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Civil Parish		associated with the provision of the A417 mainline and associated boundary treatment	
Cowley Civil Parish	4/7	Required for the provision of and to provide working space and temporary access for works associated with the provision of the B4070 and associated boundary treatment	6c
Cowley Civil Parish	4/7j	Required to facilitate the stopping up of an existing public right of way Required for the provision of and to provide working space and temporary access for works associated with the provision of a byway open to all traffic	1
Cowley Civil Parish	4/7m	Required for the provision of and to provide working space and temporary access and protection of existing vegetation	7
Cowley Civil Parish	4/9e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Shab Hill junction	7, 7b
Cowley Civil Parish	4/17a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Shab Hill junction	7, 7k
Cowley Civil Parish	4/17c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Shab Hill junction and protection of existing vegetation	7
<i>Land Plans – Sheet 5</i>			
Cowley Civil Parish	5/3b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	5/3c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of Cowley Lane and associated boundary treatment	8 8a

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Cowley Civil Parish	5/3f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of existing track and public right of way	8
Cowley Civil Parish	5/3j	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	5/3k	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of Cowley Lane and associated boundary treatment	8
Cowley Civil Parish	5/3m	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of existing track	8
Cowley Civil Parish	5/3s	Required to facilitate the stopping up of an existing public right of way	8
Cowley Civil Parish	5/3t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	5/3u	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	5/3y	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	5/3ab	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Severn Trent Water works	35
Cowley Civil Parish	5/3ad	Required to facilitate the stopping up of an existing public right of way	8 8a

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		Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of Cowley Lane	
Cowley Civil Parish	5/4d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of Cowley Lane	8 8a
Cowley Civil Parish	5/5e	Required for the dismantling of existing Gigaclear apparatus Required for the provision of and to provide working space and temporary access for works associated with the provision of the realignment of Cowley Lane	8 8a
<i>Land Plans – Sheet 6</i>			
Cowley Civil Parish	6/1p	Required for the provision of construction access	1
Cowley Civil Parish	6/5b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the Severn Trent Water works	35
Cowley Civil Parish	6/5e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Cowley Civil Parish	6/5g	Required for the provision of and to provide working space and temporary access for works associated with the provision of planting	1-10
Cowley Civil Parish	6/5h	Required for the provision of and to provide working space and temporary access for works associated with the provision of the A417 mainline and associated boundary treatment	1
Brimpsfield Civil Parish	6/8b	Required for the provision of and to provide working space and temporary access for works associated with the provision of Cowley junction and associated boundary treatment	10

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Plot Reference Number shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
Brimpsfield Civil Parish	6/8d	Required for the provision of and to provide working space and temporary access for works associated with the provision of attenuation basin and associated boundary treatment	10h
Brimpsfield Civil Parish	6/8f	Required for the provision of and to provide working space and temporary access for works associated with the provision of attenuation basin and associated boundary treatment	10h
Cowley Civil Parish	6/10a	Required for the provision of and to provide working space and temporary access for works associated with the provision of a private means of access and restricted byway	10j
Cowley Civil Parish	6/10b	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and topsoil, and the treatment of site-generated waste	1u

SCHEDULE 8

Articles 36 and 45

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and the utility undertaker concerned.

2. In this Part of this Schedule—

“alternative apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989⁽¹¹⁾), belonging to or maintained by that utility undertaker for the purposes of the electricity supply;

⁽¹¹⁾ 1989 c. 29. The definition of “electricity plant” (in section 64) was amended by section 108 of, and paragraphs 24 and 38(1) and (3) of Schedule 6 to, the Utilities Act 2000 (c. 27).

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- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽¹²⁾ for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991⁽¹³⁾; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)⁽¹⁴⁾ (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104 (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act⁽¹⁵⁾,

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986;
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and
- (h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has

⁽¹²⁾ 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and was further amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Schedule 6, and Schedule 8 to, the Utilities Act 2000 (c. 27), sections 149(1) and (5) and 197(9) of, and part 1 of Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2011/2704.

⁽¹³⁾ 1991 c. 56.

⁽¹⁴⁾ Section 102(4) was amended by sections 96(1)(1)(c) of the Water Act 2003 (c. 37).

⁽¹⁵⁾ Section 104 was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003 and section 42(3) of the Flood and Water Management Act 2010 (c. 29).

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the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 15 (temporary stopping up and restriction of use of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 22 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

6. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 48 (arbitration).

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 48 (arbitration), and

after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that the undertaker desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker, that work, instead of being executed by the utility undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 48 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the utility undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the utility undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a utility undertaker under sub-paragraph (2) are to be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If a utility undertaker, in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 and 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

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(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

Expenses and costs

10.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to a utility undertaker all expenses reasonably incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) The value of any apparatus removed under the provisions of this Part of this Schedule must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary then, if such placing involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to a utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and

- (b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

by reason or in consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the neglect or default of a utility undertaker, its officers, servants, contractors or agents.

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between the undertaker and the operator.

15. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003⁽¹⁶⁾;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in section 106⁽¹⁷⁾ (application of the electronic communications code) of the 2003 Act;

“electronic communications code network” means—

⁽¹⁶⁾ 2003 c. 21.

⁽¹⁷⁾ Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017.

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- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the undertaker is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 (infrastructure system) of that code; and

“operator” means the operator of an electronic communications code network.

16. The exercise of the powers conferred by article 36 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

17.—(1) Subject to sub-paragraphs (2) to (4), if as a result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 48 (arbitration).

18. This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

19. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

SCHEDULE 9

Articles 2, 28 and 46

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Documents</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Book of reference	Volume 4, Document 4.3	Revision 2 – Deadline 8 Issue
Works plans	Volume 2, Document 2.4	Revision 2 – Deadline 4 Issue
Land plans	Volume 2, Document 2.2	Revision 3 – Deadline 8 Issue
Rights of way and access plans	Volume 2, Document 2.5	Revision 4 – Deadline 8 Issue
Classification of roads plans	Volume 2, Document 2.7c	Revision 2 – Deadline 4 Issue
Special category land plans	Volume 2, Document 2.3	Revision 1 – Additional Submission
Clearways and prohibitions plans	Volume 2, Document 2.7b	Revision 2 – Deadline 4 Issue
De-trunking plans	Volume 2, Document 2.8	Revision 1 – Additional Submission
Speed limits plans	Volume 2, Document 2.7a	Revision 2 – Deadline 4 Issue
Environmental masterplan	Volume 6, Document 6.3, Figure 7.11	Revision 0 – Application Issue (save for Sheet 2 (Revision 1 – Deadline 4 Issue), Sheet 3 (Revision 1 – Deadline 4 Issue), and Sheet 6 (Revision 1 – Deadline 8 Issue))
General arrangement plans	Volume 2, Document 2.6a	Revision 2 – Deadline 4 Issue
Engineering drawings and sections	Volume 2, Document 2.6b	Revision 0 – Application Issue
Environmental statement	Volume 6, Documents 6.2 to 6.4	Revision 0 – Application Issue
Environmental statement – Habitats Regulations Assessment: Statement to Inform Appropriate Assessment	Volume 6, Document 6.5	Revision 0 – Application Issue
Environmental statement - Statement of Statutory Nuisance	Volume 6, Document 6.6	Revision 0 – Application Issue
Environmental statement – Updates and Errata	Volume 6, Document 6.7	Revision 2 – Deadline 4 Issue
Environmental management plan (design stage)	Volume 6, Document 6.4, Appendix 2.1	Revision 3 – Deadline 6 Issue
Environmental management plan (design stage) Annex	Volume 6, Document 6.4, Appendix 2.1, Annex A	Revision 0 – Application Issue

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<i>(1)</i> <i>Documents</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
A Environmental Constraints Plan		
Environmental management plan (design stage) Annex B Construction Traffic Management Plan	Volume 6, Document 6.4, Appendix 2.1, Annex B	Revision 3 – Deadline 8 Issue
Environmental management plan (design stage) Annex D Landscape and Ecological Management Plan	Volume 6, Document 6.4, Appendix 2.1, Annex D	Revision 0 – Application Issue
Environmental management plan (design stage) Annex E Materials Management Plan	Volume 6, Document 6.4, Appendix 2.1	Revision 0 – Application Issue
Environmental management plan (design stage) Annex F Public Rights of Way Management Plan	Volume 6, Document 6.4, Appendix 2.1, Annex F	Revision 0 – Application Issue
Environmental management plan (design stage) Annex G Ground and Surface Water Management Plan	Volume 6, Document 6.4, Appendix 2.1, Annex G	Revision 0 – Application Issue
Environmental management plan (design stage) Annex H Site Waste Management Plan	Volume 6, Document 6.4, Appendix 2.1, Annex H	Revision 0 – Application Issue
Cotswold Way national trail diversion report	Volume 7, Document 11	Revision 1 – Deadline 8 Issue
Detailed Archaeological Mitigation Strategy and the Overarching Written Schemes of Investigation	Volume 6, Document 6.8.	Version CO1 – Deadline 8 Issue
Design Summary Report	Volume 1, Document 7.7	Revision 1 – Deadline 8 Issue
Structures engineering drawings and sections	Volume 2, Document 2.6c	Revision 0 – Deadline 6 Issue