

2024 No. 733

INFRASTRUCTURE PLANNING

**The A1 in Northumberland: Morpeth to Ellingham Development
Consent Order 2024**

Made - - - - *24th May 2024*

Coming into force - - *14th June 2024*

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An application has been made to the Secretary of State, under section 37 of the Planning Act 2008 (“the 2008 Act”)(a) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b) for an Order granting development consent.

The application was examined by a Panel of two members (“the Panel”) pursuant to Chapter 2 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The Panel, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 74(2) of the 2008 Act, has submitted a report to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the accompanying documentation with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State, in exercise of the powers conferred by sections 114(d), 115(e), 117(f), 120(g) and 122(h) of, and paragraphs 1 to 3, 8, 10 to 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5(i) to, the 2008 Act, makes the following Order—

PART 1
PRELIMINARY

Citation and commencement

1. This Order may be cited as the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 and shall come into force on 14th June 2024.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(j);

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- (a) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).
(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, S.I. 2017/572, S.I. 2018/378, S.I. 2019/734, S.I. 2020/1534, S.I. 2021/978, S.I. 2022/634, S.I. 2023/1071 and S.I. 2024/332.
(c) S.I. 2010/103, amended by S.I. 2012/635.
(d) Section 114 was amended by paragraph 55 of Part 1 of Schedule 11 to the Localism Act 2011.
(e) Section 115 was amended by paragraph 56 of Part 2 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act, section 160 of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
(f) Section 117 was amended by paragraph 58 of Part 1 of Schedule 13 to the Localism Act 2011.
(g) Section 120 was amended by section 140 of, and paragraph 60 of Part 1 of Schedule 13 to, the Localism Act 2011.
(h) Section 122 was amended by paragraph 62 of Part 1 of Schedule 13 to the Localism Act 2011.
(i) Part 1 of Schedule 5 was amended by paragraph 4 of Part 1 of Schedule 8 and Part 2 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraph 71 of Part 1 of Schedule 13 to the Localism Act 2011 and paragraph 76 of Part 3 of Schedule 6 to the Wales Act 2017.
(j) 1961 c. 33.

“the 1965 Act” means the Compulsory Purchase Act 1965(a);

“the 1980 Act” means the Highways Act 1980(b);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(c);

“the 1984 Act” means the Road Traffic Regulation Act 1984(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 1991 Act” means the New Roads and Street Works Act 1991(f);

“the 2004 Act” means the Traffic Management Act 2004(g);

“the 2008 Act” means the Planning Act 2008;

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) or any part of it and any other development authorised by this Order or part of it, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“the book of reference” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the book of reference by the Secretary of State for the purposes of this Order;

“bridleway” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act(h);

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act(i)) forming part of the authorised development other than operations consisting of pre-construction archaeological investigations and mitigation, ecological surveys and pre-construction ecological mitigation, investigation for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or advertisements and “commencement” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) of the 1980 Act and includes part of a cycle track(j);

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003(k);

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- (a) 1965 c. 56.
 - (b) 1980 c. 66.
 - (c) 1981 c. 66.
 - (d) 1984 c. 27.
 - (e) 1990 c. 8.
 - (f) 1991 c. 22.
 - (g) 2004 c. 18.
 - (h) There are amendments to section 329 which are not relevant to this Order.
 - (i) Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 56 which are not relevant to this Order.
 - (j) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54). There are other amendments to section 329 which are not relevant to this Order.
 - (k) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the environmental statement by the Secretary of State for the purposes of this Order;

“footway” and “footpath” have the same meaning as in the section 329(1) of the 1980 Act and include part of a footway or footpath;

“the general arrangement plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the general arrangement plans by the Secretary of State for the purposes of this Order;

“highway” has the same meaning as in section 328(1) (meaning of “highway”) of the 1980 Act and includes part of a highway;

“the land plans” means the plans listed in Schedule 12 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“local highway authority” means Northumberland County Council;

“maintain” in relation to the authorised development includes inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement and any derivative of “maintain” is to be construed accordingly;

“Northern Gas Networks Limited” means the company registered in England and Wales, company number 05167070, whose registered address is 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU;

“National Gas Transmission PLC” means the company registered in England and Wales, company number 02006000, whose registered office is National Grid House, Warwick Technology Park, Gallows Hill, Warwick, GU1 4LZ;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily, and described in the book of reference;

“Order limits” means the limits of lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(a);

“Public communications provider” means a public communications provider as defined in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(b);

“relevant planning authority” means Northumberland County Council;

“rights of way and access plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the rights of way and access plans by the Secretary of State for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act(c);

(a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c.34). There are other amendments to section 7 which are not relevant to this Order.

(b) There are amendments to section 151 which are not relevant to this Order.

(c) There are amendments to section 127 which are not relevant to this Order.

“street” means a street within the meaning of section 48 (street, street works and undertakers) of the 1991 Act^(a), together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“structures engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the structures engineering drawings and sections by the Secretary of State for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A (traffic authorities) of the 1984 Act^(b);

“traffic regulation plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the traffic regulation plans by the Secretary of State for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10^(c) (general provision as to trunk roads) or 19(1) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order or direction under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“undertaker” means National Highways Limited, the company registered in England & Wales, company number 09346363, whose registered address is Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“vegetation clearance plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the vegetation clearance plans by the Secretary of State for the purposes of this Order;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the streets, rights of way and access plans.

^(a) There are amendments to section 48 which are not relevant to this Order.

^(b) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 and amended by paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments to section 121A which are not relevant to this Order.

^(c) Section 10 was amended by section 22(2) of the New Roads and Street Works Act 1991, by section 36 of, and paragraph 22 of Schedule 2 to the Planning Act 2008, and by section 1(6) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015. There are other amendments to sections 10 and 19 which are not relevant to this Order.

(6) References in this Order to numbered works are references to works as numbered in Schedule 1 (authorised development).

Disapplication of legislative provisions

3. The provisions of the Neighbourhood Planning Act 2017^(a), insofar as they relate to temporary possession of land under articles 36 (temporary use of land for carrying out the authorised development) and 37 (temporary use of land for maintaining the authorised development) of this Order, do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 37(12), any maintenance of any part of the authorised development.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

4.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out and operated within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

5. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Maintenance of drainage works

6.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991^(b).

Planning permission

7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the authorised development,

the carrying out of such development, under the terms of the planning permission does not breach the terms of this Order.

(a) 2017 c. 20.

(b) 1991 c. 59. The definition of “drainage” was substituted by section 100(2) of the Environment Act 1995 (c. 25).

Limits of deviation

- 8.—(1) In carrying out the authorised development the undertaker may—
- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
 - (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of—
 - (i) in respect of the Part A online works and the Part B online works, 0.25 metres upwards or 0.25 metres downwards
 - (ii) in respect of the Part A offline works, 1 metre upwards or 1 metre downwards;
 - (iii) in respect of the Part B offline works, 0.5 metres upwards or 0.5 metres downwards;
 - (iv) in respect of the Fenrother Junction access works, 1.25 metres upwards or 1.25 metres downwards;
 - (v) in respect of the Highlaws Junction overbridge works and the West Moor Junction overbridge works, 0.5 metres upwards or 0.5 metres downwards;
 - (vi) in respect of the Fenrother Junction overbridge works, 1.35 metres upwards or 1.35 metres downwards;
 - (vii) in respect of the Heckley Fence overbridge works, 0.65 metres upwards or 0.65 metres downwards;
 - (viii) in respect of the Charlton Mires Junction overbridge works, 0.9 metres upwards or 0.9 metres downwards;
 - (ix) in respect of the Charlton Mires Junction access works, 0.25 metres upwards or 0.25 metres downwards except for the approach ramps to the Charlton Mires Junction overbridge works where the undertaker may deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.9 metres upwards or 0.9 metres downwards,

except that these maximum limits of lateral and vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State following consultation with the relevant planning authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Part 2 (procedure for discharge of requirements) of Schedule 2 (requirements) applies to an application to the Secretary of State for certification under paragraph (1) as though it were an approval required by a requirement under that Schedule.

(3) In this article—

“Charlton Mires Junction access works” means the works comprised in Work Nos. 29h and 29i;

“Charlton Mires Junction overbridge works” means the works comprised in Work No. 29g;

“Fenrother Junction access works” means the works comprised in Work Nos. 9a, 9b, 9c, 9d, 9e, 9f, 9h and 9i;

“Fenrother Junction overbridge works” means the works comprised in Work No. 9g;

“Heckley Fence overbridge works” means the works comprised in Work No. 27;

“Highlaws Junction overbridge works” means the works comprised in Work No. 8d;

“Part A offline works” means the works comprised in Work Nos. 2a, 2b, 11a, 11b, 11c, 11d, 11e, 12a, 12b, 13, 14 and 15;

“Part A online works” means the works comprised in Work Nos. 1a, 1b, 3a, 3b, 4, 5a, 5b, 5c, 5d, 6, 7, 8a, 8b, 8c, 8e, 8f, 8g, 8h, 8i, 8j, 10a, 10b, 16a, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 17, 18, 19 and 20;

“Part B online works” means the works comprised in Work Nos. 21a, 21b, 23a, 23b, 24, 25a, 25b, 26, 28, 29a, 29b, 29c, 29d, 29e, 29f, 29j, 29k, 29l, 30a, 30b, 31, 32, 33, 34, 35, 36 and 37;

“Part B offline works” means the works comprised in Work Nos. 22a and 22b; and

“West Moor Junction overbridge works” means the works comprised in Work No. 16e.

Benefit of the Order

9.—(1) Subject to paragraph (2) and article 10 (consent to transfer benefit of the Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of the Order

10.—(1) Subject to paragraph (5), the undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), includes references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or grantee pursuant to this article and the transferee or grantee exercises those powers, then the undertaker alone is liable for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or grantee.

(5) The consent of the Secretary of State is not required for a transfer or grant under this article where the transfer or grant is made to—

- (a) Northumbrian Water Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 21a, 21b, 22a, 22b, 23a, 23b, 24, 28, 29a, 29b, 29c, 29d, 29e, 29e, 29f, 29g, 29h, 29i, 29j, 29k, 29l, 30a, 30b, 31, 32, 33 and 34;
- (b) Northern Gas Networks Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 22a, 22b, 23a, 23b, 24, 29b, 29c, 29d, 29e, 29f, 29g, 29h, 29i, 32, 34 and 35; or
- (c) Northern Powergrid Limited for the purposes of undertaking the movement, replacement or diversion of apparatus required in respect of Work Nos. 21a, 21b, 22a, 22b, 22d, 22f, 22g, 22h, 23a, 23b, 24, 25a, 25b, 27, 29a, 29b, 29c, 29d, 29e, 29f, 29g, 29h, 29i, 29k, 29l, 30a, 30b, 32, 33, 34, 35, 36 and 37.

(6) In this article—

“Northern Powergrid Limited” means the company registered in England and Wales, company number 03271033, whose registered address is Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF; and

“Northumbrian Water Limited” means the company registered in England and Wales, company number 2366703, whose registered office address is Northumbria House, Abbey Road, Pity Me, Durham DH1 5FJ.

PART 3

STREETS

Application of the 1991 Act

11.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts)(a) of the 1980 Act or section 184 (vehicle crossings over footways and verges)(b) of that Act.

(2) In Part 3 of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.

(3) The following provisions of Part 3 the 1991 Act do not apply in relation to any works executed under the powers of this Order—

- section 56 (directions as to timing)(c);
- section 56A (power to give directions as to placing of apparatus)(d);
- section 58 (restrictions following substantial road works)(e);
- section 58A (restriction on works following substantial street works)(f);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing etc. of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works)(g).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any alteration, diversion, prohibition or restriction of a street of a temporary nature by the undertaker under the powers conferred by article 16 (temporary alteration, diversion, prohibition and restriction of the use of streets), whether or not the alteration, diversion, prohibition or restriction constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act(h) referred to in paragraph (4) are—

- section 54 (advance notice of certain works)(i), subject to paragraph (6);

(a) Section 64 was amended by section 102 of, and Schedule 17 to the Local Government Act 1965 (c. 51) and section 168(2) of, and Schedule 9 to the New Roads and Street Works Act 1991.

(b) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c.48), section 4 of, and paragraph 45(11) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and section 168 of, and paragraph 9 of Schedule 8 and Schedule 9 to the New Roads and Street Works Act 1991.

(c) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004.

(d) Section 56A was inserted by section 44 of the Traffic Management Act 2004.

(e) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the Traffic Management Act 2004.

(f) Section 58A was inserted by section 52(1) of the Traffic Management Act 2004.

(g) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to the Traffic Management Act 2004.

(h) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.

(i) Section 54 was also amended by section 49(1) of the Traffic Management Act 2004.

section 55 (notice of starting date of works)(a), subject to paragraph (6);
section 57 (notice of emergency works)(b);
section 59 (general duty of street authority to co-ordinate works)(c);
section 60 (general duty of undertakers to co-operate);
section 68 (facilities to be afforded to street authority);
section 69 (works likely to affect other apparatus in the street);
section 75 (inspection fees);
section 76 (liability for cost of temporary traffic regulation); and
section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 14 (construction and maintenance of new, altered or diverted streets)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act;
- (b) means that the undertaker is by reason of any duty under that article to maintain a street or to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (c) has effect in relation to maintenance works which are street works within the meaning of the 1991 Act, as respects which the provisions of Part 3 of the 1991 Act apply.

Power to alter layout etc. of streets

12.—(1) Subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) make and maintain passing places.

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1)—

- (a) are exercisable on the giving of not less than 6 weeks' notice to the street authority; and
- (b) are not to be exercised without the consent of the street authority where that authority is a public authority.

(4) If a street authority which received an application for consent under paragraph (3)(b) fails to notify the undertaker of its decision before the end of 6 weeks beginning with the date on which the application is made, it is deemed to have given consent.

(5) Any application for consent under paragraph (3)(b) must include a statement that the provisions of paragraph (4) apply to that application.

(a) Section 55 was also amended by section 49(2) and 51(9) of the Traffic Management Act 2004.

(b) Section 57 was also amended by section 52(3) of the Traffic Management Act 2004.

(c) Section 59 was also amended by section 42 of the Traffic Management Act 2004.

(6) Paragraphs (2), (3) and (4) do not apply where the undertaker is the street authority for a street in which the works are to be carried out.

Street works

13.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for, or incidental to, any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised works) of the 1991 Act.

(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Construction and maintenance of new, altered or diverted streets

14.—(1) Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, must be maintained by and at the expense of the local highway authority from its completion.

(2) Where a highway (other than a trunk road which will remain a trunk road following the exercise of the powers in article 15 (classification of roads etc.)) is altered or diverted under this Order, the altered or diverted part of the highway must, when completed to the reasonable satisfaction of the local highway authority in whose area the highway lies and, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from its completion.

(3) Where a highway is detrunked under this Order—

- (a) section 265 (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road)(a) of the 1980 Act applies in respect of that highway; and
- (b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that detrunking must, unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of that authority from the date of detrunking.

(4) In the case of a bridge constructed under this Order to carry a highway (other than a trunk road) over a trunk road, the highway surface (being those elements over the waterproofing membrane) must be maintained by and at the expense of the local highway authority and the remainder of the bridge, including the waterproofing membrane and structure below, must be maintained by and at the expense of the undertaker.

(5) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(a) Section 265 was amended by section 146 of, and paragraph 45 of Schedule 3 to, the Road Traffic Regulation Act 1984 and by section 57(1) of, and paragraph 52 of Schedule 1 to, the Infrastructure Act 2015.

(6) For the purposes of a defence under paragraph (5), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause dangers to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Classification of roads etc.

15.—(1) On the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads, etc) are complete and open for traffic, they are to become trunk roads as if they had become so by virtue of an order under section 10(2) (general provisions as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(2) Those roads specified in Part 2 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads and will vest in the local highway authority on—

- (a) the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads, etc) become trunk roads; or
- (b) the date agreed between the undertaker and the local highway authority following the local highway authority's agreement that those roads are in a state of repair as is reasonably satisfactory to them or, in default of agreement, settled by arbitration in accordance with article 49 (arbitration),

whichever is the later, as if they had ceased to be so by virtue of an order under section 10(2)(a) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(3) On the date on which the roads described in Part 3 (classified roads) of Schedule 3 (classification of roads, etc.) are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(4) On the date on which the roads described in Part 4 (unclassified roads) of Schedule 3 (classification of roads, etc.) are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(5) On and after the date that the public rights of way described in Part 5 (other public rights of way) of Schedule 3 (classification of roads, etc.) are completed and open for use they will be of the types described in column (1) to the extent described in column (2).

(6) On and after the date that the footways and cycleways described in Part 6 (footways and cycleways to be provided) of Schedule 3 (classification of roads, etc.) are completed and open for use they will be of the types described in column (1) to the extent described in column (2).

(a) Section 10(2) was amended by section 22(2)(a) of the New Roads and Street Works Act 1991 and by section 1(6) of, and paragraphs 1 and 10(1) and (2) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(7) The application of paragraphs (1) to (6) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

(8) Notwithstanding the extent of any road shown on the rights of way and access plans any road which is subject to this article includes the verge of that road.

Temporary alteration, diversion, prohibition and restriction of the use of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily prohibit, restrict or regulate the use of any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), the undertaker may use any street from which traffic is temporarily prohibited, restricted or regulated under the powers conferred by this article and which is within the Order limits as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary alteration, diversion, prohibition or restriction of traffic on a street under this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily prohibit, restrict or regulate the use of the streets specified in columns (1) and (2) of Schedule 5 (public rights of way to be temporarily prohibited and for which a substitute is to be provided) to the extent specified in column (2) of that Schedule.

(5) The undertaker must not temporarily alter, divert prohibit or restrict the use of any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld or delayed.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(7) If a street authority which receives an application for consent under paragraph (5) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(8) Any application for consent under paragraph (5) must include a statement that the provisions of paragraph (7) apply to that application.

Permanent stopping up and restriction of use of streets, public rights of way and private means of access

17.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets, public rights of way and private means of access specified in column (1) of Parts 1 to 5 of Schedule 4 (permanent stopping up of streets, public rights of way and private means of access) to the extent specified and described in column (2) of those Parts of that Schedule.

(2) No street, public right of way or private means of access specified in column (1) of Parts 1, 2 and 3 of Schedule 4 (being a street, public right of way or private means of access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street, public right of way or private means of access to be constructed and substituted for it, which is specified in column (3) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street, public right of way or private means of access to be stopped up is first provided and

subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street, public right of way or private means of access until the completion and opening of the new street, public right of way or private means of access in accordance with subparagraph (a).

(3) No public right of way specified in column (1) of Part 4 of Schedule 4 (being a public right of way to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the undertaker has erected a site notice at each end of the right of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(4) No private access specified in column (1) of Part 5 of Schedule 4 (being a private access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the undertaker has erected a site notice at each end of the private access to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(5) Where a street, public right of way or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street, public right of way or private means of access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street, public right of way or private means of access as is bounded on both sides by land owned by the undertaker.

(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(7) This article is subject to article 39 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

18. The undertaker may, for the purposes of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Clearways

19.—(1) Except as provided in paragraph (2), on and after the date on which the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads, etc.) are open for traffic, no person is to cause or permit any vehicle to wait on any part of those roads, other than a lay-by, except upon the direction of, or with the permission of, a constable or traffic officer in uniform.

(2) Nothing in paragraph (1) applies—

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction of traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the road;
 - (iii) the laying, erection, maintenance or renewal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003; or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes;
 - (ii) in the service of a local authority, safety camera partnership, or the Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;

- (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991^(a);
 - (iv) by a universal postal provider for the purposes of providing a universal postal service as defined by the Postal Services (Universal Postal Service) Order 2012^(b); or
- (c) in relation to a vehicle when the person in control of it is—
- (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person’s control.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in Part 1 of Schedule 3 for the purpose of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(5) In this article, “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the 2004 Act.

Speed restrictions

20.—(1) On and after the date on which the roads specified in Part 1 (speed limits) of Schedule 11 (traffic regulation measures) are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of Part 1 of Schedule 11 along the lengths of road identified in the corresponding row of column (2) of that Part to the extent shown on the traffic regulation plans.

(2) Paragraph (1) shall have effect as if made by an order under the 1984 Act and its application may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such orders.

Closure of bus stop lay-bys and parking lay-bys

21.—(1) Subject to the provisions of this article, the undertaker may close the bus stop lay-bys and parking lay-bys specified in Part 2 (closures of bus stop lay-bys and parking lay-bys) of Schedule 11 (traffic regulation measures).

(2) Paragraph (1) shall have effect as if made by an order under the 1984 Act and its application may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such orders.

Traffic regulation

22.—(1) This article applies to roads in respect of which the undertaker is not the traffic authority.

(2) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;

(a) 1991 c. 56.

(b) S.I. 2012/936, amended by S.I. 2013/3108 and S.I. 2015/643.

- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The power conferred by paragraph (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised development for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraph (2) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,
 to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (2)—

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking spaces)(a) of the 1984 Act,
 and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act.

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers of paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(9) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(a) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the New Roads and Street Works Act 1991. There are further amendments to section 32 which are not relevant to this Order.

(11) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

(12) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (11) apply to that application.

PART 4 SUPPLEMENTAL POWERS

Powers in relation to relevant watercourses

23.—(1) Subject to Schedule 10 (protective provisions), the undertaker may, for the purpose of or in connection with the carrying out and maintenance of the authorised development, regardless of any interference with any public or private rights—

- (a) temporarily alter, interfere with, occupy and use the banks, bed, foreshores, waters and walls of a relevant watercourse;
- (b) construct, place, maintain and remove temporary works and structures within the banks, bed, foreshores, waters and walls of a relevant watercourse; and
- (c) interfere with the navigation of any relevant watercourse,

in such manner and to such extent as may appear to it to be necessary or convenient.

(2) Any person who suffers any loss or damage from the exercise of the powers conferred by paragraph (1)(b) is entitled to compensation, to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(3) In this article, “relevant watercourse” means so much of the River Coquet as the context requires.

(4) Nothing in this article overrides the requirement to obtain necessary consents or permits under the Water Resources Act 1991(a) or the Environmental Permitting (England and Wales) Regulations 2016(b).

Discharge of water

24.—(1) Subject to paragraphs (3) and (4) the undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(c).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

(a) 1991 c. 57.

(b) S.I. 2016/1154.

(c) Section 106 was amended by sections 35(1) and (8), 43(2) and 56(7) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and section 32 of, and paragraph 16(1) of Schedule 3 to, the Flood and Water Management Act 2010 (c. 29).

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
 - (b) where that person has been given the opportunity to supervise the making of the opening.
- (5) The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.
- (6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.
- (7) Nothing in this article overrides the requirement for an environmental permit under regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016^(a).
- (8) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application that person will be deemed to have granted consent or given approval, as the case may be.
- (9) Any application for consent under paragraph (3) or approval under paragraph (4)(a) must include a statement that the provisions of paragraph (9) apply to that application.
- (10) In this article—
- “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation; and
- other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Protective work to buildings

25.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building which may be affected by the authorised development as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (i) a right under paragraph (1) to carry out protective works to a building;
- (ii) a right under paragraph (3) to enter a building and land within its curtilage;
- (iii) a right under paragraph (4)(a) to enter a building and land within its curtilage; or

^(a) Regulation 12 was amended by S.I. 2018/110.

- (iv) a right under paragraph (4)(b) to enter land which is adjacent to the building but outside its curtilage,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 49 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) (compensation in case where no right to claim in nuisance) of the 2008 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

26.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without limitation to the scope of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation to the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.

(a) Section 152 was amended by S.I. 2009/1307.

- (3) Any person entering land under this article on behalf of the undertaker—
- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
 - (b) may take onto the land such vehicles and equipment as are necessary to carry out the surveyor investigation or to make the trial holes.
- (4) No trial holes are to be made under this article—
- (a) in land located within a highway boundary without the consent of the local highway authority; or
 - (b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) If either the local highway authority or street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (4)(a) in the case of the local highway authority; or
- (b) under paragraph (4)(b) in the case of a street authority,

that authority will be deemed to have granted consent.

(7) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (6) apply to that application.

PART 5

POWERS OF ACQUISITION AND POSSESSION

Compulsory acquisition of land

27.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or is incidental to it.

(2) This article is subject to articles 30(2) (compulsory acquisition of rights and restrictive covenants) and 36(8) (temporary use of land for carrying out the authorised development).

Compulsory acquisition of land – incorporation of the mineral code

28. Part 2 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) is incorporated in this Order subject to the modification that for “the acquiring authority” substitute “the undertaker.”

Time limit for exercise of authority to acquire land compulsorily

29.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 of the 1981 Act(a) as applied by article 33 (application of the 1981 Act).

(a) Section 4 was amended by sections 184, 185 and 199(2) of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016.

(2) The authority conferred by article 36 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights and imposition of restrictive covenants

30.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire such rights over the Order land, or impose restrictive covenants affecting the Order land, as may be required for any purpose for which that land may be acquired under article 27 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 6 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule and in relation to the Work no. specified in column (3) of that Schedule.

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 6.

(4) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat)(a) to the 1965 Act, as modified by paragraph 5(8) of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants), where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 7 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

Private rights over land

31.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) (power of entry)(b) of the 1965 Act,

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of the rights or the imposition of restrictive covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or the burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act,

whichever is the earlier.

(a) Schedule 2A was inserted by section 199(1) of, and paragraph 3 of Schedule 17 to, the Housing and Planning Act 2016.
(b) Section 11 was amended by section 34(1) of, and paragraph 14(3) of Schedule 4 to, the Acquisition of Land Act 1981, section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and sections 186(1) and (2), 187 and 188 of the Housing and Planning Act 2016. There are other amendments to section 11 that are not relevant to this Order.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker that are within the Order limits are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.)(a) of the 2008 Act or article 38 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land or the acquisition of the rights over or the imposition of the restrictive covenant or affecting the land;

(ii) the undertaker's appropriation of it;

(iii) the undertaker's entry onto it; or

(iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs do not apply to any right specified in the notice; and

(b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(8) If any such agreement as is referred to in paragraph (7)(b)—

(a) is made with a person in or to whom the right is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

Modification of Part 1 of the 1965 Act

32.—(1) Part 1 of the 1965 Act, as applied to this Order by section 125(b) (application of compulsory acquisition provisions) of the 2008 Act is modified as follows.

(2) In section 4A(1) (extension of time limit during challenge)(c)—

(a) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order)” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008”; and

(b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 29 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024”.

(a) Section 138 was amended by section 23(4) of the Growth and Infrastructure Act 2008 (c. 29) and S.I. 2017/1285.

(b) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016.

(c) Section 4A(1) was inserted by section 202(1) of the Housing and Planning Act 2016.

- (3) In section 11A (powers of entry: further notice of entry)(a)—
- (a) in subsection (1)(a), after “land” insert “under that provision”; and
 - (b) in subsection (2), after “land” insert “under that provision”.
- (4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 29 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024”.
- (5) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—
- (a) for paragraphs 1(2) and 14(2) substitute—
 - “(2) But see article 34(3) (acquisition of subsoil and airspace only) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024, which excludes the acquisition of subsoil or airspace only from this Schedule.”; and
 - (b) after paragraph 29 insert—

“PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 25 (protective work to buildings), 36 (temporary use of land for carrying out the authorised development) or 37 (temporary use of land for maintaining the authorised development) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024.”.

Application of the 1981 Act

- 33.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the modifications set out in this article.
- (3) In section 1 (application of Act) for subsection 2 substitute—
- “(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.
- (4) Omit section 5 (earliest date for execution of declaration)(b).
- (5) Omit section 5A (time limit for general vesting declaration)(c).
- (6) In section 5B(1) (extension of time limit during challenge)(d)—
- (a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008”; and
 - (b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 29 (time limit for exercise of authority to acquire land compulsorily) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024”.
- (7) In section 6(1)(b) (notices after execution of declaration)(e), for “section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981” substitute “section 134 (notice of authorisation of compulsory acquisition) of the Planning Act 2008”.

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

(b) Section 5 was amended by section 183 of, and paragraphs 4 and 6 of Schedule 15 to, the Housing and Planning Act 2016.

(c) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(d) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.

(e) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and section 183 of, and paragraph 7 of Schedule 15 to, the Housing and Planning Act 2016.

(8) In section 7(1)(a)(a) (constructive notice to treat). omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.

(9) In Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration)(b), omit paragraph 1(2).

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and as modified by article 32 (modification of Part 1 1965 Act) to the compulsory acquisition of land under this Order).

Acquisition of subsoil or airspace only

34.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or of the airspace over the land referred to in paragraph (1) of article 27 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over land referred to in paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 32 (application of Part 1 of the 1965 Act));
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A)(c) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaken acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

35.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person’s interest in the land, and who suffers loss as a result, will be entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(a) Section 7(1) was substituted by section 199(2) of, and paragraph 3 of Schedule 18 to, the Housing and Planning Act 2016.

(b) Schedule A1 was inserted by section 199(2) of, and paragraph 6 of Schedule 18 to, the Housing and Planning Act 2016.

(c) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016. There are other amendments to section 153 which are not relevant to this Order.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 (sharing cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

36.—(1) The undertaker may, in connection with the carrying out of the authorised development but subject to article 29 (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take temporary possession of—
 - (i) the land specified in column (1) of Schedule 8 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land as are mentioned in Schedule 1 (authorised development), or any mitigation works in connection with the authorised development.

(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 8, or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d);
- (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or
- (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

(5) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(7) Any dispute as to the satisfactory removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.

(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of (or rights in the subsoil of or airspace over) that land under article 34 (acquisition of subsoil or airspace only).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

Temporary use of land for maintaining the authorised development

37.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and that notice must state the purpose for which entry is taken.

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; or
- (c) the surrounding environment,

and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such period of notice as is reasonably practicable in the circumstances.

(5) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(7) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(12) In this article "the maintenance period", in relation to any part of the authorised development means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Statutory undertakers

38.—(1) Subject to the provisions of article 30 (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 10 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over any Order land belonging to statutory undertakers;
- (b) extinguish the rights of, and remove or reposition apparatus belonging to, statutory undertakers over the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 39 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

39.—(1) Where a street is stopped up under article 17 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 17 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; 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,

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 to be necessary, then, if it involves cost in the execution of the relocation works 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 paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to 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 cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, 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 any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by the undertaker and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider.

Recovery of costs of new connections

40.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 38 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 38, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or

sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 39 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this article, “public utility undertaker” means a gas, water, electricity or sewerage undertaker.

PART 6 OPERATIONS

Felling or lopping of trees and removal of hedgerows

41.—(1) The undertaker may fell or lop any tree (other than a tree subject to a tree preservation order) or shrub within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1) or (4), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2)—

- (a) remove any hedgerow described in Parts 1 (removal of hedgerows) or 2 (removal of important hedgerows) of Schedule 9 (trees and hedgerows) that is required to be removed; and
- (b) with the consent of the local authority in whose area the hedgerow is located, remove any hedgerow within the Order limits that may be identified and that is not described in Parts 1 or 2 of Schedule 9.

(5) The giving of consent by a local authority under paragraph (4)(b) must not be unreasonably withheld.

(6) If a local authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (4)(b) the local authority is deemed to have given consent.

(7) Any application for consent under paragraph (4)(b) must include a statement that the provisions of paragraph (6) apply to that application.

(8) In this article “hedgerow” has the same meaning as in the Hedgerow Regulations 1997^(a) and includes important hedgerows.

Trees subject to tree preservation orders

42.—(1) The undertaker may fell or lop any tree described in Part 3 (trees subject to tree preservation orders) of Schedule 9, cut back its roots or undertake such other works described in column (2) of that Part of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if it reasonably believes it to be necessary do so in order to prevent the tree or shrub—

(a) S.I. 1997/1160. There are amendments to the Hedgerow Regulations 1997 that are not relevant to this Order.

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
 - (b) from constituting a danger to passengers or other persons using the authorised development.
- (2) In carrying out any activity authorised by paragraph (1)—
- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and
 - (b) the duty contained in section 206(1) (replacement of trees)(a) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed.
- (3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.
- (4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined as if it were a dispute under Part 1 of the 1961 Act.

PART 7

MICELLANEOUS AND GENERAL

Application of landlord and tenant law

- 43.**—(1) This article applies to—
- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
 - (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,
- (2) so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.
- (3) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies
- (4) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
 - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
 - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

44. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3) (cases in which land is to be treated as operational land for the purposes of that Act)(b) of the 1990 Act.

(a) Section 206 was amended by section 192(8) of, paragraph 11 of Schedule 8 to, the Planning Act 2008.
 (b) There are amendments to section 264 which are not relevant to this Order.

Defence to proceedings in respect of statutory nuisance

45.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance)(a) of the Environmental Protection Act 1990 in relation to a nuisance falling within section 79(1)(g) (noise emitted from premises so as to be prejudicial to health or a nuisance)(b) of that Act no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974(c); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Protection of interests

46. Schedule 10 (protective provisions) has effect.

Certification of documents, etc.

47.—(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 12 (documents to be certified) to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 12 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

(3) A plan or document so certified will be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

48.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or

(a) 1990 c. 43. Section 82 was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and section 107 of, and paragraph 6(b)(vi) of Schedule 17 to, the Environment Act 1995 (c. 25). There are other amendments section 82 which are not relevant to this Order.

(b) There are amendments to section 79 which are not relevant to this Order.

(c) 1974 c. 40. Section 61(9) was amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c. 43). There are other amendments section 61 which are not relevant to this Order.

(c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement will be taken to be fulfilled only where—

(a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;

(b) the notice or document is capable of being accessed by the recipient;

(c) the notice or document is legible in all material respects; and

(d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation will be final and will take effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

(a) 1978 c. 30.

Arbitration

49. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

24th May 2024

Natasha Kopala
Head of the Transport and Works Act Orders Unit
Department for Transport

SCHEDULES

SCHEDULE 1

Articles 2 and 36

AUTHORISED DEVELOPMENT

In the administrative area of Northumberland County Council

A nationally significant infrastructure project as defined in sections 14 and 22(1) of the 2008 Act(a), and associated development as defined in section 115(2) (development for which development consent may be granted) of the 2008 Act(b)), comprising:

Work No. 1a - a new northbound carriageway adjacent to the existing A1 from Warreners House Junction to Highlaws Junction 2907m in length commencing at grid reference 418213E; 588445N and terminating at grid reference 418517E; 591320N.

Work No. 1b - the alteration of existing A1 Trunk Road to provide southbound dual carriageway from Warreners House Junction to Highlaws Junction 2907m in length commencing at grid reference 4182225E; 588444N and terminating at grid reference 418529E; 591322N.

Work No. 2a - a new offline northbound carriageway of the A1 dual carriageway 6894m in length commencing at grid reference 418517E; 591320N and terminating at grid reference 417526E; 597847N.

Work No. 2b - a new offline southbound carriageway of the A1 dual carriageway 6896m in length commencing at grid reference 418529E; 591322N and terminating at grid reference 417539E; 597850N.

Work No. 3a - the alteration of the existing A1 to provide northbound dual carriageway 2950m in length commencing at grid reference 417526E; 597847N and terminating at grid reference 417476E; 600795N.

Work No. 3b - a new southbound carriageway adjacent to the existing A1 2947m in length commencing at grid reference 417539E; 597850N and terminating at grid reference 417488E; 600795N.

Work No. 4 - a new bridge spanning the River Coquet comprising a three-span continuous bridge deck with two supporting piers. Work No—

- (a) the installation of spaced piles within the area marked Work No. 4a on the works plans;
- (b) the installation of scour protection on the north side of the River Coquet at the location marked Work No. 4b on the works plans;
- (c) the installation of scour protection on the south side of the River Coquet at the location marked Work No. 4c on the works plans; and
- (d) the installation of a temporary bridge over the River Coquet at the location marked Work No. 4d on the works plans;

together with—

(a) 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. There are amendments to section 14 which are not relevant to this Order.

(b) Section 115(2) was amended by section 160(1) and (3) of the Housing and Planning Act 2016. There are other amendments to section 115 which are not relevant to this Order..

- (i) the construction to include any new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping; and to create 1 carriageway of 2 no. lanes each;
- (ii) the widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes;
- (iii) the provision of a hardened central reserve with a rigid concrete barrier or steel step barrier dividing the southbound and northbound carriageways; and
- (iv) the provision of temporary river training works within the River Coquet.

Work No. 5a - the improvement of the existing road known as West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9 no. parking spaces, realignment of the existing turning circle commencing at grid reference 418258E; 587954N and terminating at grid reference 418259E; 588134N. including—

- (i) the removal of existing road lighting and installation of new lighting columns within the highway verge; and
- (ii) associated drainage, utility works and diversions.

Work No. 5b - a new access track 807m in length to the north of the West View turning circle commencing at grid reference 418259E; 5888134N and terminating at grid reference 418262E; 588679N providing a bellmouth for access into Northgate Farm at grid reference 418395E; 588653N, which point is marked “ACCESS c” on Sheet 01 of the general arrangement plans.

Work No. 5c - a new access track 150m in length off Work No. 6b to Warreners House commencing at grid reference 418320E; 588418N and terminating at grid reference 418245E; 588543N.

Work No. 5d - a new access track 326m in length to private land commencing at grid reference 418257E; 588725N and terminating at grid reference 418264E; 589045N.

Work No. 6 - a new access track 226m in length for maintenance of drainage swale commencing at grid reference 417981E; 588727N and terminating at grid reference 418181E; 588641N.

Work No. 7 - a new culvert 75m in length commencing at grid reference 418272E; 589462N and terminating at grid reference 418342E; 589461N.

Work No. 8a – a slip road single lane carriageway for northbound off-access to Highlaws Junction 165m in length commencing at grid reference 418363E; 589667N and terminating at grid reference 418362E; 589815N.

Work No. 8b - alteration and alignment of the existing road known as High Highlaws Road to create a single carriageway two lane connection to Highlaws Junction 240m in length commencing at grid reference 418140E; 589691N and terminating at grid reference 418335E; 589824N.

Work No. 8c - a new access track 1450m in length for maintenance of detention basin commencing at grid reference 418266E; 589761N and terminating at grid reference 418492E; 591111N.

Work No. 8d - a single span single carriageway overbridge crossing the new A1 carriageways 390m in length commencing at grid reference 418362E; 589815N and terminating at grid reference 418543E; 589777N.

Work No. 8e - a slip road single lane carriageway for northbound on-access to the A1 from Highlaws Junction 243m in length commencing at grid reference 418362E; 589815N and terminating at grid reference 418444E; 590029N.

Work No. 8f - a slip road single lane carriageway for southbound off-access to Highlaws Junction 177m in length commencing at grid reference 418465E; 589773N and terminating at grid reference 418444E; 589919N.

Work No. 8g - a new access track 870m in length for private access commencing at grid reference 418629E; 589777N and terminating at grid reference 418549E; 590567N.

Work No. 8h - widening and resurfacing of the existing road known as Hebron Road as part of Highlaws Junction works 177m in length commencing at grid reference 418465E; 589773N and terminating at grid reference 418644E; 589774N.

Work No. 8i - a slip road single lane carriageway for southbound on-access to the A1 from Highlaws Junction 237m in length commencing at grid reference 418359E; 589583N and terminating at grid reference 418465E; 589773N.

Work No. 8j - a new access 275m in length for private access commencing at grid reference 418369E; 589555N and terminating at grid reference 418490E; 589770N.

Work No. 9a - a new access 195m in length for private access commencing at grid reference 418016E; 592405N and terminating at grid reference 418211E; 592415N.

Work No. 9b - alteration and alignment of the existing road known as Fenrother Lane West to create a single carriageway two lane connection to Fenrother Junction 240m in length commencing at grid reference 418047E; 592436N and terminating at grid reference 418207E; 592534N.

Work No. 9c - a slip road single lane carriageway for northbound off-access to Fenrother Junction 362m in length commencing at grid reference 418302E; 592458N and terminating at grid reference 418256E; 592597N.

Work No. 9d - a slip road single lane carriageway for northbound on-access to the A1 from Fenrother Junction 220m in length commencing at grid reference 418256E; 592597N and terminating at grid reference 418293E; 592804N.

Work No. 9e - a new access 499m in length for private access commencing at grid reference 418058E; 592664N and terminating at grid reference 418279E; 593048N.

Work No. 9f - a slip road single lane carriageway for southbound off-access to Fenrother Junction 190m in length commencing at grid reference 418372E; 592620N and terminating at grid reference 418311E; 592772N.

Work No. 9g - a single span single carriageway overbridge crossing the new A1 carriageways 362m in length commencing at grid reference 418409E; 592609N and terminating at grid reference 418256E; 592597N.

Work No. 9h - a slip road single lane carriageway for southbound on-access to the A1 from Fenrother Junction 245m in length commencing at grid reference 418325E; 592415N and terminating at grid reference 418372E; 592620N.

Work No. 9i - a 2 No. lane road single carriageway 685m in length from Fenrother Lane East to detrunked A1 for local access commencing at grid reference 418372E; 592620N and terminating at grid reference 418867E; 592836N.

Work No. 10a - de-trunking works to the existing A1 Trunk Road crossing the River Lyne to Fenrother Lane East 1166m in length commencing at grid reference 418536E; 591486N and terminating at grid reference 418783E; 592593N.

Work No. 10b - de-trunking works to the existing A1 Trunk Road from Portland House to Bockenfield Bridge 4948m in length commencing at grid reference 418867E; 592836N and terminating at grid reference 418822E; 59732N.

Work No. 11a - an access track from Causey Park Road to the existing access track to New Houses Farm 1363m in length commencing at grid reference 418536E; 594025N and terminating at grid reference 418468E; 595155N.

Work No. 11b - an access track from Causey Park Road to private land 191m in length commencing at grid reference 418499E; 595168N and terminating at grid reference 418597E; 595303N.

Work No. 11c - a new overbridge as an integral single span bridge 360m in length, having a clear span between the abutments of 33 m and a headroom height of 6m commencing at grid reference 418477E; 595159N and terminating at 418825E; 595252N.

Work No. 11d - a new access 97m in length for maintenance of detention basin commencing at grid reference 418794E; 594666N and terminating at grid reference 418881E; 594721N.

Work No. 11e - a maintenance access track to detention basin commencing at grid reference 418475E, 595754N, and terminating at grid reference 418523E, 595778N.

Work No. 12a - diversion of National Grid Feeder 13 High Pressure gas main under the (new) A1 carriageway 630m in length commencing at grid reference 418571E; 594666N and terminating at grid reference 418861E; 595042N, including—

- (i) temporary access and working areas required for the tie ins to the existing apparatus to include deep pit excavations sized to allow sufficient and safe access and egress of the pits, for pipeline tie-in operations; and
- (ii) landscaping

Work No. 12b - diversion underground of Northern Power Grid 20Kv High Voltage line 1377m in length commencing at grid reference 418715E; 594473N and terminating at grid reference 418616E; 595252N and Northern Gas Network Medium Pressure gas main 1233m in length commencing at grid reference 418796E; 594562N and terminating at grid reference 418633E; 595254N under the (new) A1 carriageway.

Work No. 13 - a new culvert 77m in length commencing at grid reference 418270E; 596540N and terminating at grid reference 418337E; 596577N.

Work No. 14 - an underbridge at Burgham Park as an integral single span bridge having a clear span between the abutments of 11m and a headroom height of 6.5m commencing at grid reference 417922E; 596845N and terminating at 418181E; 596956N.

Work No. 15 – extension of existing culvert 76m in length commencing at grid reference 417798E; 597306N and terminating at grid reference 417868E; 597336N.

Work No. 16a - a new access 242m in length for private access off Bywell Road commencing at grid reference 417570E; 597651N and terminating at grid reference 417466E; 597863N.

Work No. 16b - alteration and realignment of the existing road known as Bywell Road from east of the A1 to the junction with West Moor Road 1208m in length commencing at grid reference 417254E; 597777N and terminating at grid reference 417334E; 597794N; including new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping.

Work No. 16c - a slip road single lane carriageway for northbound off-access to West Moor Junction 167m in length commencing at grid reference 417429E; 598710N and terminating at grid reference 417379E; 598851N.

Work No. 16d - alteration and realignment of the existing road know as West Moor Road to create a single carriageway two-lane connection to West Moor Junction retaining existing road for access 249m in length commencing at grid reference 417174E; 598703N and terminating at grid reference 417357E; 598851N.

Work No. 16e - a single span overbridge crossing the new A1 carriageways 324m in length commencing at grid reference 417379E; 598851N and terminating at grid reference 417517E; 598874N.

Work No. 16f - a slip road single lane carriageway for northbound on-access to the A1 from West Moor Junction 221m in length commencing at grid reference 417379E; 598851N and terminating at grid reference 417414E; 599055N.

Work No. 16g - a slip road single lane carriageway for southbound off-access to West Moor Junction 166m in length commencing at grid reference 417479E; 598851N and terminating at grid reference 417434E; 598987N.

Work No. 16h - a new access 954m in length off Felton Road for maintenance of detention basin commencing at grid reference 417605E; 598906N and terminating at grid reference 417516E; 599735N.

Work No. 16i - realignment and resurfacing of the existing road know as Felton Road as part of West Moor Junction works 185m in length commencing at grid reference 417547E; 598866N and terminating at grid reference 417703E; 598966N.

Work No. 16j - construction of a roundabout carriageway 130m in length at West Moor Junction and Felton Road commencing at grid reference 417502E; 598848N and terminating at grid reference 417502E; 598848N.

Work No. 16k - a slip road single lane carriageway for southbound on-access to the A1 from West Moor Junction 242m in length commencing at grid reference 417453E; 598645N and terminating at grid reference 417502E; 598848N.

Work No. 16l - a new link road from West Moor Junction roundabout to Bockenfield Bridge 1548m in length commencing at grid reference 417822E; 597362N and terminating at grid reference 417527E; 598826N; including new pavement, embankments, retaining walls, ground improvements, drainage, road signs, communications ducting, utility diversions, and landscaping.

Work No. 17 - a new culvert and open engineered ditches 223m in length commencing at grid reference 417457E; 598041N and terminating at grid reference 417542E; 598196N.

Work No. 18 - extension of Parkwood Subway to include associated embankments, hardstanding for land access and other substructure and superstructure elements and provision of lighting, in order to accommodate the highway widening 26m in length commencing at grid reference 417452E; 600343N and terminating at grid reference 417478E; 600341N.

Work No. 19 – extension of an existing culvert 137m in length commencing at grid reference 417418E; 600436N and terminating at grid reference 417529E; 600361N.

Work No. 20 - a new access 333m in length off the B6345 for maintenance of detention basin commencing at grid reference 417513E; 600608N and terminating at grid reference 417690E; 600679N.

Work No. 21a - alteration of existing A1 to provide the northbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge, 5174m in length commencing at grid reference 419689E; 615320N and terminating at grid reference 417855E; 620158N.

Work No. 21b – construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge, 5174m in length commencing at grid reference 419700E; 615324N and terminating at grid reference 417866E; 620162N,

with Works No.21a and 21b including—

- (i) the construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes each;

- (ii) the widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes;
- (iii) the provision of a steel safety barrier dividing the southbound and northbound carriageways; and
- (iv) the removal and reinstallation of Traffic Monitoring Units (TMU), ancillary solar power units, across northbound and southbound carriageways.

Work No. 22a – construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to West Linkhall, 1368m in length commencing at grid reference 417855E; 620158N and terminating at grid reference 417364E; 621420N.

Work No. 22b - construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to West Linkhall, 1373m in length commencing at grid reference 417866E; 620162N and terminating at grid reference 417374E; 621426N,

with Works No.22a and 22b including—

- (i) the construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes each;
- (ii) the widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes; and
- (iii) the provision of a steel safety barrier dividing the southbound and northbound carriageways.

Work No. 23a - alteration of existing A1 to provide the northbound carriageway of the A1 dual carriageway from West Linkhall to North Charlton, 1353m in length commencing at grid reference 417364E; 621420N and terminating at grid reference 417009E; 622682N.

Work No. 23b – construction of new southbound carriageway of the A1 dual carriageway from West Linkhall to North Charlton, 1345m in length commencing at grid reference 417374E; 621426N and terminating at grid reference 417021E; 622682N,

with Works No. 23a and 23b including—

- (i) the construction to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes each;
- (ii) the widening, alteration and realignment of the existing highway to include any new pavement, embankments, retaining walls, ground improvements, associated engineering, drainage, road signs, communications ducting, utility diversions, and landscaping to create 1 carriageway of 2 no. lanes; and
- (iii) the provision of a steel safety barrier dividing the southbound and northbound carriageways.

Work No. 24 – realignment of the 66kV electrical cable to service the Middlemoor Wind Farm. Realignment of 7830m in length commencing at grid reference 419745E; 615287N and terminating at grid reference 416993E; 622114N,

with Work No. 24 including—

- (i) temporary access and working areas required for the tie-ins to the existing apparatus; and
- (ii) landscaping to return to original land use.

Work No. 25a – construction of new access point and maintenance track to detention basin, 495m in length commencing at grid reference 419647E; 615619N and terminating at grid reference 419450E; 616028N.

Work No. 25b – construction of new access point and maintenance track to detention basin, 78m in length commencing at grid reference 419462E; 616022N and terminating at grid reference 419432E; 616077N.

Work No. 26 – construction of new maintenance access track to detention basin, 662m in length commencing at grid reference 418803E; 616258N and terminating at 419197E; 616580N.

Work No. 27 – construction of Heckley Fence Overbridge and associated ramps over the widened A1, 330m in length commencing at grid reference 418806E; 617254N and terminating at grid reference 419122E; 617348N.

Work No. 28 – construction of new access track to detention basin, 210m in length commencing at grid reference 418410E; 618609N and terminating at grid reference 418305E; 618779N.

Work No. 29a – realignment and resurfacing of B6341, 528m in length commencing at grid reference 417807E; 620019N and terminating at grid reference 417666E; 620521N.

Work No. 29b – realignment and resurfacing of Rock Nab access, 56m in length commencing at grid reference 417732E; 620184N and terminating at grid reference 417785E; 620200N.

Work No. 29c – realignment and resurfacing of B6347, as part of the new Charlton Mires Junction, 170m in length commencing at grid reference 417475E; 620455N and terminating at grid reference 417629E; 620526N.

Work No. 29d – construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction, 131m in length commencing at grid reference 417762E; 620447N and terminating at grid reference 417709E; 620557N.

Work No. 29e – construction of roundabout as part of the wider junction works at Charlton Mires Junction 132m in length commencing at grid reference 417662E; 620557N and terminating at grid reference 417662E; 620557N.

Work No. 29f – construction of carriageway and northbound slip road as part of junction works at Charlton Mires Junction, 191m in length commencing at grid reference 417672E; 620552N and terminating at grid reference 417707E; 620709N.

Work No. 29g – construction of a single span single carriageway overbridge crossing the new A1 carriageways and associated ramps at Charlton Mires Junction, 371m in length commencing at grid reference 417641E; 620564N and terminating at grid reference 417821E; 620627N.

Work No. 29h – construction of local access road linking Charlton Mires Junction and West Linkhall, 714m in length. commencing at grid reference 417631E; 620676N and terminating at grid reference 417420E; 621288N.

Work No. 29i – construction of local access road linking Charlton Mires Junction and East Linkhall, 1294m in length commencing at grid reference 417795E; 620712N and terminating at grid reference 417173E; 621821N.

Work No. 29j – construction of a southbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction, 138m in length. commencing at grid reference 417776E; 620626N and terminating at grid reference 417723E; 620738N.

Work No. 29k – realignment and resurfacing of B6347, as part of the new Charlton Mires Junction, 166m in length commencing at grid reference 417943E; 620625N and terminating at grid reference 417777E; 620624N.

Work No. 29l – construction of a southbound slip road as part of Charlton Mires Junction, 144m in length commencing at grid reference 417773E; 620487N and terminating at grid reference 417776E; 620620N.

Work No. 30a – realignment and resurfacing of Rock Midstead access road, 62m in length, commencing at grid reference 418466E; 620578N and terminating at grid reference 418450E; 620519N.

Work No. 30b – construction of new local access road linking Rock Midstead and Rock South Farm, to be adopted. 1954m in length commencing at grid reference 418464E; 620543N and terminating at grid reference 419174E; 618894N.

Work No. 31 – construction of Kittycarter Burn diversion, 166m in length commencing at grid reference 417846E; 620631N and terminating at grid reference 417832E; 620787N.

Work No. 32 – construction of a new agricultural track, 169m in length commencing at grid reference 417399E; 621294N and terminating at grid reference 417319E; 621431N.

Work No. 33 – construction of culvert extension (Whitehouse Burn) under the new southbound carriageway of the A1 dual carriageway, 33m in length commencing at grid reference 418377E; 618792N and terminating at grid reference 418401E; 618815N.

Work No. 34 – construction of culvert extension (Linkhall) under the new southbound carriageway of the A1 dual carriageway, 68m in length commencing at grid reference 417582E; 621024N and terminating at grid reference 417649E; 621033N.

Work No. 35 – construction of culvert extension (Shipperton Burn) under the A1 dual carriageway, 49m in length commencing at grid reference 417040E; 621979N and terminating at grid reference 417089E; 621975N.

Work No. 36 – construction of new culvert (Rock Culvert) under the new access road linking Rock Midstead and Rock South Farm, 14m in length commencing at grid reference 418846E; 620131N and terminating at grid reference 418859E; 620134N.

Work No. 37 – construction of culvert extension (Denwick Burn) under the new southbound carriageway of the A1 dual carriageway, 101m in length commencing at grid reference 419234E; 616609N and terminating at grid reference 419163E; 616681N.

Work No. 38 – construction of Shipperton Burn diversion, 45m in length commencing at grid reference 417089E; 621975N and terminating at grid reference 417113E; 621937N.

In connection with the construction of any of those works, and to the extent that they do not otherwise form part of any such work, and whether or not shown on the plans referred to in the requirements, further development within the order limits which does not give rise to any materially new or materially different environment effects in comparison with those associated in the environmental statement consisting of—

- (a) drainage works including—
 - (i) the provision of water drainage features - swale centred at grid reference 418183E, 588768N; and
 - (ii) detention basins centred at grid references 418484E, 589819N; 418469E, 591174N; 418542E, 591738N; 418175E, 592594N; 418822E, 592589N; 418588E, 594408N; 418755E, 594692N; 418552E, 595801N; 418203E, 596898N; 417797E, 597484N; 417745E, 597564N; 417483E, 599053N; 417382E, 598805N; 417480E, 598799N; 417482E, 599619N; 417553E, 600538N; 419721E, 615594N; 419148E 616614N; 418303E, 618855N; 417709E, 620502N; 417670E, 620613N; and 417764E, 620859N;
- (b) alteration of the layout of any street permanently or temporarily, including but not limited to realignment of carriageways and increasing the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such kerb, footway, cycle track or verge; and reducing the width of the carriageway of the street;

- (c) demolition of existing verge mounted road signs and installation of replacement new road signs including sign foundations, sign structure, signs, sign illumination, technology cabinets, power and communication cable connections;
- (d) associated utility works and diversions within the highway verge of each carriageway;
- (e) installation of automatic traffic monitoring equipment with associated ducting;
- (f) installation of weather station monitoring equipment with associated ducting;
- (g) ramps, means of access, footpaths, bridleways, cycle tracks, embankments, aprons, abutments, shafts, foundations, retaining walls, wing walls, bunds, embankment swales, fencing, boundary treatments and highway lighting and culverts;
- (h) street works including breaking up or opening a street, or any sewer, drain or tunnel under it, tunnelling or boring under a street, work to place or maintain apparatus in a street, works to alter the position of apparatus, including mains, sewers, drains and cables;
- (i) the provision of thin surface course and carriageway markings;
- (j) temporary and permanent diversion of utilities apparatus, including gas and water pipelines and electric and telecommunication cables;
- (k) earthworks, including the extension of earthworks;
- (l) retaining structures;
- (m) barriers, including safety barriers;
- (n) refurbishment works to any existing bridge or gantry;
- (o) works to alter the course of, or otherwise interfere with a watercourse, including without limitation works to the River Coquet including temporary culverting;
- (p) landscaping, noise 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;
- (q) works for the benefit or protection of land affected by the authorised development;
- (r) works to place, alter, remove or maintain road furniture;
- (s) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soils stripping, storage, and site levelling);
- (t) the felling of trees and hedgerows;
- (u) the establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery apparatus, works and conveniences;
- (v) the provision of other works including pavements works, kerbing and paved areas works, signing, signals gantries, road markings, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development;
- (w) construction of advanced directional gantry signs, including sign foundations and sign structures, installation of road signs including sign foundations, sign structure, signs, signals, sign illumination, control cabinets, power and communication cable connections, associated utility works and diversions within the highway verge of each carriageway; and installation of CCTV, Motorway Incident Detection and Automated Signalling and traffic counting equipment with associated ducting; and
- (x) such other works, minor working sites storage areas, works of demolition or works of whatever nature as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development.

SCHEDULE 2 REQUIREMENTS

Articles 4 and 8

PART 1 REQUIREMENTS

Interpretation

1. In this Schedule—

“business day” means Monday to Friday excluding—

- (a) a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(a);
- (b) Christmas Day; and
- (c) Good Friday;

“the CEMP” and “the approved CEMP” means the construction environmental management plan to be prepared and approved pursuant to requirement 4 (construction and handover environmental management plans) of this Part of this Schedule;

“contaminated land” has the same meaning as that given in section 78A (preliminary) of the Environmental Protection Act 1990(b);

“culvert management plan” means the document of that description listed in Schedule 12 (documents to be certified) and certified as the culvert management plan by the Secretary of State for the purposes of this Order;

“European protected species” has the same meaning as in regulation 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017(c);

“HEMP” means the handover environmental management plan, to be developed and completed by the end of the construction, commissioning and handover stage of the authorised development;

“lead local flood authority” has the same meaning as in section 6(9) (other definitions) of the Flood and Water Management Act 2010(d);

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

“LEMP” means the landscape and ecological management plan that may be prepared in accordance with paragraph 17;

“landscape mitigation masterplan” means the documents comprising (first) landscape mitigation masterplan Part A; (second) landscape mitigation plan Part B; and (third) landscape mitigation plan including assessment parameter 3 Part B being the documents of those descriptions listed in Schedule 12 (documents to be certified) and certified as such by the Secretary of State for the purposes of this Order;

“nationally protected species” means any species protected under the Wildlife and Countryside Act 1981(e);

(a) 1971 c. 80. There are amendments to section 1 which are not relevant to this Order.

(b) Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and amended by section 86(2) of the Water Act 2003 (c. 37). There are further amendments to section 78A which are not relevant to this Order.

(c) S.I. 2017/1012.

(d) 2010 c. 29.

(e) 1981 c. 69.

“Natural England” means the body created by the Natural Environment and Rural Communities Act 2006(a) or any successor in function to it;

“outline ancient woodland strategy” means the document of that description listed in Schedule 12 and certified as the outline ancient woodland strategy by the Secretary of State for the purposes of this Order;

“outline CEMP” means the document of that description listed in Schedule 12 and certified as the outline CEMP by the Secretary of State for the purposes of this Order; and

“outline CTMP” means the document of that description listed in Schedule 12 and certified as the outline CTMP by the Secretary of State for the purposes of this Order;

“REAC” means the register of environmental actions and commitments (Section 3 of the outline CEMP).

Time limits

2. The authorised development must commence no later than the expiration of 5 years beginning with the date that this Order comes into force.

Detailed design

3.—(1) The authorised development must be designed in detail and carried out in accordance with the preliminary scheme design shown on the engineering drawings and sections and the general arrangement plans unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions, provided that the Secretary of State is satisfied that any amendments to the engineering drawings and sections or general arrangement plans showing departures from the preliminary scheme 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 engineering drawings and sections or general arrangement plans and the undertaker must make those amended details available in electronic form for inspection by members of the public.

Construction and handover environmental management plans

4.—(1) No part of the authorised development is to commence until a CEMP, substantially in accordance with the outline CEMP, for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency and the relevant planning authority to the extent that it relates to matters relevant to its function.

(2) The CEMP must be written in accordance with ISO14001 and must—

- (a) reflect the mitigation measures set out in the REAC;
- (b) contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) require adherence to working hours of 07:00–19:00 Mondays to Fridays 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;

(a) 2006 c. 16.

- (vi) cases of emergency; and
- (vii) as otherwise agreed by the relevant planning authority in advance;
- (d) subject to sub-paragraph (3), include the following management plans—
 - (i) Dust Management Plan;
 - (ii) Noise and Vibration Management Plan;
 - (iii) Site Waste Management Plan;
 - (iv) Environmental Control Plan: Invasive Species;
 - (v) Environmental Control Plan: General Ecology;
 - (vi) Soil Management Plan;
 - (vii) Surface Water Management Plan;
 - (viii) Control Of Substances Harmful to Health Material, Waste Storage and Refuelling Plan;
 - (ix) Resource Use Management Plan;
 - (x) Materials Management Plan;
 - (xi) Contaminated Land Management Plan;
 - (xii) Pollution Prevention Plan;
 - (xiii) Communications Plan;
 - (xiv) Public Rights of Way Management Plan;
 - (xv) Emergency Flood Response Plan; and
 - (xvi) A Signage Strategy.

(3) The undertaker may prepare the management plans required by sub-paragraph (2)(d) either as part of the CEMP or as free-standing documents provided that sub-paragraph (1) is complied with in relation to any free-standing management plan.

(4) In deciding whether to approve a CEMP submitted in accordance with sub-paragraph (1), the Secretary of State may require the undertaker to submit a LEMP for approval in respect of any specified matters, following consultation by the undertaker with the Environment Agency, Natural England and the relevant planning authority to the extent that it relates to matters relevant to its functions.

(5) The construction of the authorised development must be carried out in accordance with the approved CEMP and any approved management plan prepared in accordance with sub-paragraph (3) and the approved LEMP.

(6) A HEMP must be developed and completed by the end of the construction, commissioning and handover stage of the authorised development, in accordance with the process set out in the approved CEMP and any approved management plan prepared in accordance with sub-paragraph (3) and the approved LEMP.

(7) The HEMP must address the matters set out in the approved CEMP and any approved management plan prepared in accordance with sub-paragraph (3) and the approved LEMP that are relevant to the operation and maintenance of the authorised development, and must 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
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies.

(8) The authorised development must be operated and maintained in accordance with the HEMP.

Landscaping

5.—(1) The authorised development must be landscaped in accordance with a landscaping scheme which set out details of all proposed hard and soft landscaping works and which has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) The landscaping scheme must reflect the mitigation measures set out in the REAC and must be based on the landscape mitigation masterplan.

(3) The landscaping scheme prepared under sub-paragraph (1) must include details of—

- (a) location, number, species mix, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained, with measures for their protection during the construction period;
- (d) a strategy for the replacement of trees which are to be removed at Coronation Avenue;
- (e) proposed finished ground levels; and
- (f) implementation timetables for all landscaping works.

(4) 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.

(5) 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, unless the Secretary of State, following consultation with the relevant planning authority on matters related to its function, gives consent to a variation.

Contaminated land and groundwater

6.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(2) Where the undertaker determines that remediation of the contaminated land 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 submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function and the Environment Agency.

(3) Remediation must be carried out in accordance with the approved scheme.

Protected species

7.—(1) No part of the authorised development is to commence until for that part final pre-construction survey work has been carried out to establish whether European or nationally protected species are present on any of the land affected or likely to be affected by any part of the relevant works, or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Following pre-construction survey work or at any time when carrying out the authorised development, where—

- (a) a protected species is shown to be present, or where there is a reasonable likelihood of it being present;
- (b) application of the relevant assessment methods used in the environmental statement show that a significant effect is likely to occur which was not previously identified in the environmental statement; and
- (c) that effect is not addressed by any prior approved scheme of protection and mitigation established in accordance with this paragraph,

the relevant parts of the relevant works must cease until a scheme of protection and mitigation measures has been submitted to and approved in writing by the Secretary of State.

(3) The undertaker must consult with Natural England on the scheme referred to in sub-paragraph (2) prior to submission to the Secretary of State for approval, except where a suitably qualified and experienced ecologist, holding where relevant and appropriate a licence relating to the species in question, determines that the relevant works do not require a protected species licence.

(4) The relevant works under sub-paragraph (2) must be carried out in accordance with the approved scheme, unless otherwise agreed by the Secretary of State after consultation with Natural England, and under any necessary licences.

Surface and foul water drainage

8.—(1) No part of the authorised development is to commence until for that part written details of the surface and foul water drainage system, reflecting the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation with the relevant planning authority and lead local flood authority on matters related to their functions.

(2) The surface and foul water drainage system must be constructed in accordance with the approved details, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its function, provided that the Secretary of State is satisfied that any amendments to the approved details would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) The undertaker must undertake the measures set out in the culvert management plan.

Archaeological remains

9.—(1) No part of the authorised development is to commence until for that part a written scheme for the investigation of areas of archaeological interest, reflecting the relevant mitigation measures set out in the REAC, has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

(2) The authorised development must be carried out in accordance with the scheme referred to in sub-paragraph (1).

(3) A copy of any analysis, reporting, publication or archiving required as part of the written scheme referred to in sub-paragraph (1) must be deposited with the Historic Environment Record of the relevant planning authority within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme referred to in sub-paragraph (1).

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority as soon as reasonably practicable from the date they are identified.

(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 of any notice served under sub-paragraph (4) unless otherwise agreed in writing by the relevant planning authority.

(6) If the relevant planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the relevant planning authority.

Safeguarding of milestones

10.—(1) No part of the authorised development is to commence until a written scheme for the protection of the grade II listed milestones with National Heritage List for England Entry Numbers 1371039, 1371021, 1370646, 1303996, 1153544 and 1042132 and the non-designated milestone Historic Environment Record Reference 16878 has been submitted to and approved by the Secretary of State in consultation with the relevant planning authority, the Historic Buildings and Monuments Commission for England and the Milestone Society.

(2) The authorised development must be carried out in accordance with the scheme approved under sub-paragraph (1).

Traffic management

11.—(1) No part of the authorised development is to commence until a construction traffic management plan for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function. The construction traffic management plan must be based on the outline CTMP.

(2) The authorised development must be carried out in accordance with the construction traffic management plan referred to in sub-paragraph (1).

Amendments to approved details

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

Fencing

13. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with Volume 1, Series 0300 of 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.

Public rights of way

14. No part of Work No. 4 is to commence until the design of the relocated footpath to the south of the River Coquet between points PR9/1 and PR9/2 on Sheet 9 of the rights of way and access plans has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority on matters related to its function.

Ancient Woodland and Compensatory Planting

15.—(1) No removal of ancient woodland is to take place until an ancient woodland strategy has been submitted to and approved in writing by the Secretary of State, following consultation with Natural England and the relevant planning authority on matters related to its functions.

(2) The ancient woodland strategy required by sub-paragraph (1) shall—

- (a) be based on the outline ancient woodland strategy;
- (b) include proposals for compensatory planting for the woodland lost at a ratio of 12:1;

- (c) include proposals for an additional area of compensatory planting comprising either—
 - (i) 2.4 hectares which comprises an expansion to the compensatory planting required by sub-paragraph (2)(b); or
 - (ii) such other area (location and extent) of compensatory planting which serves the same functional requirement as the said expansion to the compensatory planting referred to in sub-paragraph (2)(c)(i) as the relevant planning authority may approve in consultation with Natural England for the purposes of offsetting the impact of ammonia concentration as a result of the authorised development on the River Coquet and Coquet Valley Woodlands site of special scientific interest; and
 - (d) include an ancient woodlands management and monitoring plan which shall also include details of how all compensatory planting will be managed.
- (3) The authorised development must be constructed in accordance with the ancient woodland strategy referred to in sub-paragraph (1).
- (4) No removal of ancient woodland is to take place until the undertaker has—
- (a) sufficient proprietary interest in the relevant land required to carry out the compensatory planting required by sub paragraph (2)(c); and
 - (b) concluded an agreement with Northumberland County Council to fund the carrying out by that council of 11.9 hectares of habitat improvement works at Davies Wood, Borough Wood and Well Wood (Plessey Wood), such habitat improvement works to include—
 - (i) removal of invasive and non-native species;
 - (ii) management to encourage the development of an understorey;
 - (iii) selective thinning followed by understorey planting with ancient woodland typical species; and
 - (iv) woodland management for five years following planting.

Works in River Coquet

16.—(1) No part of Work No. 4 is to commence until the following details have been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency, Natural England and the relevant planning authority on matters related to its function—

- (a) the design of the scour protection to the north and south banks of the River Coquet including the length of the works, form of construction, materials and measures to reinstate the river bank;
- (b) details of temporary river training works; and
- (c) details of the temporary bridge.

(2) The authorised development must be constructed in accordance with the details approved under sub-paragraph (1).

(3) On completion of Work No. 4 the temporary river training works and the temporary bridge shall be removed as soon as reasonably practicable.

Landscape and ecological management plan

17.—(1) Where it appears desirable to the undertaker, in place of the relevant provisions of the CEMP, the undertaker may prepared a single document known as a LEMP to address the management of the landscape and ecological impacts of the proposed development including—

- (a) environmental constraints;
- (b) landscape mitigation;
- (c) impacts on biodiversity; and
- (d) impacts on protected species.

(2) Any LEMP which is produced must reflect the mitigation measures set out in the REAC and include a graphic representation of the measures to be implemented.

(3) In deciding whether to produce a LEMP and the contents of a LEMP the undertaker must consult and have regard to the views of the Environment Agency, Natural England and the relevant planning authority.

(4) Where a LEMP is to be produced it must be submitted for approval in writing by the Secretary of State (accompanied by any responses to consultation under sub-paragraph (3)) following consultation with the Environment Agency, Natural England and the relevant planning authority to the extent that it relates to matters relevant to its functions.

(5) Where a LEMP is not produced, the undertaker must, when submitting the CEMP produced pursuant to paragraph 4(1) (construction and handover environmental management plan) to the Secretary of State for approval, also submit the consultation undertaken in accordance with sub-paragraph (3).

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

18.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval requirement by a requirement (including consent, 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 paragraph 18 (further information); 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 from a body required to be consulted by the undertaker under the requirement that considers it likely that the subject matter of the application would give rise to any materially new or materially different effects in comparison with those reported in the environmental statement,

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

Further information

19.—(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 that 21 business day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph 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 paragraph 17 (applications made under requirements) and in this paragraph.

Register of requirements

20.—(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

21. If before the coming into force of this Order the undertaker or any other person has taken 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 15 and 19

CLASSIFICATION OF ROADS, ETC.

PART 1

TRUNK ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
A1 - Section of A1 (Between Denwick Burn and North Charlton)	Between grid reference 419689E; 615320N on Sheet 11, and grid reference 417021E; 622682N on Sheet 17 of the rights of way and access plans.
A1 Morpeth to Felton	Length totalling 25,500m comprising Work Nos. 1a, 1b, 2a, 2b, 3a, 3b and 4 commencing at grid reference 418219E; 588444N and terminating at grid reference 417482E; 600795N (north and southbound works combined).
A1 Alnwick to Ellingham	Length totalling 15,787m comprising Works Nos. 21a, 21b, 22a, 22b, 23a and 23b commencing at grid reference 419689E; 615320N and terminating at grid reference 417009E; 622682N (north and southbound works combined).

PART 2

ROADS TO BE DE-TRUNKED

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
Existing A1 trunk road from Portland House to Bockenfield Bridge	4948m in length commencing at grid reference 418867E; 592836N and terminating at grid reference 417822E; 597362N to the extent shown on Sheets 4 to 8 of the rights of way and access plans.
Existing A1 trunk road from River Lyne to Fenrother Lane East	1009m in length commencing at grid reference 418569E; 591639N; and terminating at grid reference 418783E; 592593N to the extent shown on Sheets 3 and 4 of the rights of way and access plans.

PART 3
CLASSIFIED ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
C140 (High Highlaws Road on the rights of way and access plans)	240m in length comprising Work No. 8b. commencing at grid reference 418140E; 589691N and terminating at grid reference 418335E; 589824N.
C130 (Hebron Road on the rights of way and access plans)	177m in length comprising Work No. 8h commencing at grid reference 418465E; 589773N and terminating at grid reference 418644E; 589774N.
C139 (Fenrother Lane West on the rights of way and access plans)	190m in length comprising Work No. 9b commencing at grid reference 418047E; 592436N and terminating at grid reference 418207E; 592534N.
C139 (Fenrother Lane East on the rights of way and access plans)	685m in length comprising Work No. 9i commencing at grid reference 418372E; 592620N and terminating at grid reference 418867E; 592836N.
C134 (Bywell Road on the rights of way and access plans)	1208m in length comprising Work No. 16b commencing at grid reference 417798E; 596845N and terminating at grid reference 417868E; 597336N.
C133 (West Moor Road on the rights of way and access plans)	249m in length comprising Work No. 16d commencing at grid reference 417174E; 598703N and terminating at grid reference 417357E; 598851N.
New link road from West Moor Junction roundabout to Bockenfield Bridge	1548m in length comprising Work No. 16l commencing at grid reference 417822E; 597362N and terminating at grid reference 417527E; 598826N.
C111 (Felton Road on the rights of way and access plans)	Realign and resurfacing of Felton Road 185m in length comprising Work No. 16i commencing at grid reference 417547E; 598866N and terminating at grid reference 417703E; 58996N.
B6341	Length totalling 528m comprising Work No. 29a commencing at grid reference 417807E; 620019N and terminating at grid reference 417666E; 620521N.
B6347 (West of A1)	Length totalling 170m comprising Work No. 29c commencing at grid reference 417475E; 620455N and terminating at grid reference 417629E; 620526N.
B6347 (East of A1)	Length totalling 166m comprising Work No. 29k commencing at grid reference 417943E; 620625N and terminating at grid reference 417777E; 620624N).
C137 (Burgham Park Road on the rights of way and access plans)	282m in length comprising Work No. 14 commencing at grid reference 417922E; 596845N and terminating at grid reference 418181E; 596956N.

PART 4
UNCLASSIFIED ROADS

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Extent</i>
U6017 (Causey Park Road on the rights of way and access plans)	360m in length comprising Work No. 11c commencing at grid reference 418477E; 595159N and terminating at grid reference 418825E; 595252N.
U3105 (Access track from B6346 to Rock South Farm)	1954m in length comprising Work No. 30b commencing at grid reference 418464E; 620543N and terminating at grid reference 419174E; 618894N.
Access track from Causey Park Road to New House Farm	1363m in length comprising Work No. 11a commencing at grid reference 418536E; 594025N and terminating at grid reference 418468E; 595155N.
Access track from Causey Park Road to private land	191m in length comprising Work No. 11b commencing at grid reference 418499E; 595168N and terminating at grid reference 418597E; 595303N.
Access track for maintenance of detention basin	97m in length comprising Work No. 11d commencing at grid reference 418794E; 594693N and terminating at grid reference 418881E; 594721N.
Access track for maintenance for private access	242m in length for private access off Bywell Road comprising Work No 16a commencing at grid reference 417570E; 59751N and terminating at grid reference 417466E; 597863N.
Access track for maintenance of detention basin and River Coquet Bridge (south bound)	Access 954m in length off Felton Road comprising Work No. 16h commencing at grid reference 417605E; 598906N and terminating at grid reference 417516E; 599735N.
Access track for maintenance of detention basin	333 in length off the B6345 comprising Work No.20 commencing grid reference 417513E; 600608N and terminating at grid reference 417690E; 600679N.
Access track (DB22) for maintenance of detention basin	494m in length comprising Work No 25a commencing at grid reference 419450E; 616028N and terminating at grid reference 419649E; 6156208N.
Access track (DB23) for maintenance of detention basin	181m in length comprising Work No. 26b commencing at Grid reference 419249E; 616411N and terminating at grid reference 419193E; 616585N.
Access track (DB24) for maintenance of detention basin	210m in length comprising Work No. 28 commencing at grid reference 418397E; 618598N and terminating at grid reference 418305E; 618781N.
East Linkhall Access Track (Between Charlton Mires Junction and West Linkhall)	169m in length comprising Work No 29h commencing at grid reference 417399E; 621294N and terminating at grid reference 417319E; 621431N.

PART 5
OTHER PUBLIC RIGHTS OF WAY

<i>(1)</i> <i>Public right of way</i>	<i>(2)</i> <i>Extent</i>
Public Bridleway (extension to existing Bridleway 407/010) south of Warreners House	A new public bridleway, from grid reference 418258E; 587956N on the Northgate Hospital Access Road, in a general northerly direction for a distance of 555 metres to grid reference 418390E; 588433N on existing bridleway 407/010, as shown between points PR 1/1 and PR 1/2 on Sheet 1 of the rights of way and access plans.
Public Footpath (northerly and southerly extension to existing Footpath 407/018) west of Hebron Hill	A new public footpath, from grid reference 418627E; 589784N on Hebron Road, in a general northerly direction for a distance of 1530 metres to grid reference 418618E; 591124N on existing public footpath 407/002, north-east of Low Espley, as shown between points PR 2/1 and PR 3/1 on Sheets 2 and 3 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 407/001) south of Priests Bridge	A new public footpath, from grid reference 418421E; 618611N on existing public footpath 407/002, in a general northerly direction for a distance of 407 metres to grid reference 418573E; 591638N, south of Priests Bridge, as shown between points PR 3/2 and PR 3/3 on Sheets 3 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 423/001) south of Fenrother Lane (East)	A new public footpath, from grid reference 418398E; 592243N on existing public footpath 423/001, in a general northerly direction for a distance of 343 metres to grid reference 418410E; 592580N, on the connector road of Fenrother Junction, as shown between points PR 4/3 and PR 4/4 on Sheets 4 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 423/001) south of Fenrother Lane (West)	A new public footpath, from grid reference 418252E; 592128N on existing public footpath 423/001, in a general northerly direction for a distance of 494 metres to grid reference 418012E; 592399N, on Fenrother Lane (West), as shown between points PR 4/2 and PR 4/1 on Sheets 4 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 423/013) north of Causey Park Bridge	A new public footpath, from grid reference 418738E; 594781N on existing public footpath 423/013, in a general northerly direction for a distance of 522 metres to grid reference 418825E; 595249N, on Causey Park Road, as shown between points PR 6/1 and PR 6/2 on Sheets 6 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 422/011) south of Bywell Road	A new public footpath, from grid reference 417570E; 597651N on existing public footpath 422/011, in a general northerly direction for a distance of 229 metres to grid reference 417476E; 597856N, on Bywell Road, as shown

<i>(1)</i> <i>Public right of way</i>	<i>(2)</i> <i>Extent</i>
Public Footpath (to link existing Footpaths 422/002 and 422/020 under proposed A1) south of the River Coquet bridge	between points PR 8/1 and PR 8/2 on Sheets 8 of the rights of way and access plans. A new public footpath, from grid reference 417405E; 599706N in a general easterly direction for a distance of 83 metres under the proposed A1 carriageway to grid reference 417463E; 599734N, as shown between points PR 9/1 and PR 9/2 on Sheet 9 of the rights of way and access plans.
Public footpath (to link existing public footpath 115/009 under proposed A1) north of the River Coquet bridge	A new public footpath, from grid reference 417435E; 599895N in a general easterly direction for a distance of 92 metres under the proposed A1 carriageway to grid reference 417486E; 599949N, as shown between points PR 9/3 and PR 9/4 on Sheet 9 of the rights of way and access plans.
Public footpath (to link existing public footpath 115/016 and 115/008 through Parkwood Subway)	A new public footpath, from grid reference 417391E; 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to grid reference 417649E; 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.
Public footpath (northerly extension to existing public footpath 110/004) north of Broom House	A new public footpath, from grid reference 419211E; 615335N on existing public footpath 110/004, in a general northerly direction for a distance of 1010 metres to grid reference 418984E; 616286N, east of Heckley Cottage, as shown between points PR 11/1 and PR 12/1 on Sheets 11 and 12 of the rights of way and access plans.
Public bridleway (northerly extension to existing byway open to all traffic revised to bridleway 110/013) south of Heckley Fence	A new bridleway, from grid reference 419250E; 616412N on existing byway 110/013, in a general north-westerly direction for a distance of 1070 metres to grid reference 418820E; 617258N, east of Heckley Fence, as shown between points PR 12/2 and PR 12/4 on Sheet 12 of the rights of way and access plans.
Public Footpath (to link existing Footpaths 129/021 and 110/019 with the proposed Heckley Fence byway open to all traffic) along western boundary of the A1	A new public footpath, from grid reference 418820E; 617258N on the proposed byway open to all traffic east of Heckley Fence, in a general north-westerly direction for a distance of 1489 metres to grid reference 418421E; 618611N on existing Footpath 129/021, north-east of Heiferlaw Bank, as shown between points PR 12/4 and PR 13/2 on Sheets 12 and 13 of the rights of way and access plans.
Byway 110/013 running easterly from B6341	The existing byway open to all traffic will be revised to a bridleway from grid reference 418567E; 616159N on the B6341, in a general easterly direction for a distance of 738 metres to grid reference 419250E; 616412N, as shown between points PR 12/3 and PR 12/2 on Sheet 12 of the rights of way and access plans.

<i>(1)</i> <i>Public right of way</i>	<i>(2)</i> <i>Extent</i>
Byway open to all traffic (to link road B8341 with existing byway 129/023) over the new Heckley Fence Overbridge	A new byway open to all traffic, from grid reference 418401E; 617323N on the existing road B8341 west of Heckley Fence, in a general easterly direction for a distance of 1713 metres to grid reference 419964E; 617513N on existing Byway 129/023, north of Broxfield, as shown between points PR 13/1 and PR 13/3 on Sheets 12 and 13 of the rights of way and access plans.
Public Footpath (to link existing Footpath 129/004 with existing road B6347 and Charlton Mires Junction) along eastern boundary of the A1	A new public footpath, from grid reference 418067E; 620194N on the existing footpath 129/004, in a general northerly direction for a distance of 742 metres to grid reference 418067E; 620194N on B6347, east of Charlton Mires Junction, as shown between points PR 15/2 and PR 15/1 on Sheets 15 of the rights of way and access plans.

PART 6

FOOTWAYS AND CYCLEWAYS TO BE PROVIDED

<i>(1)</i> <i>Footpath or cycleway to be provided</i>	<i>(2)</i> <i>Extent of footway or cycleway</i>
Locations on sections of new highway	
Footway on Highlaws Junction connector road	The footway will run between point 2/C to 2/D on Sheet 2 on the traffic regulation plans.
Footway on Fenrother Junction connector road	The footway will run between point 4/A to 4/B on Sheet 4 on the traffic regulation plans.
Footway on Causey Park Overbridge	The footway will run between point 9/B to 9/C on Sheet 9 on the traffic regulation plans.
Shared footway/cycleway on link road from de-trunked A1 to Felton Road	The footway will run between point 8/A to 9/A on Sheets 8 and 9 on the traffic regulation plans.
Footway on West Moor Road	The footway will run between point 9/B to 9/C on Sheet 9 on the traffic regulation plans.
Footway on West Moor Junction connector road	The footway will run between point 9/D to 9/E on Sheet 9 on the traffic regulation plans.
Footway on B6341	The new footway will be located at B6341, between number 15/A and 15/B, 555m in length on Sheet 15 on the traffic regulation plans.
Footway on Charlton Mires Junction	The new footway will be located at Charlton Mires Junction, number 15/C and 15/D, 44m in length on Sheet 15 on the traffic regulation plans.
Footpath on Charlton Mires Junction	The new footway will be located at Charlton Mires Junction, number 15/E and 15/F, 105m in length on Sheet 15 on the traffic regulation plans.
Footway on Charlton Mires Junction	The new footway will be located at Charlton Mires Junction, number 15/G and 15/H, 165m

Footway on Charlton Mires Junction

in length on Sheet 15 on the traffic regulation plans.

The new footway will be located at Charlton Mires Junction, number 15/I and 15/J, 102m in length on Sheet 15 on the traffic regulation plans.

Locations on sections of existing highway

Extension of existing footway on the A1 to Hebron Road

The footway will run between point 2/A to 2/B on Sheet 2 on the traffic regulation plans.

New Footway on B6347

The new footway will be located at B6347, number 15/L and 15/K, 51m in length on Sheet 15 on the traffic regulation plans.

SCHEDULE 4

Article 17

PERMANENT STOPPING UP OF STREETS, PUBLIC RIGHTS OF WAY AND PRIVATE MEANS OF ACCESS

PART 1

STREETS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted</i>
C140 (High Highlaws Road on the rights of way and access plans)	From grid reference 418195E; 589709N to 418370E; 589720N (measuring 174.5m in length) shown as 2/h and 2/i on Sheet 2 of the rights of way and access plans.	Highway to be removed and replaced by New Side Road in terms of Work Number 8b, Sheet 2 of the works plans.
A1	From grid reference 418531E; 591352N to 418569E; 591639N (measuring 288m in length), shown as 3/e and 3/d on Sheet 3 of the rights of way and access plans.	Detrunked A1 will be replaced by the new A1 dual carriageway shown on Sheets 1 to 17 of the rights of way and access plans.
C139 (Fenrother Lane on the rights of way and access plans)	From grid reference 418218E; 592538N to 418398E; 592595N (measuring 188.3m in length) shown as 4/k and 4/l on Sheet 4 of the rights of way and access plans.	Removal will be replaced by the Fenrother Junction, shown on Sheet 4 of the rights of way and access plans.
C139 (Fenrother Lane on the rights of way and access plans)	From grid reference 418676E; 592558N to 418811E; 592533N of existing road, (measuring 137.6 m in length, combined) shown as 4/g and 4/h on Sheet 4 of the rights of way and access plans.	Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B and 4/C shown on Sheet 4 of the rights of way and access plans.
A1	From grid reference 418851E; 592675N to 418830E; 592511N of existing road, (measuring 164.6m in length), shown as 4/j and 4/i on Sheet 4 of the rights of way and access plans.	Replaced by new tie in between the detrunked A1 and Fenrother Lane (East) by new carriageway 4/B and 4/C, shown on Sheet 4 of the rights of way and access plans.
C134 (Bywell Road on the rights of way and access plans)	From grid reference 417418E; 597823N to 417518E; 597851N, (measuring 103.9m in length, combined) shown as points 8/g and 8/h on Sheet 8 of the rights of way and access plans.	Tie in to new road parallel to the new A1 route to the north of the carriageway to be stopped up set out as 8/A on Sheet 8 of the rights of way and access plans.
C133 (West Moor Road on the rights of way and access plans)	From grid reference 417273E; 598731N to 417408E;	New north and southbound access will be provided as part

<i>(1)</i> <i>Street to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted</i>
	598813N of existing carriageway (measuring 162.9m in length, combined) shown as 9/c and 9/d on Sheet 9 of the rights of way and access plans.	of the West Moor Junction as shown on Sheet 9 of the rights of way and access plans.
C111 and U6001 (Felton Road and unregistered road on the rights of way and access plans)	Between grid references 417511E; 598808N and 417453E; 598773N and 417470E; 598673N (measuring 176.6m in length, combined) shown as 9/e, 9/f and 9/g on Sheet 9 of the rights of way and access plans.	New north and southbound access will be provided as part of the West Moor Junctions shown on Sheet 9 of the rights of way and access plans.
U3004 (access track between the A1 and Rock South Farm)	From grid reference 418466E; 618643N to 19166E; 618890N (measuring 759m in length), shown as 13/c and 14/a on Sheet 13 and 14 of the rights of way and access plans.	Rock South Farm access road will provide access to Rock South Farm, Work No. 30b on Sheets 13 and 14 of the works plans.
A1	From grid reference 417888E; 620033N to 417725E; 620553N (measuring 545m in length) shown as 15/g and 15/k on Sheet 15 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans.
A1	From grid reference 417718E; 620579N to 417670E; 620766N (measuring 200m in length) shown as 15/n and 15/o on Sheet 15 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 of the works plans.
A1	From grid reference 417548E; 621116N to 417350E; 612433N (measuring 375m in length) shown as 15/s and 16/j on Sheets 15 and 16 of the rights of way and access plans.	Realigned section of A1 dual carriageway between Rock Lodge and West Linkhall, Work Nos. 22a and 22b, Sheet 15 and 16 of the works plans.
B6347	From grid reference 417704E; 620440N to 417568E; 620490N (measuring 157m in length) shown as 15/q and 15/r on Sheet 15 of the rights of way and access plans.	Realigned section of B6347 single carriageway between Rock Lodge and Charlton Mires Junction 5B, Work Nos. 29a, 29c, 29d, Sheet 15 of the works plans.
B6341	From grid reference 417805E; 620140N to 417847E; 620156N (measuring 48m in length) shown as 15/l and 15/p on Sheet 15 of the rights of way and access plan.	Realigned section of B6341 to connect with B6347 (west) 5A single carriageway at Charlton Mire Junction, Work No.29a, Sheet 15 of the works plans.

PART 2

PUBLIC RIGHTS OF WAYS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1) Public right of way to be stopped up</i>	<i>(2) Extent of stopping up</i>	<i>(3) New highway to be substituted</i>
Permanent stopping up of existing Bridleway 407/010 leading to A1 slip road south of Warreners House.	From grid reference 418306E; 588422N to 418390E; 588433N (85m in length), shown as 1/h and 1/f on Sheet 1 of the rights of way and access plans.	A new public bridleway, from grid reference 418258E; 587956N on the Northgate Hospital Access Road, in a general northerly direction for a distance of 555 metres to grid reference 418389E; 588431N on existing bridleway 407/010, as shown between points PR 1/1 and PR 1/2 on Sheet 1 of the rights of way and access plans.
Permanent stopping up of existing Footpath 423/013 between Causey Park Road and The Oak Inn.	From grid reference 418738E; 594781N to 418349E; 595117N (574.9m in length) between points 6/d and 6/e on Sheet 6 of the rights of way and access plans.	Extension of public footpath 423/013 north parallel to the proposed A1 from grid reference 418738E; 594781N to 418825E; 595249N, on Causey Park Road for a distance of 522 metres, as shown between points PR 6/1 and PR 6/2 on Sheets 6 of the rights of way and access plans.
Permanent stopping up of existing Footpath 423/001 between Fenrother Burn and west of Tritlington First School.	From grid reference 418254E; 592131N to 418399E; 592243N (414.9m in length) points 4/e and 4/f on Sheet 4 of the rights of way and access plans.	A new public footpath, from grid reference 418398E; 592243N, in a general northerly direction for a distance of 343 metres to grid reference 418410E; 592580N, as shown between points PR 4/3 and PR 4/4 and a new public footpath, from grid reference 418252E; 592128N, in a general northerly direction for a distance of 494 metres to grid reference 418012E; 592399N, as shown between points PR 4/2 and PR 4/1 on Sheets 4 of the rights of way and access plans.
Permanent stopping up of existing Footpath 407/001, at the Floodgate Burn.	From grid reference 418544E; 591291N to 418589E; 591263N (57m in length) between points 3/f and 3/g on Sheet 3 of the rights of way and access plans.	Extension of public footpath 407/001 north parallel to the proposed A1 to detrunk A1 and existing public right of way route on Sheet 3 of the rights of way and access plans between points PR 3/2 and PR 3/3.
Permanent stopping up of	From grid reference 418553E;	Extension of public footpath

<i>(1)</i> <i>Public right of way to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted</i>
existing Footpath 407/001 east of Low Espley.	590915N to 418650E; 590925N (100m in length) between points 3/h and 3/i on Sheet 3 of the rights of way and access plans.	407/001 north parallel to the existing public right of way location on Sheet 3 of the rights of way and access plans between points 3/i and PR 3/1.
Permanent stopping up of existing Footpath 422/011, south of Bywell Road.	From grid reference 417569E; 597651N to 417575E; 597697N (length 46.7m) between points 8/e and 8/f on Sheet 8 of the rights of way and access plans.	Extension of public footpath 422/011 north parallel to the proposed A1 connecting to Bywell Road between points PR 8/1 and PR 8/2 on Sheet 8 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/009, north of River Coquet.	From grid reference 417435E; 599895N to 417486E; 599950N (92m in length) spanning the proposed A1 carriageway between points 9/j and 9/k on Sheet 9 of the rights of way and access plans.	A new public footpath, from grid reference 417435E; 599895N in a general easterly direction for a distance of 92 metres under the proposed A1 carriageway to grid reference 417486E; 599949N, as shown between points PR 9/3 and PR 9/4 on Sheet 9 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/016, west of A1 at Felton.	From grid reference 417391E; 600238N to 417425E; 600237N (34m in length) between points 10/a and 10/b on Sheet 10 of the rights of way and access plans.	A new public footpath, from grid reference 417391E; 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to grid reference 417649E; 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.
Permanent stopping up of existing Footpath 115/008, east of A1 at Felton.	From grid reference 417504E; 600266N to 417649E; 600256N (150m in length) between points 10/c and 10/d on Sheet 10 of the rights of way and access plans.	A new public footpath, from grid reference 417391E; 600238N in a general easterly direction for a distance of 352 metres under the proposed A1 carriageway to grid reference 417649E; 600256N, as shown between points PR 10/1 and PR 10/2 on Sheet 10 of the rights of way and access plans.
Permanent stopping up of existing Footpath 110/004 north of Broom House.	From grid reference 419211E; 615335N to 419466E; 615870N (595m in length) between points 11/b and 11/a on Sheet 11 of the rights of way and access plans.	A new public footpath, from grid reference 419211E; 615335N on existing public footpath 110/004, in a general northerly direction for a distance of 1010 metres to grid reference 418984E; 616286N, east of Heckley Cottage, as shown between points PR 11/1 and PR 12/1 on Sheets 11 and 12 of the rights of way and

<i>(1)</i> <i>Public right of way to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New highway to be substituted</i>
Permanent stopping up of existing Byway Open to All Traffic 110/013 and 129/022 from Heckley House to Broxfield Farm	From grid reference 418567E; 616159N to 420058E; 616712N (1613m in length) between points 12/f and 18/b on Sheet 12 of the rights of way and access plans.	access plans. A new bridleway from grid reference 418567E; 616159N on the B6341, in a general easterly direction for a distance of 738 metres to grid reference 419250E; 616412N, as shown between points PR 12/3 and PR 12/2 on Sheet 12 of the rights of way and access plans. A new byway open to all traffic, from grid reference 418401E; 617323N on the existing road B8341 west of Heckley Fence, in a general easterly direction for a distance of 1713 metres to grid reference 419964E; 617513N on existing Byway 129/023, north of Broxfield, as shown between points PR 13/1 and PR 13/3 on Sheets 12 and 13 of the rights of way and access plans.
Permanent stopping up of existing Footpath 129/004 east of Rock Lodge	From grid reference 417914E, 620040N to 418062E, 620196N (226m in length) between points 15/j and 15/f on Sheet 15 of the rights of way and access plans.	A new public footpath, from grid reference 418067E, 620194N on the existing footpath 129/004, in a general northerly direction for a distance of 742 metres to grid reference 418067E, 620194N on B6347, east of Charlton Mires Junction, as shown between points PR 15/2 and PR 15/1 on Sheet 15 of the rights of way and access plans.

PART 3

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

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New private means of access to be substituted</i>
Private means of access from West Moor Road to West Moor House.	Access located at grid reference 417273E; 598730N on Sheet 9 of the rights of way and access plans.	New private means of access to be created (9/A) as part of the new highways (side road network) Work No. 16g on Sheet 9 of the rights of way and access plans, reference

<i>(1) Private means of access to be stopped up</i>	<i>(2) Extent of stopping up</i>	<i>(3) New private means of access to be substituted</i>
Private means of access from Warreners House to existing field network.	Access located at grid reference 418250E; 588934N, (1/a) on Sheet 1 of the rights of way and access plans.	point 9/c. New private means of access (PA 2/1) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.
Private means of access from Northgate House (demolished) to A1, east as the only mean of access to highway network.	Access located at grid reference 418211E; 588632N (1/c) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/4) to be created as part of the new highways (side road network) Work No. 6 on Sheet 1 of the rights of way and access plans.
Private means of access from Northgate House (demolished) to A1, east as the only mean of access to highway network.	Access located at grid reference 418212E; 588668N (1/b) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/4) to be created as part of the new highways (side road network) Work No. 6 on Sheet 1 of the rights of way and access plans.
Private means of access from Northgate Farm to A1, west as the only mean of access to highway network.	Access located at grid reference 418241E; 588639N (1/d) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/3) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.
Private means of access from Warreners House to A1, west as the only mean of access to highway network.	Access located at grid reference 418238E; 588544N (1/e) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/2) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.
Private means of access from Warreners House to A1, west as the only mean of access to highway network.	Access located at grid reference 418390E; 588434N (1/f) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/2) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.
Private means of access from Warreners House to A1, west as the only mean of access to highway network.	Access located at grid reference 418263E; 588330N (1/g) on Sheet 1 of the rights of way and access plans.	New private means of access (PA 1/1) to be created as part of the new highways (side road network) Work No. 5a on Sheet 1 of the rights of way and access plans.
Private means of access between the field network to A1, west, is the only means of access to highway network.	Access located at grid reference 418470E; 590264N (2/a) on Sheet 2 of the rights of way and access plans.	New private means of access (PA 2/2) to be created as part of the new highways (side road network) Work No. 8c on Sheet 2 of the rights of way and access plans.
Private means of access from Beacon Hill and Hebron Hill to A1, west as the only mean of access to highway network.	Access located at grid reference 418486E; 590182N (2/b) on Sheet 2 of the rights of way and access plans.	New private means of access (PA 2/1) to be created as part of the new highways (side road network) Work No. 8g on

<i>(1) Private means of access to be stopped up</i>	<i>(2) Extent of stopping up</i>	<i>(3) New private means of access to be substituted</i>
Private means of access from Strafford House to A1, east, as the only mean of access to highway network removed.	Access located at grid reference 418352E; 589554 (2/f) on Sheet 2 of the rights of way and access plans.	Sheet 2 of the rights of way and access plans. New private means of access (PA 2/4) to be created as part of the new highways (side road network) Work No. 8j on Sheet 2 of the rights of way and access plans.
Private means of access from Low Espley to A1, west as the only mean of access to highway network.	Access located at grid reference 418533E; 590912N (3/b) on Sheet 3 of the rights of way and access plans.	New private means of access (PA 3/2) to be created as part of the new highways (side road network) Work No. 8c on of Sheets 2 & 3 the rights of way and access plans.
Private means of access between the field network to Beacon Hill, east, is the only means of access to highway network.	Access located at grid reference 418549E; 590575N (3/c) on of Sheet 3 the rights of way and access plans.	New private means of access (PA 3/1) to be created as part of the new highways (side road network) Work No. 8g on Sheets 2 & 3 of the rights of way and access plans.
Private means of access between the New Houses Farm and Causey Park Road to the north.	Access located at grid reference 418599E; 594215N (5/a) on Sheet 5 and Sheet 6 of the rights of way and access plans.	New private means of access (PA 5/2) to be created as part of the new highways Work No. 11a on Sheet 5 & 6 of the rights of way and access plans.
Private means of access between the Blackwood Hall and the existing road network.	Access located at grid reference 417460E; 598163N (8/a) on Sheet 8 of the rights of way and access plans.	New private means of access (PA 8/3) to be created as part of the new highways boundary Work No. 16b on Sheet 8 of the rights of way and access plans.
Private means of access stopped up on public right of way 422/011.	Access point 8b located at grid reference 417465E; 597838N, on Sheet 8 of the rights of way and access plans.	New 422/011 public right of way alignment to be created, listed as Work No.16a on Sheet 8 of the rights of way and access plans.
Private means of access stopped up on public right of way 115/009.	Access point 8c located at grid reference 417467E; 597829N, on Sheet 8 of the rights of way and access plans.	New 115/009 public right of way alignment to be created, shown on Sheet 9 of the rights of way and access plans.
Private means of access stopped up on public right of way 115/016 near Duke's Bank Wood.	Access located between grid references 417391E; 600238N (10/a) and 417425E; 600237N (10/b) (34m in length) on Sheet 10 of the rights of way and access plans.	New 115/016 Public right of way alignment to be created (PR 10/1 – PR 10/2), shown on Sheet 10 of the rights of way and access plans.
Private means of access stopped up on public right of way 115/008 near Duke's Bank Wood.	Access located between grid references 417504E; 600266N and 417649E; 600256N (149.4m in length) on Sheet 10 of the rights of way and access plans.	New 115/008 public right of way alignment to be created (PR 10/1 – PR 10/2), shown on Sheet 10 of the rights of way and access plans.

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New private means of access to be substituted</i>
Private means of access from Heckley Cottage to Broxfield.	Access located at grid reference 419266E; 617419N on Sheet 12 of the rights of way and access plans. (Point 12/a)	New private means of access to be created (PA 12/1) as part of the new highways (side road network) Work No 21a and 26b on Sheet 12 of the rights of way and access plans.
Private means of access from Heckley Fence to Broxfield.	Access located at grid reference 418936E; 617293N on Sheet 12 of the rights of way and access plans. (Point 12/b)	New private means of access to be created as part of Work No. 27.
Private means of access from the A1 to Broxfield.	Access located at grid reference 418975E; 617311N on Sheet 12 of the rights of way and access plans. (Point 12/c)	New private means of access to be created as part Work No. 27.
Private means of access from Heckley Fence to Broxfield.	Access located at grid reference 418969E; 617303N on Sheet 12 of the rights of way and access plans. (Point 12/d)	New private means of access to be created as part of Work No. 27.
Private means of access from the A1 to Broxfield.	Access located at grid reference 419286E; 616429N on Sheet 12 of the rights of way and access plans. (Point 12/e)	New private means of access to be created (PA 11/1) as part of the new highways (side road network) Work No. 25b on Sheet 11 of the rights of way and access plans.
Private means of access from Rock South Farm and Black Plantation.	Access located at grid reference 418438E; 618627N on Sheet 13 of the rights of way and access plans. (Point 13/b)	New private means of access to be created (PA 13/2) as part of the new highways (side road network) Work No. 28 on Sheet 13 of the rights of way and access plans.
Private means of access from A1 to field network north of Rock Nab.	Access located at grid reference 417709E; 620550N on Sheet 15 of the rights of way and access plans. (Point 15/a)	New private means of access to be created (PA 15/1) as part of the new highways (side road network) Work No. 29a on Sheet 15 of the rights of way and access plans.
Private means of access from A1 to field network west of Charlton Mire Junction.	Access located at grid reference 417689E; 620647N on Sheet 15 of the rights of way and access plans. (Point 15/b)	New private means of access to be created (PA 15/7) as part of the new highways (side road network) Work No. 29h on Sheet 15 of the rights of way and access plans.
Private means of access from Patterson Cottage and West Linkhall.	Access located at grid reference 417521E; 621177N on Sheet 15 of the rights of way and access plans. (Point 15/e)	New private means of access to be created (PA 15/7) as part of the new highways (side road network) Work No. 29h on Sheet 15 of the rights of way and access plans.
Private means of access from Rock Midstead and Rock	Access located at grid reference 418067E; 620194N	New private means of access to be created (PA 15/5) as part of

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New private means of access to be substituted</i>
Lodge. Private means of access from Rock Midstead and Rock Lodge.	on Sheet 15 of the rights of way and access plans. (Point 15/f) Access located at grid reference 417901E; 620046N on Sheet 15 of the rights of way and access plans. (Point 15/h)	the new highways Work No. 21b on Sheet 15 of the rights of way and access plans. New private means of access to be created (15/C) as part of the new highways Work No. 21a and 21b on Sheet 15 of the rights of way and access plans.
Private means of access from Westlink Hall and East Linkhall.	Access located at grid reference 417342E; 621437N on Sheet 16 of the rights of way and access plans. (Point 16/b)	New private means of access to be created (PA 16/2 and PA 16/3) as part of the new highways (side road network) Work No 29h on Sheet 16 of the rights of way and access plans.
Private means of access from A1 to field network north of West Linkhall.	Access located at grid reference 417205E; 621664N on Sheet 16 of the rights of way and access plans. (Point 16/c)	New private means of access to be created (PA 16/3) as part of the new highways (side road network) Work No. 22a/23a on Sheet 16 of the rights of way and access plans.
Private means of access from A1 to field network north Shipperton Burn.	Access located at grid reference 416974E; 622299N on Sheet 16 of the rights of way and access plans. (Point 16/d)	New private means of access to be created (PA 16/3) via existing North Charlton Junction as part of the new highways (side road network) Work No. 23a on Sheet 16 and 17 of the rights of way and access plans.
Private means of access from A1 to field network north Shipperton Burn.	Access located at grid reference 417015E; 622420N on Sheet 16 of the rights of way and access plans. (Point 16/e)	New private means of access to be created (PA 16/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.
Private means of access from A1 to field network north Shipperton Burn.	Access located at grid reference 417031E; 622134N on Sheet 16 of the rights of way and access plans. (Point 16/f)	New private means of access to be created (PA 16/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.
Private means of access from East Linkhall to West Lodge.	Access located at grid reference 417173E; 621781N on Sheet 16 of the rights of way and access plans. (Point 16/g)	New private means of access to be created (PA 16/4 and PA 15/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of the rights of way and access plans.
Private means of access from East Linkhall to Charlton Mire Junction.	Access located at grid reference 417284E; 621406N on Sheet 16 of the rights of way and access plans. (Point 16/h)	New private means of access to be created (PA 16/4 and PA 15/4) as part of the new highways (side road network) Work No. 29l on Sheet 16 of

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New private means of access to be substituted</i>
Private means of access from West Linkhall to the existing A1.	Access located at grid reference 417471E; 621258N on Sheet 16 of the rights of way and access plans. (Point 16/i)	the rights of way and access plans. New private means of access to be created (PA 16/1) as part of the new highways (side road network) Work No. 29h on Sheet 16 of the rights of way and access plans.

PART 4

PUBLIC RIGHTS OF WAY TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS NOT TO BE PROVIDED

<i>(1)</i> <i>Public right of way to be stopped up</i>	<i>(2)</i> <i>Extent of stopping up</i>
Permanent stopping up of existing Footpath 423/006 west of Tindale Hill.	From grid reference 417751E; 593145N to 418518E; 593449N for a length of 828m shown as between points 5/e and 5/f on Sheet 5 of the rights of way and access plans.
Permanent stopping up of existing Footpath 423/007 between New Houses Farm and Earsdon Moor Farm.	From grid reference 418347E; 593794N to 418900E; 593481N for a length of 793m shown as between points 5/c and 5/d on Sheet 5 of the rights of way and access plans.
Permanent stopping up of existing Footpath 129/013 west of Broxfield.	From grid reference 419846E; 616687N to 420079E; 617048N for a length of 425m shown as between points 12/g and 18/a on Sheets 12 and 18 of the rights of way and access plans.
Permanent stopping up of existing Footpath 129/014 and 110/004 between access south of Broxfield.	From grid reference 419495E; 615921N to 4197328E; 616662N for a length of 791.1m shown as between points 11c and 12h on Sheets 11 and 12 of the rights of way and access plans.
Permanent stopping up of existing byway open to all traffic 129/022 west of Broxfield.	From grid reference 419295E; 616432N to 19846E; 616687N for a length of 825.9m shown as between points 12f and 18b on Sheets 12 and 18 of the rights of way and access plans.
Permanent stopping up of existing Footpath 110/003 and 129/009 south of Rock South Farm.	From grid reference 419162E; 618882N to 418670E; 618091N for a length of 971m shown as between points 14/a, 13/e and 13/d on Sheets 13 and 14 of the rights of way and access plans.
Permanent stopping up of existing Footpath 129/024 south of Rock Lodge	From grid reference 417814E; 619943N, south of Rock Lodge, in a north-easterly direction for a distance of 110 metres, to grid reference 417892E; 620021N, at the western boundary of the existing A1 road, between points 15/m and 15/i on Sheet 15 of the rights of way and access plans.

PART 5

PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS NOT TO BE PROVIDED

<i>(1)</i> <i>Private means of access to be stopped up</i>	<i>(2)</i> <i>Location of stopping up</i>
Permanent stopping up of existing private access point (13/a).	Access located west of Broxfield at grid reference 418763E; 617812N on Sheet 13 of the rights of way and access plans. (Point 13/a).
Permanent stopping up of existing private access point (13/c).	Access located at Rock South Farm, grid reference 418466E; 618643N on Sheet 13 of the rights of way and access plans. (Point 13/c).
Permanent stopping up of existing private access point (15/c).	Access located at Charlton Mires Junction, grid reference 417708E; 620649N on Sheet 15 of the rights of way and access plans. (Point 15/c).
Permanent stopping up of existing private access point (15/d).	Access located at Charlton Mires Junction, grid reference 417702E; 620690N on Sheet 15 of the rights of way and access plans. (Point 15/d).
Permanent stopping up of existing private access point (15/g).	Access located at Rock Midstead and Rock Lodge, grid reference 417888E; 620033N on Sheet 15 of the rights of way and access plans. (Point 15/g).

SCHEDULE 5

Article 16

PUBLIC RIGHTS OF WAY TO BE TEMPORARILY PROHIBITED AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

Note: Except for the first entry (Low Espley), the extent of the temporary prohibitions on vehicular traffic and pedestrians set out in the table in this Schedule are identified on the relevant sheet of the rights of way and access plans as “public right of way (public footpath) to be stopped up”.

<i>(1) Public right of way to be temporarily stopped up</i>	<i>(2) Extent of temporary prohibition</i>	<i>(3) New public right of way to be substituted</i>
Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/018 (Low Espley).	North western end of public right of way 407/018 stopped up at grid reference 418548E, 590575N (3/c) as it intercepts the order limits on Sheet 3 of rights of way and access plans.	Diverted early in construction phase onto new permanent alignment route from grid reference 418548E, 590575N (3/c), on Sheet 3 of the rights of way and access plans.
Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/001 (Floodgate Wood – B).	Between grid references 418544E, 591291N (3/f) and 418589E, 591263N (3/g) on Sheet 3 of rights of way and access plans for a distance of 57m.	Diverted early in construction phase onto new permanent alignment route from point PR 3/2 to point PR 3/3 on Sheet 3 of the rights of way and access plans.
Temporary prohibition of vehicular traffic and pedestrians over public right of way 407/002 (Floodgate Wood – C).	Between grid references 418553E, 590915N (3/h) and 418650E, 590925N (3/i) on Sheet 3 of rights of way and access plans for a distance of 100m.	Diverted early in construction phase onto new permanent alignment route from point PR 3/2 to point PR 3/3 new route, on Sheet 3 of the rights of way and access plans.
Temporary prohibition of vehicular traffic and pedestrians over public right of way 423/001 (Fenrother).	Between grid references 418399E, 592243N (4/f) and 418254E, 592131N (4/e) on Sheet 4 of rights of way and access plans for a distance of 414.9m.	Diverted early in construction phase onto new permanent alignment from point PR 4/1 to point PR 4/2 west of A1, and point PR 4/3 to point PR 4/4 east of A1 via new footpath at Fenrother Junction, on Sheet 4 of the rights of way and access plans.
Temporary prohibition of vehicular traffic and pedestrians over public right of way 422/011 (Burgham Park).	Between grid references 417569E, 597651N (8/e) and 417575E, 597697N (8/f) on Sheet 8 of rights of way and access plans for a distance of 46.7m.	Diverted early in construction phase onto new permanent alignment route from point PR 8/1 to point PR 8/2 on Sheet 8 of the rights of way and access plans.
Temporary prohibition of vehicular traffic and pedestrians over public right of way 115/009 (River Coquet North).	Between grid references 417435E, 599895N (9/j) and 417486E 599949N (9/k) on Sheet 9 of the rights of way and access plans for a distance of 87.2m.	To be diverted at start of works and closed during subway extension works, diversion route from point PR 9/3 to point PR 9/4, Felton at start of works and diverted through Parkwood Subway on Sheet 9

<i>(1) Public right of way to be temporarily stopped up</i>	<i>(2) Extent of temporary prohibition</i>	<i>(3) New public right of way to be substituted</i>
Temporary prohibition of vehicular traffic and pedestrians over public right of way 115/016 and 115/008 (Parkwood Subway).	Between grid references 417391E, 600238N (10/a) and 417425E, 600238N (10b) for a distance of 34m and between grid references 417504E, 600266E (10/c) and 417649E 600256N (10/d) for a distance of 149.4m in length all on Sheet 10 of rights of way and access plans.	of the rights of way and access plans. To be diverted at the start of works and closed during subway extension works, diversion route from point PR 10/1 to point 10/2 on Sheet 10 of the rights of way and access plans.

SCHEDULE 6

Article 30

LAND IN RESPECT OF 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 or ancillary works</i>
Land Plans – Sheet 1		
1/4b	The construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Access required by utility provider to divert gas, electrical, water lines.	Work No. 1a
1/8b	The improvement of West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9 no. parking spaces, realignment of turning circle. Access required by utility provider to divert gas main.	Work No. 5a
Land Plans – Sheet 2		
2/9d	Construction of new culvert 75m in length. Access for maintenance of structures.	Work No. 7
2/3c, 2/4b	The construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Access to diverted utilities (gas, water, electricity).	Work No. 1a
2/15b, 2/1c	Construction of new access track 1450m in length for maintenance of detention basin. Access to diverted utilities (gas).	Work No. 8c
2/17a	Construction of new access track 870m in length for maintenance of drainage swale. Potential access to private property.	Work No. 8g
2/14b	Widening and resurfacing of Hebron Road as part of Highlaws Junction. Access to diverted utility (electrical).	Work No. 8h
2/11c	Construction of new access	Work No. 8j

<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 or ancillary works</i>
2/2b	275m in length for private access. Access to diverted utility (electrical). Alteration and alignment of High Highlows Road to create single carriageway 2 lane connection to Highlows Junction retaining existing road for access 240m in length (Break out of carriageway).	Work No. 8b
Land Plans – Sheet 3		
3/1a, 3/6a, 3/5a, 3/2a	Construction of new access track 1450m in length for maintenance of detention basin. Vehicle access to diverted utilities (gas).	Work No. 8c
3/10b	Construction of new access track 870m in length for maintenance of drainage swale. Access for maintenance of badger fencing.	Work No. 8g
Land Plans – Sheet 4		
4/6b	Construction of slip road single lane carriageway for northbound on-access to the A1 from Fenrother Junction 220m in length and construction of new access 499m in length for private access.	Work No. 9b, 9e
4/20b, 4/23a	Construction of 2 no. lane road single carriageway for Fenrother free flow link road 685m in length from Fenrother Lane East to detrunked A1 for local access and detrunked section of old A1 crossing the River Lyne to Fenrother Lane East (realigned) 1166m in length. Access for maintenance of structures.	Work No. 10, 9i
Land Plans – Sheet 5		
5/1c	Construction of an access track from Causey Park Road to New House Farm 1363m in length. Access to Badger Fencing.	Work No. 11a
Land Plans – Sheet 6		
6/2c, 6/2s, 6/2x, 6/2t	Diversion of National Grid Feeder 13 High Pressure gas main under the (new) A1	Work No. 12a

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which rights over land may be acquired</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
6/2c	carriageway 30m in length. Construction of access track from Causey Park Road to private land 191m in length.	Work No. 11b
6/2e	Construction of an access track from Causey Park Road to New House Farm 1363m in length and Diversion of National Grid Feeder 13 High Pressure gas main under the (new) A1 carriageway 30m in length.	Work No. 11a and Work No. 12a
6/4b	Diversion underground of Northern Power Grid Line, 1377m in length and Northern Gas Network Medium Pressure gas main 1233m in length.	Work No. 12b
6/2o	Construction of an access track from Causey Park Road to New House Farm 1363m in length.	Work No. 11a
Land Plans – Sheet 7		
7/10h	The construction of new northbound carriageway of the A1 dual carriageway 6896m in length. Access to diverted utility (gas).	Work No. 2b
7/7b	Construction of Burgham Park Underbridge. Access for the maintenance of structures.	Work No. 14
7/10c, 7/15b	The construction of new northbound carriageway of the A1 dual carriageway 6894m in length and construction of new culvert 77m in length. Access to diverted utility (gas) and access to watercourse diversion.	Work No. 13, 2a
7/7a	The construction of new northbound and southbound carriageway of the A1 dual carriageway 6894m in length. Access for maintenance of fence.	Work No. 2a, 2b
7/10g, 7/15a	The construction of new northbound carriageway of the A1 dual carriageway 6894m in length and construction of access track from Causey Park Road to private land 191m in length. Access to existing utility (gas) and drainage	Work No. 2a, 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 or ancillary works</i>
7/15f	feature. The construction of new northbound carriageway of the A1 dual carriageway 6896m in length. Access to diverted utility (electrical).	Work No. 2b
Land Plans – Sheet 8		
8/1d, 8/2c, 8/5b, 8/3c, 8/5c, 8/10a, 8/16b	The construction of new northbound carriageway of the A1 dual carriageway 6896m in length, construction of new culvert and construction of new access 242m in length for private access off Bywell Road. Access to diverted utility (gas).	Work No. 16a, 2b, 15
8/17a	Construction of new culvert 76m in length. Access for maintenance of structures.	Work No. 15
Land Plans – Sheet 9		
9/21c, 9/20c	Construction of new access 954 in length off Felton Road for maintenance of detention basin. Access for maintenance of structure.	Work No. 16h
9/1c, 9/8a	Alteration and alignment of West Moor Road to create single carriageway 2 lane connection to West Moor Junction, construction of West Moor Junction single span overbridge and slip road single lane carriageway for northbound on-access to the A1 from West Moor Junction. The construction of new northbound carriageway of the A1 dual carriageway. Access to Environmental Mitigation Area, utility diversion (electricity) and drainage pipe and outfall.	Work No. 16d, 16e, 16f, 3a
9/1d	Construction and access rights to new outfall from detention basin. Access rights required to Environmental Mitigation Area.	Work Nos. 3a, 3b
9/6o, 9/6n, 9/6l, 9/6j, 9/6i, 9/6h, 9/6d, 9/2iii	The alteration of the existing River Coquet bridge to carry northbound traffic on 2 no. lanes in a single carriageway 230m. Access to bridge	Work No. 3a

<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 or ancillary works</i>
9/6d, 9/12a, 9/12b, 9/12c, 9/6p	structure. Construction of the River Coquet bridge, southbound carriageways, in parallel to the eastern side. Access to bridge structure.	Work No. 3b
9/12a, 9/12b, 9/129/	The construction of the River Coquet bridge piers and access areas.	Work No. 4
9/13ii	The construction of the River Coquet bridge piers, scour protection. Access for maintenance of bridge and scour protection.	
Land Plans – Sheet 10		
10/1d, 10/3a	Construction of new culvert 137m in length. Access for maintenance of structures.	Work No. 19
10/2c, 10/1b	The alteration of the existing River Coquet bridge to carry northbound traffic on 2 no. lanes in a single carriageway and construction of new northbound carriageway of the A1 dual carriageway. Access to bridge structure.	Work No. 3a
10/10a, 10/11a, 10/11, 10/9a, 10/2m, 10/2l	Extension of Parkwood Subway. Access to drainage pipe, drainage tank, culvert and River Coquet bridge.	Work No. 18
10/5e, 10/1o	Construction of new culvert 137m in length. Access to drainage pipe.	Work No. 19
Land Plans – Sheet 11		
11/1g, 11/1j, 11/1l	Construction and maintenance access for realignment of 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24
11/4f	Construction and access rights to new outfall from detention basin.	Work No. 21b (Ancillary Works)
11/1a	Creation of new public right of way.	Work No. 26 (Ancillary Works)
11/1h	Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24 (Ancillary Works)
Land Plans – Sheet 12		
12/1a, 12/2a, 12/3a	Construction of new maintenance access track to detention basin (662m in length).	Work No. 26

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which rights over land may be acquired</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
12/3s 12/3y, 12/3dd	Construction and maintenance access for realignment of 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24
12/3ff, 12/3gg, 12/3hh, 12/3ii, 12/3m, 12/3t, 12/3n, 12/3x, 12/3dd, 12/3bb, 12/dd, 12/3ee 12/4a	Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm. Access rights over new maintenance access track to detention basin.	Work No. 24 (Ancillary Works) Work No. 26 (Ancillary Works)
12/3cc	Creation of new byway. Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 27 (Ancillary Works)
12/3b, 12/3c, 12/3d	Creation of new byway.	Work No. 27 (Ancillary Works)
12/3k	Creation of new bridleway.	Work No. 26 (Ancillary Works)
Land Plans – Sheet 13		
13/1a, 13/1b, 13/1c	Access rights over new maintenance access track to detention basin.	Work No. 21a, 28 (Ancillary Works)
13/1d, 13/1k, 13/5a	Creation of new public right of way.	Work No. 11a (Ancillary Works)
13/1f	Creation of new byway.	Work No. 27 (Ancillary Works)
13/1p	Creation of new byway. Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24
14/4i	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm. Stopping up of local access and construction of turnaround.	Work No 24.
13/2c, 13/6b, 13/5d, 14/1f, 14/4e, 13/1n	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24
13/1h	Access rights over utility diversion.	Work No. 27 (Ancillary Works)
Land Plans – Sheet 14		
14/4e, 14/4j, 14/6c	Access rights associated with stopping up of existing access road.	Work No. 24, 30b (Ancillary Works)
14/6b	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm. Stopping up of local	Work No. 24

<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 or ancillary works</i>
	access and construction of turnaround. Access rights associated with stopping up of existing access road.	
Land Plans – Sheet 15		
15/4f, 5/24b	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24
15/1e, 15/1g, 15/23e	Access to traffic sign.	Work No. 29c, 29k (Ancillary Works)
15/24d, 15/24e, 15/26c 15/27a, 15/18h	Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24 (Ancillary Works)
15/1j	Construction and access rights over utility diversion.	Work No. 29c, 29e, 29g, 29h (Ancillary Works)
15/6b, 15/6c, 5/6e	Construction and access rights over new outfall from detention basin.	Work No. 24, 31 (Ancillary Works)
15/18c	Creation of new public right of way. Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24 (Ancillary Works)
15/24c	Creation of new public right of way.	Work No. 24 (Ancillary Works)
Land Plans – Sheet 16		
16/1a,	Access rights to and over utility diversion.	Work No. 23a, 35 (Ancillary Works)
16/3ee, 16/3y, 16/3z, 16/5a	Construction and access rights over new agricultural track and utility diversion.	Work No. 32
16/3i, 16/3j, 16/3k, 16/4b, 16/4d	Construction and access rights over utility diversion.	Work No. 23b (Ancillary Works)
16/5e	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24 (Ancillary Works)
16/9e, 16/10b	Environmental mitigation works.	Work No. 23b, 24 (Ancillary Works)
16/3h, 16/5g, 16/11a	Realignment and access rights over 66kV electrical cable to service the Middlemoor Wind Farm and other utility diversions.	Work No. 4
Land Plans – Sheet 17		
7/2a, 17/5a, 17/6b, 17/6g	Construction and access rights over utility diversion.	Work No. 23a, 23b (Ancillary Works)
Land Plans – Sheet 18		
18/3b, 18/2b, 18/3a, 18/2a, 18/1a	Access rights to the 66kV electrical cable to service the Middlemoor Wind Farm.	Work No. 24, 27, 21b (Ancillary Works)

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which rights over land may be acquired</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
	<p>Access required for the construction of Heckley Fence Overbridge and associated ramps over the widened A1 (330m in length)</p> <p>Access required for the construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge</p>	

**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 the imposition of a restrictive covenant as they apply in respect of compensation on the compulsory purchase of land and interests in land.

2. 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 purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act^(a) (as modified by paragraph 5(5) of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) to the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024);
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) to the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where 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^(b) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection)^(c), 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”.

(a) Section 5A was inserted by section 103 of the Planning and Compulsory Purchase Act 2004 (c. 5) and amended by section 199(2) of, and paragraph 9 of Schedule 18 to, the Housing and Planning Act 2016. There are other amendments to section 5A which are not relevant to this Order.

(b) 1973 c. 26.

(c) There are amendments to section 44 which are not relevant to this Order.

Application of Part 1 of the 1965 Act

4.—(1) Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 32 (modifications of Part 1 of the 1965 Act)) to the acquisition of land under article 27 (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 30 (compulsory acquisition of rights and imposition of restrictive covenants)—

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

5.—(1) The modifications referred to in paragraph 4(1)(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 restrictive covenant imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restrictive covenant 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 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(a) (powers of entry) of the 1965 Act is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 27), 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—

- (a) 11A(b) (powers of entry: further notices of entry);
- (b) 11B(c) (counter-notice requiring possession to be taken on specified date);

(a) 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 and S.I. 2009/1307.

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

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

(c) 12(a) (penalty for unauthorised entry); and
(d) 13(b) (entry on warrant in the event of obstruction) of the 1965 Act,
are modified correspondingly.

(6) Section 20(c) (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.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 32(3) 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, 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

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 33 (application of the 1981 Act) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 in respect of the land to which the notice to treat relates.

(2) But see article 34(3) (acquisition of subsoil and airspace only) of the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 which excludes the acquisition of subsoil or airspace only from this Schedule.

2. 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.

(a) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).
(b) 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 Tribunals, Courts and Enforcement Act 2007 (c. 15).
(c) Section 20 was amended by section 70 of, and paragraph 4 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

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 decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the acquiring authority does 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 serves 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.

Determination by 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 its 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 withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”.

SCHEDULE 8

Article 36

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Plot Reference Number shown on Land Plans</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development or ancillary works</i>
Land Plans - Sheet 1		
1/4d	Construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction. Temporary land take required to facilitate construction activities.	Work No. 1a
1/4a	Topsoil storage of construction of new northbound carriageway of the A1 dual carriageway from Warreners House Junction to Highlaws Junction and alteration of existing A1 to provide southbound dual carriageway from Warreners House Junction to Highlaws Junction.	Work No. 1a, 1b
1/9a, 1/10a, 1/11b, 1/11a, 1/12a, 1/13a, 1/9c	Construction of new access track 832m in length to the north of the West View turning circle, new access track 150m in length to Warreners House and new access track 326m in length to private land.	Work No. 5b, 5c and 5d
1/8a, 1/8c, 1/8d	Construction works for improvement of West View, to include alteration for a new footpath to the east side and new pavement 183m in length with inclusion of 9 no. parking spaces, realignment of turning circle.	Work No. 5a
Land Plans - Sheet 2		
2/17c	Construction of new access track 870m in length for maintenance of drainage swale and widening and resurfacing of Hebron Road. Access to private property and construction access to divert utility (telecom).	Work No. 8g, 8h
2/1e	Construction of new northbound carriageway of the A1 and alteration of existing	Work No. 1a, 1b

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
2/1d	A1 dual carriageway from Warreners House Junction to Highlaws and temporary land take required to facilitate construction activities, top soil storage.	Work No. 8c
2/1a	Construction of new access track 1450m in length for maintenance of detention basin. Access to divert utilities (electricity).	Work No. 8b
2/14c	Alteration and alignment of High Highlaws Road. Access for fencing construction.	Work No. 8h
2/9b, 2/9e, 2/11b, 2/8b	Access to divert utilities (electricity).	Work No. 8h
2/11d, 2/11h, 2/11f, 2/11e	The alteration of existing A1 to provide southbound dual carriageway from Warreners House Junction to Highlaws.	Work No. 1b
2/18b	Construction of slip road single lane carriageway for southbound on-access to the A1. Access track to private properties.	Work No. 8j
2/7b	Widening and resurfacing of Hebron Road as part of Highlaws Junction.	Work No. 8h
2/3a, 2/4a	Construction of new access track 326m in length to private land.	Work No. 5d
Land Plans - Sheet 3	Construction of new northbound carriageway of the A1 dual carriageway.	Work No. 1a
3/11g	Course of the River Lyne, running east/west under the proposed existing bridge structure.	Work No. 10a
3/15a	Detrunked section of old A1 crossing the River Lyne to Fenrother Lane East.	Work No. 10a
3/13b	Maintenance access track. Construction of new northbound carriageway of the A1 dual carriageway. Area for associated environmental mitigation.	Work No. 2b
3/1b	Construction of new access track 1450m in length for maintenance of detention basin. Access to diverted	Work No. 8c

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
3/10c	utilities (gas). Construction of new access track off Hebron Road to private properties and land.	Work No. 8g
Land Plans - Sheet 4		
4/5b, 4/6a	Construction of new access 499m in length for private access. Access to private property.	Work No. 9e
4/7a	Alteration and alignment of Fenrother Lane West to create single carriageway 2 lane connection. Temporary construction area for realignment works.	Work No. 9b
4/9c, 4/5e, 4/21a	Construction of new northbound carriageway of the A1 dual carriageway, Construction of slip road single lane carriageway for southbound off-access to Fenrother Junction and 2 no. lane road single carriageway for Fenrother. Temporary land take required to facilitate construction activities.	Work No. 2b, 9i, 9f
4/23b	Detrunked section of old A1 from Portland House to Bockenfield Bridge.	Work No 10b
4/20a, 4/11g, 4/17a, 4/16a, 4/15a, 4/12b	Detrunked section of old A1 crossing the River Lyne to Fenrother Lane East.	Work No. 10a
4/11a	Temporary Construction of 2no. lane road single carriageway for Fenrother.	Work No. 9i
4/5a, 4/8a	Construction of new access 195m in length for private access. New access track off Fenrother Lane (West) to private land.	Work No. 9a
4/1a, 4/4a, 4/2a/ 4/3a	Alteration and alignment of Fenrother Lane West to create single carriageway 2 lane connection. Alteration and alignment of Fenrother Lane West.	Work No. 9b
4/4b, 4/8b, 4/8d, 4/11c, 4/11d	Construction of new northbound and southbound carriageway of the A1 dual carriageway. Access to diverted utility (electricity).	Work No. 2a, 2b

Land Plans - Sheet 5

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
5/1d, 5/1f, 5/1h	Construction of an access track from Causey Park Road to New Houses Farm. Access to attenuation basin.	Work No. 11a
5/10a	Detrunked section of old A1 from Portland House to Bockenfield Bridge. Detrunking of section of old A1.	Work No.10b
5/1g, 5/7a, 5/3c, 5/6b, 5/4c, 5/8b	Construction of new southbound carriageway.	Work No. 2b
5/1a, 5/3a, 5/4a, 5/5a	Construction of new northbound carriageway and an access track from Causey Park Road to New Houses Farm. Temporary work on access to diverted utility (electricity).	Work No. 11a, 2a
Land Plans - Sheet 6		
6/2i, 6/2d, 6/2f, 6/2l, 6/2k, 6/2n	Construction of access track from Causey Park Road to private land. Access to detention basin.	Work No. 11b
6/2j	Construction of new southbound carriageway and access track from Causey Park Road to private land. Access to diverted utility (electrical).	Work No. 2a, 11b
6/2h, 6/2q	Construction of an access track from Causey Park Road to New Houses Farm. Access to detention basin and badger fencing.	Work No. 11a
6/2b	Construction of an access track from Causey Park Road to New Houses Farm and diversion of National Grid gas main. Access to diverted.	Work No. 12a, 11a
6/4d	Diversion underground of electrical line 1377m in length and gas main 1233m in length. Access to diverted utility (electrical and gas).	Work No. 12b
6/2v, 6/4c	Diversion underground of electrical line 1377m in length and gas main 1233m in length. Access required for utility diversion (electrical and gas).	Work No. 12b
6/7a, 6/8a, 6/9a, 6/10b, 6/14a, 6/13a	Detrunked section of old A1 from Portland House to Bockenfield Bridge.	Work No. 10b
6/2r, 6/12a, 6/2y	Diversion underground of electrical line 1377m in length	Work No. 12b

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
6/2u	and gas main 1233m in length. Access to diverted utilities (gas and electrical). Diversion underground of electrical line, including under the A1 and gas main.	Work No. 12a, 12b
Land Plans - Sheet 7		
7/11a, 7/11b	Detrunked section of old A1 from Portland House to Bockenfield Bridge.	Work No. 10b
7/4a, 7/9c, 7/7d	Construction access of Burgham Park Underbridge as an integral single span bridge.	Work No. 14
7/1a	Access for construction of new southbound carriageway of the A1 dual carriageway.	Work No. 2a
7/9b, 7/8a, 7/7c, 7/10b	Access for construction of new southbound carriageway of the A1 dual carriageway.	Work No. 2a
7/10d	Access for construction of new southbound and northbound carriageway of the A1 dual carriageway and Burgham Park Underbridge as an integral single span bridge. Temporary land take required to facilitate construction activities.	Work No. 2a, 2b, 14
7/10e, 7/15e	Construction of new northbound carriageway. Access to diverted utility (gas).	Work No. 2b
7/15c	Construction of new southbound carriageway of A1. Access to diverted utility (electrical).	Work No. 2a
7/15g, 7/15l	Access for construction of new northbound carriageway.	Work No. 2b
Land Plans - Sheet 8		
8/1a, 8/6a, 8/4a	Access for construction of alteration and realignment of Bywell Road to West Moor Road, and new culvert and two open engineered ditches.	Work No. 16b, 17
8/9a, 8/7b	Access for the construction of roundabout carriageway 130m in length at West Moor Junction and Felton Moor Road.	Work No. 16l
8/8b	Access for the construction of roundabout carriageway 130m in length at West Moor Junction and Felton Moor Road and new culvert and two	Work No. 16l, 17

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
8/3a, 8/2b, 8/10b 8/16a, 8/14a, 8/1c	open engineered ditches. Access for construction of new southbound carriageway of A1 and new access 242m in length for private access off Bywell Road.	Work No. 16a, 2a
Land Plans - Sheet 9		
9/2b, 9/2f, 9/2c	Access to bridge structure for alteration of the existing River Coquet bridge.	Work No. 3a
9/1a	Establishment of temporary fencing and permanent hedgerow on the highway perimeter.	Work No. 3a
9/18f, 9/23b, 9/21b, 9/20b	Access for construction of new access 954m in length off Felton Road for maintenance of detention basin.	Work No. 16h
9/2a	Construction of new southbound carriageway of the A1 dual carriageway. Required for environmental Mitigation.	Work No. 3a
9/25a, 9/24a	Temporary land take required to facilitate construction activities of realignment and resurfacing of Felton Road as part of West Moor Junction.	Work No. 16i
9/20d	Topsoil storage area for construction of new northbound and southbound carriageway of the A1 dual carriageway.	Work No. 3a, 3b
9/22c	Access for construction of new link road from West Moor Junction roundabout to Bockenfield Bridge.	Work No. 16l
9/13a, 9/7b, 9/12a	Access for alteration and realignment of Bywell Road to West Moor Road.	Work No. 16b
9/8b, 9/1e	Access construction of West Moor Junction single span overbridge and slip road single lane carriageway for northbound on-access to the A1 from West Moor Junction.	Work No. 16e, 16f
9/1d	Required for environmental mitigation for construction of West Moor Junction single span overbridge and slip road single lane carriageway for northbound on-access to the	Work No. 16d, 16e, 16f

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
9/4a	A1 from West Moor Junction and alteration and alignment of West Moor Road. Mitigation for construction of West Moor Junction single span overbridge and alteration and alignment of West Moor Road.	Work No. 16d, 16e
Land Plans - Sheet 10		
10/2g, 10/2h, 10/1h, 10/3f, 10/i	Access for construction of new northbound carriageway of the A1 dual carriageway.	Work No. 3a
10/3l, 10/8a	Construction of new access, parcel required for access to drainage pipe.	Work No. 20
10/5d, 10/1m	Access for construction of new culvert.	Work No. 19
10/5b	Construction of new access and construction of new southbound carriageway of the A1 dual carriageway.	Work No. 20 and 3b
10/2d, 10/3d, 10/1c, 10/2e, 10/2a, 10/1a	Access for construction of new northbound carriageway of the A1 dual carriageway and alteration of the existing River Coquet bridge.	Work No. 3a
10/1e, 10/2f	Access for construction of new culvert 137m in length.	Work No. 19
10/1n, 10/2j, 10/4b, 10/2k	Access for construction of new southbound carriageway of the A1 dual carriageway.	Work No. 3b
10/1k	Access for extension of Parkwood Subway including associated embankments, hardstanding for land access and other substructure and superstructure elements.	Work No. 18
Land Plans - Sheet 11		
11/1b	Access required for the alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge.	Work No. 21a
11/1k, 1/1n, 11/2c, 11/2d, 11/3c	Alteration and realignment of road markings and new/relocation of ADS signs.	Work No. 21a, 21b (Ancillary Works)
11/4b, 11/1e, 11/1f, 11/4c,	Temporary works for utility diversions.	Work No. 24, 21b (Ancillary Works)
11/4e	Construction of outfall from new detention basin.	Work No. 21b (Ancillary Works)
Land Plans - Sheet 12		

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
12/3i, 12/3h	Access required for the construction of Heckley Fence Overbridge and associated ramps over the widened A1.	Work No. 27
12/3j, 12/3q, 12/3f	Temporary works for utility diversions.	Work No. 21a (Ancillary Works)
12/3u	Access required for the construction of northbound carriageway of the A1.	Work No. 21a
Land Plans - Sheet 13		
13/1e	Establishment of fencing on the highway perimeter.	Work No. 21a, 27, 28 (Ancillary Works)
13/1q	Establishment of a storage area and associated access.	Work No. 27 (Ancillary Works)
Land Plans - Sheet 14		
14/1a, 14/2a	Alteration and realignment of road markings and new/relocation of signs.	Work No. 29a (Ancillary Works)
14/1b, 14.1d, 14/4b, 14/4g	Establishment of temporary fencing and permanent hedgerow on the highway perimeter. It will also support the alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and realignment.	Work No. 21a
14-5a	Establishment of fencing on the highway perimeter.	Work No. 28 (Ancillary Works)
14/16	Establishment of a storage area and associated access.	Work No. 24 (Ancillary Works)
15/7a	Establishment of fencing on the highway perimeter.	Work No. 28 (Ancillary Works)
Land Plans - Sheet 15		
15/1b, 15/1h,	Realignment and resurfacing of B6347, as part of the new Charlton Mires Junction.	Work No. 29c
15/3l, 15/8c, 15/2c, 15/9a, 15/2e, 15/3o.	Access required for realignment and resurfacing of B6341 (528m in length).	Work No. 29a
15/6f	Access for realignment of the 66kV electrical cable to service the Middlemoor Wind Farm and construction of Kittycarter Burn diversion.	Work No. 24, 31
15/6g	Access required for realignment and resurfacing of B6347, as part of the new Charlton Mires Junction.	Work No. 29k
15/18e	Alteration of existing A1 to provide the northbound	Work No. 21a

<i>(1)</i> <i>Plot Reference Number shown on Land Plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development or ancillary works</i>
15/11a	carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge. Realignment and resurfacing of Rock Nab access (56m in length).	Work No. 29b
15/10a, 15/10b	Access required for realignment and resurfacing of B6341 and Rock Nab access.	Work No. 9a, 9b
15/26a, 15/25a, 15/22b	Environmental mitigation works. Alteration and realignment of road markings and new/relocation of signs.	Work No. 29k, 30a (Ancillary Works)
15/21b, 15/4d, 15/4c	Temporary access to adjacent works.	Work No. 21a, 29a (Ancillary Works)
15/4a	Landscaping works.	Work No. 29h (Ancillary Works)
15/1a	Lowering of tributary bank.	Work No. 29h, 34 (Ancillary Works)
15/1h, 15/6d	Establishment of a storage area and associated access.	Work No. 24, 29 (Ancillary Works)
15/23d, 15/18d	Establishment of fencing on the highway perimeter.	Work No. 24, 22b (Ancillary Works)
15/18a, 15/8b, 15/3b, 15/3c, 15/19b, 15/20a	Alteration and realignment of road markings and new/relocation of signs.	Work No. 29a, 29b (Ancillary Works)
Land Plans - Sheet 16		
16/4c, 16/3l, 16/11c, 16/5f	Temporary works for utility diversions.	Work No. 23, 24, 29h, 29l (Ancillary Works)
61/9d	Environmental mitigation works.	Work No. 23b, 24 (Ancillary Works)
16/5c	Access required for the construction of new agricultural track, 169m in length.	Work No. 22
16/5h	Construction of local access road linking Charlton Mires Junction and West Linkhall, (714m in length).	Work No. 29h
16/5i	Access required for the construction of a southbound slip road as part of Charlton Mires Junction.	Work No. 29l
16/1b	Temporary access to adjacent works. Landscaping works.	Work No. 23a, 24 (Ancillary Works)
Land Plans - Sheet 17		
17/1a, 17/2a, 17/2b, 17/2c, 17/2d, 17/2e, 17/2f, 17/2g, 17/3a, 17/4a, 17/6a, 17/6d, 17/6e, 17/6h	Alteration and realignment of road markings and new/relocation of ADS signs.	Work No. 23a, 24 (Ancillary Works)
Land Plans - Sheet 18		

<i>(1) Plot Reference Number shown on Land Plans</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development or ancillary works</i>
19/1a	Establishment of a site compound and associated access.	Non-lineal works. (Construction Compounds)

SCHEDULE 9

Article 41 and 42

TREES AND HEDGEROWS

PART 1

REMOVAL OF HEDGEROWS

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Hedgerow located between grid references 419613E; 615496N and 419825E; 614931N on Sheet 22 of the vegetation clearance plan (H73).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (604.36m in length).	Work No. 21a
Hedgerow located between grid references 419547E; 615741N and 419864E; 614931N on Sheet 22 of the vegetation clearance plan (H95).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (870.49m in length).	Work No. 21b and 24

PART 2

REMOVAL OF IMPORTANT HEDGEROWS

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Hedgerow located between grid references E418304; N588416 and E418383; N588614 on Sheet 1 – 2 of the vegetation clearance plans.	The hedgerow will be removed to facilitate two new access tracks (832m and 150m in length).	Work No. 5b and 5c
Hedgerow located between grid references E418214; N588639 and E418357; N589708 on Sheet 2 – 3 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate construction of northbound carriageway and a new culvert.	Work No. 1a and 7
Hedgerow located between grid references E418237; N418237 and E418266; N589115 on Sheet 2 of the vegetation clearance plans.	The hedgerow will be removed to facilitate a new access track (583m in length) and alteration works to existing southbound A1 trunk road.	Work No. 5d and 1b
Hedgerow located between	The hedgerow will be removed	Work No. 7 and 1b

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
grid references E418299; N589316 and E418343; N589500 on Sheet 2 – 3 of the vegetation clearance plans.	to facilitate alteration works to existing southbound A1 trunk road and new culvert.	
Hedgerow located between grid references E418360; E589562 and E418646; N589770 on Sheet 3 of the vegetation clearance plans.	The hedgerow will be removed to facilitate alteration works to existing southbound A1 trunk road, new A1 slip road, new private means of access and widening and resurfacing.	Work No. 1b, 8j, 8i and 8h
Hedgerow located between grid references E418500; N590175 and E418656; N589790 on Sheet 3 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate road widening and surfacing works for A1 slip road.	Work No. 8h and 8f
Hedgerow located between grid references E418129; N589691 and E418211; N589715 on Sheet 3 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate alteration and alignment of the existing High Highlaws Road to create a single carriageway two lane connection to Highlaws Junction.	Work No. 8b
Hedgerow located between grid references E418499; N590185 and E418512; N590341 on Sheet 3 – 4 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate alteration of southbound A1 and new maintenance track for drainage purposes.	Work No. 8g and 1b
Hedgerow located between grid references E418368; N589732 and E418499; N590911 on Sheet 3 – 4 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate construction of slips road, overbridge, access track and north bound carriageway of A1.	Work No. 8e, 8d, 1a and 8c
Hedgerow located between E418495; N590921 and E418480; N 590923 on Sheet 5 of the vegetation clearance plans. (West).	The hedgerow will be removed to facilitate new access track 1450m in length for maintenance of detention basin.	Work No. 8c
Hedgerow located between grid references E418542; N591365 and E418549; N591522 on Sheet 5 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate the de-trunking works to the existing A1 Trunk Road.	Work No. 10a
Hedgerow located between grid references E418524; N591335 and E418529; N591497 on Sheet 5 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate the de-trunking works to the existing A1 Trunk Road and construction offline southbound carriageway.	Work No. 2b and 10a
Hedgerow located between	The hedgerow will be removed	Work No. 2b

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
grid references E418495; N591714 and E418413; N418413 on Sheet 5 – 7 of the vegetation clearance plans (East).	to facilitate a new offline southbound carriageway of the A1 dual carriageway.	
Hedgerow located between E418013; N592400 and E418037; N592422 on Sheet 7 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate a new access 195m in length for private access.	Work No. 9a
Hedgerow located between grid references E418017; N592414 and E418857; N592842 on Sheet 7 of the vegetation clearance plans (North).	The hedgerow will be removed to facilitate de-trunking of A1, the alteration and alignment of the existing road known as Fenrother Lane West, a slip road single lane carriageway for northbound off-access to Fenrother Junction and a 2 No. lane road single carriageway for Fenrother free flow link road.	Work No. 10b, 9c, 9b and 9i
Hedgerow located between E418027; N592412 and E418806; N592436 on Sheet 7 of the vegetation clearance plans (South).	The hedgerow will be removed to facilitate de-trunking of A1, the alteration and alignment of the existing road known as Fenrother Lane West, a slip road single lane carriageway for northbound off-access to Fenrother Junction and a 2 No. lane road single carriageway for Fenrother free flow link road.	Work No. 10b, 9c, 9b and 9i
Hedgerow located between grid references E418526; N594005 and E418664; N594169 on Sheet 9 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.	Work No. 2b and 2a
Hedgerow located between grid references E418518; N594008 and E418625; N594139 on Sheet 9 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.	Work No. 2b and 2a
Hedgerow located between grid references E418632; N594148 and E418658; N594175 on Sheet 9 of the vegetation clearance plans (West/East).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.	Work No. 2b and 2a
Hedgerow located between grid references E418794; N594687 and E418671;	The hedgerow will be removed to facilitate new offline southbound and northbound	Work No. 2a, 2b and 11a

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
N594984 on Sheet 10 of the vegetation clearance plans (West/East).	carriageway of the A1 dual carriageway. Also an access track from Causey Park Road to the existing access track to New Houses Farm.	
Hedgerow located between E418423; N595154 and E418840; N595263 on Sheet 13 of the vegetation clearance plans (North).	The hedgerow will be removed to facilitate an access track from Causey Park Road to private land and a new overbridge as an integral single span bridge.	Work No. 11b and 11c
Hedgerow located between grid references E418409; N595134 and E418843; N595255 on Sheet 11 of the vegetation clearance plans (South).	The hedgerow will be removed to facilitate a new overbridge as an integral single span bridge and an access track from Causey Park Road to the existing access track to New Houses Farm.	Work No. 11a and 11c
Hedgerow located between grid references E418576; N596042 and E418625; N596077 on Sheet 12 of the vegetation clearance plans (Centre Line).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway.	Work No. 2a and 2b
Hedgerow located between grid references E418490; N596032 and E418195; N596699 on Sheet 12 – 13 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate a new offline northbound carriageway of the A1 dual carriageway and a new culvert 77m in length.	Work No. 2a and 13
Hedgerow located between grid references E418180; N418180 and E418076; N596906 Sheet 13 of the vegetation clearance plans (South).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. Also the creation of an underbridge at Burgham Park as an integral single span bridge.	Work No. 2a, 2b and 14
Hedgerow located between grid references E417931; N596842 and E417966; N596857 on Sheet 13 of the vegetation clearance plans (South).	The hedgerow will be removed to facilitate the creation of an underbridge at Burgham Park as an integral single span bridge.	Work No. 14
Hedgerow located between grid references E417922; N596849 and E417972; N596872 on Sheet 13 of the vegetation clearance plans (North).	The hedgerow will be removed to facilitate the creation of an underbridge at Burgham Park as an integral single span bridge.	Work No. 14
Hedgerow located between grid references E418006; N596894 and E418080;	The hedgerow will be removed to facilitate new offline southbound and northbound	Work No. 2a, 2b and 14

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
N596918 on Sheet 13 of the vegetation clearance plans (North).	carriageway of the A1 dual carriageway. The creation of an underbridge at Burgham Park as an integral single span bridge.	
Hedgerow located between grid references E418100; N596926 and E418168; N596958 on Sheet 13 of the vegetation clearance plans (North).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. The creation of an underbridge at Burgham Park as an integral single span bridge.	Work No. 2a, 2b and 14
Hedgerow located between grid references E418003; N597116 and E417364; N597803 on Sheet 13 – 14 of the vegetation clearance plans (East/West).	The hedgerow will be removed to facilitate new offline southbound and northbound carriageway of the A1 dual carriageway. A new culvert 76m in length. A new access for private access off Bywell Road. Alteration and realignment of the existing road known as Bywell Road.	Work No. 2a, 2b, 15, 16a and 16b
Hedgerow located between grid references E417819; N597394 and E417649; N597651 on Sheet 13 – 14 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate a new offline southbound carriageway of the A1 dual carriageway.	Work No. 2b
Hedgerow located between grid references E417617; N597721 and E417466; N598668 on Sheet 14 – 15 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate a new link road from West Moor Junction roundabout to Bockenfield Bridge.	Work No. 16l
Hedgerow located between grid references E417337; N597803 and E417424; N598675 on Sheet 14 – 15 of the vegetation clearance plans (West).	The hedgerow will be removed to facilitate alteration and realignment of the existing road known as Bywell Road and alteration of the existing A1 to provide northbound dual carriageway.	Work No. 3a and 16b.
Hedgerow located between grid references E417709; N598677 and E417550; N598839 on Sheet 15 of the vegetation clearance plans (East, L shape).	The hedgerow will be removed to facilitate a slip road single lane carriageway for southbound on-access to the A1 from West Moor Junction and construction of a roundabout carriageway.	Work No. 16k and 16j
Hedgerow located between grid references E417207; N598716 and E417403; N599704 on Sheet 15 – 16 of	The hedgerow will be removed to facilitate the alteration of the existing A1 to provide northbound dual carriageway.	Work No. 16d, 16e, 16f and 3a.

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
the vegetation clearance plans (West).	Alteration and realignment of West Moor Road to create a single carriageway two-lane connection to West Moor Junction. A single span overbridge crossing the new A1 carriageways. A slip road single lane carriageway for northbound on-access to the A1.	
Hedgerow located between grid references E417720; N598987 and E417479; N599742 on Sheet 15 – 16 of the vegetation clearance plans (West, U Shaped).	The hedgerow will be removed to facilitate a new southbound carriageway adjacent to the existing A1. A slip road single lane carriageway for southbound off-access to West Moor Junction. A new access 954m in length off Felton Road for maintenance of detention basin. Realignment and resurfacing of the existing road know as Felton Road.	Work No. 16i, 16g, 16h and 3b.
Hedgerow located between grid references E417619; N599533 and E417573; N599795 on Sheet 16 of the vegetation clearance plans (East).	The hedgerow will be removed to facilitate a new access 954m in length off Felton Road for maintenance of detention basin.	Work No. 16h
Hedgerow located between grid references 417603E; 620698N and 417635E; 620840N on Sheet 26 of the Vegetation Clearance Plan (H9).	The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and West Linkhall (132.94m in length).	Work No. 29h
Hedgerow located between grid references 417388E; 621293N and 417386E; 621317N on Sheet 27 of the vegetation clearance plan (H10).	The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and West Linkhall (24.41m in length).	Work No. 29h
Hedgerow located between grid references 417637E; 620836N and 417648E; 620810N on Sheet 26 of the vegetation clearance plan (H11).	The hedgerow will be removed to facilitate Construction of local access road linking Charlton Mires Junction and West Linkhall (28.45m in length).	Work No. 29h
Hedgerow located between grid references 417656E; 620777N and 417668E; 620735N on Sheet 26 of the vegetation clearance plan (H13).	The hedgerow will be removed to facilitate Construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall (44.06m in length).	Work No. 22a
Hedgerow located between	The hedgerow will be removed	Work No. 29d and 22a

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
grid references 417669E; 620731N and 417689E; 620649N on Sheet 26 of the vegetation clearance plan (H14).	to facilitate Construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (84.20m in length).	
Hedgerow located between grid references 417696E; 620642N and 417715E; 620560N on Sheet 26 of the vegetation clearance plan (H15).	The hedgerow will be removed to facilitate northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (84.10m in length).	Work No. 29d
Hedgerow located between grid references 417722E; 620543N and 417745E; 620453N on Sheet 26 of the vegetation clearance plan (H16).	The hedgerow will be removed to facilitate northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (102.84m in length).	Work No. 29d
Hedgerow located between grid references 417053E; 621933N and 417043E; 621970N on Sheet 27 of the vegetation clearance plan (H17).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (38.89m in length).	Work No. 23a
Hedgerow located between grid references 417051E; 621934N and 417206E; 621658N on Sheet 27 of the vegetation clearance plan (H18).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (317.11m in length).	Work No. 23a
Hedgerow located between grid references 417165E; 621653N and 417205E; 621659N on Sheet 27 of the vegetation clearance plan (H19).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (40.87m in length).	Work No. 23a
Hedgerow located between grid references 417223E; 621632N and 417335E; 621441N on Sheet 27 of the vegetation clearance plan (H20).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (221.55m in length).	Work No. 23a
Hedgerow located between grid references 417342E; 621435N and 417389E; 621345N on Sheet 27 of the vegetation clearance plan (H21).	The hedgerow will be removed to facilitate construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall (101.87m in length).	Work No. 22a
Hedgerow located between grid references 417278E;	The hedgerow will be removed to facilitate alteration of	Work No. 23a and 29h

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
621419N and 417330E; 621436N on Sheet 27 of the vegetation clearance plan (H22).	existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton. This will also include construction of local access road linking Charlton Mires Junction and West Linkhall (55.27m in length).	Work No. 22b and 29l
Hedgerow located between grid references 418384E; 621402N and 417474E; 621262N on Sheet 27 of the vegetation clearance plan (H23).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and the construction of a southbound slip road as part of Charlton Mires Junction.	Work No. 22b and 29l
Hedgerow located between grid references 417477E; 621257N and 417601E; 621048N on Sheet 26 of the vegetation clearance plan (H24).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and the construction of a southbound slip road as part of Charlton Mires Junction.(243.47m in length).	Work No. 22b and 29l
Hedgerow located between grid references 417623E; 621029N and 417764E; 621058N on Sheet 26 of the vegetation clearance plan (H25).	The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (143.98m in length).	Work No. 29l and 24
Hedgerow located between grid references 417582E; 621019N and 417604E; 620969N on Sheet 26 of the vegetation clearance plan (H26).	The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and West Linkhall (54.91m in length).	Work No. 29h
Hedgerow located between grid references 417812E; 619997N and 417813E; 619742N on Sheet 26 of the vegetation clearance plan (H28).	The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and West Linkhall (293.03m in length).	Work No. 29h
Hedgerow located between grid references 417800E; 620012N and 417798E; 619740N on Sheet 26 of the vegetation clearance plan (H29).	The hedgerow will be removed to facilitate construction of local access road linking Charlton Mires Junction and West Linkhall (255.86m in length).	Work No. 29h
Hedgerow located between grid references 417811E;	The hedgerow will be removed to facilitate realignment and	Work No. 29a

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
620051N and 417811E; 620120N on Sheet 26 of the vegetation clearance plan (H30).	resurfacing of B6341 (69.75m in length).	
Hedgerow located between grid references 417810E; 620120N and 417895E; 620032N on Sheet 26 of the vegetation clearance plan (H31).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (163.23m in length).	Work No. 21a
Hedgerow located between grid references 417689E; 620174N and 417781E; 620204N on Sheet 26 of the vegetation clearance plan (H32).	The hedgerow will be removed to facilitate realignment and resurfacing of Rock Nab (96.76m in length).	Work No. 29b
Hedgerow located between grid references 417749E; 620355N and 417616E; 620508N on Sheet 26 of the vegetation clearance plan (H33).	The hedgerow will be removed to facilitate realignment and resurfacing of B6341 and B6347 and construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (220.73m in length).	Work No. 29a, 29d and 29c
Hedgerow located between grid references 417706E; 620552N and 417451E; 620448N on Sheet 26 of the vegetation clearance plan (H35).	The hedgerow will be removed to facilitate realignment and resurfacing of B6347, Construction of a northbound slip road from realigned A1 as part of the wider junction works at Charlton Mires Junction (276.14m in length).	Work No. 29c, 229d and 29f
Hedgerow located between grid references 417445E; 620438N and 417782E; 620206N on Sheet 26 of the vegetation clearance plan (H36).	The hedgerow will be removed to facilitate realignment and resurfacing of B6341 and B6347 (514.10m in length).	Work No. 29a and 29c
Hedgerow located between grid references 417780E; 620250N and 417790E; 620217N on Sheet 26 of the vegetation clearance plan (H37).	The hedgerow will be removed to facilitate realignment and resurfacing of B6341 (34.44m in length).	Work No. 29a
Hedgerow located between grid references 417795E; 620195N and 417799E; 620163N on Sheet 26 of the vegetation clearance plan (H38).	The hedgerow will be removed to facilitate realignment and resurfacing of B6341 (32.25m in length).	Work No. 29a
Hedgerow located between grid references 418742E;	The hedgerow will be removed to facilitate construction of	Work No. 30b

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
620451N and 418863E; 620135N on Sheet 26 of the vegetation clearance plan (H39).	new access and local access road linking Rock Midstead and Rock South Farm (338.13m in length).	Work No. 30b
Hedgerow located between grid references 418871E; 620135N and 418905E; 620030N on Sheet 26 of the vegetation clearance plan (H40).	The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (110.41m in length).	Work No. 30b
Hedgerow located between grid references 418865E; 620134N and 418936E; 619903N on Sheet 25 of the vegetation clearance plan (H41).	The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (242.19m in length).	Work No. 30b
Hedgerow located between grid references 417738E; 620590N and 418428E; 620578N on Sheet 26 of the vegetation clearance plan (H42).	The hedgerow will be removed to facilitate realignment and resurfacing of B6347 and construction of a southbound slip road as part of Charlton Mires Junction (740.30m in length).	Work No. 39k and 39l
Hedgerow located between grid references 417770E; 620628N and 418184E; 620700N on Sheet 26 of the vegetation clearance plan (H43).	The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment and resurfacing of Rock Midstead access road (427.99m in length).	Work No. 39l and 40a.
Hedgerow located between grid references 418235E; 620683N and 418535E; 620718N on Sheet 26 of the vegetation clearance plan (H44)	The hedgerow will be removed to facilitate construction of a southbound slip road as part of Charlton Mires Junction and Realignment and resurfacing of Rock Midstead access road (402.45m in length).	Work No. 39l and 40a
Hedgerow located between grid references 418471E; 618643N and 418958E; 618863N on Sheet 26 of the vegetation clearance plan (H45).	The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind Farm construction of new access and local access road linking Rock Midstead and Rock South Farm (540.11m in length).	Work No. 24 and 30b.
Hedgerow located between grid references 418938E; 619898N and 418931E; 619756N on Sheet 25 of the vegetation clearance plan (H46).	The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (167.80m in length).	Work No. 30b
Hedgerow located between	The hedgerow will be removed	Work No. 30b

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
grid references 418975E; 619783N and 419008E; 619801N on Sheet 25 of the vegetation clearance plan (H47).	to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (38.65m in length).	Work No. 30b
Hedgerow located between grid references 419038E; 619572N and 419071E; 619591N on Sheet 25 of the vegetation clearance plan (H48).	The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (38.56m in length).	Work No. 30b
Hedgerow located between grid references 419027E; 619572N and 419182E; 619036N on Sheet 25 of the vegetation clearance plan (H49).	The hedgerow will be removed to facilitate construction of new access and local access road linking Rock Midstead and Rock South Farm (558.12m in length).	Work No. 30b
Hedgerow located between grid references 417965E; 619697N and 418012E; 619718N on Sheet 25 of the vegetation clearance plan (H50).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (51.72m in length).	Work No. 21a and 33
Hedgerow located between grid references 418036E; 619730N and 418096E; 619757N on Sheet 25 of the vegetation clearance plan (H51).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and Realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (65.64m in length).	Work No. 21b and 24
Hedgerow located between grid references 418408E; 618601N and 418432E; 618500N on Sheet 24 of the vegetation clearance plan (S53).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (106.03m in length).	Work No. 21a and 28
Hedgerow located between grid references 418403E; 618606N and 418322E; 618724N on Sheet 24 of the vegetation clearance plan (S54).	The hedgerow will be removed to facilitate construction of new access track to detention basin (144.76m in length).	Work No. 28
Hedgerow located between grid references 418316E; 618741N and 418380E; 618792N on Sheet 25 of the vegetation clearance plan (S55).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin	Work No. 21a and 28

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Hedgerow located between grid references 418406E; 618602N and 418146E; 618291N on Sheet 24 of the vegetation clearance plan (H56).	(81.94m in length). The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (407.87m in length).	Work No. 21a and 28
Hedgerow located between grid references 418575E; 617377N and 418402E; 617329N on Sheet 23 of the vegetation clearance plan (H59).	The hedgerow will be removed to facilitate construction of Heckley Fence Overbridge and associated ramps over the widened A1 (179.29m in length).	Work No. 27
Hedgerow located between grid references 418727E; 617064N and 418985E; 617161N on Sheet 23 of the vegetation clearance plan (H60).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (276.09m in length).	Work No. 21a
Hedgerow located between grid references 419073E; 616127N and 419364E; 616145N on Sheet 23 of the vegetation clearance plan (H62).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track (291.68m in length).	Work No. 21a and 26
Hedgerow located between grid references 419193E; 614871N and 419251E; 615037N on Sheet 22 of the vegetation clearance plan (H65).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (182.64m in length).	Work No. 21a
Hedgerow located between grid references 419175E; 616653N and 419041E; 617013N on Sheet 23 of the vegetation clearance plan (H75).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (384.45m in length).	Work No. 21a and 26
Hedgerow located between grid references 419182E; 616631N and 419392E; 616081N on Sheet 23 of the vegetation clearance plan (H76).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and construction of new access track to detention basin (588.55m in length).	Work No. 21a and 26
Hedgerow located between grid references 416964E;	The hedgerow will be removed to facilitate alteration of	Work No. 23a

(1) <i>Location of hedgerow</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
622303N and 416513E; 622513N on Sheet 27 of the vegetation clearance plan (H77).	existing A1 to provide northbound dual carriageway from Westlink Hall to North Charlton (633.95m in length).	Work No. 21a
Hedgerow located between grid references 419042E; 617015N and 416513E; 622513N on Sheet 23 of the vegetation clearance plan (H79).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (633.95m in length).	Work No. 21a
Hedgerow located between grid references 419113E; 616836N and 419020E; 617092N on Sheet 23 of the vegetation clearance plan (H80).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge (272.82m in length).	Work No. 21a
Hedgerow located between grid references 418890E; 617409N and 418437E; 618622N on Sheet 23 of the vegetation clearance plan (H82).	The hedgerow will be removed to facilitate alteration of existing A1 to provide northbound dual carriageway from Denwick Burn to Rock Lodge and Construction of Heckley Fence Overbridge and associated ramps over the widened A1 (1296.02m in length).	Work No. 21a and 27
Hedgerow located between grid references 417169E; 621883N and 417197E; 621750N on Sheet 27 of the vegetation clearance plan (H83).	The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind Farm and construction of a southbound slip road as part of Charlton Mires Junction (136.40m in length).	Work No. 24 and 29I
Hedgerow located between grid references 417170E; 621790N and 417149E; 621882N on Sheet 27 of the vegetation clearance plan (H84).	The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to service the Middlemoor Wind Farm and construction of a southbound slip road as part of Charlton Mires Junction (94.94m in length).	Work No. 24 and 29I
Hedgerow located between grid references 417699E; 620696N and 417610E; 621020N on Sheet 26 of the vegetation clearance plan (H85).	The hedgerow will be removed to facilitate construction of new northbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and Realignment and resurfacing of B6347 (337.05m in length).	Work No. 22a and 29c
Hedgerow located between grid references 417803E; 620388N and 417836E;	The hedgerow will be removed to facilitate realignment of the 66kV electrical cable to	Work No. 24

<i>(1)</i> <i>Location of hedgerow</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
620616N on Sheet 26 of the vegetation clearance plan (H88).	service the Middlemoor Wind Farm (291.99m in length).	
Hedgerow located between grid references 417737E; 620588N and 417793E; 620382N on Sheet 26 of the vegetation clearance plan (H89).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Rock Lodge to Westlink Hall and construction of a southbound slip road as part of Charlton Mires Junction (217.81m in length).	Work No. 29l and 22b
Hedgerow located between grid references 418770E; 617818N and 419065E; 617020N on Sheet 24 of the vegetation clearance plan (H91).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (850.88m in length).	Work No. 21b and 24
Hedgerow located between grid references 419212E; 616627N and 419346E; 616280N on Sheet 23 of the vegetation clearance plan (H92).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm (372.46m in length).	Work No. 21b and 24
Hedgerow located between grid references 419360E; 616240N and 419547E; 615744N on Sheet 22 of the vegetation clearance plan (H93).	The hedgerow will be removed to facilitate construction of new southbound carriageway of the A1 dual carriageway from Denwick Burn to Rock Lodge and realignment of the 66kV electrical cable to service the Middlemoor Wind Farm. This also includes construction of new access point and maintenance track to detention basin (529.86m in length).	Work No. 21b, 24 and 25a

PART 3

TREES SUBJECT TO TREE PRESERVATION ORDERS

(1) <i>TPO reference and type of tree</i>	(2) <i>Work to be carried out</i>	(3) <i>Relevant part of the authorised development</i>
TPO 882585, EIA group reference number Wooded area (W23) including lime, hazel, ash, birch and oak, located south of Floodgate Burn.	This woodland will be removed to accommodate the new road alignment.	Work No. 2a, 2b and 8c
TPO 882585, EIA tree reference number T203 (Single lime tree) located north of Floodgate Burn.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T200 (Single beech tree) located south of Floodgate Burn.	Removal of beech tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T199 (Single lime tree) located south of Floodgate Burn	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T196 (Single beech tree) located south of Floodgate Burn.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T195 (Single lime tree) located south of Floodgate Burn.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for adjacent enabling works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T192 (Single lime tree) east of Low Espley Wood.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for trunking works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T190 (Single lime tree) east of Low Espley Wood.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for trunking works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T187 (Single lime tree) east of Low Espley Wood.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for trunking works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T186 (Single beech tree) east of Low Espley Wood.	Removal of beech tree, located in alignment of the proposed A1 carriageway to allow for trunking works.	Work No. 2a and 2b
TPO 882585, EIA tree reference number T185 (Single lime tree) east of Low Espley Wood.	Removal of lime tree, located in alignment of the proposed A1 carriageway to allow for trunking works.	Work No. 2a and 2b
TPO 882585, EIA tree	Removal of lime tree, located	Work No. 2a and 2b

reference number T182
(Single lime tree)
east of Low Espley Wood.

in alignment of the proposed
A1 carriageway to allow for
trunking works.

SCHEDULE 10

Articles 23, 38 and 46

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

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE 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 alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that utility undertaker;
- (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(b) 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 undertaker under the Water Industry Act 1991; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(c) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104(d) (agreement to adopt sewers, drains or sewage disposal works at a future date) of that Act,

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;

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- (a) 1989 c. 29. The definition of “electrical 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).
 - (b) 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 to, the Utilities Act 2000, sections 149(1) and (5) and 197(7) of, and Part 1 of Schedule 32 to, the Energy Act 2004 (c. 20) and S.I. 2011/2704.
 - (c) Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c.37) and section 56 of, and paragraph 90 of Schedule 7 to, the Water Act 2014 (c. 21).
 - (d) Section 104 was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003, section 42(3) of the Flood and Water Management Act 2010 (c. 29) and sections 11(1 and (2) and 56 of, and paragraphs 2 and 91 of Schedule 7 to, the Water Act 2014.

“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—

- (a) any licence holder within the meaning of Part 1 (electricity supply) of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986;
- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the 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 17 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has 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 (removal of apparatus) or the power of the undertaker to carry out works under paragraph 9 (retained apparatus).

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 16 (temporary alteration, diversion, prohibition and restriction of the 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 25 (protective work 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 (6).

(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 an 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 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 49 (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 49, and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraphs (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.

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 49 (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) (removal of apparatus), 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) must 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.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case 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) (removal of apparatus).

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule 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 49 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule 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 is not to 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 is to 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 (protective work to buildings) or 7(2)

(removal of apparatus), or by reason of any subsidence resulting from such development or works, 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 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 act, 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 who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Co-operation

12. Where in consequence of the proposed construction of any of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) (removal of apparatus) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9 (retained apparatus), the undertaker must use 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 laid or erected 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;

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

“the electronic communications code” has the same meaning as in Chapter 1 (electronic communications networks and services) of Part 2 (networks, services and the radio spectrum) of the 2003 Act^(a);

“electronic communications code network” means—

- (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 of that code; and

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

16. The exercise of the powers conferred by article 38 (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 the result of the authorised development or its construction, or of any subsidence resulting from any of those works—

- (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 those works), 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 who, if withholding such consent, has the sole conduct of any settlement or compromise or 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 49 (arbitration).

(5) 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 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.

(6) 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 laid or erected in land belonging to the undertaker on the date on which this Order is made.

(a) Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30).

PART 3

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

18.—(1) The following provisions apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this Part of the Schedule—

“the Agency” means the Environment Agency;

“emergency” means a situation which—

- (a) is unexpected, in that there is little or no warning, or aspects of the event could not have reasonably been predicted in advance;
- (b) is a serious event presenting a risk of harm or damage to people, property or the environment; and
- (c) requires a need for urgent action, in that immediate action is required to address the risk of harm, repair or prevent a worsening of the situation; and

“relevant watercourse” has the same meaning as in article 23(4) (powers in relation to relevant watercourses).

19.—(1) Where in the exercise of the powers conferred by this Order, the undertaker proposes to interfere with or obstruct access by the Agency to a relevant watercourse, it must give the Agency 56 days’ written notice of that requirement.

(2) Except in cases of emergency where the undertaker interferes with or obstructs access by the Agency to a relevant watercourse and it is not possible for the undertaker to give the Agency the notice required under sub-paragraph (1), a suitable alternative access must be provided prior to and for the duration of any such interference.

20. If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest of the Agency in any land or proposes to interfere with, or remove, any of the Agency’s apparatus it must give the Agency 56 days’ written notice before any such interest is acquired or any apparatus is interfered with or removed.

21. The undertaker must indemnify the Agency in respect of all costs, charges and expenses which it may reasonably incur or which it may sustain in the examination of approval of plans or other matters under this Part of this Schedule.

22. Any dispute arising between the undertaker and the Agency under this Part of this Schedule is to be determined in accordance with article 49 (arbitration).

PART 4

FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER

Application

23.—(1) For the protection of National Gas as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Gas.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Gas, where the benefit of this Order is transferred or granted to another person under article 10 (consent to transfer benefit of Order)—

- (a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Gas on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Gas (but see paragraph 33(3)(b)).

Interpretation

24. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of National Gas to enable National Gas to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by National Gas for the purposes of gas supply together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Gas for the purposes of transmission, distribution or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) (interpretation) and includes any associated development authorised by this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in paragraph 31 (retained apparatus: protection of gas undertaker) of this Part of this Schedule includes any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Gas (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, requires the undertaker to submit for National Gas’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

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

“maintain” and “maintenance” in relation to an activity undertaken by National Gas shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Gas including construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Gas” means National Gas Transmission PLC or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986 as the context requires;

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

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which—

- (a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 29(2) (removal of apparatus) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 29(2) or otherwise.

On Street Apparatus

25. Except for paragraphs 26 (apparatus of National Gas in stopped up streets) and 31 (retained apparatus: protection of gas undertaker), 32 (expenses) and 33 (indemnity) which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Gas, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Gas are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Gas in stopped up streets

26.—(1) Where any street is stopped up under article 17 (permanent stopping up, restriction of use and construction of streets, public rights of way and private means of access), if National Gas has any apparatus in the street or accessed via that street National Gas has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Gas, or procure the granting to National Gas of, legal easements reasonably satisfactory to National Gas in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph affects any right of the undertaker or National Gas to require the removal of that apparatus under paragraph 29 (removal of apparatus) or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 31 (retained apparatus: protection of gas undertaker).

(2) Notwithstanding the temporary alteration, diversion, prohibition and restriction of the use of any street under the powers of article 16 (temporary alteration, diversion, prohibition and restriction of the use of streets), National Gas is at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the alteration, diversion, prohibition or restriction was in that street.

Protective works to buildings

27. The undertaker must exercise the powers conferred by article 25 (protective work to buildings) so as not to obstruct or render less convenient the access to any apparatus without the written consent of National Gas (such consent not to be unreasonably withheld).

Acquisition of land

28.—(1) Regardless of any provision in this Order or anything shown on the land plans, the undertaker may not acquire any interest in land or apparatus or override any easement or other interest of National Gas otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Gas and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Gas or affect the provisions of any enactment or agreement regulating the relations between National Gas and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Gas reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Gas and the undertaker acting reasonably and which must be no less favourable on the whole to National Gas unless otherwise agreed by National Gas, and it will be the responsibility of the undertaker to procure and secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) Where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Gas or other enactments relied upon by National Gas as of right or other use in relation to the apparatus, then the provisions in this Part of this Schedule prevail.

(4) Any agreement or consent granted by National Gas under paragraph 31 (retained apparatus: protection of gas undertaker) or 32 (expenses) or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

29.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Gas 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 National Gas in accordance with sub-paragraphs (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Gas advance 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 National Gas reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to National Gas to its reasonable satisfaction (taking into account paragraph 30(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus in other land of, or secured by, the undertaker; and
- (b) 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 or land secured by 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, National Gas must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for National Gas to use its compulsory purchase powers to this end unless it elects to do so.

(4) Any alternative apparatus to be constructed in land of or land secured by 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 National Gas and the undertaker.

(5) National Gas must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to National Gas of any such facilities and rights as are referred to in sub-paragraphs (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.

Facilities and rights for alternative apparatus

30.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Gas facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Gas and must be no less favourable on the whole to National Gas than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Gas.

(2) If the facilities and rights to be afforded by the undertaker under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Gas 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 matter may be referred to arbitration in accordance with paragraph 37 (arbitration) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Gas as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of gas undertaker

31.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Gas a plan and, if reasonably required by National Gas, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to National Gas under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the specified works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant, etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or within 15m of any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until National Gas has given written approval of the plan so submitted.

(4) Any approval of National Gas required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (7); and
- (b) must not be unreasonably withheld or delayed.

(5) National Gas may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage for the provision of protective works or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

- (a) the plan, submitted under sub-paragraph (1), as approved or as amended from time to time by agreement between the undertaker and National Gas; and
- (b) such reasonable requirements as may be made in accordance with sub-paragraph (5) or (7) by National Gas for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Gas will be entitled to watch and inspect the execution of those works.

(7) Where under sub-paragraph (6) National Gas requires any protective works to be carried out by itself or by the undertaker such protective works (whether of a temporary or permanent nature) must be carried out to National Gas's satisfaction prior to the commencement of any specified works for which protective works are required and National Gas must give notice of its requirement for such works within 56 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(8) If National Gas in accordance with sub-paragraphs (5) or (7) 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 23 to 25 and 28 to 30 apply as if the removal of the apparatus had been required by the undertaker under paragraph 29(2) (removal of apparatus).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised works—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and
- (b) National Gas retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 32 (expenses).

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Gas notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (5), (6) and (7) insofar as is reasonably practicable in the circumstances.

(12) In sub-paragraph (11), “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

32.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to National Gas within 30 days of receipt of an itemised invoice or claim from National Gas all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Gas in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Gas in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Gas as a consequence of National Gas—
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 29(3) (removal of apparatus); or
 - (ii) exercising any compulsory purchase powers in this Order transferred to or benefitting National Gas;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, 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 paragraph 37 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule 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 National Gas by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

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

- (a) an extension of apparatus to a length greater than the length of existing apparatus will 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 will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Gas in respect of works by virtue of sub-paragraph (1) will, 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 National Gas any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

33.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any part of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by it) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, 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 the authorised works) or property of National Gas, or there is any interruption in any service provided, or in the supply of any goods, by National Gas, or National Gas becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand accompanied by an invoice or claim from National Gas the cost reasonably and properly incurred by National Gas in making good such damage or restoring the supply; and
- (b) indemnify National Gas for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Gas, by reason or in consequence of any such damage or interruption or National Gas becoming liable to any third party as aforesaid other than arising from any default of National Gas.

(2) The fact that any act or thing may have been done by National Gas on behalf of the undertaker or in accordance with a plan approved by National Gas or in accordance with any requirement of National Gas or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Gas fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Gas, its officers, servants, contractors or agents;
- (b) any part of the authorised works carried out by National Gas in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 10 (consent to transfer benefit of Order).

(4) National Gas must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Gas must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Gas must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Gas's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Gas's control and if reasonably requested to do so by the undertaker National Gas must provide an explanation of how the claim has been minimised, where relevant.

Enactments and agreements

34. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Gas in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

35.—(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Gas requires the removal of apparatus under paragraph 29(2) (removal of apparatus) or National Gas makes requirements for the protection or alteration of apparatus under paragraph 31 (retained apparatus: protection of gas undertaker), 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 works and taking into account the need to ensure the safe and efficient operation of National Gas's undertaking and National Gas must use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever the undertaker's or National Gas's consent, agreement or approval is required in relation to plans, documents or other information submitted under this Part of this Schedule, or agreement is required to be reached between the parties under this Part of this Schedule, it must not be unreasonably withheld or delayed.

Access

36. If in consequence of the agreement reached in accordance with paragraph 28(1) (acquisition of land) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Gas to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

37. Save for differences or disputes arising under paragraphs 29(2) or (4) (removal of apparatus) and 30(1) (facilities and rights for alternative apparatus), any difference or dispute arising between the undertaker and National Gas under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Gas, be determined by arbitration in accordance with article 49 (arbitration).

Notices

38. Notwithstanding article 48 (service of notices), any plans submitted to National Gas by the undertaker pursuant to paragraph 31 (retained apparatus: protection of gas undertaker) must be submitted using the LSBUD system (<https://lsbud.co.uk/>)

<mailto:assetprotection@nationalgrid.com> or such other address as National Grid may from time to time appoint instead for that purpose and notify to the undertaker in writing.

SCHEDULE 11

Articles 20 and 21

TRAFFIC REGULATION MEASURES

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 plans.

Note 2: References to the national speed limit in column (3) of the table in Part 1 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. The corresponding speed limit, noted in parentheses, is for information only and does not form part of this Order.

PART 1

SPEED LIMITS

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
Trunk Road – Sheets 1 to 10		
Hebron, Tritlington and West Chevington, Felton, Newton-on-the-Moor and Swarland.	New A1 carriageway Northbound comprised in Work Nos. 1a, 2a and 3a from the south of the junction of the A1 with the A697 on Sheet 1 to north of Back Burn on Sheet 10 to the extent coloured purple on Sheets 1 to 10.	National speed limit (70 miles per hour).
	New A1 carriageway Southbound comprised in Work Nos. 1b, 2b and 3b from north of Back Burn on Sheet 10 to south of Warreners House on Sheet 1 to the extent coloured purple on Sheets 1 to 10.	National speed limit (70 miles per hour).
	Northbound slip road from new A1 carriageway to Highlaws junction comprised in Work No. 8a to the extent shown coloured purple on Sheet 2.	National speed limit (70 miles per hour).
	Northbound slip road to new A1 carriageway from Highlaws junction comprised in Work No. 8e to the extent shown coloured purple shown on Sheet 2.	National speed limit (70 miles per hour).
	Southbound slip road from new A1 carriageway to Highlaws junction comprised in Work No. 8f to the extent shown coloured purple on Sheet 2.	National speed limit (70 miles per hour).
	Southbound slip road to new	National speed limit (70 miles

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
	A1 carriageway from Highlaws junction comprised in Work No. 8i to the extent shown coloured purple on Sheet 2.	per hour).
	Northbound slip road from new A1 carriageway to Fenrother junction comprised in Work No. 9c to the extent shown coloured purple on Sheet 4.	National speed limit (70 miles per hour).
	Northbound slip road to new A1 carriageway from Fenrother junction comprised in Work No. 9d to the extent shown coloured purple on Sheet 4.	National speed limit (70 miles per hour).
	Southbound slip road from new A1 carriageway to Fenrother junction comprised in Work No. 9f to the extent shown coloured purple on Sheet 4.	National speed limit (70 miles per hour).
	Southbound slip road to new A1 carriageway from Fenrother junction comprised in Work No. 9h to the extent shown coloured purple on Sheet 2.	National speed limit (70 miles per hour).
	Northbound slip road from new A1 carriageway to West Moor junction comprised in Work No. 16c to the extent shown on Sheet 16.	National speed limit (70 miles per hour).
	Northbound slip road to new A1 carriageway from West Moor junction comprised in Work No. 16f to the extent shown coloured purple on Sheet 9.	National speed limit (70 miles per hour).
	Southbound slip road from new A1 carriageway to West Moor junction comprised in Work No. 16g to the extent shown coloured purple on Sheet 9.	National speed limit (70 miles per hour).
	Southbound slip road to new A1 carriageway from West Moor junction comprised in Work No. 16k to the extent shown coloured purple on Sheet 9.	National speed limit (70 miles per hour).
Trunk Road – Sheets 11 to 17 Denwick, Rennington,	A1 Dual Carriageway north	National speed limit (70 miles

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
Eglingham, Ellingham.	bound comprising Work Nos. 21a, 22a and 23a and southbound comprising Work Nos. 21a, 22b and 23b for a distance of 7900m all to the extent shown coloured purple on Sheets 11 to 17. Northbound slip road from new A1 carriageway to Charlton Mires junction comprised in Work No. 29c to the extent shown coloured purple on Sheet 15. Northbound slip road to new A1 carriageway from Charlton Mires junction comprised in Work No. 29f to the extent shown coloured purple on Sheet 15. Southbound slip road from new A1 carriageway to Charlton Mires junction comprised in Work No. 29j to the extent shown coloured purple on Sheet 15. Southbound slip road to new A1 carriageway from Charlton Mires junction comprised in Work No. 29l to the extent shown coloured purple on Sheet 15.	per hour). National speed limit (70 miles per hour). National speed limit (70 miles per hour). National speed limit (70 miles per hour). National speed limit (70 miles per hour).
Local Authority Road (including de-trunked A1) – Sheets 3 to 8		
Hebron, Tritlington and West Chevington, Felton.	De-trunked A1 north and southbound comprising— (a) that part of Work No. 10a from north of the River Lyne to the junction of the de-trunked A1 with Fenrother Lane East to the extent shown coloured green on Sheets 3 and 4; and (b) the road comprised in Work No. 19b from Portland House to Bockenfield Bridge to the extent shown coloured green on Sheets 4 to 8.	National speed limit (60 miles per hour).
Trunk Road (A1 Connector Road)		
Hebron	Highlaws Junction comprising the overbridge to be	60 miles per hour

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
	constructed in terms of Work No. 8d and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 8a, 8e, 8f and 8i to the extent shown coloured green on Sheet 2.	
Hebron	Fenrother Junction comprising the overbridge to be constructed in terms of Work No. 9g and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 9c, 9d, 9f and 9h to the extent shown coloured green on Sheet 4.	60 miles per hour
Felton	West Moor Junction comprising the overbridge to be constructed in terms of Work No. 16e, the roundabout comprised in Work No. 16j and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 16c, 16f, 16g and 16k to the extent shown coloured green on Sheet 9.	60 miles per hour
Local Authority Roads		
Hebron	High Highlows Road comprising Work No. 8b to the extent shown coloured green on Sheet 2.	60 miles per hour
Hebron	Hebron Road comprising Work No. 8h to the extent shown coloured green on Sheet 2.	60 miles per hour
Tritlington and West Chevington	Fenrother Lane (West) comprising Work No 9b to the extent shown coloured green on Sheet 4.	60 miles per hour
Tritlington and West Chevington	Fenrother Lane (East) comprising Work No 9i to the extent shown coloured green on Sheet 4.	60 miles per hour
Tritlington and West Chevington	Causey Park Overbridge comprising Work No. 11c to the extent shown coloured green on Sheet 6.	60 miles per hour
Thirston	Burgham Park Underbridge comprising Work No. 14 to the extent shown coloured green	60 miles per hour

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
Thirston Thirston	on Sheet 7 but including that part of Burgham Park Road that falls under the A1. Felton Road (Sheet 9)	60 miles per hour
Felton, Thirston	The new link road from West Moor Junction roundabout to Bockenfield Bridge comprising Work No. 161 to the extent shown coloured green on Sheets 8 and 9. The new road linking West Moor Road to Bywell Road comprising Work No. 16b to the extent shown coloured green on Sheets 8 and 9.	60 miles per hour
Rennington	Charlton Mires Junction comprising the overbridge to be constructed in terms of Work No. 29g, the roundabout to the west of the A1 comprising Work No. 29e, the realigned stretch of the B6347 leading from the western arm of the said roundabout comprising Work No. 29c, the realigned stretch of the B6347 to the east of the A1 comprising Work No. 29k and those parts of the northbound and southbound slips to and from the A1 comprised in Work Nos. 29d, 29f, 29j and 29l all to the extent shown coloured green on Sheet 15.	60 miles per hour
Rennington, Eglingham	Local access road linking Charlton Mires Junction and West Linkhall comprising Work No. 29h to the extent coloured green on Sheets 15 and 16.	60 miles per hour
Rennington, Eglingham	Local access road linking Charlton Mires Junction and East Linkhall comprising Work No. 29i to the extent coloured green on Sheets 15 and 16.	60 miles per hour
Rennington	The access road to Rock Midstead comprised in Work No. 30a to the extent coloured green on Sheet 15.	60 miles per hour
Rennington	The local access road linking Rock Midstead and Rock South Farm comprising Work No. 30b to the extent coloured	60 miles per hour

<i>(1)</i> <i>Civil Parish</i>	<i>(2)</i> <i>Road name, number and extent</i>	<i>(3)</i> <i>Speed Limit</i>
Rennington	green on Sheets 14 and 15. The realigned B6341 comprising Work No. 29a to the extent coloured green on sheet 15.	60 miles per hour

PART 2

CLOSURES OF BUS STOP LAY-BYS AND PARKING LAY-BYS

<i>(1)</i> <i>Description of lay-by</i>	<i>(2)</i> <i>Location</i>
Bus stop lay-by	Bus stop lay-by 1/1 on Sheet 1, located on the northbound side of the carriageway in front of Warreners House.
Bus stop lay-by	Bus stop lay-by 1/2 on Sheet 1, located on the southbound side of the carriageway in front of Warreners House.
Parking lay-by	Parking lay-by 2/1 on Sheet 2, located on the northbound side of the carriageway, 730m south of High Highlaws Road.
Parking lay-by	Parking lay-by 2/2 on Sheet 2, located on the southbound side of the carriageway, 420m south of High Highlaws Road.
Parking lay-by	Parking lay-by 3/1 on Sheet 3, located on the northbound side of the carriageway, 540m south of Priest's Bridge.
Parking lay-by	Parking lay-by 3/2 on Sheet 3, located on the southbound side of the carriageway, 800m south of Priest's Bridge.
Parking lay-by	Parking lay-by 7/1 on Sheet 7, located on the northbound side of the carriageway, 200m north of Burgham Park Road.
Parking lay-by	Parking lay-by 9/1 in Sheet 9, located on the northbound side of the carriageway, 80m south of River Coquet Bridge.
Parking lay-by	Parking lay-by 9/2 on Sheet 9, located on the southbound side of the carriageway, 150m south of River Coquet Bridge.
Parking Lay-by	Parking lay-by 11/1 on Sheet 11, located on the southbound side of the carriageway 650m south of Heckley Cottage.
Parking Lay-by	Parking lay-by 12/1 on Sheet 12, located on the northbound side of the carriageway 300m south of Heckley Fence Overbridge.
Parking Lay-by	Parking lay-by 13/1 on Sheet 13, located on the southbound side of the carriageway 550m north of Heckley Fence Overbridge.
Parking Lay-by	Parking lay-by 14/1 on Sheet 14, located on the southbound side of the carriageway 950m south of Charlton Mire Roundabout on Sheet.

Bus Stop Lay-by	Bus stop lay-by 15/1 on Sheet 15, located on the southbound side of the carriageway 220m south of Charlton Mire Roundabout.
Bus Stop Lay-by	Bus stop lay-by 15/2 on Sheet 15, located on the northbound side of the carriageway 250m south of Patterson Cottage.
Parking Lay-by	Bus stop lay-by 16/1 on Sheet 16, located on the southbound side of the carriageway 300m south of Charlton Hall Road.

SCHEDULE 12

Article 47

DOCUMENTS TO BE CERTIFIED

The reference to a document in the table with a numbered regulation is a reference to the regulation as numbered in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference</i>	<i>(3)</i> <i>Revision</i>
Book of Reference	TR010041/APP/4.3	6
Environmental Statement Chapter 0 – Table of Contents, Glossary and Abbreviations	TR010041/APP/6.1	0
Environmental Statement – Volume 1: Introductory Chapters, Figures and Associated Figures and Appendices, subject to the following revisions—	TR010041/APP/6.1	0
Environmental Statement Appendix 2.1 - Lighting Assessment	TRO10041/APP/6.1	1
Environmental Statement – Appendix 2.2 Technical Drawings	TRO10041/APP/6.1	1
Environmental Statement – Volume 2: Part A Chapters subject to the following revision—	TR010041/APP/6.2	0
Environmental Statement Figure 7.12 - Photomontage Location Plan	TR010041/APP/6.2	1
Environmental Statement – Volume 3: Part B Chapters	TR010041/APP/6.3	0
Environmental Statement – Volume 4: Cumulative Effects and Summary subject to the following revision—	TR010041/APP/6.4	0
Updated Technical Note	TR010041/APP/7.26.3	2
Environmental Statement – Volume 5 Part A Figures,	TR010041/APP/6.5	1

subject to the following revisions—		
Landscape Mitigation Masterplan – Part A	TR010041/APP/6.5	5
Environmental Statement – Volume 6 Part B Figures, subject to the following revisions—	TR010041/APP/6/6	1
Environmental Statement Figure 7.1 - Zone of Theoretical Visibility Part B	TR010041/APP/6/6	1
Environmental Statement Figure 7.10 - Landscape Mitigation Plan Part B	TR010059/APP/6.6	3
Environmental Statement Figure 10.1 (Appendix ii) - Water Constraints Plan Part B	TR010041/APP/6.6	1
Environmental Statement – Volume 7 Part A Appendices	TR010041/APP/6.7	0
Environmental Statement – Volume 8 Part B Appendices	TR010041/APP/6/8	0
Environmental Statement – Non-Technical Summary	TR010041/APP/6.9	0
Statement of Statutory Nuisance	TR010041/APP/6.15	0
Part A Flood Risk Assessment – ES Appendix 10.1	TR010041/APP/6.7	1
Part B Flood Risk Assessment - ES Appendix 10.1 subject to the following revision—	TR010041/APP/6.8	0
Environmental Statement Appendix 10.4 - Drainage Strategy Report Part B	TR010041/APP/6.8	1
Noise Addendum	TR010041/6.22	0
Flood Risk Assessment Addendum	TR010041/7.9.1.2	1
Population and Human Health Additional Assessment	TR010041/6.24	0
Plan and Assessment of Nature Conservation – Chapter 7, 9 and 14 of the ES	TR010041/APP/6.1	0
	TR010041/APP/6.2	0
Plan and Assessment of Historic Environmental Effects - Chapter 6 of the ES	TR010041/APP/6.1	0
	TR010041/APP/6.2	0
Environmental Statement Addendum: East and West Linkhall Roads	TR010041/APP/6.46	0
Environmental Statement Addendum: Earthworks Amendments For Change Request	TR010041/APP/6.37	1
Environmental Statement Addendum: Stabilisation Works For Change Request	TR010041/APP/6.38	1

Environmental Statement Addendum: Southern Access Works For Change Request	TR010041/APP/6.38	1
Part A Scoping Opinion	TR010041/APP/6.10	0
Part B Scoping Opinion	TR010041/APP/6.11	0
Habitat Regulations Assessment	TR010041/APP/6.14	2
Habitat Regulations Assessment Addendum	TR010041/APP/7.8.27	0
Outline CEMP	TR010041/APP/7.3	13
Outline CTMP	TR010041/APP/7.4	4
Outline ancient woodland strategy	TR010041/APP/6.7	3
Culvert management plan	TR010041/APP/7.9.1.1	3
Location plan – Regulation 5(2)(o)	TR010041/APP/2.1	0
General arrangement plans – Regulation 5(2)(k)	TR010041/APP/2.4	7
Land plans – Regulation 5(4) and 5(2)(i)	TR010041/APP/2.2	5
Works plans – Regulation 5(4) and 5(2)(j)	TR010041/APP/2.3	3
Rights of way and access plans – Regulation 5(4) and 5(2)(k)	TR010041/APP/2.5	5
Engineering Drawings and Sections – Regulations 5(4), 5(2)(o) and 6(2)	TR010041/APP/2.7	0
Structures Engineering Drawings and Sections - Regulation 5(4) and 5(2)(o)	TR010041/APP/ 2.8	3
Traffic regulation plans – Regulation 5(4) and 5(2)(o)	TR010041/APP/2.6	3
Vegetation clearance plans	TR010041/APP/2.9	3
Landscape Mitigation Masterplan Part A – Regulation 5(2)(a)	TR010059/APP/6.5	5
Landscape Mitigation Plan Part B – Regulation 5(2)(a)	TR010059/APP/6.6	3
Landscape Mitigation Plan including Assessment	TR010059/APP/6.6	0
Parameter 3 Part B – Regulation 5(2)(a)		
Riparian planting plan	TR10041/APP/2.12	0
Cross sections for Earthworks Amendments	TR010059/APP/7.30.1	0
Proposed highway adoption and maintenance responsibilities	TR10041/APP/2.11	3

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises National Highways to undertake works in Northumberland to:

- (a) alter the existing A1 between Warreners House Interchange at Morpeth and Priest's Bridge;
- (b) alter the existing A1 between Burgham Park and the existing dual carriageway at Felton;
- (c) construct a new dual carriageway to the west of the existing A1 between Priest's Bridge and Burgham Park;
- (d) alter the A1 between land north of Denwick Interchange (Alnwick) and south of North Charlton near Ellingham,

and carry out associated works.

The Order permits National Highways to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also includes provisions in connection with the maintenance of the authorised development.

A copy of the plans, engineering drawings and sections, the book of reference, the environmental statement and the outline CEMP mentioned in this Order and certified in accordance with article 47 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at National Highways, Lateral, 8 City Walk, Leeds, West Yorkshire, LS11 9AT.

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