

SCHEDULES

SCHEDULE 4

Section 35.

THE A20 IMPROVEMENT WORKS

PART I

THE AUTHORISED WORKS

Description of works

- 1 The works which the Secretary of State is authorised by section 35 of this Act to construct are the following—

In the district of Dover (town of Dover and parishes of Capel-le-Ferne and Hougham Without) and the district of Shepway (town of Folkestone and parish of Hawkinge), in the county of Kent—

Work No. 31—A road forming the northern carriageway of a dual carriageway road, including a viaduct, commencing by a junction with the northern carriageway of the M20 at a point 90 metres west of the underpass whereby the footpath from Elvington Road to Biggins Wood Road passes under the M20, passing east and turning north-east over land known as Holywell Coombe by means of the viaduct, then in tunnel under Round Hill and Crete Road West (Pilgrims Way) and terminating on the west side of Canterbury Road (A260) at a point 55 metres north-west of the junction of that road with Alkham Valley Road (B2060):

Work No. 32—A road forming the southern carriageway of the said dual carriageway road, including a viaduct, commencing by a junction with the southern carriageway of the M20 at the said point 90 metres west of the said underpass, passing east and turning north-east over the said land known as Holywell Coombe by means of the viaduct, then in tunnel under Round Hill and Crete Road West (Pilgrims Way) and terminating at a point 45 metres north-west of the junction of Canterbury Road with Alkham Valley Road:

Work No. 33—A road comprising dual carriageways, commencing by junctions with Works Nos. 31 and 32 at their termination, passing north-east under Canterbury Road at a point 50 metres north of its junction with Alkham Valley Road, then along a line to the north of Alkham Valley Road, then crossing over that road by a bridge at a point 125 metres north-west of the entrance to Havenfield Lodge, then passing east, crossing under Cauldham Lane, Capel Street and Satmar Lane, then turning south-east and terminating at a roundabout forming a junction with the A20 (Works Nos. 44A and 44B) at a point 480 metres south-west of the entrance from that road to Court Wood:

Work No. 34—A grade separated junction comprising—

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Work No. 34A—A slip road commencing by a junction with Work No. 31 at a point 220 metres from its commencement and terminating at the entry to a northern junction roundabout (part of Work No. 34C) at a point 80 metres north of the northern end of the bridge carrying the M20 over Waterworks Lane;

Work No. 34B—A slip road commencing at the exit from the said northern junction roundabout and terminating by a junction with Work No. 31 at a point 280 metres east of the existing junction of Castle Hill with the Castle Hill Roundabout;

Work No. 34C—A road, including junction roundabouts at its commencement and termination and a bridge over Works Nos. 31 and 32, commencing at the said northern junction roundabout at the termination of Work No. 34A and terminating at a southern junction roundabout at a point 85 metres south of the said existing junction of Castle Hill with the Castle Hill Roundabout;

Work No. 34D—A realignment and alteration of the southern carriageway of the M20 to form a slip road, commencing at a point in the said carriageway 270 metres west of the southern end of the said bridge carrying the M20 over Waterworks Lane and terminating at the exit from the said southern junction roundabout;

Work No. 34E—A slip road commencing at the entry to the said southern junction roundabout and terminating by a junction with Work No. 32 at a point 400 metres east of the said existing junction of Castle Hill with the Castle Hill Roundabout;

Work No. 34F—A road in substitution for part of Churchill Avenue commencing by a junction with the said southern junction roundabout and terminating by a junction with the southern carriageway of Churchill Avenue at a point 440 metres east of that roundabout;

Work No. 34G—A realignment of Cherry Garden Avenue, commencing at the said southern junction roundabout and terminating at the junction of that road with Papworth Close;

Work No. 34H—A road in substitution for part of Castle Hill at its junction with the Castle Hill Roundabout, commencing by a junction with that road at a point 260 metres north of that roundabout, passing south-west and west and terminating at the northern junction roundabout at the termination of Work No. 34A:

Work No. 35—A diversion and extension of Park Farm Road, commencing by a junction with Work No. 34F at a point 150 metres west of the termination of that work and terminating at a point in Park Farm Road 75 metres from its commencement:

Work No. 36—A widening on the north side of Crete Road West (Pilgrims Way) between its junction with Gibraltar Lane and its junction with Canterbury Road at a point 235 metres south of the junction of that road with Alkham Valley Road:

Work No. 37—A realignment of Canterbury Road and regrading of its junction with Alkham Valley Road, including a bridge over Works Nos. 33, 38A and 38C, commencing at a point in Canterbury Road 420 metres north of that road junction as existing and terminating at a point 250 metres south of that road junction:

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Work No. 38—Junctions of Works Nos. 31, 32 and 33 with Canterbury Road and Alkham Valley Road comprising—

Work No. 38A—A slip road commencing by a junction with Work No. 31. at a point 190 metres south-west of the termination of that work, passing under Canterbury Road and turning north and west to terminate at a roundabout forming a junction with that road at a point 240 metres north of its junction with Alkham Valley Road;

Work No. 38B—A slip road commencing at the said roundabout forming a junction with Canterbury Road at the termination of Work No. 38A and terminating by a junction with the northern carriageway of Work No. 33 at a point 385 metres south-west of the existing junction of Church Hill with Alkham Valley Road;

Work No. 38C—A slip road commencing by a junction with Work No. 32. at a point 80 metres south-west of the termination of that work, passing under Canterbury Road and terminating at a roundabout forming a junction with Alkham Valley Road at a point 340 metres from its junction with Canterbury Road;

Work No. 38D—A slip road commencing at the said roundabout forming a junction with Alkham Valley Road at the termination of Work No. 38C and terminating by a junction with the southern carriageway of Work No. 33 at a point 220 metres south-west of the said existing junction of Church Hill with Alkham Valley Road:

Work No. 39—A road, including a bridge over Works Nos. 33 and 38D, in substitution for part of Church Hill at its junction with Alkham Valley Road, commencing by a junction with Alkham Valley Road at a point 100 metres north-east of the existing entrance to Coombe Farm, passing north, then turning north-east and terminating at a point in Church Hill 100 metres from the existing junction of that road with Alkham Valley Road:

Work No. 40—A road in substitution for part of Crete Road East at its junction with Alkham Valley Road, commencing by a junction with Alkham Valley Road at a point 30 metres east of the existing entrance to Havenfield Lodge and terminating at a point in Crete Road East 15 metres south-west of the entrance to Havenfield Hall:

Work No. 41—A diversion of Cauldham Lane, including a bridge over Work No. 33, commencing at a point in that road 125 metres south of its junction with the road to Lower Stenden Farm and terminating at a point in Cauldham Lane at its junction with Hurst Lane:

Work No. 42—A realignment and regrading of Capel Street, including a bridge over Work No. 33, commencing at a point in that road 150 metres south-west of its junction with Satmar Lane and terminating at a point in Capel Street 180 metres north of its junction with Hurst Lane:

Work No. 43—A diversion of Satmar Lane, including a bridge over Work No. 33, commencing at a point in that road 560 metres south-west of its junction with Crook's Court Lane and terminating at a point in Satmar Lane 300 metres north-east of Ivy Farm:

Work No. 44—A junction of Work No. 33 with the A20 at Court Wood comprising—

Work No. 44A—A diversion of the A20 as existing, commencing at a point in that road 310 metres east of the existing entrance to Abbots

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Land Farm and terminating at the said roundabout at the termination of Work No. 33;

Work No. 44B—A diversion of the A20 as existing, commencing at the said roundabout at the termination of Work No. 33 and terminating at a point in the A20 95 metres west of the entrance to Court Wood.

Limits of deviation

- 2 In their construction—
- (a) each of the works described in paragraph 1 above may deviate from the line or situation shown for that work on the deposited plans to the extent of the limits of deviation so shown;
 - (b) so much of each of Works Nos. 31 and 32 as lies between its commencement and the point at which it passes into tunnel under Round Hill may deviate from the level shown for that part of that work on the deposited sections to the extent of 1.5 metres upwards and to any extent downwards; and
 - (c) each of the works described in paragraph 1 above, other than the parts of Works Nos. 31 and 32 specified in sub-paragraph (b) above, may deviate from the level shown for that work or, in the case of Works Nos. 31 and 32, that part of that work on the deposited sections to the extent of 3 metres upwards and to any extent downwards.

Interpretation of Part I

- 3 In paragraph 1 above, "A20" means the trunk road from Folkestone to Dover so classified.

PART II

INTERFERENCE WITH HIGHWAYS

Stopping up of highways

- 4 (1) Subject to the provisions of this paragraph, the Secretary of State may, in connection with the construction of the A20 improvement works, stop up each of the highways or parts thereof specified, by reference to the letters and numbers shown on the deposited plans, in columns (1) and (2) of the following table and any other bridleways or footpaths within the limits of deviation for the works authorised by Part IV of this Act, and thereupon all rights of way over or along the highway or part thereof so stopped up shall be extinguished.
- (2) The existing highways or part thereof specified in columns (1) and (2) of Part II of the following table shall not be stopped up under this paragraph until the new highway to be substituted therefor specified as aforesaid, or by reference to works authorised by Part IV of this Act, in column (3) of that Part of the table in relation to each such existing highway or part thereof has been completed in accordance with sub-paragraph (4) below.

THE TABLE

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PART I

HIGHWAYS TO BE STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of highway to be stopped up</i>
District of Shepway, town of Folkestone	Footpath and access track from DB1 to DB2 Road (Castle Hill) from DC1 to DC2 Road (part of Churchill Avenue (A20)) from DD1 to DD2 Road (Park Farm Road) from DEI to DE2 Road (Crete Road West) from DF1 to DF2 Footpath from DG1 to DG2
District of Shepway, parish of Hawkinge	Footpath from DH1 to DH2 Footpath and access track from DI1 to DI2
District of Dover, parish of Capel-le-Ferne	Footpath from DL1 to DL4 Footpath from DN1 to DN2 Footpath from DPI to DP2 Footpath from DP3 to DP4 Road (Satmar Lane) from DR1 to DR2 Footpath from DS1 to DS2

PART II

HIGHWAYS TO BE STOPPED UP AND NEW HIGHWAYS SUBSTITUTED THEREFOR

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>New highway to be substituted therefor</i>
District of Shepway, town of Folkestone	Footpath and access track from DAI to DA2	New footpath from DAI to N3
District of Shepway, parish of Hawkinge	Road (Church Hill) from DJ1 to DJ2 Road (Crete Road East) from DK1 to DK2	Work No. 39 Work No. 40
District of Dover, parish of Capel-le-Ferne	Footpath from DL2 to DL3 Road (Cauldham Lane) from DM1 to DM2	New footpath from DL2 to DL5 Work No. 41

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(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be substituted therefor</i>
District of Dover, parishes of Capel-le-Ferne and Hougham Without	Footpath from DO1 to D04 and D02 to D05	New footpath from DO1 to D03
	Byway from DTI to DT2, footpath from DW1 to DW2 and footpath from DX1 to DX2	New bridleway from DTI to DT3 to DW1 to DX2
	Road (Satmar Lane) from DU1 to DU2	Work No. 43 New footpath from DV2 southward along the line of the existing road to the new bridleway between DT3 and DW1
District of Dover, parish of Hougham Without	Road (A20) from DY1 to DY2	Works Nos. 44A and 44B New footpath from DY1 to DY2 (part of Works Nos. 44A and 44B)

- (3) No part of any highway shall be stopped up under this paragraph until the Secretary of State is in possession of all lands abutting on both sides of that part of the highway except so far as the owners, lessees and occupiers of those lands may otherwise agree.
- (4) No part of any highway specified in Part II of the above table in this paragraph shall be stopped up under this paragraph until the Secretary of State is satisfied that the new highway to be substituted therefor has been completed and is open for public use.
- (5) Any person who suffers loss by the extinguishment of any private right under this paragraph shall be entitled to compensation to be determined, in case of dispute, under and in accordance with Part I of the Land Compensation Act 1961.

Temporary interference with highways

- 5 (1) The Secretary of State may, for the purpose of constructing or maintaining the A20 improvement works, temporarily stop up, open, break up or interfere with, or alter or divert, the whole or any part of any highway within the limits of deviation for the works authorised by Part IV of this Act or the limits of land to be acquired, and may carry out and do all necessary works and things for, or in connection with, the stopping up, opening, breaking up, interference, alteration or diversion and for keeping the highway open for traffic.
- (2) The Secretary of State shall provide reasonable access for all persons, with or without vehicles, going to or returning from premises abutting on any highway affected by the exercise of the powers conferred by this paragraph.

PART III

MISCELLANEOUS

Status of new highways

- 6 (1) On the date on which this Act is passed the roads mentioned in sub-paragraph (2) below shall become trunk roads and special roads for the exclusive use of traffic of Classes I and II of the classes of traffic specified in Schedule 4 to the Highways Act 1980 as if the provision by him of special roads along the route of those roads had been authorised by a scheme made by the Secretary of State under section 16 of that Act—
- (a) prescribing that route as the route for the special roads;
 - (b) prescribing both those classes of traffic; and
 - (c) specifying that date as the date on which those special roads were to become trunk roads.
- (2) The roads to which sub-paragraph (1) above applies are—
- (a) so much of the roads forming Works Nos. 31 and 32 as lie, in the case of Work No. 31, between its commencement and a point on the road 690 metres from that commencement and, in the case of Work No. 32, between its commencement and a point on the road 875 metres from that commencement; and
 - (b) the slip roads forming or forming part of Works Nos. 34A and 34D.
- (3) On the date on which this Act is passed the roads mentioned in sub-paragraph (4) below shall become trunk roads as if they had become so by virtue of an order under section 10(2) of the Highways Act 1980 specifying that date as the date on which they were to become trunk roads.
- (4) Those roads are—
- (a) such parts of the roads forming Works Nos. 31 and 32 as do not on that date become trunk roads and special roads by virtue of sub-paragraph (1) above;
 - (b) the roads forming Works Nos. 33, 34F, 44A and 44B; and
 - (c) the slip roads forming or forming part of Works Nos. 34B and 34E and the trunk road parts of Works Nos. 38A, 38B, 38C and 38D.
- (5) The roads forming—
- (a) in the case of each of Works Nos. 38A and 38C, the part from its commencement to a point certified by the Secretary of State for the purposes of sub-paragraph (4)(c) above; and
 - (b) in the case of each of Works Nos. 38B and 38D, the part from a point so certified to its termination;
- shall be the trunk road parts of those works for those purposes.
- 7 (1) On the date certified by the Secretary of State as the date on which any highway constructed in pursuance of this Schedule, other than one to which paragraph 6 above applies, is open for public use, that highway shall be transferred to the Kent County Council and, following that transfer, shall be treated for the purposes of the Highways Act 1980 as if it had been so transferred by virtue of an order made under the provision of that Act which applies in relation to its construction by virtue of paragraph 8 below.

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- (2) The Secretary of State may classify any highway proposed to be constructed in pursuance of this Schedule, other than one to which paragraph 6 above applies, in any manner in which, and for any purposes for which, he could classify that highway under section 12(3) of that Act.
- (3) On the date of its transfer under sub-paragraph (1) above to the Kent County Council any highway classified under sub-paragraph (2) above shall become a highway classified in the manner and for the purposes in question as if so classified under section 12(3) of that Act.

Regulation of construction of works

- 8 The construction by the Secretary of State of a highway in pursuance of this Act shall be treated as the construction of a highway in pursuance of—
 - (a) a scheme under section 16 of the Highways Act 1980, in the case of the roads mentioned in paragraph 6(2) above;
 - (b) section 24(1) of that Act, in the case of the roads mentioned in paragraph 6(4) above;
 - (c) an order under section 18 of that Act made in relation to the roads which become trunk roads and special roads by virtue of paragraph 6(1) above, in the case of the road forming Work No. 34C; and
 - (d) an order under section 14 of that Act made in relation to the roads which become trunk roads by virtue of paragraph 6(3) above, in any other case.

Status of ancillary operations and works

- 9 (1) The carrying out of any of the A20 improvement works which is not the construction of a highway and the stopping up of any highway in pursuance of Part II of this Schedule shall be treated as having been authorised by an order under section 14 of the Highways Act 1980 made in relation to the roads which become trunk roads by virtue of paragraph 6(3) above.
- (2) Subject to sections 21 and 22 of that Act as they apply by virtue of sub-paragraph (1) above, the stopping up of any highway in pursuance of Part II of this Schedule shall not affect any rights—
 - (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date on which this Act is passed is under, in, on, over, along or across that highway; or
 - (b) of any sewerage authority in respect of any sewers or sewage disposal works of theirs which immediately before that date are under, in, on, over, along or across that highway.

Application of Highways Act powers to provisions of this Schedule

- 10 (1) Any provision of Part I or II of this Schedule relating to any operation or work which by virtue of any of the preceding provisions of this Part of this Schedule is to be treated as authorised by an order under section 14 or 18 of the Highways Act 1980 shall be treated for the purposes of that Act as provisions of such an order.
- (2) The provisions of paragraph 6(1) above shall be treated for those purposes as provisions of a scheme under section 16 of that Act.

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Regulation of traffic on new roads

- 11 (1) Subject to sub-paragraph (2) below, any power under the Road Traffic Regulation Act 1984 to make an order or to give a direction with respect to any road shall be exercisable in relation to any road forming or forming part of any of the A20 improvement works before that road is open for public use, in any case where it appears to the Secretary of State to be expedient that the order or (as the case may be) the direction should have effect immediately on the road's becoming open for public use.
- (2) The procedure otherwise applicable under that Act in relation to the making of any such order or the giving of any such direction shall apply in any such case with such modifications as the Secretary of State may determine; and he shall publish notice of those modifications in such manner as appears to him to be appropriate for bringing them to the notice of persons likely to be affected by the provisions of any such order or (as the case may be) by any such direction.