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STATUTORY INSTRUMENTS

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**2017 No. 817**

**INFRASTRUCTURE PLANNING**

**The National Grid (Richborough Connection Project) Development Consent Order 2017**

*Made - - - - 3rd August 2017*

*Coming into force - - 24th August 2017*

An application under section 37 of the Planning Act 2008<sup>(1)</sup> (the “2008 Act”) has been made to the Secretary of State for an order granting development consent.

The application has been examined by a Panel, which has made a report to the Secretary of State under section 74(2) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Panel, has taken into account the environmental information in accordance with regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>(2)</sup> and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

The Secretary of State is satisfied that the special category land within the order limits, when burdened with the rights imposed by this Order, will be no less advantageous than it was before to the persons in whom it is vested; other persons, if any, entitled to rights of common or other rights; and the public; and that, accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, having decided the application, has determined to make an order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in section 114 and 120 of the 2008 Act, makes the following Order:

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<sup>(1)</sup> 2008 c. 29.

<sup>(2)</sup> S.I. 2009/2263. Regulation 3 was amended by S.I. 2012/635 and S.I. 2012/787 and revoked by S.I. 2017/575 subject to transition provisions contained in that instrument..

## PART 1

### PRELIMINARY

#### Citation and commencement

1. This Order may be cited as the National Grid (Richborough Connection Project) Development Consent Order 2017 and comes into force on 24th August 2017.

#### Interpretation

2.—(1) In this Order, unless the context requires otherwise,—

“the 1961 Act” means the Land Compensation Act 1961(3);

“the 1965 Act” means the Compulsory Purchase Act 1965(4);

“the 1980 Act” means the Highways Act 1980(5);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(6);

“the 1984 Act” means the Road Traffic Regulation Act 1984(7);

“the 1990 Act” means the Town and Country Planning Act 1990(8);

“the 1991 Act” means the New Roads and Street Works Act 1991(9);

“the 2008 Act” means the Planning Act 2008(10);

“the 2009 Act” means the Marine and Coastal Access Act 2009(11);

“the access and rights of way and public rights of navigation plans” means the plans listed in Part 2 of Schedule 2 (plans and drawings) as the access and rights of way and public rights of navigation plans, certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“the Archaeological Mitigation Written Scheme of Investigation” means the scheme included as part of the CEMP identifying steps to mitigate predicted effects on archaeology, geo-archaeology, palaeo-environmental and historic landscape heritage assets during construction of the authorised development and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

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

“the Biodiversity Mitigation Strategy” means the strategy included as part of the CEMP incorporating measures to avoid, reduce, mitigate and compensate for likely adverse effects on ecological receptors arising from the construction of the authorised development and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“the book of reference” means the book of reference certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

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(3) 1961 c. 33.  
(4) 1965 c. 56.  
(5) 1980 c. 66.  
(6) 1981 c. 66.  
(7) 1984 c. 27.  
(8) 1990 c. 8.  
(9) 1991 c. 22.  
(10) 2008 c. 29.  
(11) 2009 c. 23.

- “building” includes any structure or erection or any part of a building, structure or erection;
- “business day” means Monday to Friday excluding Bank Holidays and other public holidays;
- “carriageway” has the same meaning as in the 1980 Act;
- “CEMP” means the Construction Environmental Management Plan (Document 5.4.3.C(D)) including the Archaeological Mitigation Written Scheme of Investigation (Document 5.4.3F(B)), the Biodiversity Mitigation Strategy (Document 5.4.3E(C)), the Construction Traffic Management Plan (Document 5.4.3G(C)), the Public Rights of Way Management Plan (Document 5.4.3H(C)), the Outline Waste Management Plan (Document 5.4.3D(A)) and the Noise and Vibration Management Plan (Document 8.8(B)) certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act (notice of authorisation of compulsory acquisition);
- “the Construction Traffic Management Plan” means the plan included as part of the CEMP incorporating strategies and measures to limit the impact on existing users of the public highway network arising from construction of the authorised development and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “the deemed marine licence” means the marine licence set out in Schedule 9 (deemed marine licence);
- “the design drawings” means the drawings listed in Part 3 of Schedule 2 (plans and drawings) as the design drawings and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “electronic transmission” means a communication transmitted—
- (a) by means of an electronic communications network; or
  - (b) by other means but while in electronic form;
- “Environmental Statement” means the environmental statement (January 2016 – Documents 5.1 to 5.4) as submitted by National Grid Electricity Transmission plc to support its application for development consent and the documents contained in or named in the consolidated errata and changes (Document 5.2.1(C));
- “the extinguishment of easements, servitudes and other rights plans” means the extinguishment of easements, servitudes and other rights plans listed in Part 6 of Schedule 2 (plans and drawings) and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “foundations” means a foundation placed in land to support pylons and electric lines constructed upon those foundations;
- “highway” has the same meaning as in the 1980 Act;
- “the highway authority” means Kent County Council;
- “the land plans” means the plans listed in Part 4 of Schedule 2 (plans and drawings) as the land plans and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation) and shown on the works plans;
- “the location plan” means the plan listed in Part 1 of Schedule 2 (plans and drawings) as the location plan and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;
- “main river” has the same meaning as in Part 4 of the Water Resources Act 1991(12);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of “maintain” must be construed accordingly;

“MMO” means the Marine Management Organisation;

“National Grid” means National Grid Electricity Transmission plc (registered company number 2366977);

“Noise and Vibration Management Plan” means the plan included as part of the CEMP incorporating measures for the management of noise and vibration arising from the construction of the authorised development and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“the Order land” means the land shown on the land plans which is within the Order limits and described in the book of reference;

“the Order limits” means the limits shown on the land plans and on the works plans within which the authorised development may be carried out;

“the Outline Waste Management Plan” means the plan included as part of the CEMP incorporating measures for the management of waste arising from the construction of the authorised development, certified under article 43 (certification of plans, etc.);

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981<sup>(13)</sup>;

“the Public Rights of Way Management Plan” means the plan included as part of the CEMP detailing measures to manage the temporary closure of public footpaths arising from the construction of the authorised development and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“relevant local authority” means, in any given provision of this Order, the local authority for the area to which the provision relates;

“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;

“Requirements” means the Requirements as set out in Schedule 3 (requirements) and any numbered Requirement must be construed accordingly;

“sewerage undertaker” means a company appointed under the Water Industry Act 1991<sup>(14)</sup> to provide sewerage services in respect of a geographical area of England and Wales;

“the special category land and crown land plans” means the plans listed in Part 5 of Schedule 2 (plans and drawings) as the special category land and crown land plans and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“statutory undertaker” means, unless the contrary is apparent, any person falling within section 127(8) and section 138(4A) and (4B) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act, 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 of the 1991 Act;

“the temporary construction works” means Work Nos. 2 and 3;

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

“traffic authority” has the same meaning as in the 1984 Act;

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<sup>(13)</sup> 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to that Act which are not relevant to this Order.

<sup>(14)</sup> 1991 c. 57 as amended by S.I. 2009/3104.

“the traffic regulation order plans” means the plans listed in Part 7 of Schedule 2 (plans and drawings) as the traffic regulation order plans and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

“the Trees and Hedgerows to be Removed or Managed Plans” means the plans listed in Part 8 of Schedule 2 (plans and drawings) as the trees and hedgerows to be removed or managed plans and certified by the Secretary of State under article 43 (certification of plans, etc.) for the purposes of this Order;

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

“UK Power Networks” means UK Power Networks Operations Limited (registered company number 03870728) and/or its affiliate South Eastern Power Networks plc (registered company number 03043097) as applicable;

“the UK Power Networks works” means Works Nos. 4A, 4B, 4C, 5A, 5B, 5C, 5D, 6A, 6B, 6C, 6D, 6E and 6F and any associated development in connection with those works, described in Schedule 1 (authorised development);

“the undertaker”—

- (a) in relation to the authorised development, means National Grid; and
- (b) in relation to the UK Power Networks works, and subject to article 6(4), includes UK Power Networks;

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

“the works plans” means the plans listed in Part 9 of Schedule 2 (plans and drawings) as the works plans and certified by the Secretary of State under article 43 (certification of plans, etc.) 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 air-space above its surface and references in this Order to the imposition of restrictions are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

(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) 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 access and rights of way plans.

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

(7) References in this Order to “Document” followed by a number or numbers are references to documents submitted by National Grid in support of the application for development consent that resulted in the making of this Order.

(8) For the purposes of this Order, “operational use” in relation to any part of the authorised development occurs when that part first transmits electricity at either 132kV or 400kV.

## PART 2

### PRINCIPAL POWERS

#### **Development consent etc. granted by the Order**

- 3.—(1) Subject to the provisions of this Order and to the Requirements to this Order—
- (a) National Grid is granted development consent for the authorised development set out in Schedule 1 (authorised development); and
  - (b) Subject to article 6(4), UK Power Networks is granted development consent for the UK Power Networks works.
- (2) National Grid may—
- (a) install the authorised development; and
  - (b) keep installed the above ground electric lines included in the authorised development except those above-ground electric lines included in the UK Power Networks works.
- (3) UK Power Networks may—
- (a) subject to article 6(4), install the UK Power Networks works; and
  - (b) keep installed the above-ground electric lines included in the UK Power Networks works.
- (4) The authorised development must be constructed, installed and kept installed in the lines and situations shown on the Works Plans in Schedule 2 (plans and drawings), subject to article 5 (limits of deviation) and to the Requirements set out in Schedule 3 (requirements).
- (5) Schedule 2 (plans and drawings) has effect.

#### **Maintenance of authorised development**

- 4.—(1) National Grid may at any time maintain the authorised development (excluding the UK Power Networks works), except to the extent that this Order or an agreement made under this Order provides otherwise.
- (2) UK Power Networks may at any time maintain the UK Power Networks works, except to the extent that this Order or an agreement made under this Order provides otherwise.

#### **Limits of deviation**

5. In carrying out the authorised development for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) the undertaker may—
- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans within the limits of deviation relating to that work shown on those plans and carry out construction activities for the purposes of the authorised development anywhere within the Order limits; and
  - (b) deviate vertically from the levels of the authorised development shown on the design drawings—
    - (i) to any extent not exceeding 4 metres upwards; or
    - (ii) to any extent downwards as may be found to be necessary or convenient.

#### **Benefit of Order**

- 6.—(1) The provisions of this Order have effect for the benefit of—
- (a) National Grid in respect of the authorised development; and

- (b) Subject to paragraph (4), UK Power Networks in respect of the UK Power Networks works.
- (2) UK Power Networks may not carry out the UK Power Networks works under article 3(1)(b) (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.
- (3) If UK Power Networks fails to carry out the UK Power Networks works in accordance with National Grid's consent, National Grid may give UK Power Networks and the Secretary of State a notice that National Grid intends to carry out the UK Power Networks works under article 3(1)(a) from a date specified in the notice.
- (4) On the date specified in the notice referred to in paragraph (3), and subject to paragraph (5)—
- (a) UK Power Networks is to cease to have the benefit of article 3(1)(b);
  - (b) UK Power Networks is to cease to be an undertaker for the purposes of the installation of the UK Power Networks Works; and
  - (c) References to UK Power Networks in article 29 are to be read as including National Grid.
- (5) Where a notice is issued under paragraph (3), paragraph (4) does not affect the following insofar as they apply to UK Power Networks—
- (a) the operation of the following articles of this Order—
    - (i) article 3(3)(b), (4) and (5);
    - (ii) article 4(2);
    - (iii) article 5
    - (iv) this article; and
  - (b) works done and actions undertaken prior to the date specified in that notice.
- (6) The exercise by UK Power Networks of any benefits or rights conferred on it by this Order is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid.
- (7) Paragraph (1) does not apply where the consent granted by this Order is expressed to be for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

### **Consent to transfer benefit of Order**

- 7.—(1) National Grid, and UK Power Networks in relation to the UK Power Networks works, may, with the consent of the Secretary of State—
- (a) transfer to another person (“the transferee”) any or all of the benefit of the provision of this Order and such related statutory rights as may be agreed between National Grid or UK Power Networks and the transferee; or
  - (b) grant to another person (“the lessee”) for a period agreed between National Grid or UK Power Networks 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) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the Deemed Marine Licence.
- (3) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid or UK Power Networks (as the case may be), except in paragraph (4), is to include references to the transferee or the lessee.
- (4) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) must be subject to the same restrictions, liabilities and obligations as

would apply under this Order if those benefits or rights were exercised by National Grid or UK Power Networks.

### **Application of the 1990 Act**

**8.**—(1) This article applies where the land is used for the temporary construction works.

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

### **Application of the Community Infrastructure Levy Regulations 2010**

**9.**—(1) The Community Infrastructure Levy Regulations 2010<sup>(15)</sup> apply to the authorised development as if regulation 5(2) of those Regulations (meaning of “planning permission”) referred to development consent which is deemed to be granted for a limited period by an Order made under section 114(1)(a) of the 2008 Act (grant or refusal of development consent) rather than to planning permission which is granted for a limited period.

(2) Development consent is deemed to be granted for a limited period for the temporary construction works and any other temporary buildings or works authorised by this Order.

## **PART 3**

### **STREETS**

#### **Street works**

**10.**—(1) The undertaker may, for the purposes of the authorised development, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may—

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

(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 street works) of the 1991 Act.

(3) The powers conferred in paragraphs (1) and (2) are without limitation on the powers of the undertaker under the Electricity Act 1989<sup>(16)</sup>.

(4) In this article “apparatus” has the meaning given in Part 3 of the 1991 Act.

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<sup>(15)</sup> S.I. 2010/948, as amended by S.I. 2011/987, S.I. 2012/2975, S.I. 2013/982, S.I. 2014/385 and S.I. 2015/836.

<sup>(16)</sup> 1989 c. 29.

### **Application of the 1991 Act**

**11.**—(1) Works carried out under this Order in relation to a highway which consists of or includes a carriageway must be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) 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 the 1991 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 of the 1980 Act (dual carriageways and roundabouts).

(2) The provisions of the 1991 Act mentioned in paragraph (3) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 13 (temporary stopping up of streets and public rights of way) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(3) The provisions of the 1991 Act referred to in paragraph (2) are—

- (a) section 54 (advance notice of certain works), subject to paragraph (4);
- (b) section 55 (notice of starting date of works), subject to paragraph (4);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 71 (materials, workmanship and standard of reinstatement);
- (i) section 76 (liability for cost of temporary traffic regulation); and
- (j) section 77 (liability for cost of use of alternative route);

and all such other provisions as apply for the purposes of the provisions mentioned in sub-paragraphs (a) to (j).

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) 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.

### **Power to alter layout, etc. of streets**

**12.**—(1) The undertaker may for the purposes of carrying out the authorised development temporarily alter the layout of or carry out any works in a street specified in column (1) Schedule 6 (streets subject to temporary alteration of layout) in the manner specified in relation to that street in column (2).

(2) Without limitation on the specific powers conferred by paragraph (1), but subject to paragraph (4), the undertaker may, for the purposes of constructing and maintaining the authorised development, temporarily 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 limiting 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, footway, cycle track or verge within the street;
  - (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track or verge;
  - (c) reduce the width of the carriageway of the street;
  - (d) make and maintain crossovers and passing places;
  - (e) carry out works for the provision or alteration of parking places, loading bays and cycle tracks; and
  - (f) execute any works to provide or improve sight lines required by the highway authority.
- (3) The undertaker must restore to the reasonable satisfaction of the street authority any street that has been temporarily altered under this article.
- (4) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority.
- (5) If a street authority which receives an application for consent under paragraph (4) 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.

### **Temporary stopping up of streets and public rights of way**

**13.**—(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter or divert any street or public right of way shown on the access and rights of way plans or within the Order limits and may for any reasonable time—

- (a) divert the traffic from the street or public right of way; and
  - (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way.
- (2) Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article.
- (3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary stopping up, alteration or diversion under this article if there would otherwise be no such access.
- (4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets or public rights of way specified in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the access and rights of way plans, in column (3) of that Schedule, and, if it does so in respect of a street or public right of way specified in Part 1 of Schedule 7, must provide the temporary diversion as specified in column (4) of that Part.
- (5) The undertaker must not temporarily stop up, alter or divert—
- (a) any street or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; and
  - (b) any other street or public right of way without the consent of the street authority which may attach reasonable conditions to any consent.
- (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, under Part 1 of the 1961 Act.
- (7) If a street authority which receives an application for consent under paragraph (5)(b) 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.

### Access to works

14.—(1) The undertaker may, for the purposes of the authorised development and with the consent of the relevant planning authority, after consultation with the highway authority, form and lay out such other 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.

(2) If a relevant planning authority which receives an application for consent under paragraph (1) 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.

### Agreements with street authorities

15.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street including any structure carrying the street over or under an electric line authorised by this Order;
- (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under an electric line authorised by this Order;
- (c) any stopping up, alteration or diversion of a street authorised by this Order; or
- (d) the carrying out in the street of any of the works referred to in article 10 (street works).

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and the street authority specifying a reasonable time for the completion of the works; and
- (c) contain such terms as to payment and other matters as the parties consider appropriate.

## PART 4

### SUPPLEMENTAL POWERS

#### Discharge of water

16.—(1) 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, a 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 pursuant to paragraph (1) must be determined as if it were a dispute under section 106 of the Water Industry Act 1991(17) (right to communicate with public sewers).

(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.

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

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs; and

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(17) 1991 c. 56. Section 106 was amended by the Water Act 2003 (c. 37), sections 36(2) and 99 subject to the transitional provisions contained in article 6 of, and Schedule 3 to, S.I. 2004/641. There are other amendments to section 106 which are not relevant to this Order.

- (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 pursuant to 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 under the powers conferred by 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(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010<sup>(18)</sup>.
- (8) This article does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2010.
- (9) 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 is deemed to have granted consent or given approval, as the case may be.
- (10) In this article—
- (a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964<sup>(19)</sup>, an internal drainage board, a joint planning board, a local authority, the highway authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and
  - (b) other expressions, excluding watercourse, used both in this article and in the Environmental Permitting (England and Wales) Regulations 2010 have the same meaning as in those Regulations.

### **Protective work to buildings**

- 17.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits 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 brought into operational 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—

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<sup>(18)</sup> S.I. 2010/675.

<sup>(19)</sup> 1964 c. 40. Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9(1) and (2).

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

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), specify 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 48 (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 brought into operational 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 10(2) of the 1965 Act (compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) must be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(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**

**18.—**(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits and—

- (a) survey or investigate the land;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes, boreholes or excavations in such positions on the land as the undertaker thinks fit for the purposes of installing or keeping installed the authorised development on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations and monitoring 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, boreholes or excavations.

(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.

(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;
- (b) must, before entering the land, provide in the notice details of the purpose specified in paragraph (1) to survey and investigate the land; and
- (c) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes, boreholes or excavations.

(4) No trial holes, boreholes or excavations may be made under this article—

- (a) on land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority.

(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 powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

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

that authority is deemed to have granted consent.

## PART 5

### POWERS OF ACQUISITION

#### **Compulsory acquisition of right: incorporation of the mineral code**

**19.** Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981<sup>(20)</sup> (minerals) are incorporated into this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” there is substituted “the undertaker”.

#### **Time limit for exercise of authority to acquire rights compulsorily**

**20.**—(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 may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)<sup>(21)</sup>.

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<sup>(20)</sup> 1981 c. 67. Sub-paragraph (5) of paragraph 1 of Part 1 of Schedule 2 was amended by section 67 of, and paragraph 27(3) of Schedule 9 to, the Coal Industry Act 1994 (c. 21) and paragraph 8 of Part 3 of that Schedule 2 was amended by section 46 of the Criminal Justice Act 1982 (c. 48). There are other amendments to this Act which are not relevant to this Order.

<sup>(21)</sup> 1981 c. 66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). There are other amendments to this Act which are not relevant to this Order.

(2) The authority conferred by article 28 (temporary use of land by National Grid) and article 29 (temporary use of land by UK Power Networks) ceases at the end of the period referred to in paragraph (1), save 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**

**21.**—(1) Subject to the provisions of this article the undertaker may acquire compulsorily the rights, and impose the restrictions, over the Order land, described in the book of reference, by creating them as well as by acquiring rights and the benefits of restrictions already in existence.

(2) This article is subject to article 28 (temporary use of land by National Grid) and article 29 (temporary use of land by UK Power Networks).

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) as substituted by paragraph 5 of Schedule 10 to this Order (modification of compensation and compulsory purchase enactments for creation of new rights) where the undertaker acquires a right over land or imposes a restriction under paragraph (1) the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 10 to this Order 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 restriction.

(5) In any case where the acquisition of rights or the imposition of a restriction under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose such restrictions to the relevant statutory undertaker.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(7) Nothing in this article authorises the acquisition of rights over, or the imposition of restrictions affecting, an interest which is for the time being held by or on behalf of the Crown.

### **Crown rights**

**22.**—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee to use, enter on or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
- (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1)—

- (a) may be given unconditionally or subject to terms and conditions;

- (b) is deemed to have been given in writing where it is sent electronically.

### **Extinguishment and suspension of private rights**

**23.—(1)** Subject to the provisions of this article, all private rights or restrictive covenants over land subject to compulsory acquisition of rights or the imposition of restrictions under the Order shall be extinguished in so far as their continuance would be inconsistent with the exercise of the right acquired or the burden of the restriction imposed—

- (a) as from the date of the acquisition of the right or the benefit of the restriction 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 in pursuance of the right;

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order, are extinguished on the commencement of any activity authorised by this Order which interferes with or breaches such rights or such restrictive covenants.

(3) Subject to the provisions of this article and article 24 (extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession), all private rights or restrictive covenants 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.

(4) Any person who suffers loss by the extinguishment or suspension of any private right or restrictive covenant under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 32 (statutory undertakers) applies.

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

- (a) any notice given by the undertaker before—
- (i) the completion of the acquisition of the rights or the imposition of restrictive covenants over 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, in so far as it relates to the authorised development, at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested, belongs or benefits.

(7) If any such agreement as is referred to in paragraph (6)(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.

(8) A reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support.

### **Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession**

**24.**—(1) This article applies to any Order land specified in Part 1 (National Grid) and Part 2 (UK Power Networks) of Schedule 8 (extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession) and any other Order land of which National Grid takes temporary possession under article 28 (temporary use of land by National Grid) or UK Power Networks takes temporary possession under article 29 (temporary use of land by UK Power Networks).

(2) All private rights or restrictive covenants in relation to apparatus belonging to National Grid or UK Power Networks removed from any land to which this article applies are extinguished from the date on which National Grid or UK Power Networks give up temporary possession of that land under article 28(5) and 28(6) or 29(5) and 29(6), as the case may be.

(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in article 28(5)(c) and 28(6)(c) or 29(5)(c) and 29(6)(c) (National Grid and UK Power Networks not required to remove foundations when giving up temporary possession).

(4) Schedule 8 has effect.

### **Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

**25.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as so applied, has effect with the following modifications.

(3) In section 5 (earliest date for execution of declaration), subsection (2) is omitted.

(4) Section 5A is omitted<sup>(22)</sup>.

(5) References to the 1965 Act in the 1981 Act must be construed as references to the 1965 Act as applied by section 125 of the 2008 Act (application of compulsory acquisition provisions) to the compulsory acquisition of land under this Order.

### **Acquisition of subsoil or air-space only**

**26.**—(1) The undertaker may compulsorily acquire such rights, and impose such restrictions, in the subsoil of, or the air-space of, the land referred to in article 21 (compulsory acquisition of rights) as may be required for any purpose for which such rights or restrictions may be acquired in land under that provision instead of acquiring the rights or imposing restrictions over the whole of the land.

(2) Where the undertaker acquires any right or imposes any restriction in the subsoil of, or the air-space over, land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

### **Rights under or over streets**

**27.**—(1) The undertaker may enter on and use so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised development and

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<sup>(22)</sup> Section 5A to the 1981 Act was inserted by section 182(2) of the Housing and Planning Act 2016 (c.22).

may use the subsoil or air-space 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 appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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

### **Temporary use of land by National Grid**

**28.**—(1) National Grid may, in connection with the carrying out of the authorised development—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Part 1 of Schedule 11 (land of which temporary possession may be taken) to exercise the powers described in the book of reference and for the purpose specified in relation to that land in column (2) of Part 1 of that Schedule relating to the part of the authorised development specified in column (3) of Part 1 of that Schedule; and
  - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric line, electrical plant, buildings, structures, pylons, apparatus 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 works specified in relation to that land in column (2) of Part 1 of Schedule 11, or any other mitigation works.

(2) Not less than 14 days before entering on and taking temporary possession of land under this article, National Grid must serve notice of the intended entry on the owners and occupiers of the land.

(3) National Grid 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 referred to 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 Part 1 of Schedule 11, or
- (b) in the case of 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 National Grid 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) National Grid must provide the owner of any land of which temporary possession has been taken under this article with written notice of the date of completion of the works for which temporary possession was taken within 28 days of the completion of those works.

(5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(i), National Grid must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but National Grid is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 11 is concerned;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under, or in that land as part of the authorised development.

(6) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, National Grid must either acquire the interest on, over, or in the land in accordance with the provisions of paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but National Grid is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under paragraph (1)(d) insofar as the element of works shown in column (4) of Part 1 of Schedule 11 is concerned;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under, or in that land as part of the authorised development.

(7) National Grid 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.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) 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 (7).

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

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) 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 of the 2008 Act (application of compulsory acquisition provisions).

(12) Nothing in this article prevents National Grid from taking temporary possession more than once in relation to any land specified in Part 1 of Schedule 11.

### **Temporary use of land by UK Power Networks**

**29.—**(1) UK Power Networks may, in connection with the carrying out of the UK Power Networks works—

- (a) enter on and take temporary possession of—
    - (i) so much of the land specified in column (1) of Part 2 of Schedule 11 (land of which temporary possession may be taken) to exercise the powers described in the book of reference and for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of Part 2 of that Schedule; and
    - (ii) any other Order land in respect of the UK Power Networks works in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
  - (b) remove any electric lines, electrical plant, buildings, structures, pylons, apparatus 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 works specified in relation to that land in column (2) of Part 2 of Schedule 11, or any other mitigation works.
- (2) Not less than 14 days before entering on and taking temporary possession of land under this article, UK Power Networks must serve notice of the intended entry on the owners and occupiers of the land.
- (3) UK Power Networks 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 referred to 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 Part 2 of Schedule 11, or
  - (b) in the case of 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) UK Power Networks must provide the owner of any land of which temporary possession has been taken under this article with written notice of the date of completion of the works for which temporary possession was taken within 28 days of the completion of those works.
- (5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(i), UK Power Networks must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but UK Power Networks is not required to—
- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
  - (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the UK Power Networks works;
  - (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
  - (d) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 11 is concerned.
- (6) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, UK Power Networks must either acquire the interest on, over, or in the land in accordance with the provisions of paragraph (3) (b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but UK Power Networks is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) remove any pylons, electric lines or underground cables constructed or installed on, over, under or in that land as part of the UK Power Networks works;
- (c) remove any foundations to a depth greater than 1.5 metres below adjoining ground level; or
- (d) restore the land on which any works have been carried out under paragraph 1(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 11 is concerned.

(7) UK Power Networks 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.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) 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 (7).

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

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) 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 of the 2008 Act (application of compulsory acquisition provisions).

(12) Nothing in this article prevents UK Power Networks from taking temporary possession more than once in relation to any land specified in Part 2 of Schedule 11.

### **Temporary use of land for maintaining the authorised development**

**30.**—(1) Subject to paragraph (2), at any time during the maintenance periods 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;
- (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; and
- (c) enter on any land within the Order limits for the purpose of gaining access as is reasonably required for the purpose of maintaining the authorised development.

(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.

(4) The undertaker may remain in possession of land under this article only 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.

(5) 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.

(6) 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.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).

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

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) 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 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance periods" in relation to any part of the authorised development means the period of five years beginning with the date on which that part of the authorised development is brought into operational use, except where the authorised development is mitigation planting where "the maintenance periods" means the period of five years beginning with the date on which that part of the mitigation planting is completed.

### **Special category land**

**31.—**(1) So much of the special category land as shall be required for the purposes of the exercising by the undertaker of the Order rights shall be discharged from all rights, trusts and incidents to which it was previously subject.

(2) So far as the temporary use of land under either article 28 and 29 is concerned, then the discharge in paragraph (1) is only for such time as the land is being used under either of those articles.

(3) In this article—

"Order rights" means rights and powers exercisable over the special category land by the undertaker under article 21 (compulsory acquisition of rights), article 28 (temporary use of land by National Grid) and article 29 (temporary use of land by UK Power Networks); and

"the special category land" means the land identified as forming part of a common, open space, or fuel or field allotment in the book of reference and on the plan entitled "special category land and crown land plans".

### **Statutory undertakers**

**32.** Subject to the provisions of Schedule 14 (Protective Provisions), the undertaker may—

- (a) acquire compulsorily interests, rights or impose restrictions over, the land belonging to statutory undertakers shown on the land plans within the Order limits and described in the book of reference; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.

### **Recovery of costs of new connections**

**33.—**(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 32 (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 32 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) In this article—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(23); and

“public utility undertaker” has the same meaning as in the 1980 Act.

## PART 6

### MISCELLANEOUS AND GENERAL

#### **Deemed marine licence**

**34.** The undertaker is deemed to have been granted the licence contained in Schedule 9 (deemed marine licence) to this Order, to carry out the works and make the deposits described in that licence and subject to the licence conditions which are deemed to have been attached to the licence by the Secretary of State under Part 4 of the 2009 Act.

#### **Application of landlord and tenant law**

**35.—**(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,

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.

(2) 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.

(3) Accordingly, 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

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(23) 2003 c. 21.

- (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**

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

### **Defence to proceedings in respect of statutory nuisance**

**37.—**(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990<sup>(24)</sup> (summary proceedings by persons aggrieved by statutory nuisances) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order must 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) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974<sup>(25)</sup>; 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—
- (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with the Noise and Vibration Management Plan prepared under Requirement 5 of Schedule 3 (requirements) to this Order; or
  - (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (prior 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.

### **Temporary closure of, and works in, the river Stour**

**38.—**(1) The undertaker may, in connection with the construction of the authorised development, temporarily interfere with the relevant part of the river.

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) the undertaker may, in connection with the construction of the authorised development—

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<sup>(24)</sup> 1990 c. 43. Section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993 (c. 40), section 106 of, and Schedule 17 to, the Environment Act 1995 (c. 25) and section 103 of the Clean Neighbourhoods and Environment Act 2005 (c. 16). There are other amendments to this Act which are not relevant to this Order.

<sup>(25)</sup> 1974 c. 40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c. 25). There are other amendments to the 1974 Act which are not relevant to this Order.

- (a) temporarily moor or anchor barges or other vessels or craft in the relevant part of the river and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction or maintenance of the authorised development; and
  - (b) on grounds of health and safety only, temporarily close to navigation the relevant part of the river.
- (3) The power conferred by paragraphs (1) and (2) shall be exercised in such a way which secures—
- (a) that no more of the relevant part of the river is closed to navigation at any time than is necessary in the circumstances; and
  - (b) that, if complete closure to navigation of the relevant part of the river becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.
- (4) Any person who suffers loss as a result of the suspension of any private right of navigation under this article is entitled to be paid compensation for such loss by the undertaker, to be determined, in case of dispute, under Part 1 of the 1961 Act.
- (5) In this article, “the relevant part of the river” means so much of the river Stour as is shown hatched in yellow on the access and rights of way and public rights of navigation plan.

### **Traffic regulation**

**39.**—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, the undertaker may at any time, for the purposes of the construction of the authorised development—

- (a) prohibit vehicular access, prohibit waiting of vehicles and regulate vehicular speed by imposing speed restrictions on vehicles in the manner specified in Part 1 of Schedule 12 (traffic regulation) on those roads specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule;
  - (b) prohibit vehicular access and prohibit waiting of vehicles in the manner specified in Part 2 of Schedule 12 on those roads specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule; and
  - (c) prohibit waiting of vehicles in the manner specified in Part 3 of Schedule 12 on the roads specified in column (1) and along the lengths and between the points specified in column (2) in the manner specified in column (3) of that Part of that Schedule.
- (2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction of the authorised development, at any time prior to when the authorised development first becomes operational—
- (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, parking, waiting, loading or unloading of vehicles on any road;
  - (c) authorise the use as a parking place of any road;

- (d) make provision as to the maximum speed, 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 undertaker must not exercise the powers in paragraphs (1) and (2) unless it has—
    - (a) given not less than 28 days' notice in writing of its intention so to do 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 7 days of its receipt of notice of the undertaker's intention as provided for in subparagraph (a).
  - (4) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—
    - (a) has effect as if duly made by—
      - (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 of the 1984 Act (power of local authorities to provide parking places),
 and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 12 (traffic regulation) 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 to the Traffic Management Act 2004<sup>(26)</sup> (road traffic contraventions subject to civil enforcement).
  - (5) 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 paragraphs (1) and (2) at any time prior to the part of the authorised development to which it relates being brought into operational use.
  - (6) Before complying with the provisions of paragraph (3) the undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated.
  - (7) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.
  - (8) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraphs (1) and (2) the traffic authority is deemed to have granted consent.

### **Felling or lopping of trees**

- 40.—**(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development, 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.

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(26) 2004 c. 18.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any 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, must be determined under Part 1 of the 1961 Act.

(4) Development consent granted by this Order is to be treated as planning permission pursuant to Part 3 of the 1990 Act for the purposes of regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012(27).

### **Trees subject to tree preservation orders**

**41.**—(1) The undertaker may fell or lop any tree described in Schedule 13 (trees subject to Tree Preservation Orders) and identified on the Trees and Hedgerows to be Removed or Managed Plans, or cut back its roots, if it reasonably believes it to be necessary in order 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)—

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any damage arising from such activity; and
- (b) the duty in section 206(1) of the 1990 Act (replacement of trees) does not apply.

(3) The authority given by paragraph (1) constitutes 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, will be determined under Part 1 of the 1961 Act.

### **Protection of interests**

**42.** Schedule 14 (protective provisions) has effect.

### **Certification of plans, etc.**

**43.**—(1) National Grid must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the access and rights of way and public rights of navigation plans;
- (b) the book of reference;
- (c) the CEMP;
- (d) the Archaeological Mitigation Written Scheme of Investigation;
- (e) the Biodiversity Mitigation Strategy;
- (f) the Construction Traffic Management Plan;
- (g) the Public Rights of Way Management Plan;
- (h) the Outline Waste Management Plan;
- (i) the Noise and Vibration Management Plan;

- (j) the design drawings;
- (k) the land plans;
- (l) the location plan;
- (m) the special category land and crown land plans;
- (n) the extinguishment of easements, servitudes and other rights plans;
- (o) the traffic regulation order plans;
- (p) the Trees and Hedgerows to be Removed or Managed Plans; and
- (q) the works plans,

for certification that they are true copies of the documents referred to in this Order.

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

### Service of notices

**44.**—(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
- (c) with the written 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 of the Interpretation Act 1978<sup>(28)</sup> (references to service by post) 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 is 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;

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(28) 1978 c. 30.

- (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 is final and takes 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”, in relation to a notice or document, 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.

#### **Procedure regarding certain approvals, etc.**

**45.**—(1) Where an application or request is submitted to a relevant planning authority, the highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of the Order such consent, agreement or approval, if given, must be given in writing, such agreement not to be unreasonably withheld.

(2) Schedule 4 (discharge of requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the Requirements, and any document referred to in any Requirement.

(3) The procedure set out in paragraphs 3, 4 and 5 of Schedule 4 (discharge of requirements) has effect in relation to any other consent, agreement or approval required under this Order where such consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

#### **Amendment of local legislation**

**46.**—(1) The local enactments specified in Part 1 of Schedule 15 (amendment of local legislation), and any byelaws or other provisions made under any of those enactments, and the local byelaws specified in Part 2 of that Schedule are hereby excluded and do not apply insofar as inconsistent with a provision, of or a power conferred by, this Order.

(2) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of a power conferred by this Order;
- (b) action taken in pursuance of a power conferred by this Order would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;

action taken in pursuance of a power or duty under the provisions would or might interfere with the exercise of any work authorised by this Order.

(3) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and at any rate within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;
- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
- (c) the extent of that exclusion.

#### **No double recovery**

**47.** Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

#### **Arbitration**

**48.** Subject to article 45 (procedure regarding certain approvals, etc.) and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order 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 Secretary of State.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

*Giles Scott*  
Head of Energy Infrastructure Planning and Coal  
Liabilities  
Department for Business, Energy and Industrial  
Strategy

3rd August 2017

## SCHEDULES

### SCHEDULE 1

Article 3

#### AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 16 of the 2008 Act and associated development within the meaning of section 115(2) of the 2008 Act comprising—

#### 400Kv OVERHEAD LINE

*In the City of Canterbury and the District of Thanet and the District of Dover*

#### **Work No.1 — PC route Canterbury North 400kV Substation to Richborough 400kV Substation**

Works to construct a 400kV overhead electric line of approximately 20.6km in length commencing at the Canterbury PC Gantry at Canterbury North 400kV Substation as shown on Works Plan Sheet 1, and terminating at the Richborough PC Gantry at Richborough 400kV Substation as shown on Works Plan Sheet 17. The overhead line consists of 60 pylons and the installation of conductors, insulators and fittings.

*In the City of Canterbury*

#### **Work No.2 — Temporary site compound**

Works to construct a temporary site compound, at the location shown on Works Plan Sheet 4 to include—

- (a) temporary car parking, hard standing and roadways;
- (b) temporary offices and staff welfare portable cabins;
- (c) temporary materials, tools and fuel storage areas;
- (d) temporary storage of plant and equipment;
- (e) wheel cleaning facilities;
- (f) security fencing; and
- (g) construction and security lighting.

*In the District of Thanet*

#### **Work No.3 — Temporary site compound**

Works to construct a temporary site compound, at the location shown on Works Plan Sheet 17 to include—

- (a) temporary car parking, hard standing and roadways;
- (b) temporary offices and staff welfare portable cabins;
- (c) temporary materials, tools and fuel storage areas;

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- (d) temporary storage of plant and equipment;
- (e) wheel cleaning facilities;
- (f) security fencing; and
- (g) construction and security lighting.

## UK POWER NETWORKS WORKS

### *In the City of Canterbury*

#### **Work No.4A — PX route temporary diversion**

Works to allow the construction and installation of two single circuit 132kV overhead electric lines supported by wooden poles and the installation of conductors, insulators and fittings between pylons PX8 and PX9, as shown on Works Plan Sheet 2.

#### **Work No.4B – PX route temporary diversion**

Works to allow the construction and installation of two single circuit 132kV overhead electric lines supported by wooden poles and the installation of conductors, insulators and fittings between pylons PX44 and PX46. The removal of existing pylon PX45 and associated conductors, insulators and fittings as shown on Works Plan Sheet 10.

### *In the District of Thanet*

#### **Work No.4C — PX route temporary diversion**

Works to allow the construction and installation of two single circuit 132kV overhead electric lines supported by wooden poles and the installation of conductors, insulators and fittings between pylons PX56 and PX60. The removal of existing pylons PX57, PX58 and PX59 and associated conductors, insulators and fittings as shown on Works Plan Sheets 12 and 13.

#### **Work No.5A — Temporary diversion of part of the PY route.**

Works to allow the temporary diversion of part of the 132kV overhead electric line as shown on Works Plan Sheets 12 and 13 comprising the construction and installation of a single circuit 132kV overhead electric line supported by wooden poles and the installation of conductors, insulators and fittings between pylons PY19 and PY20TB1.

#### **Work No.5B — Temporary diversion of part of the PY route.**

Works to allow the temporary diversion of part of the 132kV overhead electric line as shown on Works Plan Sheets 12 and 13 comprising the construction and installation of a single circuit 132kV overhead electric line supported by wooden poles and the installation of conductors, insulators and fittings between pylons PY19 and PY20TA1.

#### **Work No.5C —PY route**

Works to construct and install a new section of 132kV overhead electricity line between PY19 and PY22 as shown on Works Plan Sheet 12 and 13. The overhead line consists of 6 pylons and the installation of conductors, insulators and fittings.

#### **Work No.5D – Removal of part of the PY route**

Works to allow the removal of part of the 132kV PY route between PY19 and PY22 as shown on Works Plan Sheets 12 and 13 comprising the removal of existing pylons PY20 and PY21 and the two single circuit 132kV overhead electric line temporary wooden pole diversion between pylons PY19 and PY20TB1 and between pylons PY19 and PY20TA1 and all associated conductors, insulators and fittings.

*In the City of Canterbury*

#### **Work No.6A — PX route removal**

Works to allow the removal of 1.3km of the 132kV PX route overhead electric line commencing at the Canterbury South 132kV Substation PX connection and terminating at Cable Sealing End pylon PX6, including the removal of 6 pylons (PX2 to PX 5, PX5A and PX 6), and associated conductors, insulators and fittings, as shown on Works Plan Sheet 1.

#### **Work No.6B — PX route removal**

Works to allow the removal of 9.7km of the 132kV PX route overhead electric line commencing at Cable Sealing End pylon PX7 as shown on Works Plan Sheet 2, and terminating at pylon PX44 as shown on Works Plan Sheet 10 to include the removal of the two single circuit 132kV overhead electric lines between pylons PX8 and PX9 as shown on Works Plan Sheet 2 including the removal of 37 pylons, the wooden poles and associated conductors, insulators and fittings.

#### **Work No.6C — PX route removal**

Works to allow the removal of the two single circuit 132kV overhead electric lines commencing at pylon PX44 and terminating at pylon PX46 as shown on Works Plan Sheet 10, including the removal of the wooden poles and associated conductors, insulators and fittings.

*In the City of Canterbury and the District of Thanet*

#### **Work No.6D — PX route removal**

Works to allow the removal of 2.6km of the 132kV PX route overhead electric line commencing at pylon PX46 as shown on Works Plan Sheet 10 and terminating at pylon PX56 as shown on Works Plan Sheet 12 including the removal of 11 pylons and associated conductors, insulators and fittings.

*In the District of Thanet*

#### **Work No.6E — PX route removal**

Works to allow the removal of the two temporary single circuit 132kV overhead electric lines commencing at pylon PX56 as shown on Works Plan Sheet 12 and terminating at pylon PX60 as shown on Works Plan Sheet 13, including the removal of the wooden poles and associated conductors, insulators and fittings.

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*In the District of Thanet and the District of Dover*

**Work No.6F — PX route removal**

Works to allow the removal of 5.2km of the 132kV PX route overhead electric line commencing at pylon PX60 as shown on Works Plan Sheet 13 and terminating at the Richborough 132kV Substation PX connection as shown on Works Plan Sheet 17 including the removal of 19 pylons and associated conductors, insulators and fittings.

**ASSOCIATED DEVELOPMENT**

Such associated development within the Order limits as may be necessary or expedient for the purposes of or in connection with the construction or maintenance of the above Work Nos. or any of them consisting of—

- (a) ramps, means of access, footpaths, bridleways, trackways and pontoons;
- (b) embankment, bridge, aprons, abutments, foundations, retaining walls, drainage, wing walls, fencing and culverts;
- (c) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (d) works to alter the course of, or otherwise interfere with a watercourse;
- (e) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (f) works for the benefit or protection of land affected by the authorised development;
- (g) works required for the strengthening, improvement, maintenance, or reconstruction of any streets;
- (h) works to alter or remove or replace road furniture;
- (i) site preparation works, site clearance (including scaffolding, fencing, vegetation removal, demolition of existing structures and the creation of alternative footpaths); earthworks (including soil stripping and storage, site levelling);
- (j) establishment of site construction compounds, temporary offices, temporary vehicle parking, scaffolding, construction fencing, temporary perimeter enclosure, temporary security fencing, construction related buildings, temporary welfare facilities, construction and security lighting and temporary haulage roads;
- (k) installation of wires, cables, ducts, pipes and conductors;
- (l) such other works, including working sites storage areas, and works of demolition, as may be necessary for the purposes of or in connection with the construction of the authorised development and which do not give rise to any different environmental effects from those assessed in the Environmental Statement; and
- (m) such other works as may be necessary for the purposes of or in connection with the maintenance of the authorised development.

SCHEDULE 2

Articles 2 and 3(5)

PLANS AND DRAWINGS

PART 1

LOCATION PLAN

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Location Plan	PDD-21497-2-OHL-1000	B

PART 2

ACCESS AND RIGHTS OF WAY AND  
PUBLIC RIGHTS OF NAVIGATION PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Access, Rights of Way and Public Rights of Navigation Plans	PDD-21497-2-OHL-1141	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 1 of 18	PDD-21497-2-OHL-1142	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 2 of 18	PDD-21497-2-OHL-1143	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 3 of 18	PDD-21497-2-OHL-1144	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 4 of 18	PDD-21497-2-OHL-1145	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 5 of 18	PDD-21497-2-OHL-1146	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 6 of 18	PDD-21497-2-OHL-1147	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 7 of 18	PDD-21497-2-OHL-1148	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 8 of 18	PDD-21497-2-OHL-1149	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 9 of 18	PDD-21497-2-OHL-1150	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 10 of 18	PDD-21497-2-OHL-1151	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 11 of 18	PDD-21497-2-OHL-1152	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 12 of 18	PDD-21497-2-OHL-1153	B

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 13 of 18	PDD-21497-2-OHL-1154	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 14 of 18	PDD-21497-2-OHL-1155	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 15 of 18	PDD-21497-2-OHL-1156	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 16 of 18	PDD-21497-2-OHL-1157	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 17 of 18	PDD-21497-2-OHL-1158	B
Access, Rights of Way and Public Rights of Navigation Plans – Sheet 18 of 18	PDD-21497-2-OHL-1159	B
Access, Rights of Way and Public Rights of Navigation Plans – Plan A	PDD-21497-2-OHL-1160	B
Access, Rights of Way and Public Rights of Navigation Plans – Plan B	PDD-21497-2-OHL-1110	B

### PART 3 DESIGN DRAWINGS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Drawing References for Design Drawings	PDD-21497-2-OHL-0058	D
Maximum and Minimum Pylon Heights – Sheet 1 of 21	PDD-21497-2-OHL-0051	C
Dimensions of Typical Poles and Pylons – Sheet 1A of 21	PDD-21497-2-OHL-0060	A
Plan and Profile Drawing – Sheet 2 of 21	PDD-21497-2-OHL-0401	B
Plan and Profile Drawing – Sheet 3 of 21	PDD-21497-2-OHL-0402	B
Plan and Profile Drawing – Sheet 4L of 21	PDD-21497-2-OHL-0434	B
Plan and Profile Drawing – Sheet 5 of 21	PDD-21497-2-OHL-0404	B
Plan and Profile Drawing – Sheet 6 of 21	PDD-21497-2-OHL-0405	B
Plan and Profile Drawing – Sheet 7 of 21	PDD-21497-2-OHL-0406	B
Plan and Profile Drawing – Sheet 8 of 21	PDD-21497-2-OHL-0407	B
Plan and Profile Drawing – Sheet 9 of 21	PDD-21497-2-OHL-0408	B
Plan and Profile Drawing – Sheet 10 of 21	PDD-21497-2-OHL-0409	B
Plan and Profile Drawing – Sheet 11 of 21	PDD-21497-2-OHL-0410	B
Plan and Profile Drawing – Sheet 12 of 21	PDD-21497-2-OHL-0411	B

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Plan and Profile Drawing – Sheet 13 of 21	PDD-21497-2-OHL-0412	B
Plan and Profile Drawing – Sheet 14 of 21	PDD-21497-2-OHL-0413	B
Plan and Profile Drawing – Sheet 15 of 21	PDD-21497-2-OHL-0414	B
Plan and Profile Drawing – Sheet 16 of 21	PDD-21497-2-OHL-0415	B
Plan and Profile Drawing – Sheet 17 of 21	PDD-21497-2-OHL-0416	B
Plan and Profile Drawing – Sheet 18 of 21	PDD-21497-2-OHL-0417	B
Plan and Profile Drawing – Sheet 19 of 21	PDD-21497-2-OHL-0418	B
Plan and Profile Drawing – Sheet 20 of 21	PDD-21497-2-OHL-0419	B
Staking Table – Sheet 21 of 21	PDD-21497-2-OHL-0421	A

## PART 4

### LAND PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Land Plans	PDD-21497-2-OHL-1021	B
Drawing References for Land Plans	PDD-21497-2-OHL-0959	C
Land Plans – Sheet 1 of 18	PDD-21497-2-OHL-0900	B
Land Plans – Sheet 1A of 18	PDD-21497-2-OHL-0901	B
Land Plans – Sheet 1B of 18	PDD-21497-2-OHL-0902	B
Land Plans – Sheet 1C of 18	PDD-21497-2-OHL-0903	B
Land Plans – Sheet 1D of 18	PDD-21497-2-OHL-0904	B
Land Plans – Sheet 1E of 18	PDD-21497-2-OHL-0905	B
Land Plans – Sheet 1F of 18	PDD-21497-2-OHL-0906	B
Land Plans – Sheet 2 of 18	PDD-21497-2-OHL-0907	B
Land Plans – Sheet 2A of 18	PDD-21497-2-OHL-0908	B
Land Plans – Sheet 2B of 18	PDD-21497-2-OHL-0909	B
Land Plans – Sheet 2C of 18	PDD-21497-2-OHL-0910	B
Land Plans – Sheet 2D of 18	PDD-21497-2-OHL-0911	B
Land Plans – Sheet 3 of 18	PDD-21497-2-OHL-0912	B
Land Plans – Sheet 3A of 18	PDD-21497-2-OHL-0913	B
Land Plans – Sheet 3B of 18	PDD-21497-2-OHL-0914	B
Land Plans – Sheet 4 of 18	PDD-21497-2-OHL-0915	B
Land Plans – Sheet 4A of 18	PDD-21497-2-OHL-0916	B
Land Plans – Sheet 4B of 18	PDD-21497-2-OHL-0917	B

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Land Plans – Sheet 5 of 18	PDD-21497-2-OHL-0918	B
Land Plans – Sheet 5A of 18	PDD-21497-2-OHL-0919	B
Land Plans – Sheet 5B of 18	PDD-21497-2-OHL-0920	B
Land Plans – Sheet 5C of 18	PDD-21497-2-OHL-0921	B
Land Plans – Sheet 5D of 18	PDD-21497-2-OHL-0922	B
Land Plans – Sheet 6 of 18	PDD-21497-2-OHL-0923	B
Land Plans – Sheet 7 of 18	PDD-21497-2-OHL-0924	B
Land Plans – Sheet 7A of 18	PDD-21497-2-OHL-0925	B
Land Plans – Sheet 7B of 18	PDD-21497-2-OHL-0926	B
Land Plans – Sheet 7C of 18	PDD-21497-2-OHL-0927	B
Land Plans – Sheet 8 of 18	PDD-21497-2-OHL-0928	B
Land Plans – Sheet 8A of 18	PDD-21497-2-OHL-0929	B
Land Plans – Sheet 8B of 18	PDD-21497-2-OHL-0930	B
Land Plans – Sheet 8C of 18	PDD-21497-2-OHL-0931	B
Land Plans – Sheet 9 of 18	PDD-21497-2-OHL-0932	B
Land Plans – Sheet 9A of 18	PDD-21497-2-OHL-0933	B
Land Plans – Sheet 10 of 18	PDD-21497-2-OHL-0934	B
Land Plans – Sheet 10A of 18	PDD-21497-2-OHL-0935	B
Land Plans – Sheet 10B of 18	PDD-21497-2-OHL-0936	B
Land Plans – Sheet 10C of 18	PDD-21497-2-OHL-0937	B
Land Plans – Sheet 10D of 18	PDD-21497-2-OHL-0938	B
Land Plans – Sheet 11 of 18	PDD-21497-2-OHL-0939	B
Land Plans – Sheet 11A of 18	PDD-21497-2-OHL-0940	B
Land Plans – Sheet 11B of 18	PDD-21497-2-OHL-0941	B
Land Plans – Sheet 11C of 18	PDD-21497-2-OHL-0942	B
Land Plans – Sheet 11D of 18	PDD-21497-2-OHL-0943	B
Land Plans – Sheet 12 of 18	PDD-21497-2-OHL-0944	B
Land Plans – Sheet 12A of 18	PDD-21497-2-OHL-0945	B
Land Plans – Sheet 12B of 18	PDD-21497-2-OHL-0946	B
Land Plans – Sheet 12C of 18	PDD-21497-2-OHL-0947	B
Land Plans – Sheet 13 of 18	PDD-21497-2-OHL-0948	B
Land Plans – Sheet 14 of 18	PDD-21497-2-OHL-0949	B
Land Plans – Sheet 15 of 18	PDD-21497-2-OHL-0950	B

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Land Plans – Sheet 15A of 18	PDD-21497-2-OHL-0951	B
Land Plans – Sheet 15B of 18	PDD-21497-2-OHL-0952	B
Land Plans – Sheet 16 of 18	PDD-21497-2-OHL-0953	B
Land Plans – Sheet 16A of 18	PDD-21497-2-OHL-0954	B
Land Plans – Sheet 17 of 18	PDD-21497-2-OHL-0955	D
Land Plans – Sheet 17A of 18	PDD-21497-2-OHL-0956	C
Land Plans – Sheet 17B of 18	PDD-21497-2-OHL-0957	B
Land Plans – Sheet 18 of 18	PDD-21497-2-OHL-0958	B

## PART 5

### SPECIAL CATEGORY LAND AND CROWN LAND PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Special Category Land Plans & Crown Land Plans	PDD-21497-2-OHL-1061	C
Special Category Land Plans & Crown Land Plans – Sheet 1 of 18	PDD-21497-2-OHL-1062	C
Special Category Land Plans & Crown Land Plans – Sheet 2 of 18	PDD-21497-2-OHL-1063	B
Special Category Land Plans & Crown Land Plans – Sheet 3 of 18	PDD-21497-2-OHL-1064	B
Special Category Land Plans & Crown Land Plans – Sheet 4 of 18	PDD-21497-2-OHL-1065	B
Special Category Land Plans & Crown Land Plans – Sheet 5 of 18	PDD-21497-2-OHL-1066	B
Special Category Land Plans & Crown Land Plans – Sheet 6 of 18	PDD-21497-2-OHL-1067	B
Special Category Land Plans & Crown Land Plans – Sheet 7 of 18	PDD-21497-2-OHL-1068	B
Special Category Land Plans & Crown Land Plans – Sheet 8 of 18	PDD-21497-2-OHL-1069	B
Special Category Land Plans & Crown Land Plans – Sheet 9 of 18	PDD-21497-2-OHL-1070	B
Special Category Land Plans & Crown Land Plans – Sheet 10 of 18	PDD-21497-2-OHL-1071	B
Special Category Land Plans & Crown Land Plans – Sheet 11 of 18	PDD-21497-2-OHL-1072	C

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Special Category Land Plans & Crown Land Plans – Sheet 12 of 18	PDD-21497-2-OHL-1073	C
Special Category Land Plans & Crown Land Plans – Sheet 13 of 18	PDD-21497-2-OHL-1074	B
Special Category Land Plans & Crown Land Plans – Sheet 14 of 18	PDD-21497-2-OHL-1075	B
Special Category Land Plans & Crown Land Plans – Sheet 15 of 18	PDD-21497-2-OHL-1076	B
Special Category Land Plans & Crown Land Plans – Sheet 16 of 18	PDD-21497-2-OHL-1077	B
Special Category Land Plans & Crown Land Plans – Sheet 17 of 18	PDD-21497-2-OHL-1078	B
Special Category Land Plans & Crown Land Plans – Sheet 18 of 18	PDD-21497-2-OHL-1079	B

## PART 6

### EXTINGUISHMENT OF EASEMENTS, SERVITUDES AND OTHER RIGHTS PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Extinguishment of Easements, Servitudes and Other Rights Plans	PDD-21497-2-OHL-1081	B
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 1 of 18	PDD-21497-2-OHL-1082	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 2 of 18	PDD-21497-2-OHL-1083	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 3 of 18	PDD-21497-2-OHL-1084	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 4 of 18	PDD-21497-2-OHL-1085	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 5 of 18	PDD-21497-2-OHL-1086	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 6 of 18	PDD-21497-2-OHL-1087	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 7 of 18	PDD-21497-2-OHL-1088	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 8 of 18	PDD-21497-2-OHL-1089	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 9 of 18	PDD-21497-2-OHL-1090	A

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 10 of 18	PDD-21497-2-OHL-1091	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 11 of 18	PDD-21497-2-OHL-1092	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 12 of 18	PDD-21497-2-OHL-1093	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 13 of 18	PDD-21497-2-OHL-1094	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 14 of 18	PDD-21497-2-OHL-1095	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 15 of 18	PDD-21497-2-OHL-1096	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 16 of 18	PDD-21497-2-OHL-1097	A
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 17 of 18	PDD-21497-2-OHL-1098	B
Extinguishment of Easements, Servitudes and Other Rights Plans – Sheet 18 of 18	PDD-21497-2-OHL-1099	A

## PART 7

### TRAFFIC REGULATION ORDER PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Traffic Regulation Order Plans	PDD-21497-2-OHL-1250	A
Traffic Regulation Order Plans – Sheet 1 of 18	PDD-21497-2-OHL-1251	A
Traffic Regulation Order Plans – Sheet 2 of 18	PDD-21497-2-OHL-1252	A
Traffic Regulation Order Plans – Sheet 3 of 18	PDD-21497-2-OHL-1253	A
Traffic Regulation Order Plans – Sheet 4 of 18	PDD-21497-2-OHL-1254	A
Traffic Regulation Order Plans – Sheet 5 of 18	PDD-21497-2-OHL-1255	A
Traffic Regulation Order Plans – Sheet 6 of 18	PDD-21497-2-OHL-1256	A
Traffic Regulation Order Plans – Sheet 7 of 18	PDD-21497-2-OHL-1257	A
Traffic Regulation Order Plans – Sheet 8 of 18	PDD-21497-2-OHL-1258	A
Traffic Regulation Order Plans – Sheet 9 of 18	PDD-21497-2-OHL-1259	A
Traffic Regulation Order Plans – Sheet 10 of 18	PDD-21497-2-OHL-1260	A
Traffic Regulation Order Plans – Sheet 11 of 18	PDD-21497-2-OHL-1261	A
Traffic Regulation Order Plans – Sheet 12 of 18	PDD-21497-2-OHL-1262	A
Traffic Regulation Order Plans – Sheet 13 of 18	PDD-21497-2-OHL-1263	A

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Traffic Regulation Order Plans – Sheet 14 of 18	PDD-21497-2-OHL-1264	A
Traffic Regulation Order Plans – Sheet 15 of 18	PDD-21497-2-OHL-1265	A
Traffic Regulation Order Plans – Sheet 16 of 18	PDD-21497-2-OHL-1266	A
Traffic Regulation Order Plans – Sheet 17 of 18	PDD-21497-2-OHL-1267	A
Traffic Regulation Order Plans – Sheet 18 of 18	PDD-21497-2-OHL-1268	A

## PART 8

### TREES AND HEDGEROWS TO BE REMOVED OR MANAGED PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Trees and Hedgerows to be Removed or Managed Plans	PDD-21497-2-OHL-1161	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 1 of 18	PDD-21497-2-OHL-1162	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 2 of 18	PDD-21497-2-OHL-1163	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 3 of 18	PDD-21497-2-OHL-1164	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 4 of 18	PDD-21497-2-OHL-1165	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 5 of 18	PDD-21497-2-OHL-1166	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 6 of 18	PDD-21497-2-OHL-1167	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 7 of 18	PDD-21497-2-OHL-1168	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 8 of 18	PDD-21497-2-OHL-1169	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 9 of 18	PDD-21497-2-OHL-1170	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 10 of 18	PDD-21497-2-OHL-1171	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 11 of 18	PDD-21497-2-OHL-1172	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 12 of 18	PDD-21497-2-OHL-1173	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 13 of 18	PDD-21497-2-OHL-1174	B

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Trees and Hedgerows to be Removed or Managed Plans – Sheet 14 of 18	PDD-21497-2-OHL-1175	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 15 of 18	PDD-21497-2-OHL-1176	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 16 of 18	PDD-21497-2-OHL-1177	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 17 of 18	PDD-21497-2-OHL-1178	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 18 of 18	PDD-21497-2-OHL-1179	B

## PART 9 WORKS PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Works Plans	PDD-21497-2-OHL-1121	B
Works Plans – Sheet 1 of 18	PDD-21497-2-OHL-1122	B
Works Plans – Sheet 2 of 18	PDD-21497-2-OHL-1123	B
Works Plans – Sheet 3 of 18	PDD-21497-2-OHL-1124	B
Works Plans – Sheet 4 of 18	PDD-21497-2-OHL-1125	B
Works Plans – Sheet 5 of 18	PDD-21497-2-OHL-1126	B
Works Plans – Sheet 6 of 18	PDD-21497-2-OHL-1127	B
Works Plans – Sheet 7 of 18	PDD-21497-2-OHL-1128	B
Works Plans – Sheet 8 of 18	PDD-21497-2-OHL-1129	B
Works Plans – Sheet 9 of 18	PDD-21497-2-OHL-1130	B
Works Plans – Sheet 10 of 18	PDD-21497-2-OHL-1131	B
Works Plans – Sheet 11 of 18	PDD-21497-2-OHL-1132	B
Works Plans – Sheet 12 of 18	PDD-21497-2-OHL-1133	B
Works Plans – Sheet 13 of 18	PDD-21497-2-OHL-1134	B
Works Plans – Sheet 14 of 18	PDD-21497-2-OHL-1135	B
Works Plans – Sheet 15 of 18	PDD-21497-2-OHL-1136	B
Works Plans – Sheet 16 of 18	PDD-21497-2-OHL-1137	B
Works Plans – Sheet 17 of 18	PDD-21497-2-OHL-1138	B
Works Plans – Sheet 18 of 18	PDD-21497-2-OHL-1139	B

## SCHEDULE 3

Articles 2 and 3

### REQUIREMENTS

#### Interpretation

1.—(1) In this Schedule unless the context requires otherwise—

“Ancient Woodland Easement Management Plan” means a plan prepared for each easement that is within Kemberland Wood and Lynne Wood Ancient Woodland, describing the woodland management to be undertaken by National Grid within that easement;

“bird flight diverter” means a protective measure to reduce bird collisions with overhead lines;

“commence” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), comprised in or carried out for the purposes of the authorised development, but does not include any engineering investigation, environmental (including archaeological) investigation and monitoring, site or soil survey, environmental mitigation measures, erection of temporary amphibian or reptile fencing, erection of temporary stock fencing to site boundaries or temporary demarcation fencing marking out site boundaries;

“Concept Mitigation Planting Plan” means the plan referred to in Requirement 8(1) identifying locations for planting for proposed mitigation (Document 8.11(A));

“Drainage Management Plan” means a plan prepared in accordance with Requirement 6(1)(b) and the principles set out in sections 4.4 and 4.5 of the CEMP;

“Emergency Response Plan for Flood Events” means the plan prepared in accordance with Requirement 6(1)(e) detailing emergency procedures in the event of a flood as outlined in section 4.5 of the CEMP;

“Lighting Scheme” means the scheme prepared in accordance with Requirement 6(1)(d) and in accordance with section 3.6 of the CEMP;

“Pollution Incident Control Plan” means the plan prepared in accordance with Requirement 6(1)(c) detailing remedial measures in the event of an incident and in accordance with section 2.13 of the CEMP;

“the relevant drainage authority” means, in any given Requirement, the drainage authority or the Lead Local Flood Authority for the area to which the Requirement relates;

“Site Waste Management Plan” means the detailed plan for the collection, segregation, treatment and disposal of waste prepared in accordance with Requirement 6(1)(f) and the measures set out in the Outline Waste Management Plan;

“Soil and Aftercare Management Plan” means the plan prepared in accordance with Requirement 6(1)(a) and section 4.4 of the CEMP describing how works should be undertaken to minimise effects on the nature and quality of soil and agricultural land;

“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to Requirement 4;

“start up and close down activities” means general works that will not create an audible disturbance to local residents, including but not restricted to—

- (a) arrival and departure of workforce and staff at site and movement to and from places of work (staff to remain considerate of neighbours, no loud music or raised voices);
- (b) general refuelling of plant;
- (c) site inspections and safety checks;
- (d) site meetings (daily briefings and quiet inspections/walkovers);

- (e) site clean-up (site housekeeping that does not require the use of plant);
- (f) general site maintenance; and
- (g) low key maintenance and safety checking of plant and machinery (provided this does not require or cause loud hammering or banging);

“travel plan” means the plan prepared in accordance with Requirement 6(1)(h) and section 5.19 of the Construction Traffic Management Plan describing the travel arrangements of the contractor; and

“the tree and hedgerow protection strategy” means the plan detailing the trees, groups of tree and hedgerows to be retained during the construction of the authorised development prepared in accordance with Requirement 6(1)(g).

(2) Where under any of the Requirements the approval or agreement of the highway authority or the relevant planning authority is required, that approval must be given in writing.

(3) Where an approval is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the highway authority or the relevant planning authority such approval or agreement may only be given if the changes are minor or immaterial and where it has been demonstrated to the satisfaction of the highway authority or the relevant planning authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(4) Where any Requirement which requires the authorised development to be carried out in accordance or general accordance with the details approved by the highway authority or by the relevant planning authority, the approved details are to be taken to include any amendments that may subsequently be approved in writing by the highway authority or by the relevant planning authority.

### **Time Limits**

2. The authorised development must be commenced within 5 years of the date of this Order.

### **Design drawings**

3.—(1) Subject to Requirement 21, the authorised development must be carried out in general accordance with the design drawings.

(2) Notwithstanding Requirement 21, the authorised development will not be in general accordance with the design drawings to the extent that any departure from the design drawings gives rise to any materially new or different environmental effects from those assessed in the Environmental Statement.

### **Stages of authorised development**

4.—(1) The authorised development may not commence until a written scheme setting out all the stages of the authorised development has been submitted to and approved by the relevant planning authority following consultation with the highway authority.

(2) Written notice of the commencement and completion of each stage of the authorised development and the operational use of that stage of the authorised development must be given to the relevant planning authority within ten business days prior to the commencement of that stage or operational use of that stage or within 10 business days of completion of that stage.

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### **Construction Environmental Management Plan**

5.—(1) All construction works for the authorised development must be carried out in accordance with the CEMP, unless otherwise agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(2) The CEMP, which specifies measures to be used to minimise the impacts of construction works, includes the following approved plans, scheme and strategy—

- (a) Outline Waste Management Plan;
- (b) Biodiversity Mitigation Strategy;
- (c) Archaeological Mitigation Written Scheme of Investigation;
- (d) Construction Traffic Management Plan;
- (e) Public Rights of Way Management Plan; and
- (f) Noise and Vibration Management Plan.

(3) Any works carried out in accordance with the approved plans, scheme and strategy referred to in sub-paragraph (2) must be carried out in accordance with those approved plans, scheme or strategy, unless agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(4) The plans, scheme and strategy referred to in sub-paragraph (2) must be implemented as approved, unless agreed with the relevant planning authority or the highway authority, as may be appropriate to the relevant plan, scheme or strategy concerned.

(5) In relation to the Biodiversity Mitigation Strategy implementation must be after consultation with Natural England.

### **Approval and implementation of construction mitigation plans**

6.—(1) No stage of the authorised development may commence until, for that stage, the following plans, scheme and strategy to minimise the impacts of construction works have been submitted to and approved by the relevant planning authority after consultation with any of the relevant sewerage authority, the relevant drainage authority, Natural England and the Environment Agency, as may be appropriate to the relevant plan, scheme or strategy concerned—

- (a) Soil and Aftercare Management Plan;
- (b) Drainage Management Plan;
- (c) Pollution Incident Control Plan;
- (d) Lighting Scheme;
- (e) Emergency Response Plan for Flood Events;
- (f) Site Waste Management Plan;
- (g) Tree and Hedgerow Protection Strategy; and
- (h) Travel Plan.

(2) The construction works for each stage of the authorised development and mitigation works to minimise the impact of construction must be carried out in accordance with the approved plans, scheme and strategy referred to in sub-paragraph (1) or with any amended plans, scheme or strategy that may subsequently be approved by the relevant planning authority.

### **Construction hours**

7.—(1) Subject to sub-paragraphs (2), (3) and (4) work may only take place between 0700 and 1900 Mondays to Fridays and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours).

(2) Working on a consecutive Saturday and Sunday may only take place on two out of any four alternate weekends in each relevant local authority area.

(3) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (b) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (c) any highway works requested by the highway authority to be undertaken on a Saturday or a Sunday or outside the core working hours;
- (d) security monitoring;
- (e) the testing or commissioning of any electrical plant installed as part of the authorised development; and
- (f) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities.

(4) The specified construction activity at locations identified in Table 1.3 (Construction activities/ locations subject to restricted working hours) of the Noise and Vibration Management Plan (Document 8.8(B)) may only take place between 0800 and 1800 Mondays to Fridays (the restricted working hours).

(5) The restricted working hours referred to in sub-paragraph (4) include start up and close down activities up to 1 hour either side of the restricted working hours.

### **Mitigation planting**

8.—(1) No stage of the authorised development may commence until, for that stage, a scheme for the planting of trees, hedgerows, shrubs, climbing plants, wild flower and grass seeding that accords with the Arboricultural Impact Assessment report (Document 5.4.3I) and its Addendum (Document 5.4.3I.1(A)) and the Biodiversity Mitigation Strategy (Document 5.4.3E(C)) and reflects the Concept Mitigation Planting Plan (Document 8.11(A)) has been submitted to and approved by the relevant planning authority, unless otherwise agreed with the relevant planning authority.

(2) The planting scheme submitted under sub-paragraph (1) must include details of—

- (a) the location of planting and a schedule noting quantities, species, size and planting density of all proposed planting or seeding and the location of any areas for natural regeneration where appropriate;
- (b) cultivation, importing of materials, stock provenance, protection measures for planting and other operations to ensure plant and seed establishment;
- (c) the five year maintenance regime including monitoring and management; and
- (d) opportunities for early mitigation planting during and after implementation of the authorised development.

### **Implementation of mitigation planting**

9.—(1) All mitigation planting works referred to in Requirement 8 must be implemented at the earliest opportunity and no later than by the first available planting season after the stage of the

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authorised development to which the mitigation planting works apply is first brought into operational use and in relation to the removal of the existing 132kV overhead line, the implementation of mitigation planting works must be implemented at the earliest opportunity and no later than the first available planting season after completion of the removal of that line.

(2) All mitigation planting works referred to in Requirement 8 must be carried out in accordance with specification set out in the NBS Landscape Specification for Planting (Document 5.4.6D) and the relevant mitigation scheme for that stage of the authorised development, and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard or other recognised codes of good practice.

(3) Any tree or shrub planted as part of an approved mitigation planting scheme that, within a period of five 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 otherwise approved by the relevant planning authority.

### **Retention and protection of existing trees and hedgerows**

**10.**—(1) No stage of the authorised development may commence until, for that stage, a Tree and Hedgerow Protection Strategy (THPS) as referred to in Requirement 6(1)(g) and prepared in accordance with the Arboricultural Impact Assessment report (Document 5.4.3I) and its Addendum, Figures 3I.2a to 3I.2v of the Arboricultural Impacts Plan (Document 5.4.3I.1(A)) and BS 5837:2012 (Trees in relation to design, demolition and construction) identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the relevant planning authority.

(2) The THPS referred to in sub-paragraph (1) must include—

- (a) Tree Protection Plans detailing the alignment of temporary physical tree protection measures according to BS 5837:2012 and, where practicable, including a minimum 5 metres stand-off from hedges;
- (b) a schedule of all proposed tree and hedgerow removal and management with annotated plans;
- (c) specifications for temporary physical protection for trees and hedgerows; and
- (d) details of an auditable system of compliance with the approved protection measures.

(3) The trees, groups of trees and hedgerows identified in the THPS referred to in sub-paragraph (1) must not be felled or otherwise removed in connection with the construction of the authorised development.

(4) The relevant stage of the authorised development must not commence until the approved protection measures referred to in sub-paragraph (1) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.

### **Bird flight diverters**

**11.**—(1) Bird flight diverters must be fitted to the 400kV overhead line in the vicinity of—

- (a) Monkton between pylons PC41 and PC43; and
- (b) Ash Levels between pylons PC51 and PC60,

during its construction and must thereafter be retained, unless otherwise agreed by the relevant planning authority, after consultation with Natural England.

### **Reinstatement schemes**

**12.**—(1) Subject to sub-paragraph (2), any land within the Order limits which is used temporarily for construction is to be reinstated to its former condition, or such condition as the relevant planning authority may approve, within six months of completion of the construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

(2) The requirement to reinstate the land to its former condition is subject to the provisions of article 28 (temporary use of land by National Grid) and article 29 (temporary use of land by UK Power Networks).

### **Contamination of land or groundwater and controlled waters**

**13.**—(1) No stage of the authorised development may commence until a written scheme applicable to that stage to deal with the ground conditions, including contamination of any land or groundwater, within the Order limits which are likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency.

(2) The scheme must accord with the approach set out in the Environmental Statement Appendix 14A Land Contamination Desk Study (Document 5.4.14A(A)), to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, should remedial measures be required then the implementation and validation of these will be documented in a verification report, to be submitted to the relevant planning authority.

(3) If during any stage of the authorised development, contamination not identified in Document 5.4.14A or addressed in the scheme prepared in accordance with sub-paragraph (1) is found to be present within the Order limits and which is likely to cause a significant possibility of significant harm to persons or pollution of controlled waters or the environment then, except in the case of emergency, no further development in the vicinity of the contamination may be carried out until a written scheme to deal with the associated risks has been submitted to and approved by the relevant local planning authority, following consultation with the Environment Agency.

(4) Remediation measures must be carried out in accordance with the approved scheme referred to in sub-paragraph (1) or (3) as appropriate.

(5) In this Requirement, “controlled waters” has the same meaning as in Part 3 of the Water Resources Act 1991(29).

### **Inspection of temporary watercourses**

**14.**—(1) No stage of the authorised development may commence until a written scheme for the inspection and clearance of debris from any temporary watercourse required in connection with that stage has been submitted to and approved by the relevant planning authority, after consultation with the Environment Agency and the relevant drainage authority.

(2) The approved scheme must be implemented for each temporary watercourse during the construction of that stage of the authorised development until such time as the temporary watercourse has been removed.

### **Removal of temporary bridges and culverts**

**15.** Any temporary bridge or culvert required in connection with any stage of the authorised development must be removed within twelve months of completion of the construction of that stage of authorised development for which it was required, or such further time as may be approved by the

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(29) 1991 c. 57.

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relevant planning authority, after consultation with the Environment Agency or the relevant drainage authority as appropriate.

### **Highway works**

**16.**—(1) No work to construct or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of the design and layout of that means of access has been submitted to and approved by the highway authority.

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

(3) The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard HD 19/15 of the Department for Transport's Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must, to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.

### **Clearance over the tidal River Stour**

**17.** No part of any 400kV overhead electric line shall be installed or maintained directly above the tidal River Stour at a height of less than 10 metres above the mean high water level of that river.

### **Removal of UK Power Networks Works**

**18.** Any existing UK Power Networks infrastructure to be removed as part of the UK Power Networks works must be removed no later than 36 months after the 400kV overhead line (Work No.1 of Schedule 1 (authorised development)) is first brought into operational use.

### **Decommissioning**

**19.**—(1) In the event that, at some future date, the authorised development, or any part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works.

(2) The approved scheme must be implemented as approved following the decommissioning of the authorised development or relevant part of it.

(3) This Requirement does not apply to the authorised development and associated development described in Schedule 1 (authorised development) for the dismantling and removal of existing infrastructure or apparatus.

### **Ancient Woodland Easement Management Plan**

**20.**—(1) An Ancient Woodland Easement Management Plan (AWEMP) prepared in accordance with the Arboricultural Impact Assessment (Document 5.4.3I) and its Addendum (Document 5.4.3I.1A); Biodiversity Mitigation Strategy (Document 5.4.3E(C)), BS 5837:2012 (Trees in relation to design, demolition and construction recommendations), and BS 3998: 2010 (Tree works recommendations) must be submitted for approval by the relevant planning authority, following consultation with Natural England and the Woodland Trust, no later than the end of the 5 year maintenance period relating to that part of the 400 kV overhead line (Work No.1 of Schedule 1 (authorised development)) crossing over Kemberland Wood and Lynne Wood Ancient Woodland.

(2) Once the relevant planning authority approves the AWEMP under this requirement the undertaker must cease to carry out mitigation maintenance measures in relation to Kemberland Wood and Lynne Wood Ancient Woodland in accordance with Requirement 8 (Mitigation Planting) and

Requirement 10 (Retention and protection of existing trees and hedgerows) in relation to that part of the authorised development covered by the AWEMP and must from that point carry out woodland management operations in compliance with the AWEMP.

(3) Notwithstanding paragraph (2), the undertaker may discharge any requirement in relation to that part of the authorised development covered by the AWEMP at any time prior to or following the submission of the AWEMP under paragraph (1).

(4) All woodland management operations in relation to that part of the authorised development covered by the AWEMP must be carried out in accordance with the AWEMP, following consultation with Natural England and the Woodland Trust.

### **Location of Pylon PC10**

21. Subject to article 5, as limited by paragraph 15 of Part 5 of Schedule 14, Pylon PC10 must be located as set out in National Grid Drawing Ref PDD-21497-2-OHL-0434 Version B (REP8-021, Sheet 4L of 21).

### **Exercise of powers of compulsory acquisition by National Grid**

22. Powers of compulsory acquisition under this order, including the imposition of restrictions, as set out in the Book of Reference, may only be exercised reasonably, taking into account the rights of other persons with an interest in the land subject to the exercise of the power of compulsory acquisition.

## SCHEDULE 4

Article 45

### DISCHARGE OF REQUIREMENTS

#### **Applications made under requirements**

1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement, the relevant authority must give notice to the undertaker of its decision on the application within a period of 35 days beginning with—

- (a) where no further information is requested under paragraph 1(2), the day immediately following that on which the application is received by the authority;
- (b) where further information is requested under paragraph 1(2), the day immediately following that on which further information has been supplied by the undertaker; or
- (c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

(2) Where an application has been made under paragraph 1(1) the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.

(3) If the relevant authority considers further information is necessary and the Requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(4) If the Requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 3 business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 3 business days of receipt of such a request and in any event within 21 business days of receipt of the application.

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(5) If the relevant authority does not give the notification mentioned in sub-paragraph (3) or (4) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

## **Fees**

2.—(1) Where an application is made to a relevant planning authority for any consent, agreement or approval required by a Requirement, a fee must be paid to the relevant planning authority as follows—

- (a) a fee of £97 per request; or
  - (b) such other fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission).
- (2) Any fee paid under this Schedule must be refunded to the undertaker within 35 days of—
- (a) the application being rejected as invalidly made; or
  - (b) the relevant planning authority failing to determine the application within 35 days from the date on which it is received,

unless within that period the undertaker agrees in writing that the fee may be retained by the relevant planning authority and credited in respect of a future application.

## **Appeals**

3.—(1) The undertaker may appeal if—

- (a) the relevant authority refuses an application for any consent, agreement or approval required by—
    - (i) a Requirement and any document referred to in any Requirement; or
    - (ii) a licence condition in the deemed marine licence set out in Schedule 9 (deemed marine licence); or
    - (iii) any other consent, agreement or approval required under this Order,or grants it subject to conditions to which the undertaker objects;
  - (b) the relevant authority does not give notice of its decision to the undertaker within the period specified in paragraph 1(1);
  - (c) having received a request for further information under paragraph 1(3) the undertaker considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or
  - (d) having received any further information requested, the relevant authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The procedure for appeals is as follows—
- (a) the undertaker must submit to the Secretary of State a copy of the application submitted to the relevant authority and any supporting documents which the undertaker may wish to provide (“the appeal documents”);
  - (b) the undertaker must on the same day provide copies of the appeal documents to the relevant authority and the requirement consultee (if applicable);
  - (c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person must be sent;

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- (d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to paragraph (d) above; and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.

(5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.

(6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

## **Outcome of appeals**

4.—(1) On an appeal under paragraph 3, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(2) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed or set by the appointed person under this paragraph.

(3) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(5) Any consent, agreement or approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purpose of Schedule 3 (requirements) as if it had been given by the relevant authority.

(6) The relevant authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) does not affect or invalidate the effect of the appointed person's determination.

(7) Except where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person must be met by the undertaker.

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(8) On application by the relevant authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid.

(9) In considering whether to make any such direction as to the costs of the appeal parties and the terms on which it is made, the appointed person must have regard to the Planning Practice Guidance or any guidance which may from time to time replace it.

**Interpretation of Schedule 4**

5.—(1) In this Schedule—

“the appeal parties” means the relevant authority, the requirement consultee and the undertaker;

“relevant authority” means the relevant planning authority, highway authority, street authority, Environment Agency, the Marine Management Organisation, Natural England, relevant drainage authority or relevant owner of a watercourse, sewer or drain as may be appropriate to the consent or approval sought; and

“requirement consultee” means any body named in a Requirement which is the subject of an appeal as a body to be consulted by the relevant authority in discharging that Requirement.

SCHEDULE 5

Article 10

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Street subject to street works</i>
Canterbury City Council	Broad Oak Road
Canterbury City Council	Vauxhall Road
Canterbury City Council	Shalloak Road
Canterbury City Council	Viridor Business Park
Canterbury City Council	Mayton Lane
Canterbury City Council	Barnets Lane
Canterbury City Council	A291 (Herne Bay Road)
Canterbury City Council	Hoath Road
Canterbury City Council	Bredlands Lane
Canterbury City Council	Vauxhall Road, Broad Oak Road and Shalloak Road
Canterbury City Council	Herne Bay Road
Canterbury City Council	Hoath Road and Bredlands Road
Canterbury City Council	Nethergong Hill and Sandpit Hill
Canterbury City Council	Old Road, Sarre
Canterbury City Council/ Thanet District Council	A28 (Island Road)
Thanet District Council	A253 (Ramsgate Road/Mile Road)

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<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Street subject to street works</i>
Thanet District Council	Gore Street
Dover District Council	A256 (Ramsgate Road)

## SCHEDULE 6

Article 12

## STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

**Canterbury City Council**

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
Broad Oak Road	At BM01, BM02 and BM05 (as shown on Sheet 1) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Vauxhall Road	At BM03 and BM04 (as shown on Sheet 1) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Shalloak Road	At BM06, BM08, BM09, BM10, BM11 and BM12 (as shown on Sheet 2) the creation of six temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Broad Oak Road	At BM07 (as shown on Sheet 2) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Mayton Lane	At BM13 (as shown on Sheet 3) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Barnets Lane	At BM14 and BM15 (as shown on Sheet 3) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
A291 Herne Bay Road	At BM16, BM17, BM18, BM19, BM20 and BM21 (as shown on Sheet 2 and Sheet 3) the creation of six temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Hoath Road	At BM22 (as shown on Sheet 4) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Bredlands Lane	At BM23 and BM24 (as shown on Sheet 4) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Chislet Park Access (A28)	At BM25 and BM26 (as shown on Sheet 7) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A28 Island Road	At BM27, BM30, BM32 (as shown on Sheet 7 and Sheet 10) the creation of three temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Sandpit Hill	At BM28 and BM29 (as shown on Sheet 8) the creation of two temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Old Road	At BM31 (as shown on Sheet 10) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
Westbere Compound	At BM39 (as shown on Sheet 4) entrance of existing bellmouth will be widened to allow HGV access and egress. Comprising the installation of a new road surface, white lining, kerbing and suitable drainage system where required.

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**Thanet District Council**

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
A253 Ramsgate Road/Mile Road	At BM33 (as shown on Sheet 11) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.
A253 via Gore Street	At BM34, BM35, BM36 and BM37 (as shown on Sheet 11) the creation of four temporary bellmouths to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

**Dover District Council**

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
A256	At BM38 (as shown on Sheet 17) the creation of one temporary bellmouth to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, white lining, kerbing and a suitable drainage system, where required.

SCHEDULE 7

Article 13

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

**PART 1**

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH A DIVERSION IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street or public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>	<i>(4)</i> <i>Temporary diversion as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
Canterbury City Council	CC16	Between points RW1 and RW2 as shown on Sheet 1.	Between points RWD1 and RWD2 via RWD3, RWD4 and RWD5 as shown on Sheet 1 & Plan A.

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<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
Canterbury City Council	CB47A	Between points RW3 and RW4 as shown on Sheet 1.	Between points RWD6 and RWD12 via RWD7, RWD8, RWD9, RWD10 and RWD11 as shown on Sheet 1.
Canterbury City Council	Farleigh Road	Between points ST1.1 and ST1.2 as shown on Sheet 1.	Diversion Route from Point DV1.1 to DV1.6 via DV1.2, DV1.3, DV1.4 and DV1.5 as shown on Sheet 1 and Plan A.
Canterbury City Council	Vauxhall Road	Between points ST2.1 and ST2.2 as shown on Sheet 1.	Diversion Route from Point DV2.1 to DV2.4 via DV2.2 and DV2.3 as shown on Sheet 1 and Plan A.
Canterbury City Council	CB51	Between points RW5 and RW6 as shown on Sheets 1 and 2.	Between points RWD13 and RWD17 via RWD14, RWD15 and RWD16 as shown on Sheets 1 and 2.
Canterbury City Council	Shalloak Road	Between points ST3.1, ST3.2, ST3.3, and ST3.4 as shown on Sheets 1, 2 and 3.	Diversion Route from Point DV3.1 to DV3.4 via DV3.2 and DV3.3 as shown on Sheets 1, 2 and 3.
Canterbury City Council	CB48	Between points RW6 and RW7 as shown on Sheet 2.	Between points RWD17 and RWD16 via RWD18, RWD19, RWD13, RWD14 and RWD15 as shown on Sheets 1 and 2.
Canterbury City Council	CB64	Between points RW8 and RW9 as shown on Sheets 1 and 2.	Between points RWD13 and RWD14 via RWD19, RWD18, RWD17, RWD16, RWD15 and RWD14 as shown on Sheets 1 and 2.
Canterbury City Council	CB60	Between points RW10 and RW11 as shown on Sheet 2.	Between points RWD20 and RWD15 via RWD21 as shown on Sheet 2.
Canterbury City Council	CB44/CB46	Between points RW12 and RW13 as shown on Sheet 2 and Plan A.	Between points RWD22 and RWD26 via RWD23, RWD24 and RWD25 as shown on Sheets 2, 3 and Plan A.
Canterbury City Council	Herne Bay Road	Between points ST4.1, ST4.1A, ST4.2 and ST4.3	Diversion Route from Point DV4.1 to DV4.3 via DV4.2, Rheims Way, St Peters Place,

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		as shown on Sheets 2, 3 and Plan A.	A290 and A293 as shown on Sheet 2.
Canterbury Council and Thanet District Council	A28 Island Road	Between points ST5.1, ST5.1A, ST5.1B, ST5.1C, ST5.1D, ST5.1E, ST5.1F and ST5.2 as shown on Sheets 2, 4, 5, 7 – 10 and Plan A and Plan B.	Diversion Route from Point DV5.1 to DV5.3 via DV5.2, A293 and A28 as shown on Sheets 2, 3, 10, 11 and Plan A and Plan B.
Canterbury City Council	CB71	Between points RW14 and RW15 as shown on Sheet 3.	Between points RWD27 and RWD30 via RWD28 and RWD29 as shown on Sheet 3.
Canterbury City Council	CB80	Between points RW16 and RW17 as shown on sheet 3 of the access and rights of way plans.	Between points RWD31 and RWD35 via RWD32, RWD33 and RWD34 as shown on sheet 3 of the access and rights of way plans.
Canterbury City Council	CB73	Between points RW18 and RW19 as shown on Sheets 2 and 3.	Between points RWD36 and RWD37 as shown on Sheets 2 and 3.
Canterbury City Council	CB59	Between points RW20 and RW21 as shown on Sheet 2	Between points RWD38 and RWD40 via RWD39 as shown on Sheet 2.
Canterbury City Council	CB58	Between points RW22, RW22A and RW23 as shown on Sheets 3 and 4.	Between points RWD41 and RWD43 via RWD38, RWD39, RWD40 and RWD42 as shown on Sheets 2, 3 and 4.
Canterbury City Council	Bredlands Lane	Between points ST7.1, and ST7.2 as shown on Sheet 4.	Diversion Route from Point DV7.1 to DV7.2 via DV7.3 as shown on Sheet 4 and Plan A.
Canterbury City Council	Hoath Road	Between points ST6.1, ST6.2 and ST6.3 as shown on Sheet 4 and Plan A.	Diversion Route from Point DV6.1 to DV6.9 via DV6.2, DV6.2A, DV6.2B, DV6.2C, DV6.3, DV6.4, DV6.5, DV6.6, DV6.7, Mill Road and DV6.8, DV6.8A as shown on Sheets 4, 5, 6, 7, 8 and Plan A and Plan B.

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Canterbury City Council	Hoath Road	Between points ST6.1, and ST6.2 shown on Sheets 4, 6 and Plan A and Plan B.	Diversion Route from Point DV6.1 to DV6.2 via DV6.3 as shown on Sheet 4 and Plan A.
Canterbury City Council	CB100	Between points RW24 and RW25 as shown on Sheet 7.	Between points RWD44 and RWD48 via RWD45, RWD46 and RWD47 as shown on Sheets 7 and 8.
Canterbury City Council	CB100A	Between points RW25 and RW26 as shown on Sheet 6.	Between points RWD48 and RWD53 via RWD49, RWD50, RWD51 and RWD52 as shown on Sheet 6 and Plan A and Plan B.
Canterbury City Council	CB119	Between points RW25 and RW27 as shown on Sheets 7 and 8.	Between points RWD48 and RWD47 via RWD44, RWD45 and RWD46 as shown on Sheets 7 and 8.
Canterbury City Council	Sandpit Hill	Between points ST8.1, ST8.2, and ST8.3 as shown on Sheet 8 and Plan A and Plan B of the access and rights of way plans.	Diversion Route from Point DV8.1 to DV8.7 via DV8.1A, DV8.1B, DV8.2, DV8.3, DV8.3A, DV8.4, DV8.4A, DV8.5, Max Mill Lane and DV8.6 as shown on Sheets 4, 6 – 8 and Plan A and Plan B.
Canterbury City Council	CB101	Between points RW28 and RW29 as shown on Sheet 6.	Between points RWD49 and RWD51 via RWD48, RWD53, RWD52 and RWD51 as shown on Sheet 6.
Canterbury City Council	CB118	Between points RW27 and RW30 as shown on Sheet 8.	Between points RWD47 and RWD46 via RWD48, RWD44, and RWD45 as shown on Sheets 7 and 8.
Canterbury City Council	CB117	Between points RW30 and RW31 as shown on Sheet 7.	Between points RWD46 and RWD45 via RWD54 as shown on Sheet 7.
Canterbury City Council	CB118 (2nd Diversion)	Between points RW30 and RW32 as shown on Sheets 7 and 8 and Plan A and Plan B.	Between points RWD46 and RWD54 via RWD45 as shown on Sheet 7.

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Canterbury City Council	CB123	Between points RW33 and RW34 as shown on Sheet 8.	Between points RWD 58 and RWD59 via RWD57 and RWD 56 as shown on Sheet 8 and Plan A and Plan B.
Canterbury City Council	CB124	Between points RW35 and RW36 as shown on Sheet 8.	Between points RWD60 and RWD62 via RWD55 and RWD61 as shown on Sheet 8 and Plan A and Plan B.
Canterbury City Council	CB128	Between points RW36 and RW37 as shown on Sheets 8 and 9 and Plan A and Plan B.	Between points RWD62 and RWD61 via RWD60 and RWD58 as shown on Sheets 8 and 9 and Plan A and Plan B.
Canterbury City Council	CB125	Between points RW38 and RW39 as shown on Sheet 9.	Between points RWD63 and RWD64 via RWD61 and RWD62 as shown on Sheets 8 and 9 and Plan A and Plan B.
Thanet District Council	TE24	Between points RW41 and RW42 as shown on Sheets 11 and 12.	Between points RWD65 and RWD67 via RWD65A, RWD66 and RWD66A as shown on Sheets 11, 12 and 13 and Plan A and Plan B.
Canterbury City Council, Thanet District Council & Dover District Council	Gore Street	Between points ST9.1, ST9.2, and ST9.3 as shown on Sheet 11 and Plan A and Plan B.	Diversion Route from Point DV9.1 to DV9.5 via Stourmouth Road, Grove Road, Grove Ferry Road, DV9.2, DV9.3, DV9.3A and DV9.4 as shown on Sheets 9, 10 and 11 and Plan A and Plan B.
Thanet District Council	TE23	Between points RW42, RW42A and RW43 as shown on Sheets 12 and 13 and Plan B.	Between points RWD66 and RWD67 via RWD65 as shown on Sheets 11 and 12 and Plan A and Plan B.
Thanet District Council	TE32	Between points RW44, RW44A and RW45 as shown on Sheets 13 and 14.	Between points RWD68 and RWD73 via RWD69, RWD70, RWD71, RWD72 and RWD73A as shown on Sheets 13, 14 and 15 and Plan B.
Thanet District Council	TE26	Between points RW44 and RW46 as shown on Sheets 13 and 15.	Between points RWD69 and RWD68 via RWD70, RWD71, RWD72 and

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			RWD73 as shown on Sheets 13, 14 and 15 and Plan B.
Dover District	EE42	Between points RW47, RW47A, RW47B and RW48 as shown on Sheets 15 to 18 and Plan B.	Between points RWD74 and RWD82 via RWD75, RWD76, RWD77, RWD78, RWD79, RWD80 and RWD81 as shown on Sheets 13 and 15 and Plan B.

## PART 2

### STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH NO DIVERSION IS TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
Canterbury City Council	CB114	Between points RW39 and RW40 as shown on Sheet 9.
Canterbury City Council	Mayton Lane	Between points ST10.1, ST10.2, and ST10.3 as shown on Sheet 3.
Canterbury City Council	Barnets Lane	Between points ST11.1 and ST11.2 as shown on Sheet 3.

## SCHEDULE 8

Article 24

### EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION

## PART 1

### NATIONAL GRID

<i>(1) Area</i>	<i>(2) Plot</i>
Canterbury City Council	1,2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62,

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(1) Area	(2) Plot
	63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 142, 146, 147, 148, 149, 150, 151, 284b, 285, 292, 294, 298, 300, 305a, 468, 474, 475, 476, 479, 480, 481, 482, 483, 484, 489, 491, 492, 493, 494, 496, 497, 498, 499, 500, 503, 506, 508, 509, 510, 514, 515, 517, 519, 521, 523, 526, 527, 528, 529, 530, 533, 536, 547, 548, 553, 598, 602, 603, 609, 622, 625, 626, 631, 641, 652, 665, 686, 688, 689, 690, 692, 694, 698, 701, 703, 706, 734, 756, 757, 766, 770, 783, 784, 786, 792, 795, 796, 811, 840, 851, 862, 867, 885, 896, 903, 905, 906, 909, 924, 926, 927, 928, 934, 935, 948, 951, 952, 961, 962, 964, 965, 971, 972, 973, 974, 975, 980, 982, 983, 984, 985, 987, 989, 990, 991, 995, 996, 1000, 1006, 1011, 1023, 1025, 1430, 1434, 1040, 1045, 1046 & 1049
Canterbury City Council and Thanet District Council	1046
Thanet District Council	1053, 1060, 1069, 1088, 1102, 1118, 1121, 1123, 1124, 1127, 1133, 1146, 1147, 1148, 1151, 1153, 1159, 1161, 1162, 1167, 1169, 1173, 1176, 1177, 1178, 1179, 1181, 1182, 1183, 1186, 1187, 1188, 1189, 1190, 1194, 1195, 1199, 1201, 1204, 1205, 1214, 1225, 1226, 1230, 1239, 1272, 1276, 1277, 1279, 1300, 1306, 1310, 1317, 1329, 1332, 1341, 1343, 1344, 1346, 1355, 1356, 1357, 1364, 1391, 1395, 1401, 1407, 1408, 1415, 1422, 1425, 1429 & 1649
Thanet District Council and Dover District Council	1392, 1439, 1635, 1636 & 1654
Dover District Council	1448, 1471, 1487, 1488, 1489, 1495, 1496, 1505, 1508, 1511, 1531, 1539, 1540, 1544, 1549, 1555, 1558, 1561, 1563, 1566, 1573, 1575, 1588, 1589A, 1589B, 1589C, 1589D, 1656, 1658, 1661, 1663 & 1668

## PART 2

### UK POWER NETWORKS

(1) Area	(2) Plot
Canterbury City Council	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134,

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(1) Area	(2) Plot
	135, 136, 137, 139, 140, 142, 146, 147, 148, 149, 150, 151, 284b, 285, 286, 287, 288, 291, 292, 294, 298, 300, 305a, 468, 474, 475, 476, 479, 480, 481, 482, 483, 484, 489, 491, 492, 493, 494, 496, 497, 498, 499, 500, 503, 506, 508, 509, 510, 514, 515, 517, 519, 521, 523, 526, 527, 528, 529, 530, 533, 536, 547, 548, 553, 598, 602, 603, 609, 622, 625, 626, 631, 641, 652, 665, 686, 687, 688, 689, 690, 692, 694, 698, 701, 703, 706, 734, 756, 757, 766, 770, 783, 784, 786, 792, 795, 796, 811, 840, 851, 858, 862, 867, 875, 885, 896, 903, 905, 906, 909, 919, 924, 925, 926, 927, 928, 934, 935, 936, 937, 946, 947, 948, 949, 951, 952, 955, 961, 962, 963, 964, 965, 969, 970, 971, 972, 973, 974, 975, 980, 982, 983, 984, 985, 987, 988, 989, 990, 991, 995, 996, 1000, 1006, 1011, 1023, 1025, 1027, 1040, 1044, 1045, 1049, 1431 & 1434
Canterbury City Council and Thanet District Council	1046
Thanet District Council	1053, 1060, 1069, 1086, 1088, 1102, 1118, 1121, 1123, 1124, 1127, 1133, 1146, 1147, 1148, 1151, 1153, 1159, 1161, 1162, 1166B, 1167, 1169, 1170, 1172, 1173, 1175, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1188, 1189, 1190, 1191, 1192, 1194, 1195, 1200, 1201, 1205, 1210, 1213, 1214, 1215, 1224, 1225, 1230, 1272, 1276, 1277, 1279, 1300, 1305, 1306, 1310, 1317, 1329, 1332, 1341, 1343, 1344, 1346, 1355, 1356, 1357, 1358, 1364, 1391, 1392, 1395, 1401, 1407, 1408, 1415, 1417, 1421, 1422, 1425, 1429 & 1649
Thanet District Council and Dover District Council	1439, 1635, 1636 & 1654
Dover District Council	1430, 1448, 1453, 1471, 1487, 1488, 1489, 1495, 1496, 1505, 1508, 1511, 1519, 1523, 1531, 1539, 1540, 1544, 1547, 1549, 1555, 1558, 1559, 1561, 1563, 1564, 1566, 1573, 1575, 1588, 1589A, 1589B, 1589C, 1589D, 1656, 1658, 1661, 1663, 1664 & 1668

## SCHEDULE 9

Article 34

## DEEMED MARINE LICENCE

## PART 1

## INTRODUCTORY

**Interpretation**

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008(30);

“the 2009 Act” means the Marine and Coastal Access Act 2009(31);

“Access and Rights of Way and Public Rights of Navigation Plans” means the plans listed in Part 2 of Schedule 2 (Access and Rights of Way and Public Rights of Navigation Plans) to the Order and certified by the Secretary of State under article 43 (certification of plans, etc.) of the Order;

“authorised development” has the meaning given in paragraph 3(2);

“GSDIG” means Great Stour Downstream Interest Group;

“licence holder” means the undertaker and any agent, contractor or sub-contractor acting on its behalf;

“licensable activity” means an activity licensable under section 66 of the 2009 Act;

“licensed activity” means any activity described in Part 2 of this licence;

“mean high water springs” means the average of high water heights occurring at the time of the spring tides;

“method statement” means the document prepared by the licence holder that details the way that the licensed activity will be carried out;

“MMO” means the Marine Management Organisation;

“the Order” means the National Grid (Richborough Connection Project) Development Consent Order 2017;

“SAC habitat” means the habitat within a Special Area of Conservation entered in the Register of European Sites, held by the Department for Environment, Food and Rural Affairs;

“the undertaker” means National Grid Electricity Transmission plc (registered company number 2366977); and

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a barge, a jack up barge, a seaplane or helicopter on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in or over water and which is at the time in, on or over water.

(2) Unless otherwise specified, all geographical co-ordinates given in this licence are in latitude and longitude degrees and minutes to two decimal places.

## Addresses

2.—(1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this licence is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH and where contact to the MMO Local Office is required, the following contact details should be used: Pakefield Road, Lowestoft, Suffolk NR33 0HT, Tel: 01502 573 149 or 01502 572 769, Fax: 01502 514 854.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is [marine.consent@marinemanagement.org.uk](mailto:marine.consent@marinemanagement.org.uk) and where contact to the MMO Local Office is required, the following address should be used: [lowestoft@marinemanagement.org.uk](mailto:lowestoft@marinemanagement.org.uk).

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(30) 2008 c. 29.

(31) 2009 c. 23.

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## PART 2

### LICENSED ACTIVITIES

3.—(1) Subject to the licence conditions in Part 4 of this licence, this licence authorises the licence holder to carry out any licensable marine activities under section 66(1) of the 2009 Act which involve the construction, alteration or improvement of any works in or over the sea or on or under the sea bed and which—

- (a) form part of the authorised development; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) In this licence the “authorised development” means Work No.1 (400kV overhead line) as set out in Schedule 1 (authorised development) to the Order, and any other development authorised by the Order, which is development within the meaning of section 32 of the 2008 Act, and more particularly the installation of a 400kV overhead electric line, in the vicinity of, and over, the River Stour and the installation of two temporary long span bridges across the River Stour as is shown hatched yellow on Sheets 1, 15 and 17 of the access and rights of way and public rights of navigation plans.

## PART 3

### ENFORCEMENT

4. Any breach of this licence does not constitute a breach of the Order but is subject to the enforcement regime in Chapter 3 of Part 4 of the 2009 Act as a licence deemed to have been granted under that Act.

## PART 4

### CONDITIONS

5. For such of the licensed activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions apply to any person who for the time being owns, occupies or enjoys any use of the licensed activity.

6. Should the licence holder become aware that any of the information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity.

#### **Prior to the commencement of the works**

7.—(1) The licence holder must submit a detailed method statement at least 2 months prior to the commencement of the first licensed activity for approval by the MMO.

(2) The authorised development must be undertaken in accordance with the approved method statement.

8. The licence holder must inform the MMO, the Environment Agency, GSDIG and the Sandwich Harbour Master in writing of the intended start date and the likely duration of licensed activities on a site at least 10 business days prior to the commencement of the first licensed activity.

9. The licence holder must ensure that they inform the MMO in writing of all contractor and vessel details at least 10 business days prior to commencement of any licensed activity.

**10.** The licence holder must inform the MMO Local Office in writing of the timetable of the licensed activities at least 10 business days prior to commencement of any licensed activity.

**11.** The licence holder must inform the relevant harbour authorities in writing of the licensed activities (including timetable, contractor and vessel details) at least 20 business days prior to commencement of any licensed activity. The contact details are as follows—

Sandwich Port and Haven Commissioners, 1 Potter Street, Sandwich, Kent CT13 9DR, Tel: 01304 612162;

Thanet District Council, The Harbour Offices, Military Road, Ramsgate, CT11 LQ, Email: [portoframsgate@thanet.gov.uk](mailto:portoframsgate@thanet.gov.uk) , Tel: 01843 687661.

### **Upon commencement of the works**

**12.** Only coatings and treatments that are approved by the Health and Safety Executive as suitable for use in the marine environment can be utilised and they must be used in accordance with current best practice measures.

**13.** Bunding and/or storage facilities must be installed to contain and prevent the release of fuel oils, lubricating fluids and chemicals associated with vessels, plant and equipment into the marine environment.

**14.** The licence holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team within 12 hours:

Within Office hours: 0300 200 2024

Outside Office hours: 07770 977 825

At all times if other numbers out of order: 0845 051 8486

Email: [dispersants@marinemanagement.org.uk](mailto:dispersants@marinemanagement.org.uk)

**15.** Any construction materials that are misplaced below mean high water springs and cannot be recovered must be located and its position notified to the MMO Local Office and the MMO as deemed Licensing Authority within 48 hours.

**16.** The licence holder must ensure that the MMO Local Office is notified in writing of the completion of the works within 10 business days following the completion of any of the works.

**17.** All equipment, temporary structures, waste and debris associated with the works must be removed within 20 business days of completion of any of the works.

**18.** The licence holder must ensure that if maintenance is required which involves a licensable activity, a methodology for such maintenance must be submitted to the MMO for agreement in writing at least 28 business days prior to commencement of any maintenance works. No marine licensable maintenance works may commence without prior written approval from the MMO. This condition does not apply to maintenance works which are taken in an emergency in accordance with section 86 of the 2009 Act.

## SCHEDULE 10

Article 21

MODIFICATION OF COMPENSATION AND COMPULSORY  
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS**Compensation enactments**

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

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973<sup>(32)</sup> has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4 of this Schedule—

- (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”.

(3) For section 58(1)<sup>(33)</sup> (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5 of this Schedule, substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

- (a) a right over or a restrictive covenant affecting land consisting of a house, building or manufactory can be taken or imposed without material detriment or damage to the house, building or manufactory; or
- (b) a right over or a restrictive covenant affecting land consisting of a park or garden belonging to a house can be taken or imposed without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right or imposition of the restrictive covenant but also the use to be made of the right or restrictive covenant proposed to be acquired or imposed, and, in a case where the right or restrictive 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 to be made of the other land.”.

**Application of the 1965 Act**

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or

<sup>(32)</sup> 1973 c. 26.

<sup>(33)</sup> Section 58(1) was amended by section 16(3) of, and Schedule 5 to, the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), section 4 of, and paragraph 29(1) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) 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.”.

5. For section 8 of the 1965 Act (provisions as to divided land) substitute—

(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the tribunal; and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
  - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
  - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs,

the National Grid (Richborough Connection Project) Development Consent Order 2017<sup>(34)</sup> (“the Order”) ceases, in relation to that person, to authorise the purchase of the right or imposition of a restriction and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section must be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

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<sup>(34)</sup> S.I. 2017.

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6. 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 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.

7. Section 11(35) of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, 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 (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12(36) (penalty for unauthorised entry) and 13(37) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20(38) of the 1965 Act (protection for interests of tenants at will, etc.) 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.

9. Section 22 of the 1965 Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) is modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or to enforce the restriction imposed, subject to compliance with that section as respects compensation.

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

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

(37) 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).

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

## SCHEDULE 11

Articles 28 and 29

## LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

## PART 1

## NATIONAL GRID

## Canterbury City Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1	Dismantling of redundant infrastructure	6A	Pylon PX1
2, 3, 4, 5, 6, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 139, 140 & 142	Dismantling of redundant infrastructure	6A	
7, 38, 114 & 137	Dismantling of redundant infrastructure	6A	Removal of pylon foundations only to a depth of 1.5 metres
11, 13, 14, 15, 16, 138, 141, 143, 237, 238, 239, 240, 241, 244,	Access to land for the purpose of carrying out the authorised	6A	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
245, 246, 247, 249, 250, 252 & 253	development including the power to carry out any ancillary works necessary to facilitate that access		
144 & 243	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 6A and 6B	
145, 461, 555, 556, 561, 562, 565, 568, 569, 570, 572, 573, 575, 578, 579, 588, 589, 590, 596, 600, 620, 623, 713, 715, 716, 717, 719 & 879	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6B	
146, 147 & 734	Dismantling of redundant infrastructure	1 and 6B	Removal of pylon foundations only to a depth of 1.5 metres
148, 484, 489, 491, 492, 493, 494, 496, 497, 499, 500, 506, 508, 509, 510, 514, 515, 517, 519, 521, 523, 529, 530, 533, 547, 548, 598, 602, 603, 622, 686, 688, 689, 690, 692, 694, 698, 701, 703, 756, 757, 783, 784, 786, 795, 796, 896 & 903	Dismantling of redundant infrastructure	6B	
149 & 298	Construction of authorised development and mitigation works	1, 4A and 6B	Removal of pylon foundations only to a depth of 1.5 metres
150, 151, 284B, 285, 292, 294, 301, 303, 305A & 488A	Construction of authorised development and mitigation works	1, 4A and 6B	

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<i>(1)</i> <i>Plot number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
152, 153, 154, 191, 192, 200, 206, 207, 212, 216, 217, 218, 228, 229, 230, 254, 265, 266, 267, 281, 282, 295, 296, 322, 324, 327, 353, 354, 355, 379, 380, 381, 382, 383, 385, 394, 396, 397, 398, 399, 400, 401, 405, 406, 419, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 463, 464, 465, 466, 615, 629, 638, 709, 720, 739, 741, 742, 743, 744, 771, 772, 773, 778, 779, 780, 781, 814, 818, 825, 829, 830, 831, 833, 834, 841, 881, 886, 887, 1008, 1013, 1024, 1026 & 1058	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	
157, 158, 160, 163, 164, 169, 170, 174, 178, 179, 184, 185, 188, 190, 196, 197, 198, 201, 205, 213, 214, 215, 222, 223, 224, 225, 231, 233, 234, 235, 236, 248, 256, 257, 258, 259, 262, 263, 264, 270, 271, 274, 275, 284A, 290, 299, 305B, 307, 308, 309, 321, 325, 326, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 345, 346, 348, 349, 350, 351, 357, 358, 361, 362, 363, 364, 365, 366, 367, 368, 370, 371, 372, 373, 374, 375, 377, 378, 387, 388, 389, 390, 395, 407, 408, 409, 412,	Construction of authorised development and mitigation works	1	

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414, 415, 417, 418, 420, 422, 434, 436, 437, 438, 440, 442, 443, 444, 445, 447, 448, 453, 454, 455, 456, 458, 459, 552, 577, 591, 592, 607, 608, 610, 639, 642, 644, 645, 646, 647, 651, 654, 656, 658, 659, 660, 661, 668, 673, 710, 714, 721, 722, 723, 725, 726, 730, 731, 732, 733, 735, 736, 737, 745, 750, 751, 759, 760, 761, 762, 775, 785, 787, 788, 800, 801, 803, 806, 808, 809, 810a, 812, 815, 816, 817, 832, 835, 836, 837, 839, 854, 855, 861, 884, 889, 890, 891, 893, 894, 895, 899, 900, 901, 904, 914, 916, 918, 920, 922, 923, 930, 932, 933, 939, 940, 941, 942, 943, 944, 945, 957, 958, 994, 1007 & 1055			
300, 551 & 612	Construction of authorised development and mitigation works	1 and 6B	
467 & 478	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4A and 6B	
468, 474, 475, 476, 480, 481, 482 & 483	Dismantling of redundant infrastructure	4A and 6B	

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469, 470, 471, 472, 473 & 488B	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	4A and 6B	
477, 485, 486, 487, 490, 495, 501, 502, 504, 505, 507, 511, 512, 513, 516, 518, 520, 522, 524, 525, 531, 532, 534, 535, 537, 546, 549, 550, 554, 593, 595, 599, 601, 604, 605, 606, 611, 635, 637, 643, 649, 653, 657, 662, 667, 669, 675, 676, 684, 693, 695, 699, 702, 704, 707, 711, 712, 718, 724, 738, 749, 752, 753, 758, 764, 767, 769, 782, 789, 794, 797, 798, 799, 807, 820, 838, 844, 849, 853, 857, 863, 864, 866, 868, 869, 871, 873, 876 & 880	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6B	
479	Dismantling of redundant infrastructure	1, 4A and 6B	
498, 503, 526, 527, 528, 536, 553, 609, 620, 626, 631, 641, 652, 665, 706, 766, 770, 792, 811, 840, 851, 862, 867 & 885	Dismantling of redundant infrastructure	6B	Removal of pylon foundations only to a depth of 1.5 metres
538, 540 & 545	Access to land for the purpose of carrying out the authorised development including the power to carry	2	

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	out any ancillary works necessary to facilitate that access		
539, 541, 542, 543 & 544	Construction of authorised development and mitigation works	2	
905 & 906	Dismantling of redundant infrastructure	4B and 6C	
909 & 961	Construction of authorised development and mitigation works	1, 4B, 6C and 6B	Removal of pylon foundations only to a depth of 1.5 metres
924, 926, 927, 928, 934, 935, 948, 951, 952, 965, 971 & 973	Construction of authorised development and mitigation works	1, 4B and 6C	
962, 964, 972, 987, 1011, 1023 & 1025	Dismantling of redundant infrastructure	1 and 6D	
974, 975, 982, 985, 990, 991, 995, 996, 1000, 1006, 1045 & 1049	Dismantling of redundant infrastructure	6D	
980, 983, 984 & 989	Construction of authorised development and mitigation works	1 and 6D	
986, 1009, 1015, 1019, 1021 & 1052	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
998, 999, 1001, 1003, 1005, 1017 & 1018	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 6D	

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	necessary to facilitate that access		
1040	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres

### Canterbury City Council and Thanet District Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1020	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
1046	Dismantling of redundant infrastructure	6D	
1059	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	

### Thanet District Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1022, 1028, 1033, 1057, 1062, 1063, 1068, 1074, 1085, 1089, 1091, 1092,	Access to land for the purpose of carrying out the authorised development including	6D	

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1098, 1104, 1112, 1113, 1114, 1115, 1116, 1117, 1119, 1120, 1125, 1135, 1150, 1156 & 1157	the power to carry out any ancillary works necessary to facilitate that access		
1053, 1069, 1102, 1127 & 1153	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres
1060, 1088, 1118, 1121, 1123, 1124, 1133, 1146, 1147, 1148, 1151, 1159, 1161 & 1162	Dismantling of redundant infrastructure	6D	
1065, 1067, 1072, 1105, 1108, 1109, 1110, 1145, 1155, 1235, 1299, 1312, 1328, 1333, 1336, 1337, 1349, 1352, 1362, 1399, 1405, 1410, 1428, 1433, 1442 & 1450	Construction of authorised development and mitigation works	1	
1073, 1077, 1078, 1079, 1082, 1095, 1096, 1097, 1122, 1126, 1128, 1131 & 1137	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	
1107 & 1111	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6D	
1129, 1130, 1132, 1134, 1138, 1143 & 1164	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1, 4C and 6E	

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	necessary to facilitate that access		
1167, 1173, 1179, 1181, 1182, 1194 & 1195	Construction of authorised development and mitigation works	1, 4C and 6E	
1169, 1188, 1190, 1198, 1199 & 1241	Construction of authorised development and mitigation works	1 and 5C	
1176	Construction of authorised development and mitigation works	1, 5C 5D, 6D and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1177, 1204, 1216 & 1218	Construction of authorised development and mitigation works	1, 5C and 5D	
1178, 1183 & 1189	Dismantling of redundant infrastructure	5C	
1186 & 1187	Construction of authorised development and mitigation works	1, 5C and 5D	Removal of pylon foundations only to a depth of 1.5 metres
1201, 1205, 1242, 1252, 1253 & 1254	Construction of authorised development and mitigation works	1 and 5D	
1214	Construction of authorised development and mitigation works	1, 4C and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1230	Construction of authorised development and mitigation works	1, 4C, 6E and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1219	Access to land for the purpose of carrying out the authorised development including the power to carry	1 and 5C	

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	out any ancillary works necessary to facilitate that access		
1225 & 1226	Construction of authorised development and mitigation works	1, 5A and 5C	
1239	Construction of authorised development and mitigation works	1, 5A, 5B, 5C and 5D	Removal of pylon foundations only to a depth of 1.5 metres
1240	Construction of authorised development and mitigation works	1, 4C and 5C	
1269, 1270, 1271, 1310, 1315, 1326, 1354, 1355, 1360, 1382, 1391, 1395, 1402, 1407, 1408, 1409, 1427, 1455, 1456, 1598, 1608, 1637 & 1639	Construction of authorised development and mitigation works	1 and 6F	
1272, 1276, 1277, 1300, 1306, 1332, 1341, 1343, 1344, 1356, 1357, 1401, 1422 & 1425	Dismantling of redundant infrastructure	6F	
1278, 1301, 1302, 1307, 1316, 1318, 1325, 1334, 1347, 1353 & 1366	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6F	
1279, 1317, 1329, 1346, 1364, 1415, 1649,	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres
1294, 1308, 1311, 1363, 1378, 1383, 1384, 1387, 1393, 1404, 1412 & 1413	Access to land for the purpose of carrying out the authorised development including	1 and 6F	

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	the power to carry out any ancillary works necessary to facilitate that access		
1601, 1602, 1611 & 1613	Construction of authorised development and mitigation works	1 and 3	
1614 & 1625	Construction of authorised development and mitigation works	1, 3 and 6F	

#### Dover District Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1385, 1389, 1411, 1439, 1458, 1467, 1487, 1488, 1489, 1495, 1496, 1555, 1563, 1566, 1575, 1596, 1597, 1604, 1633, 1643, 1663, 1666 & 1669	Construction of authorised development and mitigation works	1 and 6F	
1394, 1419, 1443, 1464, 1472, 1647, 1648, 1650, 1651, 1652, 1655, 1657, 1659, 1660, 1665 & 1672	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6F	
1429, 1430, 1434, 1505, 1508, 1531, 1539, 1540, 1558, 1588, 1589A, 1589B, 1589C, 1589D & 1658	Dismantling of redundant infrastructure	6F	
1448	Dismantling of redundant infrastructure	1 and 6F	

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1457, 1522, 1527, 1541, 1548, 1562, 1570, 1580, 1581, 1582, 1653, 1662, 1667 & 1670	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6F	
1463, 1466, 1468, 1473, 1474, 1475, 1479, 1480, 1481, 1482, 1484, 1485, 1486, 1490, 1491, 1493, 1494, 1497, 1498, 1509, 1514, 1521, 1553, 1554, 1556, 1565, 1576, 1579, 1587 & 1605	Construction of authorised development and mitigation works	1	
1471 & 1668	Dismantling of redundant infrastructure	1 and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1511, 1544, 1549, 1561, 1573 & 1661	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres

#### **Thanet District Council and Dover District Council**

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1392, 1593, 1635 & 1636	Construction of authorised development and mitigation works	1 and 6F	
1654 & 1656	Dismantling of redundant infrastructure	6F	

**PART 2**  
**UK POWER NETWORKS**  
**Canterbury City Council**

<i>(1)</i> <i>Plot number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
1	Dismantling of redundant infrastructure	6A	Pylon PX1
2, 3, 4, 5, 6, 8, 9, 10, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 139 & 140	Dismantling of redundant infrastructure	6A	
7, 38, 114, 137 & 142	Dismantling of redundant infrastructure	6A	Removal of pylon foundations only to a depth of 1.5 metres
11, 13, 14, 15, 16, 138, 141, 143, 237, 238, 239, 240, 241, 244, 245, 246, 247, 249, 250, 252 & 253	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6A	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
144 & 243	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 6A and 6B	
145, 460, 461, 551, 555, 556, 558, 561, 562, 563, 564, 565, 567, 568, 569, 570, 572, 573, 574, 575, 578, 579, 580, 581, 587, 588, 589, 590, 596, 597, 600, 612, 614, 616, 617, 620, 623, 624, 681, 713, 715, 716, 717, 719, 856, 870, 872, 874, 878 & 879	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6B	
146, 147 & 734	Dismantling of redundant infrastructure	1 and 6B	Removal of pylon foundations only to a depth of 1.5 metres
148, 484, 489, 491, 492, 493, 494, 496, 497, 499, 500, 506, 508, 509, 510, 514, 515, 517, 519, 521, 523, 529, 530, 533, 547, 548, 598602, 603, 622, 686, 688, 689, 690, 692, 694, 698, 701, 703, 756, 757, 783, 784, 786, 795, 796, 896 & 903	Dismantling of redundant infrastructure	6B	
149 & 298	Construction of the authorised development and mitigation works	1, 4A and 6B	Removal of pylon foundations only to a depth of 1.5 metres
150,151, 284a, 284b, 285, 286, 287, 288, 291, 292, 294, 305a & 488A	Construction of the authorised development and mitigation works	1, 4A and 6B	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
300	Construction of the authorised development and mitigation works	1 and 6B	
301, 303, 304, 467 & 478	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4A and 6B	
305b	Construction of the authorised development and mitigation works	1	
468, 474, 475, 476, 480, 481, 482, & 483	Dismantling of redundant infrastructure	4A and 6B	
469, 470, 471, 472, 473 & 488B	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	4A and 6B	
477, 485, 486, 487, 490, 495, 501, 502, 504, 505, 507, 511, 512, 513, 516, 518, 520, 522, 524, 525, 531, 532, 534, 535, 537, 546, 549, 550, 554, 593, 595, 599, 601, 604, 605, 606, 611, 635, 637, 643, 649, 653, 657, 662, 667, 669, 675, 676, 684, 693, 695, 699, 702, 704, 707, 711, 712, 718, 724, 738, 749, 752, 753, 758, 764, 767, 769, 782, 789, 794, 797, 798,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6B	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
799, 807, 820, 838, 844, 849, 853, 857, 863, 864, 866, 868, 869, 871, 873, 876 & 880			
479	Dismantling of redundant infrastructure	1, 4A and 6B	
498, 503, 526, 527, 528, 536, 553, 609, 626, 631, 641, 652, 665, 706, 766, 770, 792, 811, 840, 851, 862, 867 & 885	Dismantling of redundant infrastructure	6B	Removal of pylon foundations only to a depth of 1.5 metres
905 & 906	Dismantling of redundant infrastructure	4B and 6C	
909	Dismantling of redundant infrastructure	1, 4B, 6B and 6C	Removal of pylon foundations only to a depth of 1.5 metres
919, 924, 925, 926, 927, 928, 934, 935, 936, 937, 946, 947, 948, 949, 951 & 952	Dismantling of redundant infrastructure	1, 4B and 6C	
955 & 961	Construction of the authorised development and mitigation works	1, 4B, 6C and 6D	Removal of pylon foundations only to a depth of 1.5 metres
960, 993 & 1002	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6C	
962, 964, 972, 980, 983, 984, 987, 989, 1011, 1023, 1025 & 1044	Dismantling of redundant infrastructure	1 and 6D	

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963, 969 & 988	Dismantling of redundant infrastructure	1 and 6C	
965, 971 & 973	Construction of the authorised development and mitigation works	1, 4B and 6C	
970	Construction of the authorised development and mitigation works	1 and 6D	
974, 975, 982, 985, 990, 991, 995, 996, 1000, 1006 & 1045	Dismantling of redundant infrastructure	6D	
986, 1009, 1015, 1019 & 1021	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
997, 998, 999, 1001, 1003, 1004, 1005, 1012, 1014, 1016, 1017, 1018, 1029, 1032, 1034, 1035, 1036 & 1038	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6D	
1027	Dismantling of redundant infrastructure	1 and 6D	Removal of pylon foundations only to a depth of 1.5 metres
1040 & 1049	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres

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### Canterbury City Council and Thanet District Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1020	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
1046	Dismantling of redundant infrastructure	6D	

### Thanet District Council

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1022, 1028, 1033, 1052, 1057, 1062, 1063, 1068, 1074, 1085, 1089, 1091, 1092, 1098, 1104, 1112, 1113, 1114, 1115, 1116, 1117, 1119, 1120, 1125, 1135, 1150, 1156 & 1157	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
1053, 1069, 1102, 1127 & 1153	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres
1060, 1088, 1118, 1121, 1123, 1124, 1133, 1146, 1147, 1148, 1151, 1159, 1161 & 1162	Dismantling of redundant infrastructure	6D	
1086	Dismantling of redundant infrastructure	1 and 6D	
1090, 1107 & 1111	Access to land for the purpose of carrying out the authorised	1 and 6D	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	development including the power to carry out any ancillary works necessary to facilitate that access		
1129, 1130, 1132, 1134, 1136, 1138, 1143, 1149, 1152, 1164, 1165, 1261, 1263 & 1264	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4C and 6E	
1166b	Construction of the authorised development and mitigation works	1, 4C, 5C, 6D and 6E	
1167, 1170, 1172, 1173, 1175, 1179, 1180, 1182, 1191, 1192, 1194, 1195 & 1200	Construction of the authorised development and mitigation works	1, 4C and 6E	
1169, 1177, 1188, 1190, 1198, 1215, 1231, 1237, 1244 & 1248	Construction of the authorised development and mitigation works	1 and 5C	
1178, 1183 & 1189	Dismantling of redundant infrastructure	5C	
1201, 1205, 1210, 1213, 1242, 1252, 1253 & 1254	Construction of the authorised development and mitigation works	1 and 5D	
1214	Construction of the authorised development and mitigation works	1, 4C and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1219 & 1236	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 5C	

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(1) Plot number of land shown on land plan	(2) Purpose for which temporary possession may be taken	(3) Relevant part of the authorised development	(4) Element of Work in respect of which land is not required to be re-instated
	necessary to facilitate that access		
1224	Dismantling of redundant infrastructure	1, 5C and 5D	
1225	Construction of the authorised development and mitigation works	1, 5A and 5C	
1230	Construction of the authorised development and mitigation works	1, 4C, 6E and 6F	
1232 & 1238	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4C and 5C	
1240	Construction of the authorised development and mitigation works	1, 4C and 5C	
1269, 1270, 1271, 1360, 1382, 1391, 1395, 1396, 1417, 1427, 1445, 1446, 1455, 1456, 1462, 1598, 1608, 1637 & 1639	Construction of the authorised development and mitigation works	1 and 6F	
1272, 1276, 1277, 1300, 1306, 1332, 1341, 1343, 1344, 1356, 1357, 1401, 1422 & 1425	Dismantling of redundant infrastructure	6F	
1275, 1281, 1282, 1285, 1287, 1293, 1294, 1297, 1303, 1308, 1309, 1311, 1313, 1315, 1319, 1320, 1324, 1326,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 6F	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1327, 1331, 1339, 1342, 1350, 1351, 1354, 1359, 1363, 1365, 1367, 1375, 1376, 1377, 1378, 1381, 1383, 1384, 1386, 1387, 1390, 1393, 1402, 1403, 1404, 1409, 1412, 1413, 1414, 1416, 1420 1426, 1432, 1435, 1447 & 1460	necessary to facilitate that access		
1278, 1301, 1302, 1307, 1316, 1318, 1325, 1334, 1347, 1353 & 1366	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6F	
1279, 1317, 1329, 1346, 1364, 1415 & 1649	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres
1305, 1310, 1355, 1358, 1407, 1408 & 1421	Dismantling of redundant infrastructure	1 and 6F	
1614, 1603A & 1603B	Construction of the authorised development and mitigation works	1, 3 and 6F	
1612 & 1625	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 3 and 6F	

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### Dover District Council

<i>(1)</i> Plot number of land shown on land plan	<i>(2)</i> Purpose for which temporary possession may be taken	<i>(3)</i> Relevant part of the authorised development	<i>(4)</i> Element of Work in respect of which land is not required to be re-instated
1385, 1389, 1411, 1418, 1439, 1449, 1458, 1465, 1592 1594, 1596, 1597, 1599, 1600, 1604, 1616, 1618, 1619, 1626, 1627A, 1627B, 1633, 1638, 1643, 1663, 1666 & 1669	Construction of the authorised development and mitigation works	1 and 6F	
1394, 1419, 1440, 1443, 1452, 1459, 1461, 1464, 1467, 1472, 1478, 1501, 1502, 1510, 1515, 1516, 1520, 1524, 1525, 1526, 1529, 1532, 1533, 1552, 1571, 1572, 1577, 1595, 1606, 1620A, 1620B, 1620C, 1620D, 1623, 1628A, 1628B, 1632, 1634, 1640, 1641, 1644, 1645, 1646, 1647, 1648, 1650, 1651, 1652, 1655, 1657, 1659, 1660, 1665, 1671 & 1672	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6F	
1429, 1430, 1434, 1505, 1508, 1531, 1539, 1540, 1558, 1588, 1589A, 1589B, 1589C, 1589D & 1658	Dismantling of redundant infrastructure	6F	
1431, 1448, 1453, 1487, 1488, 1489, 1495, 1496, 1519, 1523, 1547, 1555, 1559, 1563, 1564, 1566, 1575 & 1664	Dismantling of redundant infrastructure	1 and 6F	
1457, 1522, 1527, 1541, 1548, 1562, 1570, 1580, 1581,	Access to land for the purpose of carrying out the authorised development including	6F	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1582, 1653, 1662, 1667 & 1670	the power to carry out any ancillary works necessary to facilitate that access		
1466 & 1470A	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	
1471 & 1668	Dismantling of redundant infrastructure	1 and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1511, 1544, 1549, 1561, 1573 & 1661	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres
1610 & 1617	Construction of the authorised development and mitigation works	1, 3 and 6F	

**Thanet District Council and Dover District Council**

<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1392, 1593, 1635 & 1636	Construction of authorised development and mitigation works	1 and 6F	
1654 & 1656	Dismantling of redundant infrastructure	6F	

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## SCHEDULE 12

Article 39

## TRAFFIC REGULATION

## PART 1

TEMPORARY PROHIBITION OF VEHICULAR ACCESS  
AND NO WAITING AND SPEED RESTRICTION

**Canterbury City Council**

<i>(1)</i> Road	<i>(2)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(3)</i> Note
Headcorn Drive and Sandhurst Drive	Between points TR03.1 and TR03.4 (Headcorn Drive) and between TR03.2 and TR03.3 (Sandhurst Drive) as shown on Sheet 1.	Prohibition of vehicular access at any time.
Vauxhall Road, Broad Oak Road and Shalloak Road	Between points TR05.1 and TR05.4 (Broad Oak Road and Shalloak Road) and between TR05.2 and TR05.3 (Vauxhall Road) as shown on Sheets 1 and 2.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit to be reduced to 30mph for the duration of the construction of the authorised development.
Herne Bay Road	Between points TR08.1, and TR08.2 as shown on Sheets 2 and 3.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit to be reduced to 30mph for the duration of the construction of the authorised development.
Hoath Road and Bredlands Road	Between points TR09.1 and TR9.4 (Hoath Road) and between TR09.2 and TR09.3 (Bredlands Road) as shown on Sheets 4 and 5.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

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<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
		Speed limit to be reduced to 30mph for the duration of the construction of the authorised development.
Nethergong Hill and Sandpit Hill	Between points TR10.1, and TR10.2 as shown on Sheet 8.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit to be reduced to 30 mph for the duration of the construction of the authorised development.

**Canterbury City Council and Thanet District Council**

<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
A28 (Island Road)	Between points TR11.1, and TR11.2 as shown on Sheets 9 and 10.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit to be reduced to 30mph for the duration of the construction of the authorised development.

**Thanet District Council**

<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
Gore Street	Between points TR13.1, and TR13.2 as shown on Sheet 11.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.  Speed limit to be reduced to 30mph for the duration of the

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<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
		construction of the authorised development.

## PART 2

### TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING RESTRICTION

#### Canterbury City Council

<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
Farleigh Road	Between points TR01.1, and TR01.2 as shown on Sheet 1.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Ulcombe Gardens	Between points TR02.1 and TR02.2 and TR02.3 as shown on Sheet 1.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.
Headcorn Drive, Westerham Close and Bicknor Close	Between points TR04.1 and TR04.7 via TR04.2 (Headcorn Drive) and between TR04.3 and TR04.4 (Bicknor Close) and between TR04.5 and TR04.6 (Westerham Close) as shown on Sheet 1.	Prohibition of vehicular access at any time.  No waiting restriction between 07:00am to 07:00pm Monday to Sunday.

#### Thanet District Council

<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
A253 (Ramsgate Road)	Between points TR12.1, and TR12.2 as shown on Sheet 11.	Prohibition of vehicular access at any time.  Speed limit to be reduced to 30mph for the duration of the construction of the authorised development.

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## PART 3

### TEMPORARY PROHIBITION OF VEHICULAR ACCESS

#### Canterbury City Council

<i>(1) Road</i>	<i>(2) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(3) Note</i>
Mayton Lane and Heel Lane	Between points TR06.1 and TR06.4 (Mayton Lane) and between TR06.2 and TR06.3 (Heel Road) as shown on Sheet 3.	Prohibition of vehicular access at any time.
Barnett's Lane	Between points TR07.1, and TR07.2 as shown on Sheet 3	Prohibition of vehicular access at any time.

### SCHEDULE 13

Article 41

#### TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1) Type of tree</i>	<i>(2) Location as shown on the Trees and Hedgerows to be removed or affected plans</i>	<i>(3) Work to be carried out</i>	<i>(4) TPO reference</i>
Hawthorn	Trees along boundary to rear of 18 Bicknor Close (tree group outside TPO area) as shown on Sheet 1	Removal of 31m <sup>2</sup> of group for pylon working area. (Trees assumed to form part of TPO).	Abbotsbury Housing Estate, Headcorn Drive TPO No 10, 1975/A1
Mixed broadleaved species including ash, oak, hawthorn, cherry and hornbeam	Trees in woodland to rear of 26 and 28 Shalloak Road (tree group partly outside TPO area) as shown on Sheet 2	Removal of 335m <sup>2</sup> to create working area for removal of existing pylon. Area for removal represents maximum clearance required; pruning may be sufficient. (Trees assumed to form part of TPO).	Priest's Meadow TPO No 6, 1989/W1
Mixed broadleaved species including oak, ash, silver birch and hawthorn	Trees on eastern edge of Shelford Wood near to Shalloak Road (tree group partly outside TPO area) as shown on Sheet 2	Removal of 3,941m <sup>2</sup> , of which a small segment at northern end is certainly not part of the TPO. In addition, 377m <sup>2</sup> of trees to be managed by pruning where scaffolding is required for	Shelford Wood, Broad Oak TPO No 17, 1990/W1

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(1) Type of tree	(2) Location as shown on the Trees and Hedgerows to be removed or affected plans	(3) Work to be carried out	(4) TPO reference
		installation of 400kV line over adjacent road.	
Mixed broadleaved species including sweet chestnut, hazel, oak, silver birch, elder, hornbeam and white poplar	Northern part of Kemberland Wood as shown on Sheet 3	6,402m <sup>2</sup> of woodland to be managed by coppicing beneath 400kV line.	Kemberland Wood TPO No 2, 1990/W1
Ash	Trees along eastern boundary of Kemberland Wood at northern end of boundary (tree group partly outside TPO area) as shown on Sheet 3	Removal of 610m <sup>2</sup> (single row of mature ash trees) due to oversail of 400kV line. (Trees assumed to form part of TPO).	Kemberland Wood TPO No 2, 1990/W1
Mixed broadleaved species including oak, elm, sycamore and hawthorn	Tree belt to the east of Sunbeams, Wildwood and Bluebells, off Staines Hill (tree group adjacent to TPO area) as shown on Sheet 4	Removal of overhanging branches and trees on eastern edge of group as part of reptile mitigation (total of 424m <sup>2</sup> affected, split between TPO No 1, 2003 and TPO No 1, 2006). (Trees assumed to form part of TPO).	Sunbeams Cottage, Staines, Hill, Sturry TPO No 1, 2003/W1
Mixed broadleaved species including oak, elm, sycamore and hawthorn	Tree belt to the east of Brambles, Fallows End, Touchwood House and Stonerock Hall, off Staines Hill (tree group adjacent to TPO area) as shown on Sheet 4	Removal of overhanging branches and trees on eastern edge of group (total of 424m <sup>2</sup> affected, split between TPO No 1, 2003 and TPO No 1, 2006). (Trees assumed to form part of TPO).	Land between Staines Hill and Babs Oak Hill, Sturry TPO No 1, 2006/W1
Ash	Trees overhanging track to rear of 23 to 37 Seamark Close as shown on Sheet 12	Trees adjacent to existing track, minor pruning of overhanging branches may be required for vehicle access.	20-36 (inclusive) Seamark Close, Monkton TH/ TPO/29(1981)

SCHEDULE 14

Article 42

PROTECTIVE PROVISIONS

PART 1

PROTECTION FOR ELECTRICITY, GAS,  
WATER AND SEWERAGE UNDERTAKERS

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

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the relevant statutory undertaker to fulfil its statutory functions in a manner not 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<sup>(39)</sup>), belonging to or maintained by that electricity undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by that gas undertaker for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other water apparatus belonging to or maintained by that water undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in that undertaker under the Water Industry Act 1991<sup>(40)</sup>; and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 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 in each case 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;

“relevant statutory undertaker” means, in relation to any apparatus, the statutory undertaker that owns the apparatus or is responsible for its maintenance; and

“statutory undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986<sup>(41)</sup>;

<sup>(39)</sup> 1989 c.29.

<sup>(40)</sup> 1991 c.56.

<sup>(41)</sup> 1986 c.44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by section 76 of the Utilities Act 2000 (c.27).

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- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised development.

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

4. Regardless of any provision in this Order or anything shown on the land plans, the undertaker may not acquire any apparatus otherwise than by agreement with the relevant statutory undertaker.

5.—(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, that apparatus must not be removed under this Part of this Schedule and any right of a statutory 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 relevant statutory undertaker.

(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, it must give to the relevant statutory undertaker written notice of that requirement, together with a plan and section of the work proposed.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on the land referred to in sub-paragraph (2), the relevant statutory 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 other land in which the alternative apparatus is to be constructed.

(4) The relevant statutory undertaker must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 48 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (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.

(5) Regardless of anything in sub-paragraph (4), if the undertaker gives notice in writing to the relevant statutory undertaker that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(6) Nothing in sub-paragraph (5) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

6.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 5(2), the undertaker must submit to the relevant statutory undertaker a plan, section and description of the works to be executed.

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

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory 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 4 apply as if the removal of the apparatus had been required by the undertaker under paragraph 5(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, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the relevant statutory undertaker notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

7.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the relevant statutory undertaker the proper and reasonable expenses reasonably incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

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

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

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

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary, then, if such placing involves cost 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 relevant statutory undertaker by virtue of sub-paragraph (1) is to 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 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 statutory undertaker in respect of works by virtue of sub-paragraph (1) 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 relevant statutory undertaker 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.

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## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

(2) In this Part of this Schedule—

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“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 of Part 2 of the Communications Act 2003<sup>(42)</sup>;

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit 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 Communications Act 2003; and

(b) an electronic communications network which the Secretary of State 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 Communications Act 2003; and

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

2. The exercise of the powers of article 32 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984<sup>(43)</sup>.

3.—(1) Subject to sub-paragraphs (2) to (3), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works 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) the undertaker must bear and pay the cost reasonably and properly incurred by the operator in making good such damage.

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

(3) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 48 (arbitration).

4. 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

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<sup>(42)</sup> 2003 c. 21. See section 106.

<sup>(43)</sup> 1984 c.12.

- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

5. 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.

## PART 3

### PROTECTION FOR HIGHWAYS AND TRAFFIC

1.—(1) The provisions of this Part of this Schedule shall have effect unless otherwise agreed in writing between the undertaker and the highway authority;

(2) In this Part of this Schedule—

“highway” has the same meaning as in the 1980 Act;

“the highway authority” means Kent County Council including its successor;

“plans” includes sections, designs, drawings, specifications, soil reports, staging proposals, programmes, calculations, methods of construction, risk assessments and details of the extent, timing and duration of any proposed occupation of any highway and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this Part of this Schedule;

“property of the highway authority” means any apparatus or street furniture of the highway authority affixed to or placed under any highway; and

(3) Wherever in this Part of this Schedule provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and subject to such reasonable terms and conditions as the highway authority may require.

(4) In exercising the powers conferred by this Order in relation to any highway the undertaker shall have regard to the potential disruption of traffic which may be caused and shall seek to minimise such disruption so far as is reasonably practicable.

(5) The undertaker shall not, without the consent of the highway authority, construct any part of the works authorised by this Order under and within 50 metres of the surface of any highway which comprises a carriageway except in accordance with plans submitted to, and approved by, the highway authority; and if within 28 days after such plans have been submitted the highway authority has not approved or disapproved them, it shall be deemed to have approved the plans as submitted.

(6) In the construction of any part of the said works under a highway no part of it shall, except with the consent of the highway authority, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway or be nearer than two metres to the surface of the highway.

(7) The undertaker shall not under the powers conferred by or under this Order without the consent of the highway authority, acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over any part of any highway, including subsoil beneath the surface of any highway.

2.—(1) Before commencing the construction of, or the carrying out of any work which involves interference with a highway, the undertaker shall submit to the highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “relevant plans”) relating to the interference, and the works shall not be carried out except in accordance with the relevant plans submitted to, and approved by, the highway authority.

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(2) If within 28 days after the relevant plans have been submitted the highway authority has not approved or disapproved them, it shall be deemed to have approved the relevant plans as submitted.

3. Any officer of the highway authority duly appointed for the purpose may at all reasonable times, on giving to the undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the works authorised by this Order which—

(a) is in, over or under any highway, or

(b) which may affect any highway or any property of the highway authority,

during the carrying out of the work, and the undertaker shall give to such officer all reasonable facilities for such inspection and, if he shall be of the opinion that the construction of the work is attended with danger to any highway or to any property of the highway authority on or under any highway, the undertaker shall adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway.

4.—(1) The undertaker shall not alter, disturb or in any way interfere with any property of the highway authority on or under any highway, or the access thereto, without the consent of the highway authority, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary shall be made by the highway authority or the undertaker as the highway authority thinks fit, and the expense reasonably incurred by the highway authority in so doing shall be repaid to the highway authority by the undertaker.

(2) If within 28 days after a request for consent has been submitted the highway authority has not given or refused such consent, it shall be deemed to have consented to the request as submitted.

5. The undertaker shall not remove any soil or material from any highway except so much as must be excavated in the carrying out of the works authorised by this Order.

6.—(1) If the highway authority, after giving to the undertaker not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any additional expense in the signposting of traffic diversions, in the diversion of footpaths, in the taking of other measures in relation to that, or in the repair of any highway by reason of the diversion to that traffic from a road of a higher standard, in consequence of the construction of the works authorised by this Order, the undertaker shall repay to the highway authority the amount of any such expense reasonably so incurred.

(2) An amount which apart from this sub-paragraph would be payable to the highway authority by virtue of this paragraph in respect of the repair of any highway shall, if the highway fell or would have fallen due for repair as part of the maintenance programme of the highway authority at any time within ten years of the repair being carried out by the undertaker, so as to confer on the highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the highway authority is liable or by deferment of the time for such work in the ordinary course), be reduced by the amount which represents that benefit.

7.—(1) The undertaker shall not, except with the consent of the highway authority, deposit any soil or materials, or stand any plant, on or over any highway so as to obstruct or render less safe the use of the highway by any person, or, except with the like consent, deposit any soil or materials on any highway outside a hoarding, but if within 28 days after request for it any such consent is neither given nor refused it shall be deemed to have been given.

(2) The expense reasonably incurred by the highway authority in removing any soil or materials deposited on any highway in contravention of this paragraph shall be repaid to the highway authority by the undertaker.

**8.** The undertaker shall not, except with the consent of the highway authority, erect or retain on or over a highway to which the public continues to have access any scaffolding or other structure which obstructs the highway.

**9.** The undertaker shall, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Order, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway.

**10.—(1)** Where any part of any highway has been broken up or disturbed by the undertaker and not permanently stopped up or diverted, the undertaker shall make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and shall maintain the same to the reasonable satisfaction of the highway authority for such time as may reasonably be required for the permanent reinstatement of the highway

(2) The reinstatement of that part of the highway shall be carried out by the undertaker to the reasonable satisfaction of the highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the 1991 Act.

**11.** If any damage to any highway or any property of the highway authority on or under any highway is caused by, or results from, the construction of any work authorised by this Order or any order or omission of the undertaker, its contractors, agents or employees whilst engaged upon such work, the undertaker may, in the case of damage to a highway, make good such damage to the reasonable satisfaction of the highway authority and, where the undertaker does not make good, or in the case of damage to property of the highway authority, the undertaker shall make compensation to the highway authority.

**12.** The fact that any act or thing may have been done in accordance with plans approved by the highway authority shall not (if it was not attributable to the act, neglect or default of the highway authority or of any person in its employ or its contractors or agents) exonerate the undertaker from any liability, or affect any claim for damages, under this Part or otherwise.

**13.** Any difference arising between the undertaker and the highway authority under this Part of this Schedule (other than in difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 48 (arbitration).

## PART 4

### PROTECTION FOR RAILWAY INTERESTS

**1.** The following provisions of this Part have effect, unless otherwise agreed in writing between the undertaker and Network Rail.

**2.** In this Part—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

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“network licence” means the network licence, as amended from time to time, granted to Network Rail by the Secretary of State in exercise of the powers in section 8 of the Railways Act 1993<sup>(44)</sup>;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006<sup>(45)</sup> (meaning of “subsidiary” etc)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the dates of, extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993<sup>(46)</sup>) or station lease;

“railway property” means—

- (a) any railway belonging to Network Rail;
- (b) any station, land, works, apparatus and equipment belonging to Network Rail and connected with any such railway; and
- (c) any easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

**3.—**(1) Where under this Part Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use its reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

**4.—**(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration under article 48 (arbitration).

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds

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<sup>(44)</sup> 1993 c. 43.

<sup>(45)</sup> 2006 c. 46.

<sup>(46)</sup> 1993 c.43.

of disapproval, the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker and if, by the expiry of the further 28 days period specified in the written notice the engineer has not intimated approval or disapproval, the engineer is deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying approval of the plans, the engineer may specify any protective works (whether temporary or permanent) which in the opinion of the engineer must be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified work), and such protective works as may be reasonably necessary for those purposes are to be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case with all reasonable dispatch, and the undertaker must not commence the construction of the specified work until the engineer has notified the undertaker that the protective works have been completed to the engineer's reasonable satisfaction.

5.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 4(4) must, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 4;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property;
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property; and
- (e) so as not to interfere with the safe use of any railway of Network Rail or the traffic thereon or the safety of passengers using railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

6. The undertaker must—

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- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

7. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

8.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction of a specified work, or during a period of 12 months after the completion of that work, in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail; and if Network Rail gives to the undertaker reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work, and the undertaker must, notwithstanding any such approval of a specified work under paragraph 4(1), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 9(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing the saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

9. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 4(3) or in constructing any protective works under the provisions of paragraph 4(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason or in consequence of the

construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and

- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

**10.—(1)** In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 4(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 4(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and
- (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail’s apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail’s apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but Network Rail may, in its reasonable discretion, select the means of prevention and the method of their execution, and in relation to such modifications paragraph 4(1) has effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of regular revenue-earning operations comprised in the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI, then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker’s apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail’s apparatus.

(7) In the event of EMI having occurred—

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- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;
  - (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI; and
  - (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI.
- (8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—
- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus; and
  - (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 5.
- (9) For the purpose of paragraph 9(a) any modifications to Network Rail's apparatus under this paragraph are deemed to be protective works referred to in that paragraph.
- (10) In relation to any dispute arising under this paragraph the reference in article 48 (arbitration) to the Secretary of State must be read as a reference to the President of the Institution of Engineering and Technology.
- 11.** If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.
- 12.** The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail, and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.
- 13.** Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' prior notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.
- 14.—(1)** The undertaker must—
- (a) pay to Network Rail all reasonable and proper costs, charges, damages and expenses not otherwise provided for in this Part (but subject to the provisions of this paragraph) which may be occasioned to or reasonably incurred by Network Rail by reason of—
    - (i) the construction or maintenance of a specified work or the failure of such a work; or
    - (ii) any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work; and
  - (b) indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission.
- (2) The fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the supervision of the engineer does not (if it was done without negligence on

the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under sub-paragraph (1).

(3) Network Rail must—

- (a) give the undertaker written notice of any such claims or demands as soon as reasonably possible after Network Rail become aware of any such claims or demands;
- (b) not admit liability or make any offer to settle or settle or compromise any such claim or demand without the prior consent of the undertaker (which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand);
- (c) take all reasonable steps to mitigate any liabilities relating to such claims or demands; and
- (d) keep the undertaker informed in relation to the progress of any such claims and demands and pay due regard to the undertaker's reasonable representations in relation to them.

(4) In no circumstances is the undertaker liable to Network Rail under sub-paragraph (1) for any indirect or consequential loss or loss of profits, save that the sums payable by the undertaker under that sub-paragraph include a sum equivalent to the relevant costs in circumstances where—

- (a) Network Rail is liable to make payment of the relevant costs pursuant to the terms of an agreement between Network Rail and a train operator; and
- (b) the existence of that agreement and the extent of Network Rail's liability to make payment of the relevant costs pursuant to its terms has previously been disclosed in writing to the undertaker,

but not otherwise.

(5) Subject to the terms of any agreement between Network Rail and a train operator regarding the amount, timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (4) which relate to the relevant costs of that train operator.

(6) The obligation under sub-paragraph (4) to pay Network Rail the relevant costs is, in the event of default, enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (5).

(7) In this paragraph—

“relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by a train operator as a consequence of any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

**15.** Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part.

**16.** In the assessment of any sums payable to Network Rail under this Part, no account must be taken of any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part or increasing the sums so payable.

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17. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the works plans and land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

18. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993.

19. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 43 (certification of plans, etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in the form of a computer disc with read-only memory.

## PART 5

### PROTECTION FOR SOUTH EAST WATER LIMITED

#### General

1. The following provisions of this Part have effect unless otherwise agreed in writing between the undertaker and South East Water Limited.

2. In this Part—

“alternative apparatus” means any temporary or permanent alternative apparatus adequate to enable SEW to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means mains, pipes or other water apparatus belonging to or maintained by SEW for the purposes of water supply 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; and

“SEW” means South East Water Limited (company number 02679874) and any associated company of South East Water Limited and any successor company or body carrying on the functions of a regulated water supply company in Kent.

3. Paragraphs 1 to 9 of this Part of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and SEW are regulated by the provisions of Part 3 of the 1991 Act.

4. 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.

5.—(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, that apparatus must not be removed or diverted from its position under this Part of this Schedule and/or any right of SEW to retain and maintain that apparatus in that land must not be extinguished or made permanently or for any longer than 7 consecutive days incapable of being exercised until—

- (a) any alternative apparatus required has been constructed and is in operation to the reasonable satisfaction of SEW; and
- (b) any rights required by SEW (acting reasonably) including to install, access, retain, replace, divert and maintain any diverted apparatus or alternative apparatus have been secured to the reasonable satisfaction of SEW.

(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 SEW to remove or divert any apparatus placed in that land, SEW will not be obligated to do so until it is satisfied that the conditions of sub-paragraphs (1)(a) and (b) have, or will be, met and the undertaker has given to SEW written notice of that requirement, together with a plan and section of the work proposed for approval (such approval not to be unreasonably withheld).

(3) If alternative apparatus is to be constructed as a consequence of the removal or diversion of apparatus placed, or any part of such apparatus, on the land referred to in sub-paragraph (2), SEW, 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) SEW must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 48 (arbitration), and after the grant to SEW of any such facilities and rights as are referred to in sub-paragraphs (1)(b) and (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 being met and SEW having secured any rights necessary to carry out such a removal, diversion or other alteration.

(5) Regardless of anything in sub-paragraph (4) but subject to the conditions in sub-paragraphs (1)(a) and (b), if the undertaker gives notice in writing to SEW that it desires itself to execute any work, or part of any work in connection with the removal or diversion of apparatus or the construction of alternative apparatus, that work, instead of being executed by SEW, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of SEW. The undertaker will use its best endeavours to carry out such work in such manner as to cause as little damage and disruption as possible to SEW. If so requested by SEW, where possible, the undertaker will return any removed apparatus to SEW.

(6) Nothing in sub-paragraph (5) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of apparatus which is within 300 millimetres of any apparatus the removal or diversion of which has not been required by the undertaker under paragraph 5(2) (retained apparatus), or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of retained apparatus.

**6.—(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 retained apparatus, the undertaker must submit to SEW a plan, section and description of the works to be executed in order to ensure the protection of retained apparatus.

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

(3) Any requirements made by SEW under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it, or as soon as reasonably practicable after SEW becoming aware of an issue (which it was not aware of at the time the plan, section and description under sub-paragraph (1) was

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submitted), which means a requirement(s) is now necessary to protect the retained apparatus and or access to the retained apparatus.

(4) If SEW 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 4 of this Part of this Schedule apply as if the removal of the apparatus had been required by the undertaker under paragraph 49(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, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to SEW notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

7.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to SEW the proper and reasonable expenses reasonably incurred by SEW in, or in connection with, the consideration and approval of plans, inspection, installation, removal, diversion, alteration or protection of any apparatus, retained apparatus or alternative apparatus and the reasonable costs of securing any rights which SEW requires (acting reasonably) in relation to the apparatus or alternative apparatus including to install, access, retain, replace, divert, alter and maintain that apparatus or alternative apparatus. Such repayment to be made within 42 days of receipt of a written demand from SEW.

(2) The value of any apparatus removed by SEW or returned to SEW after removal by the undertaker is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal by the undertaker (who will provide reasonable evidence of such value) and agreed between the undertaker and SEW or settled by arbitration in accordance with article 48 (arbitration)

(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 alternative apparatus) is placed at a greater depth 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 in accordance with article 48 (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 SEW by virtue of sub-paragraph (1) is to be reduced by the amount of that excess, the amount of that excess being calculated by the undertaker (who will provide reasonable evidence of such amount) and agreed between the undertaker and SEW or settled by arbitration in accordance with article 48 (arbitration).

(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 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 SEW in respect of works by virtue of sub-paragraph (1) 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 SEW 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, the amount being calculated by SEW (who will provide reasonable evidence of such amount) and agreed between the undertaker and SEW or settled by arbitration in accordance with article 48 (arbitration).

8. If any damage to any apparatus or any property containing apparatus is caused by, or results from, any work authorised by this Order or any act or omission of the undertaker, its contractors, agents or employees whilst engaged upon such work, the undertaker must make good such damage to the reasonable satisfaction of SEW and or make a payment of compensation to SEW including in such a compensation payment the cost of any fines or compensation SEW incurs due to any inability to carry out its statutory functions.

9. The undertaker must not in the exercise of the powers conferred by this Order permanently or for any longer than 7 consecutive days prevent pedestrian or vehicular access to any apparatus or alternative apparatus, unless preventing such access is with the consent of SEW.

#### **For the benefit of the proposed Broad Oak Reservoir**

10. In paragraphs 10 to 17 of this Part of this Schedule—

“Broad Oak Reservoir” means a reservoir in the vicinity of the village of Broad Oak in Kent proposed by SEW;

“Broad Oak Reservoir Construction Works” means works to be carried out by or on behalf of SEW for the construction of the Broad Oak Reservoir including without limitation works to construct the dam structure, to dig and flood the reservoir, all works required in connection with the Scheme for Habitat Creation and Management, access and egress on foot and with vehicles;

“Broad Oak Reservoir Preparatory Works” means works to be carried out by or on behalf of SEW in connection with the construction of the Broad Oak Reservoir including without limitation the drilling of boreholes, the digging of test pits, the carrying out of geomorphological surveys, the digging of trenches, the creation of a river channel, the removal and planting of trees, woodlands, shrubs and other vegetation and access and egress on foot and with vehicles;

“conductor” means a conductor or part of a conductor being part of any 400kV overhead electrical line forming part of the authorised development as shown on the design drawings;

“pylon” means any pylon forming part of the authorised development and including its foundations and the safety clearance zone around it;

“RCP safety requirements” means the requirement that climbable trees must remain 5.3 metres below the conductor and 5 metres away from the anti-climbing devices attached to the pylons and coppiced trees must remain 3.1 metres below the conductor and 5 metres away from the anti-climbing devices attached to the pylons, the 5 metre distance being such as not to assist unauthorised access above the anti-climbing devices attached to the pylons;

“Scheme for Habitat Creation and Management” means a scheme for the creation of new habitat including the diversion of the Sarre Penn River, the creation of a fish pass and new habitat required to enable the construction of the Broad Oak Reservoir which scheme has been approved by the relevant planning authority;

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“SEW’s land” means Plot Numbers 356, 358, 359, 360, 361, 362, 363, 364, 365, 366, 368, 369, 370, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 386, 387, 388, 391, 392, 393 and 419.

**11.** Unless expressly provided otherwise in this Part, notwithstanding any provision in this Order, the undertaker shall not enter onto SEW’s land unless the undertaker has first given SEW at least 30 days’ written notice of a need to enter onto SEW’s land and the undertaker enters onto SEW’s land in accordance with such reasonable requirements made by SEW.

**12.** Notwithstanding any provision in this Order, the undertaker may not exercise the powers conferred by the Order in respect of SEW’s land in such a way that would prevent SEW from implementing the Scheme for Habitat Creation and Management or carrying out the Broad Oak Reservoir Preparatory Works, the Broad Oak Reservoir Construction Works or from operating the Broad Oak Reservoir within SEW’s land except where reasonably required in order to protect the integrity and safe operation of the authorised development.

**13.** If after giving SEW 21 days’ notice that it intends to enter SEW’s land to fell and lop trees and any other vegetation as necessary to ensure compliance with the RCP safety requirements, the undertaker may enter SEW’s land, provided that SEW has not itself undertaken the necessary works to ensure compliance with the RCP safety requirements, and that if the undertaker does exercise powers under the Order to carry out such lopping or felling it shall do so in accordance with SEW’s reasonable requirements and so as to cause as little disruption to planting and vegetation on SEW’s land as possible.

**14.** Notwithstanding any provision in this Order including the limits of deviation, no part of the authorised development comprising a conductor may be constructed or installed on or over any part of SEW’s land at a level which is more than 50 centimetres lower than the level of that conductor as shown on the design drawings.

**15.** Notwithstanding any provision in this Order including the limits of deviation, Pylons PC8 to PC10 must be sited within 5 metre tolerance of the positions shown in National Grid Drawing Ref PDD-21497-2-OHL-0434 Version B (REP8-021, Sheet 4L of 21), unless otherwise agreed in writing with SEW.

**16.** The undertaker at its own cost must within 18 months (unless otherwise agreed with SEW) of planning permission or other statutory consent being granted for the Broad Oak Reservoir, fit and thereafter maintain bird flight diverters to the overhead lines between Pylons PC7 to PC10, provided that a condition or requirement of any permission or consent or obligation under any relevant instrument within or connected to the planning permission or other statutory consent for the Broad Oak Reservoir confirms that the fitting of bird flight diverters is required.

**17.** The undertaker must, if requested in writing by SEW, inform SEW of any upcoming confirmed or likely planned outages of the conductor or conductors, giving SEW as much notice as reasonably practicable of such outages.

## SCHEDULE 15

Article 46

## AMENDMENT OF LOCAL LEGISLATION

## PART 1

## LOCAL ENACTMENTS

<i>Year</i>	<i>Chapter</i>	<i>Title</i>	<i>Section</i>
1825	c. clxvi	Canterbury Navigation and Sandwich Harbour Act	CXIII (Obstructions of the navigation to be removed)
1825	c. clxvi	Canterbury Navigation and Sandwich Harbour Act	CXVII (Persons destroying the works to be deemed guilty of felony)
1825	c. clxvi	Canterbury Navigation and Sandwich Harbour Act	CXX (Punishment of persons damaging fences)
1836	c. lxxv	South-eastern Railway	LXII (No Shaft to be sunk under the Railway)
1845	c. cxcvii	South Eastern Railway Act	XXXI (1 & 2 Vict. c. 98, 3 & 4 Vict. c. 97, 5 & 6 Vict. c. 55 and 7 & 8 Vict. c. 85 incorporated)
1924	c. lxvi	Southern Railway Act	3 (incorporation of Railway Clauses Consolidation Act 1845 and Part I and V Railways Clauses Act 1863)

## PART 2

## BYELAWS

<i>(1)</i> <i>Title</i>	<i>(2)</i> <i>Byelaws to be disapplied</i>
River Stour (Kent) IDB Land Drainage Byelaws 1990	14. Vehicles not to be Driven on Banks 17. Fences, Excavations, Pipes etc 20. Damage to Property of the Board

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order authorises National Grid undertake works to the national electricity transmission system between Richborough and Canterbury. The proposed development is required to provide sufficient transmission capacity to enable the connection of new electricity generation projects in the region including Nemo Link, and to carry out all associated works.

In order to accommodate these works, the Order also authorises UK Power Networks Operations Limited (referred to in this order as “UK Power Networks”), in addition to National Grid, to reconfigure the local electricity network (including the removal of the existing 132,000 volt overhead line between Richborough and Canterbury South substations).

The Order also makes provision in connection with the maintenance of the authorised development.

The Order permits National Grid to acquire compulsorily or by agreement, land and rights in land and to use land for this purpose and UK Power Networks to acquire compulsorily rights in land and to use the land in connection with the reconfiguration of the local electricity network.

A copy of the plans and book of reference referred to in this Order and certified in accordance with article 43 (certification of plans, etc.) of this Order may be inspected free of charge during working hours at the offices of National Grid Electricity Transmission plc, 1-3 Strand, London WC2N 5EH and Kent County Council, Sessions House, County Hall, Maidstone, ME14 1XQ.