

2020 No. 121

INFRASTRUCTURE PLANNING

**The A30 Chiverton to Carland Cross Development Consent
Order 2020**

Made - - - - - *6th February 2020*

Coming into force - - - *27th February 2020*

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

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

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

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

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

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

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

“authorised development” means the development and associated development described in Schedule 1 (authorised development);

“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

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

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

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

“the classification of roads plans” means the plans certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“the clearways plans” means the plans certified by the Secretary of State as the clearways plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4)(f) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“the de-trunking plans” means the plans certified by the Secretary of State as the de-trunking plans 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;

“the environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order;

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

“the general arrangement and section plans” means the documents certified by the Secretary of State as the general arrangement and section plans for the purposes of this Order;

“highway” has the same meaning as in section 328 (meaning of “highway”) of the 1980 Act;

“the land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

“the local highway authority” means Cornwall Council;

“maintain” includes inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development, provided that such works do not give rise to any materially new

(a) 1981 c. 66.
(b) 1984 c. 27.
(c) 1990 c. 8.
(d) 1991 c. 22.
(e) 2008 c. 29.
(f) Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34),

or materially different environmental effects from those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

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

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

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

“the prohibitions plans” means the plans certified by the Secretary of State as the prohibitions plans for the purposes of this Order;

“the relevant planning authority” means Cornwall Council;

“restricted byway” has the meaning given in section 48(4) of the Countryside and Rights of Way Act 2000(b);

“the rights of way and access plans” means the plans certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the Secretary of State” means the Secretary of State for Transport;

“special road” means a highway which is a special road in accordance with section 16(c) (general provision as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“the speed limits plans” means the plans certified by the Secretary of State as the speed limits plans for the purposes of this Order;

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

“street” means a street within the meaning of section 48 (streets, street works and undertakers) 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 section 49 (the street authority and other relevant authorities) of the 1991 Act;

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

“the trees and hedgerows to be removed or managed plans” means the plans certified by the Secretary of State as the trees and hedgerows to be removed or managed plans for the purposes of this Order;

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

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

(a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

(b) 2000 c. 37.

(c) Section 16 was amended by section 36 of, and paragraph 24 of Schedule 2 to the Planning Act 2008 and section 57(1) of, and paragraph 13(3) and (4) of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(d) This section was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22). It was amended by section 57(1) of, and paragraph 95(2) and (3) of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments which are not relevant to this Order.

(e) Section 10 was amended by section 22(2) of the 1991 Act, by section 36 of, and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(f) Section 19(1) was amended by section 1 of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

“the undertaker” means Highways England Company Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

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

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

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

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

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

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

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

Maintenance of drainage works

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

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

Disapplication of legislation, etc.

4. In so far as they relate to the temporary possession of land under articles 33 (temporary use of land for carrying out the authorised development) and 34 (temporary use of land for maintaining the authorised development) of this Order, the provisions of the Neighbourhood Planning Act 2017^(b) do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 34(11), any maintenance of any part of the authorised development.

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

^(b) 2017 c. 20.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

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

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

Maintenance of authorised development

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

Planning permission

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

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

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Limits of deviation

8. In carrying out the authorised development the undertaker may—

- (a) in respect of the earthworks associated with Work Nos. 1 to 12 only, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 1.75 metres;
- (b) in respect of any other work, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 0.5 metres;
- (c) subject to sub-paragraph (d), deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres upwards or downwards; and
- (d) in respect of that part of:
 - (i) Work Nos. 1 and 3 between points M and N on sheet 1 of the works plans;
 - (ii) Work No. 1 between points O and P on sheet 4 of the works plans; and
 - (iii) Work Nos. 1 and 5 between points Q and R on sheet 8 of the works plans,

deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres downwards, except that these maximum limits of deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Benefit of Order

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

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

Consent to transfer benefit of Order

10.—(1) The undertaker may—

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

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

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

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

(5) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) South West Water Limited (company number 02366665, whose registered office is at Peninsula House, Rydon Lane, Exeter, Devon EX2 7HR) for the purposes of undertaking Work Nos. 14, 16, 25, 31, 36, 46 and 66;
- (b) Western Power Distribution (South West) Public Limited Company (company number 02366894, whose registered office is at Avonbank, Feeder Road, Bristol BS2 0TB) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 15, 19, 20, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70;
- (c) BT Group Public Limited Company (company number 04190816, whose registered office is at 81 Newgate Street, London EC1A 7AJ) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 21, 27, 29, 33, 34, 35, 39, 41, 44, 50, 51, 52, 54, 56, 59, 60, 61, 62, 64 and 65;
- (d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close, Coedkernew, Newport, South Wales NP10 8FZ) for the purposes of undertaking Work Nos. 22 and 45;
- (e) Instalcom Limited (company number 03421543, whose registered office is at 164 Field End Road, Eastcote, HA5 1RH) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (f) Level 3 Communications Limited (company number 03514850, whose registered office is at 7th Floor, 10 Fleet Place, London EC4M 7RB) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (g) Renewable Energy Systems Limited (company number 01589961, whose registered office is at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire WD4 8LR) for the purposes of undertaking Work Nos. 19 and 57;

- (h) ScottishPower Renewables (UK) Limited (company number NI028425, whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP) for the purposes of undertaking Work Nos. 5(g) and 5(m);
- (i) Verizon Digital Media Services UK Limited (company number 08524398, whose registered office is at Midcity Place, 71 High Holborn, London WC1V 6DA) for the purposes of undertaking Work No. 13;
- (j) Virgin Media Limited (company number 02591237, whose registered office is at 500 Brook Drive, Reading RG2 6UU) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (k) Vodafone Group Public Limited Company (company number 01833679, whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (l) Sky UK Limited (company number 02906991, whose registered office is at Grant Way, Isleworth, Middlesex TW7 5QD) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73; or
- (m) Everything Everywhere Limited (company number 08263590, whose registered office is at Trident Place, Mosquito Way, Hatfield, Hertfordshire AL10 9BW) for the purposes of undertaking Work No. 6(i).

PART 3

STREETS

Street works

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

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

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

(3) Subject to article 12 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Application of the 1991 Act

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

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or

- (b) they are works which, had they been executed by the local highway authority, might have been carried out in exercise of the powers conferred by section 64(a) (dual carriageways and roundabouts) of the 1980 Act or section 184(b) (vehicle crossings over footways and verges) of that Act.

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

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

- (a) section 56(c) (power to give directions as to timing of street works);
- (b) section 56A(d) (power to give directions as to placing of apparatus);
- (c) section 58(e) (restriction on works following substantial road works);
- (d) section 58A(f) (restriction on works following substantial street works); and
- (e) Schedule 3A(g) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved, under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 15 (temporary stopping up and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

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

- (a) section 54(i) (advance notice of certain works), subject to paragraph (6);
- (b) section 55(j) (notice of starting date of works), subject to paragraph (6);
- (c) section 57(k) (notice of emergency works);
- (d) section 59(l) (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 75 (inspection fees);
- (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 above.

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

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- (a) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the 1991 Act.
 - (b) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and section 168 of, and paragraph 9 of Schedule 8 and Schedule 9 to, the 1991 Act.
 - (c) Section 56 was amended by section 43 of the Traffic Management Act 2004 (c. 18).
 - (d) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
 - (e) Section 58 was amended by section 51 of the Traffic Management Act 2004.
 - (f) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
 - (g) Schedule 3A was inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004.
 - (h) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.
 - (i) Section 54 was amended by section 49(1) of the Traffic Management Act 2004.
 - (j) Section 55 was amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.
 - (k) Section 57 was amended by section 52(3) of the Traffic Management Act 2004.
 - (l) Section 59 was amended by section 42 of the Traffic Management Act 2004.

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

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

Classification of roads, etc.

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

(2) On a date determined by the undertaker, the roads described in Part 2 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

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

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

(5) On the date on which the roads described in Part 5 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road identified in the corresponding row of column (2) of that Part.

(6) On a date determined by the undertaker, the restrictions specified in column (3) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 are to apply to the lengths of road identified in the corresponding row of column (2) of that Part.

(7) Unless otherwise agreed with the relevant planning authority, the public rights of way set out in Part 8 (public rights of way) of Schedule 3 and identified on the rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use from the date on which the authorised development is open for traffic.

(8) On a date determined by the undertaker, the order specified in column (3) of Part 7 (revocations and variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(a) Section 10(2) was amended by section 22 of the 1991 Act, and by section 1 of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.

(9) The application of paragraphs (1) to (7) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters, including by an instrument made under the 1984 Act where the matter in question could have been included in an order made under that Act.

Temporary stopping up and restriction of use of streets

15.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter, divert or restrict the use of any street and may for any reasonable time—

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

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

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

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

(5) 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.

(6) 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.

Permanent stopping up and restriction of use of streets and private means of access

16.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

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

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in columns (1) and (2) of Parts 1 and 3 of Schedule 4 (being a street or private means of access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land;
 - (b) there is no right of access to the land from the street or private means of access concerned;
 - (c) there is reasonably convenient access to the land otherwise than from the street or private means of access concerned; or
 - (d) the owners and occupiers of the land have agreed to the stopping up.
- (5) Where a street or private means of access has been stopped up under this article—
- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
 - (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.
- (6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.
- (7) This article is subject to article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

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

Clearways

18.—(1) From such day as the undertaker may determine, except as provided in paragraph (2), no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 (classification of roads, etc.) where it is identified in the corresponding row of column (3) of that Part that such lengths of road are to become a clearway, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

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

(a) 2003 c. 21. Schedule 3A was inserted by section 4(2) of, and Schedule 1 to the Digital Economy Act 2017 (c. 30).

to the chief officer of police and to the traffic authority in whose area the road is situated;
and

- (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

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

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32(a) (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

- (b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(b).

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

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

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

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

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

PART 4

SUPPLEMENTAL POWERS

Discharge of water

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

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

(a) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51.).

(b) 2004 c. 18.

(c) 1991 c. 56. Section 106 was amended by section 35(1) and (8) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

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

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

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(6) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991^(a) have the same meaning as in that Act.

(7) 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.

Protective works to buildings

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

(2) Protective works may be carried out—

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

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works to a building under this article 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—

- (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,

(a) 1991 c. 57.

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

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 47 (arbitration).

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

(8) Where—

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

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

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

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

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

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

Authority to survey and investigate the land

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

- (a) survey or investigate the land (including any watercourses, ground water, static water bodies or vegetation on the land);
- (b) without limitation on the scope of sub-paragraph (a), make any excavations or trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and groundwater and remove soil and water samples and discharge water samples onto the land;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; 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 or boreholes.

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

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

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, 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 a statutory undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

33.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 25(2) (time limit for exercise of authority to acquire land compulsorily)—

- (a) enter on and take temporary possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11(a) (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land in column (3) of Schedule 7, or any other mitigation works in connection with the authorised development.

(2) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii).

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

- (a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7; or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

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

- (a) replace a building removed under this article;

(a) Section 11 was amended by paragraph 14 of Schedule 4 to the Acquisition of Land Act 1981, section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1), sections 186(2), 187(2) and 188 of, paragraph 6 of Schedule 14 to and paragraph 3 of Schedule 16, to the Housing and Planning Act 2016 (c.22) and S.I. 2009/1307.

- (b) restore the land on which any permanent works (including ground strengthening works) have been constructed under paragraph (1)(d); or
- (c) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

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

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

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

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 31 (acquisition of subsoil or airspace only).

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

(11) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 23 (compulsory acquisition of land) or article 26 (compulsory acquisition of rights).

Temporary use of land for maintaining the authorised development

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

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

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

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

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

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

(a) Section 13 was amended by sections 62(3) and 139 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).

(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, is to be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, 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 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

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

Statutory undertakers

35.—(1) Subject to the provisions of article 26(3) (compulsory acquisition of rights), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

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

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

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 36 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

36.—(1) Where a street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 16 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

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

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

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and

- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) is to be reduced by the amount of that excess.

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

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

(6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

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

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

(8) In this article—

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

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(a).

Recovery of costs of new connections

37.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 35 (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.

(a) 2003 c. 21.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

41.—(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) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

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

Defence to proceedings in respect of statutory nuisance

43.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990^(a) in relation to a nuisance falling within paragraph (fb), (g) or (ga) of section 79(1) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2)(b) 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 sites), or a consent given under section 61(c) (prior consent for work on construction sites), of the Control of Pollution Act 1974; or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or

(a) 1990 c. 43. There are amendments to this subsection which are not relevant to this Order.

(b) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40). There are other amendments to the subsection that are not relevant to this Order.

(c) 1974 c. 40. Section 61 was amended by section 162 of, and paragraph 15(1) and (3) of Schedule 15 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to section 61 but none are relevant to this Order.

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

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

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

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

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation 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” 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.

Arbitration

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

Signed by authority of the Secretary of State for Transport

6th February 2020

Richard Serlin
Senior Civil Servant, Department for Transport Legal Advisers
Government Legal Department

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In the administrative area of Cornwall Council

The authorised development is a nationally significant infrastructure project as defined in sections 14 and 22 of the 2008 Act^(a) and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

Work No. 1 – the construction of a new A30 dual carriageway road 14 kilometres in length between a point 985 metres to the west of Work No. 3 and a point 956 metres to the east of Work No. 5. To include—

- (a) the construction of drainage attenuation pond no. 1 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (b) the construction of drainage attenuation pond no. 2 with associated drainage facilities, access and landscaping at the location shown on sheet 1 of the works plans;
- (c) the construction of drainage attenuation pond no. 4 with associated drainage facilities, access and landscaping at the location shown on sheets 1 and 2 of the works plans;
- (d) the construction of drainage attenuation pond no. 6 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (e) the construction of drainage attenuation pond no. 9 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (f) the construction of drainage attenuation pond no. 10 with associated drainage facilities, access and landscaping at the location shown on sheet 4 of the works plans;
- (g) the construction of drainage attenuation pond no. 12 with associated drainage facilities, access and landscaping at the location shown on sheet 5 of the works plans;
- (h) the construction of drainage attenuation pond no. 14 with associated drainage facilities, access and landscaping at the location shown on sheet 6 of the works plans;
- (i) the construction of drainage attenuation pond no. 16 with associated drainage facilities, access and landscaping at the location shown on sheet 7 of the works plans;
- (j) the construction of drainage attenuation pond no. 18 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (k) the construction of drainage attenuation pond no. 19 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (l) the construction of drainage attenuation pond no. 20 with associated drainage facilities, access and landscaping at the location shown on sheet 8 of the works plans;
- (m) the construction of a green bridge over the main carriageway of the new A30 and the existing A30 at Marazanvose and associated construction compound no. 4 of 12149 square metres at the location shown on sheet 4 of the works plans, to include provision for a new bridleway (PR7) to connect U6082 and C0178 and a new footpath (PR8) to connect the bridleway (PR7) to FP319/16/1;
- (n) the demolition of Marazan Farm House and associated outbuildings at the location shown on sheet 4 of the works plans;

^(a) Section 22 was substituted by article 3 of S.I. 2013/1883.

- (o) the demolition of the barn at Nancarrow Farm at the location shown on sheet 4 of the works plans;
- (p) the demolition of the buildings at Hill View Farm at the location shown on sheet 3 of the works plans;
- (q) the construction of 40 metres of reinforced earth slope around the pylon to the north of the new A30 dual carriageway at Nancarrow Farm at the location shown on sheet 5 of the works plans;
- (r) the construction of 10 metres of reinforced earth slope at the location shown on sheet 8 of the works plans;
- (s) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Church Lane at the location shown on sheet 5 of the works plans;
- (t) the construction of a walking, cycling, horse riding, multispecies underbridge under the main carriageway of the new A30 at Newlyn Downs at the location shown on sheet 8 of the works plans;
- (u) the construction of four public laybys on the eastbound carriageway of the new A30 and five public laybys on the westbound carriageway of the new A30 at the locations shown on sheets 2 to 7 of the works plans;
- (v) the construction of thirteen private laybys for maintenance use on the eastbound carriageway of the new A30 and fifteen private laybys for maintenance use on the westbound carriageway of the new A30 at the locations shown on sheets 1 to 8 of the works plans;
- (w) the construction of six emergency access points onto the new A30 at the locations shown on sheets 4 to 6 of the works plans;
- (x) construction compound no. 1 of 15639 square metres at the location shown on sheet 1 of the works plans;
- (y) construction compound no. 3 of 44244 square metres at the location shown on sheet 4 of the works plans;
- (z) construction compound no. 5 of 35801 square metres at the location shown on sheet 5 of the works plans;
- (aa) construction compound no. 9 of 51849 square metres at the location shown on sheet 8 of the works plans;
- (bb) the construction of drainage culverts at the locations shown on sheets 2 to 6 and 8 of the works plans;
- (cc) the construction of wildlife crossings at the locations shown on sheets 1 to 8 of the works plans;
- (dd) the construction of a walking, cycling and horse riding underbridge under the main carriageway and slip roads at Chiverton Cross at the location shown on sheet 1 of the works plans;
- (ee) the construction of a stabilised earthworks slope adjacent to the quarry pond at the location shown on sheet 7 of the works plans;
- (ff) works to cap mineshafts at the locations shown on sheets 6 and 7 of the works plans.

Work No. 2 – the re-alignment of the existing A30. To include—

- (a) the re-alignment of the existing A30 from point C on sheet 2 of the works plans to point D on sheet 3 of the works plans;
- (b) the re-alignment of the existing A30 from point G on sheet 4 of the works plans to point H on sheet 5 of the works plans;
- (c) the closure of 380 metres of the unnamed road C0089 at the location shown on sheet 5 of the works plans;

Work No. 4 – the construction of a new grade separated dumbbell junction at Chybucca. To include—

- (a) a new roundabout north of the main carriageway of the new A30 with overrun area through the central island for Carland Cross windfarm at the location shown on sheet 3 of the works plans;
- (b) a new roundabout south of the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (c) a new overbridge over the main carriageway of the new A30 at the location shown on sheet 3 of the works plans;
- (d) the construction of a new eastbound off-slip from the main carriageway of the new A30, 486 metres in length, at the location shown on sheet 3 of the works plans;
- (e) the construction of a new westbound on-slip to the main carriageway of the new A30, 374 metres in length, at the location shown on sheet 3 of the works plans;
- (f) the construction of drainage attenuation pond no. 7 with associated drainage facilities, access and landscaping at the location shown on sheet 3 of the works plans;
- (g) the re-alignment of 852 metres of the B3284 to join Work No. 4(a), to include provision for walking, cycling and horse riding, at the location shown on sheet 3 of the works plans;
- (h) the re-alignment of 147 metres of the B3284 to join Work No. 4(b), to include provision for walking, cycling and horse riding, at the location shown on sheet 3 of the works plans;
- (i) the re-alignment of the existing A30 between points E and F on sheets 3 and 4 of the works plans, to include provision for walking, cycling and horse riding;
- (j) the re-alignment of the existing A30 between points D and E on sheet 3 of the works plans, to include provision for non-motorised users;
- (k) the construction of a new private means of access to Creegmeor Farm north of the B3284 and a new bridleway (PR4) to connect BR314/64/1 and BR314/65/1;
- (l) the construction of a new private means of access to the south of the new grade separated junction from the re-aligned B3284.

Work No. 5 – the construction of a new grade separated junction at Carland Cross at the location shown on sheets 7 and 8 of the works plans. To include—

- (a) a new roundabout north of the main carriageway of the new A30 including track for overrun area;
- (b) the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30;
- (c) two new overbridges over the junction connector road carriageway of the new A30;
- (d) the construction of a new westbound on-slip to the main carriageway of the new A30, 332 metres in length;
- (e) the construction of a new westbound off-slip from the main carriageway of the new A30, 611 metres in length;
- (f) the re-alignment of the existing A30 between points I and J;
- (g) the reconfiguration of the existing access to the Carland Cross Windfarm and the construction of new access tracks;
- (h) the construction of a new eastbound on-slip to the main carriageway of the new A30, 334 metres in length;
- (i) the construction of a new eastbound off-slip from the main carriageway of the new A30, 569 metres in length;
- (j) the closure and demolition of 489 metres of the existing A30 between points K and L;
- (k) the construction of drainage attenuation pond no. 17 with associated drainage facilities, access and landscaping;

- (l) the construction of a track for walking, cycling and horse riding including equine refuges connecting the southern roundabout at Carland Cross with the underbridge at Work No. 1(t);
- (m) the diversion of the cables serving Carland Cross Wind Farm;
- (n) the construction of a private means of access to Treventon Farm;
- (o) the construction of a track for walking, cycling and horse riding from the southern roundabout at Carland Cross to Mitchell;
- (p) the construction of a new private means of access to Newlyn Downs / Trewithen Estate;
- (q) a new footpath (PR16) linking to open access land and Roundbarrow viewing area.

Work No. 6 – works to Allet Road for access across the new A30 at Tresawsen at the location shown on sheet 4 of the works plans. To include—

- (a) the construction of an underbridge under the main carriageway of the new A30;
- (b) the re-alignment of 338 metres of the Allet Road;
- (c) the conversion of 306 metres of the Allet Road to an emergency access track;
- (d) the construction of drainage attenuation pond no. 8 with associated drainage facilities, access and landscaping;
- (e) construction compound no. 2 of 12675 square metres, at the location shown on sheets 3 and 4 of the works plans;
- (f) the construction of a new private means of access to the south of the existing A30(T);
- (g) the construction of a new private means of access to Nanteague Farm;
- (h) the construction of a new private means of access to Nanteague Solar Farm;
- (i) the demolition of an existing telecommunications mast and the construction of a new telecommunications mast;
- (j) the construction of a new private means of access to a telecommunications mast.

Work No. 7 – the stopping up of the public highway U6082 at Marazanvose. To include—

- (a) the construction of a turning head;
- (b) the construction of a new private means of access to Nancarrow Farm.

Work No. 8 – the retention and continued use of the Two Barrows underbridge at the location shown on sheet 5 of the works plans. To include—

- (a) the retention and continued use of the access under the existing A30 for Shortlanesend Road;
- (b) the construction of a new road to connect the realigned existing A30 with the unnamed road C0364;
- (c) the stopping up of unnamed road C0089 to the existing A30 and retention for access only to St Freda Nursery.

Work No. 9 – the demolition and replacement of the existing bridge at Tolgroggan Farm at the location shown on sheet 5 of the works plans. To include—

- (a) the construction of a new overbridge over the main carriageway of the new A30 and the realigned A30;
- (b) construction compound no. 6 of 3352 square metres;
- (c) the construction of a new private means of access to Tolgroggan Farm;
- (d) the construction of a new bridleway and new private means of access to fields;
- (e) the construction of a new bridleway and new private means of access to Tolgroggan Farm.

Work No. 10 – the construction of an underbridge under the main carriageway of the new A30 and the existing A30 at the location shown on sheet 6 of the works plans. To include—

Work No. 45 – the diversion of 850 metres of gas pipeline at the location shown on sheet 8 of the works plans.

Work No. 46 – the diversion of 443 metres of water pipeline at the location shown on sheet 8 of the works plans.

Work No. 47 – the diversion of 483 metres of telecoms equipment at the location shown on sheet 8 of the works plans.

Work No. 48 – the diversion of 165 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 49 – the diversion of 215 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 50 – the diversion of 103 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 51 – the diversion of 61 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 52 – the diversion of 23 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 53 – the diversion of 19 metres of telecoms equipment at the location shown on sheet 1 of the works plans.

Work No. 54 – the diversion of 210 metres of telecoms equipment at the location shown on sheet 2 of the works plans.

Work No. 55 – the diversion of 653 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 56 – the diversion of 17 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 57 – the diversion of 300 metres of power cables at the location shown on sheet 3 of the works plans.

Work No. 58 – the diversion of 422 metres of telecoms equipment at the location shown on sheet 3 of the works plans.

Work No. 59 – the diversion of 47 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 60 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 61 – the diversion of 11 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 62 – the diversion of 58 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 63 – the diversion of 62 metres of power cables at the location shown on sheet 4 of the works plans.

Work No. 64 – the diversion of 48 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

Work No. 65 – the diversion of 71 metres of telecoms equipment at the location shown on sheet 4 of the works plans.

- (l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

(2) No part of the authorised development, including vegetation clearance, is to commence until an arboricultural walkover survey and tree survey for that part, taking due regard to the guidance in British Standard 5837:2012, have been undertaken to identify any significant constraints posed by trees.

(3) The landscaping scheme prepared under sub-paragraph (1) must be based on the environmental masterplan, the trees and hedgerows to be removed or managed plans and the results of the surveys undertaken under sub-paragraph (2).

(4) The landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—

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

(5) In paragraph (3) “the environmental masterplan” means the plan certified by the Secretary of State as the environmental masterplan for the purposes of this Order.

Implementation and maintenance of landscaping

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

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

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

Fencing

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

Land and groundwater contamination

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

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

and the assessment has been submitted to and approved by the Secretary of State.

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

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

Traffic management

11.—(1) No part of the authorised development is to commence until a traffic management plan for the construction of that part of the authorised development, substantially in accordance with the draft traffic management plan at appendix 2.1 to the environmental statement, has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority.

(2) The authorised development must be constructed in accordance with the approved traffic management plan.

Detailed design

12.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the general arrangement and section plans, unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority, the local highway authority and the Defence Infrastructure Organisation on matters related to their functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the general arrangement and section plans showing departures from the preliminary design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

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

Surface and foul water drainage

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

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

Highway lighting

14.—(1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and (in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article 14(2), the highway authority) the local highway authority.

(2) The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the

environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the lighting identified in it. The standard of the highway lighting must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

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

(4) Nothing in this requirement restricts the lighting of the authorised development during its construction or where temporarily required for maintenance.

Approvals and amendments to approved details

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

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

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

- (a) the day immediately following that on which the application is received by the Secretary of State;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 17; or
- (c) such longer period as may be agreed between the parties.

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

(3) Where—

- (a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;
- (b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report referred to in paragraph 4 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially different environmental effects from those reported in the environmental statement,

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

Further information

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

(2) In the event that the Secretary of State considers such further information to be necessary, the Secretary of State must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the Secretary of State does not give such notification within this 21 day period the Secretary of State is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 16 and in this paragraph.

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

Register of requirements

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

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

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

Anticipatory steps towards compliance with any requirement

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

(a) 1971 c. 80.

SCHEDULE 3
CLASSIFICATION OF ROADS, ETC.

Articles 14 and 18

PART 1
TRUNK ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Perranzabuloe, Kenwyn, St Allen, St Erme, St Newlyn East Civil Parishes	A30 (T) between point A on sheet 1 and point B on sheet 8 of the classification of roads plans, comprising 13820 metres
Perranzabuloe, Kenwyn Civil Parishes	A30 (T) between points C and D on sheet 1 of the classification of roads plans, comprising 615 metres
Perranzabuloe Civil Parish	A30 (T) between points E and F on sheet 1 of the classification of roads plans, comprising 399 metres
Perranzabuloe Civil Parish	A30 (T) between points G and H on sheet 1 of the classification of roads plans, comprising 475 metres
Perranzabuloe Civil Parish	A30 (T) between points I and J on sheet 1 of the classification of roads plans, comprising 513 metres
Kenwyn Civil Parish	A30 (T) between points K and L on sheet 3 of the classification of roads plans, comprising 486 metres
Kenwyn Civil Parish	A30 (T) between points M and N on sheet 3 of the classification of roads plans, comprising 374 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points O and P on sheet 8 of the classification of roads plans, comprising 569 metres
St Newlyn East Civil Parish	A30 (T) between points Q and R on sheet 8 of the classification of roads plans, comprising 334 metres
St Erme Civil Parish	A30 (T) between points S and T on sheet 8 of the classification of roads plans, comprising 332 metres
St Erme, St Newlyn East Civil Parishes	A30 (T) between points U and V on sheet 8 of the classification of roads plans, comprising 611 metres

<i>(1) Area</i>	<i>(2) Road name, number and length</i>	<i>(3) Speed limit</i>
	plans, for a total distance of 245 metres	
Kenwyn Civil Parish	B3284 From point 15 to point 16 on sheet 3 of the speed limits plans, for a total distance of 147 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Existing A30 (T) From point 50 to point 51 on sheet 3 of the speed limits plans, for a total distance of 150 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Existing A30 (T) From point 17 on sheet 4 to point 18 on sheet 5 of the speed limits plans, for a total distance of 1331 metres	National speed limit for single carriageways
St Allen Civil Parish	Unnamed road C0364 From point 19 to point 20 on sheet 5 of the speed limits plans, for a total distance of 54 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	Existing A30 (T) From point 21 on sheet 2 to point 22 on sheet 3 of the speed limits plans, for a total distance of 805 metres	National speed limit for single carriageways
St Allen Civil Parish	Henver Lane From point 23 to point 24 on sheet 6 of the speed limits plans, for a total distance of 247 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 25 to point 26 on sheet 6 of the speed limits plans, for a total distance of 220 metres	National speed limit for single carriageways
Kenwyn Civil Parish	Unnamed road C0049 From point 35 to point 36 on sheet 4 of the speed limits plans, for a total distance of 367 metres	National speed limit for single carriageways
St Allen Civil Parish	Unclassified road U6083 From point 37 to point 38 on sheet 5 of the speed limits plans, for a total distance of 76 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parishes	A30 Trunk Road eastbound off-slip From point C to point D on sheet 1 of the speed limits plans, for a total distance of	National speed limit for dual carriageways

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
	615 metres	
Perranzabuloe Civil Parish	A30 Trunk Road eastbound on-slip From point E to point F on sheet 1 of the speed limits plans, for a total distance of 399 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound on-slip From point G to point H on sheet 1 of the speed limits plans, for a total distance of 475 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A30 Trunk Road westbound off-slip From point I to point J on sheet 1 of the speed limits plans, for a total distance of 513 metres	National speed limit for dual carriageways
Perranzabuloe Civil Parish	A3075 From point 3 on sheet 1 of the speed limits plans to point 4 on sheet 2 of the speed limits plans, for a total distance of 767 metres	National speed limit for single carriageways
Perranzabuloe, Kenwyn Civil Parish	Unnamed road C0005 From point 44 to point 45 on sheet 1 of the speed limits plans, for a total distance of 45 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	New unclassified road From point 42 to point 43 on sheet 1 of the speed limits plans, for a total distance of 79 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	De-trunked existing A30 (T) From point 7 to point 8 on sheet 1 of the speed limits plans, for a total distance of 178 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	The new Chiverton grade separated junction circulatory carriageway At point 41 on sheet 1 of the speed limits plans, for a total distance of 479 metres	National speed limit for single carriageways
Perranzabuloe Civil Parish	Unclassified road U6072 From point 33 to point 34 on sheet 1 of the speed limits plans, for a total distance of 95 metres	National speed limit for single carriageways
St Allen Civil Parish	Unnamed road C0075	National speed limit for single

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
	From point 27 to point 28 on sheet 6 of the speed limits plans, for a total distance of 382 metres	carriageways
St Erme Civil Parish	Unclassified road U6093 From point 39 to point 40 on sheet 7 of the speed limits plans, for a total distance of 140 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	Existing A30 (T) From point 29 on sheet 7 of the speed limits plans to point 30 on sheet 8 of the speed limits plans, for a total distance of 654 metres	National speed limit for single carriageways
St Erme and St Newlyn East Civil Parishes	The new Carland Cross grade separated junction From point 31 to point 32 on sheet 8 of the speed limits plans, for a total distance of 155 metres	National speed limit for single carriageways
Kenwyn Civil Parish	A30 Trunk Road eastbound off-slip From point K to point L on sheet 3 of the speed limits plans, for a total distance of 486 metres	National speed limit for dual carriageways
Kenwyn Civil Parish	A30 Trunk Road westbound on-slip From point N to point M on sheet 3 of the speed limits plans, for a total distance of 374 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road eastbound off-slip From point O to point P on sheet 8 of the speed limits plans, for a total distance of 569 metres	National speed limit for dual carriageways
St Erme and St Newlyn East Civil Parishes	A30 Trunk Road eastbound on-slip From point Q to point R on sheet 8 of the speed limits plans, for a total distance of 334 metres	National speed limit for dual carriageways
St Erme Civil Parish	A30 Trunk Road westbound on-slip From point S to point T on sheet 8 of the speed limits plans, for a total distance of 332 metres	National speed limit for dual carriageways
St Erme and St Newlyn East	A30 Trunk Road westbound	National speed limit for dual

SCHEDULE 4

Articles 16 and 27

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

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

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

PART 1

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

(1) <i>Area</i>	(2) <i>Highway to be stopped up</i>	(3) <i>Extent of stopping up</i>
Kenwyn Civil Parish	Byway Open to All Traffic 309/25/2 (PR1)	Over its length of 50 metres to the south west of the existing Chiverton Cross roundabout and to the west of the existing A30(T), as shown on sheet 1 of the rights of way and access plans
Kenwyn Civil Parish	Bridleway 309/3/1 (PR6)	From its junction with the A30(T) south for 143 metres, as shown on sheet 3 of the rights of way and access plans
St Allen Civil Parish	Existing A30 slip road at the existing Two Barrows underbridge	For a length of 134 metres, as shown on sheet 5 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/12/1 (PR12)	From its junction with the A30(T) to Trevalso Cottage over its entire length of 68

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
		metres, as shown on sheet 6 of the rights of way and access plans
Kenwyn Civil Parish	Footpath 319/11/1 (PR13)	North of Honeycombe Farm over its entire length of 56 metres, as shown on sheet 6 of the rights of way and access plans

PART 2

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
Rights of way and access plans – Sheet 1			
Perranzabuloe Civil Parish	B3277	From Blackwater Roundabout to the existing Chiverton Cross Roundabout for a length of 156 metres including the northern section of the existing Chiverton Cross Roundabout	Reference A Re-aligned B3277 west of the existing Blackwater Roundabout for a length 851 metres including a new length of adjacent footway/cycleway within the verge for a length of 747 metres and an adjoining new length of footway/cycleway between the realigned B3277 and new A30 for a length of 94 metres
Perranzabuloe, Kenwyn Civil Parishes	A390	From a point 154 metres from the existing Chiverton Cross Roundabout including the southern section of the existing Chiverton Cross Roundabout	Reference B Re-aligned A390 east of the existing Chiverton Cross Roundabout for a length of 1078 metres including a new length of adjacent footway/cycleway within the verge for a length of 704 metres and an adjoining new length of footway/cycleway

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided of 50 metres</i>
Kenwyn Civil Parish			Reference U A new length of B3284 for a length of 147 metres from its junction with the southern roundabout of the new grade separated junction at Chybucca including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chybucca for a length of 165 metres
Kenwyn Civil Parish			Reference V A new link between the northern and southern roundabouts on the new grade separated junction at Chybucca for a length of 148 metres including a new length of adjacent footway/cycleway within the eastern verge for a length of 211 metres
Kenwyn Civil Parish	Existing A30 (T)	For a length 379 metres from a point south of Creegmeor Farm to a point east of the northern roundabout of the new grade separated junction at Chybucca	Reference W A new length of classified road (A30) from its junction with the northern roundabout of the new grade separated junction at Chybucca for a length of 150 metres including a new length of adjacent footway/cycleway within the verge from the new grade separated junction at Chybucca for a length of 160 metres
Kenwyn Civil Parish			Reference Z (PR5) A new footpath with

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
			adjacent hard surface slope to connect to BR314/65/1 at Creegmeor Farm, for a total length of 20 metres
Kenwyn Civil Parish			Reference EE A new circulatory carriageway on the northern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish			Reference GG A new circulatory carriageway on the southern roundabout of the new grade separated junction at Chybucca for a length of 106 metres
Kenwyn Civil Parish			Reference Z5 A30 eastbound off-slip to the new grade separated junction at Chybucca for a length of 490 metres
Kenwyn Civil Parish			Reference Z6 A30 westbound on-slip from the new grade separated junction at Chybucca for a length of 383 metres
Rights of way and access plans – Sheet 4			
Kenwyn Civil Parish	C0049	From a point 311 metres from its junction with the existing A30 (T)	Reference AA A new side road to redirect 367 metres of C0049
Perranzabuloe Civil Parish	U6082 and FP 319/16/1	U6082 for a length of 107 metres from its junction with existing A30 (T) FP 319/16/1 for a length of 68 metres from its junction with	Reference BB (PR7) A new bridleway over a green bridge north of the existing A30 (T) in a southerly direction, for a total length of 350 metres

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
		the existing A30 (T)	
St Allen Civil Parish			Reference CC (PR8) A new footpath to join a new bridleway over a green bridge, for a total length of 15 metres
Perranzabuloe Civil Parish	C0364	From a point east of the telecommunication mast for a length of 365 metres, as shown on sheet 5 of the rights of way and access plans	Reference DD Re-aligned A30 for a length of 1159 metres from a point to the east of Elmsleigh to a point east of Tolgroggan Farm, as shown on sheets 4 and 5 of the rights of way and access plans
St Allen Civil Parish			Reference Z18 Widening of the U6082 for a length of 30 metres north of the property known as Burnetts
Rights of way and access plans – Sheet 5			
Perranzabuloe Civil Parish	C0089	For a length of 96 metres from its junction with the existing A30 (T)	Reference DD Re-aligned A30 for a length of 1159 metres from a point to the east of Elmsleigh to a point east of Tolgroggan Farm, as shown on sheets 4 and 5 of the rights of way and access plans
St Allen Civil Parish	Bridleway 319/9/1	From the intersection with BR319/9/1 along its length south of the existing A30(T) for a total length of 320 metres	Reference HH (PR9) A new bridleway for a total length of 342 metres
St Allen Civil Parish	Bridleway 319/1/1	From a point 50 metres east of the Chapel along its length for a total distance of 214 metres	Reference JJ (PR10) A new bridleway from a point 40 metres east of the Chapel in an easterly direction for a total length of 260 metres
St Allen Civil Parish	U6083	For a length of 67 metres from its	Reference KK (PR11) A new bridleway as

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
Civil Parishes			A30 eastbound off-slip to the new grade separated junction at Carland Cross for a length of 570 metres
St Erme, St Newlyn East Civil Parishes			Reference Z8 A30 eastbound on-slip from the new grade separated junction at Carland Cross for a length of 366 metres
St Erme, St Newlyn East Civil Parishes	Existing A30	For a length of 503 metres eastbound from the junction with the existing Carland Cross Roundabout	Reference Z9 A30 westbound off-slip to the new grade separated junction at Carland Cross for a length of 624 metres
St Erme Civil Parish			Reference Z10 A30 westbound on-slip from the new grade separated junction at Carland Cross for a length of 355 metres

PART 3

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Kenwyn Civil Parish	Reference d Access to field south of the existing A30 (T) from the existing B3284, as shown on sheet 3 of the rights of way and access plans	From the existing B3284 for a length of 28 metres as shown on sheet 3 of the rights of way and access plans

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
			to the south of the new grade separated junction at Chybucca from the re-aligned B3284 for a length of 95 metres
Kenwyn Civil Parish			Reference 26 A new private access to the field south of the re-aligned A30 for a length of 11 metres
Rights of way and access plans – Sheet 4			
St Allen and Kenwyn Civil Parishes	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a total length of 272 metres	Reference 7 A new private access to the south of the existing A30(T), 475 metres to the west of the existing access, north east for a length of 1160 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres as shown on sheet 3 of the rights of way and access plans	Reference 8 A new private access to Nanteague Farm for a length of 22 metres
St Allen Civil Parish	Reference e Access to Nanteague Farm	At a point south of the existing A30(T) at Town and Country Motors for a length of 272 metres	Reference 9 A new private access to Nanteague Solar Farm for a length of 7 metres
St Allen Civil Parish	Reference h Access to Nancarrow Farm	At a point to the south of the existing A30(T) to the east of Elmsleigh for a length of 83 metres	Reference 10 A new private access to Nancarrow Farm south of the existing A30(T), 210 metres south west of the existing access, north east for a length of 200 metres
St Allen Civil Parish			Reference 27 A new private access to a telecommunications mast for a length of 5.4 metres
Rights of way and access plans – Sheet 5			
Perranzabuloe Civil	Reference i	At a point to the north	Reference 11

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
Parish	Access to O2 Telecommunications Mast	of the existing A30(T) to the west of Chyverton Lodge for a length of 4 metres	A new private access to a telecommunications mast to the north of the realigned A30 for a length of 6 metres
Perranzabuloe Civil Parish			Reference 12 A private access to Bracken Woods from the realigned C0364 for a length of 118 metres
Perranzabuloe Civil Parish			Reference 13 A private access to Chyverton Park and Chyverton Lodge from the realigned C0364 for a length of 23 metres
St Allen Civil Parish	Reference j Access to the property known as Tolgroggan Farm	At a point to the south of C0364 and to the east of The Chapel for a length of 214 metres	Reference 14 A new private access to Tolgroggan Farm to the south of C0364, 52 metres south east of the existing access, south east for a length of 260 metres
St Allen Civil Parish			Reference 15 A new private access to Tolgroggan Farm to the south of the new A30 for a length of 342 metres
St Allen Civil Parish			Reference 16 A new private access to Trevalso Farm to the south of Church Lane for a length of 182 metres
Rights of way and access plans – Sheet 6			
St Allen Civil Parish			Reference 17 A new private access to Trevalso Farm to the east of U6083 for a length of 776 metres
St Allen Civil Parish			Reference 18 A new private access to Pennycomequick from C0075 for a length of 29 metres
St Allen Civil Parish	Reference k	At a point south of the	Reference 19

<i>(1) Area</i>	<i>(2) Private means of access to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New private means of access to be substituted/provided</i>
	Access track from unnamed road C0075 to field access	existing A30(T) to the south east of Pennycomequick for a length of 35 metres	A new private access to field to the south of the A30(T), 80 metres from the existing access for a length of 13 metres
St Allen Civil Parish			Reference 20 A new private access to the field south of Pennycomequick from the stopped C0075 for a length of 9 metres
St Allen Civil Parish			Reference 28 A new private access to the field south of the A30(T) to the east of Pennycomequick for a length of 7 metres
Rights of way and access plans – Sheet 8			
St Newlyn East and St Erme Civil Parishes	Reference l Access to Carland Cross Wind Farm	At a point north west of the existing Carland Cross Roundabout for a total length of 1075 metres	References 21, 22, 23 A new private access to wind turbines at Carland Cross Wind Farm 205 metres to the north of the existing Carland Cross roundabout for a total length of 506 metres
St Newlyn East Civil Parish	Reference m Access to Treventon Farm	At a point to the south of the existing A30(T) to the north of Rosehill Farm for a length of 585 metres	Reference 24 A new private access to Treventon Farm to the south of the existing A30(T) for a distance of 871 metres to the north of Rosehill Farm
St Newlyn East Civil Parish			Reference 29 A new private access to Newlyn Downs / Trewithen Estate to the north of the existing Carland Cross roundabout for a length of 10 metres

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	protect, inspect and maintain a new culvert and equipment	
Land Plans – Sheet 3		
3/3a	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
3/3c	New right to construct, use, protect, inspect and maintain a new electrical pole and equipment for the benefit of Western Power Distribution	Work No. 19
3/3g	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/3k	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Creegmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway (PR4) from west to east to connect BR314/64/1 and BR314/65/1	Work No. 4
3/4b	New right to construct, use, protect, inspect and maintain a new culvert, ditch and equipment	Work No. 1(cc)
3/5	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work Nos. 1(d) and 2(d)
3/5a	New right to construct, use, protect, inspect and maintain a new drainage ditch and equipment	Work No. 1(bb)
3/5b	New right to construct, use, protect, inspect and maintain a new private means of access north of the B3284 at Callestick Vean to Creegmeor Farm New right to construct, use, protect, inspect and maintain a new bridleway (PR4) from west to east to connect BR314/64/1 and BR314/65/1	Work No. 4
Land Plans – Sheet 4		
4/4f	New right to construct, use, protect, inspect and maintain a	Work No. 22

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	
4/4k	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4q	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/4v	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8d	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/8j	New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
4/9	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
4/9e	<p>New right to construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities Limited</p> <p>New right to construct, use, protect, inspect and maintain a new culvert and equipment</p>	4/9e
4/9f	New right to demolish existing structure and construct, use, protect, inspect and maintain a new gas pipeline and equipment for the benefit of Wales and West Utilities	Work No. 22

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	new gas pipeline and equipment for the benefit of Wales and West Utilities Limited	
4/10t	<p>New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p>	Work No. 1
Land Plans – Sheet 5		
5/2a	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2g	<p>New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p> <p>New right to construct, use, protect, inspect and maintain a new culvert and equipment</p>	Work Nos. 1 and 1(cc)
5/2h	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of Wales and West Utilities Limited	Work No. 22
5/2j	<p>New right to construct, use, protect, inspect and maintain a private access to Nanteague Farm</p> <p>New right of access with or without vehicles plant and machinery for the benefit of KS SPV 11 Limited</p> <p>New right to construct, use, protect, inspect and maintain a new culvert and equipment</p>	Work Nos. 1 and 1(cc)
5/3	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of	Work No. 25

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	
7/3b	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3e	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water New right to construct, use, protect, inspect and maintain a private access to fields for Trevalso Farm	Work No. 36
7/3f	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 36
7/3g	New right to construct, use, protect, inspect and maintain a new drainage pipeline and equipment	Work No. 10(c)
7/3k	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3m	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 10(c)
7/3r	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3s	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3t	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 10(c)
7/3u	New right to construct, use,	Work No. 36

(1) <i>Plot reference number shown on land plans</i>	(2) <i>Purpose for which rights over land may be acquired</i>	(3) <i>Relevant part of the authorised development</i>
	protect, inspect and maintain a new drainage outlet pipeline and equipment	
8/3n	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and ditch and equipment	Work No. 1(i)
8/6b	New right to construct, use, protect, inspect and maintain a new drainage outlet ditch and equipment	Work No. 1(i)
8/6e	New right to construct, use, protect, inspect and maintain new electrical apparatus and equipment for the benefit of Western Power Distribution	Work No. 43
Land Plans – Sheet 9		
9/1s	New right to construct, use, protect, inspect and maintain a new culvert and equipment	Work No. 1(cc)
9/2c	New right to construct, use, protect, inspect and maintain a new water pipeline and equipment for the benefit of South West Water	Work No. 45
Land Plans – Sheet 10		
10/1t	New right of access with or without vehicles plant and machinery	Work No. 1(l)
10/2	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/2a	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3b	New right to construct, use, protect, inspect and maintain a new drainage outlet pipeline and equipment	Work No. 1(l)
10/3d	New right of access with or without vehicles plant and machinery	Work No. 1(l)

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

Compensation enactments

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

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

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

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965 (as modified by paragraph 5(5) of Schedule 6 to the A30 Chiverton to Carland Cross Development Consent Order 2020 (the “2020 Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (as substituted by paragraph 5(8) of Schedule 6 to the 2020 Order) to acquire an interest in the land; and
- (c) the acquiring authority enter on and take possession of that land,

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

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

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

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

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 29 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 23 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 26(1) (compulsory acquisition of rights)—

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

(a) 1973 c. 26.

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

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

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

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

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

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

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

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

(5) Section 11(a) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 23), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(b) (powers of entry: further notices of entry), 11B(c) (counter-notice requiring possession to be taken on specified date), 12(d) (unauthorised entry) and 13(e) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

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

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those

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- (a) Section 11 was amended by paragraph 14 of Schedule 4 to the Acquisition of Land Act 1981 (c. 67), section 14 of, and paragraph 12(1) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, paragraph 6 of Schedule 14 to, and paragraph 3 of Schedule 16 to the Housing and Planning Act 2016 (c.22) and S.I. 2009/137.
 - (b) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
 - (c) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016.
 - (d) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016.
 - (e) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, paragraphs 28 and 29 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
 - (f) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/37.

referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

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

“SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 30 (application of the 1981 Act) of the A30 Chiverton to Carland Cross Development Consent Order 2020 in respect of the land to which the notice to treat relates.

(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A30 Chiverton to Carland Cross Development Consent Order 2020 which excludes the acquisition of subsoil or airspace only from this Schedule.

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

Counter-notice requiring purchase of land

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

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

Response to counter-notice

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

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

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

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

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

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

Determination by the Upper Tribunal

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

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

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

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

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

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

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

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

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

SCHEDULE 7

Article 33

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Location</i>	(2) <i>Plot Reference Number shown on land plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Relevant part of the authorised development</i>
Land Plans – Sheet 1			
Perranzabuloe, Kenwyn Civil Parishes	1/1k	The provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe, Kenwyn Civil Parishes	1/1q	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Perranzabuloe Civil Parish	1/1t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3277	Work No. 3(f)
Kenwyn Civil Parish	1/1aa	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A390	Work No. 3(i)
Kenwyn Civil Parish	1/1ac	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work	Work No. 1(x)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		the boundary treatment for the new A30	
Perranzabuloe Civil Parish	2/3t	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3u	Required for the provision of and to provide working space and temporary access for works associated with the provision of gated access from the A3075	Work No. 3(g)
Perranzabuloe Civil Parish	2/3w	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/3y	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned unclassified road U6072	Work No. 3(j)
Perranzabuloe Civil Parish	2/7	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	2/7a	Required for the provision of and to provide working space and temporary access	Work No. 1

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		dumbbell junction at Chybucca	
Perranzabuloe Civil Parish	3/3	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe Civil Parish	3/3n	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	3/4	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/4e	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/4g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary treatment for the realigned A30	Work No. 2(a)
Kenwyn Civil Parish	3/6a	Required for the provision of and to	Work No. 2(a)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/1e	Required for the realignment of the Allet Road	Work No. 6(b)
Perranzabuloe Civil Parish	4/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	4/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	4/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, Kenwyn Civil Parishes	4/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	4/2	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned B3284	Work No. 4(g)
Kenwyn Civil Parish	4/3a	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/3b	Required for the construction of a new	Work No. 4

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		private means of access	
Kenwyn Civil Parish	4/3c	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/4	Required for the construction of a new private means of access	Work No. 4
Kenwyn Civil Parish	4/4c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/4e	Required for the provision of and to provide working space and temporary access for works associated with the provision of a gated access	Work No. 1
Kenwyn Civil Parish	4/4g	Required to provide temporary road for works associated with the construction of the new grade separated dumbbell junction at Chybucca	Work No. 4
Kenwyn Civil Parish	4/4j	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary	Work No. 1

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		mainline	
Kenwyn Civil Parish	4/8c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30 and the stopping up of northern section of bridleway BR309/3/1 south of the proposed A30 mainline	Work No. 1
Kenwyn Civil Parish	4/8e	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the	Kenwyn Civil Parish
Kenwyn Civil Parish	4/8f	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8h	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Kenwyn Civil Parish	4/8k	Required for the provision of and to provide working space and temporary access for works associated with the provision of the new land drainage ditch and boundary	Work No. 6(c)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
St Allen Civil Parish	5/1	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	5/1b	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1c	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe Civil Parish	5/1d	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	5/1e	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1f	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1g	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1h	Required for all purposes associated with the de-trunking of the existing A30	

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		between Carland Cross and Chiverton	
St Allen Civil Parish	5/1j	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1p	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1q	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	5/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe and St Allen Civil Parishes	5/1u	Required for access and traffic	Work No. 1(m)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		management during construction	
St Allen Civil Parish	5/2c	Required for the construction of a new private means of access	Work No. 1
Perranzabuloe Civil Parish	5/3a	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(y)
St Allen Civil Parish	5/5	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(m)
Perranzabuloe and St Allen Civil Parishes	5/5a	Required for access and traffic management during construction	Work No. 1(m)
Perranzabuloe Civil Parish	5/6	Required for access and traffic management during construction	Work No. 1(m)
St Allen Civil Parish	5/7d	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Land Plans – Sheet 6			
St Allen Civil Parish	6/1h	Required for the provision of a site	Work No. 9(b)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	
St Allen Civil Parish	6/1j	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/1k	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1m	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1n	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	6/1q	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	6/1s	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
St Allen Civil Parish	6/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
Perranzabuloe, St Allen Civil Parishes	6/2a	Works associated with a length of new highway to unnamed road	Work No. 2(b)
Perranzabuloe, St Allen Civil Parishes	6/2b	Works associated with a length of new highway to unnamed road	Work No. 2(b)
Perranzabuloe Civil Parish	6/3a	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
Perranzabuloe, St Allen Civil Parishes	6/4c	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4e	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/4f	Works associated with a length of new highway to unnamed road	Work No. 2(b)
St Allen Civil Parish	6/7b	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(z)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
St Allen Civil Parish	6/7c	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	6/7g	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	Work No. 1
St Allen Civil Parish	6/10b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the realigned bridleway and new private means of access	Work No. 1
St Allen Civil Parish	6/10c	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 9(b)
St Allen Civil Parish	6/10e	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11a	Required to construct a new drainage ditch	Work No. 1(bb)
St Allen Civil Parish	6/11b	Required for the construction of a new private means of access	Work No. 1

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		Cross and Chiverton	
St Allen Civil Parish	7/1r	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1w	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/1x	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Allen Civil Parish	7/3ab	Required for the construction of a new private means of access	Work No. 1
St Allen Civil Parish	7/3ac	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Allen Civil Parish	7/3q	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 10(d)
St Allen Civil Parish	7/9b	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary	Work No. 1

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		Cross and Chiverton	
St Erme Civil Parish	9/1a	Required for all purposes associated with the de-trunking of the existing A30 between Carland Cross and Chiverton	
St Erme Civil Parish	9/1q	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/1t	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1v	Required for the provision of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1w	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1x	Required for the provision of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1y	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	9/1z	Required for the provision of a private means of access	Work No. 1
St Erme Civil Parish	9/2a	Required for the provision of and to provide working space and temporary access for works associated with the provision of the boundary treatment for the new A30	Work No. 1
St Erme Civil Parish	9/3	Required for the construction of a stabilised earthworks slope adjacent to the quarry pond	Work No. 1(ee)

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
St Newlyn East Civil Parish	9/4	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4a	Required for the enhancement of heathland corridor at Carland Cross	Work No. 1
St Newlyn East Civil Parish	9/4g	Required for a new spring chamber to be constructed	Work No. 1
St Newlyn East Civil Parish	9/5a	Required for a new spring chamber to be constructed	Work No. 1
St Erme Civil Parish	9/6	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Erme Civil Parish	9/6a	Required for the construction of advance direction sign associated with the re-configuration of the existing Carland Cross roundabout south of the main carriageway of the new A30	Work No. 5
St Newlyn East Civil Parish	9/7	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	9/7a	Required for the reinstatement of a private means of access	Work No. 1
Land Plans – Sheet 10			
St Newlyn East Civil Parish	10/1	Required for the reinstatement of a	Work No. 1

<i>(1) Location</i>	<i>(2) Plot Reference Number shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
		private means of access	
St Newlyn East Civil Parish	10/1k	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1r	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/1s	Required for the reinstatement of a private means of access	Work No. 1
St Newlyn East Civil Parish	10/4	Required for the provision of a site compound, including but not limited to site offices, welfare facilities, parking for workers' private vehicles and work vehicles, storage of plant, materials and top soil and the treatment of site-generated waste	Work No. 1(aa)
St Newlyn East Civil Parish	10/4b	Required for the reinstatement of a private means of access	Work No. 1

“utility 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;
 - (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, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

On street apparatus

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

Apparatus in stopped up streets

4.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any utility undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 7 or the power of the undertaker to carry out works under paragraph 9.

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

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 21 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

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

Removal of apparatus

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

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days’ written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the

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

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

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

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

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

(7) In relation to works which will or may be situated on, over, under or within 10 metres measured in any direction of any electricity apparatus, the plan to be submitted to the utility undertaker under sub-paragraph (1) must be detailed, include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which they are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all electricity apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to such apparatus.

Expenses and costs

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 47 (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

(4) The undertaker must make reasonable attempts to agree a resolution to any concerns raised by ScottishPower Renewables in accordance with sub-paragraph (2) prior to commencing the relevant part of the authorised development.

Chiverton Junction

23.—(1) At least 28 days prior to the commencement of Work No. 3 the undertaker must provide to ScottishPower Renewables copies of detailed design information for that work demonstrating that the safe manoeuvre of the Design Vehicle can be accommodated travelling from the east and turning through the same junction to travel back east.

(2) If by the expiry of 28 days beginning with the date on which a plan or document under sub-paragraph (1) is submitted to it ScottishPower Renewables has not advised the undertaker in writing of any reasonable requirements for the alteration of the detailed design of that work in order to accommodate the safe manoeuvre of the Design Vehicle through the junction as described in sub-paragraph (1), it shall be deemed not to have any such requirements.

(3) Work No. 3 must be constructed in accordance with the detailed design information referred to in sub-paragraph (1) and any reasonable requirements specified by ScottishPower Renewables in accordance with sub-paragraph (2) that are necessary to ensure the safe manoeuvre of the Design Vehicle through the junction as described in sub-paragraph (1).

Chybucca Junction

24.—(1) At least 28 days prior to the commencement of Work No. 4 the undertaker must provide to ScottishPower Renewables copies of detailed design information and the detailed construction methodology for that work demonstrating—

- (a) that the safe manoeuvre of the Design Vehicle can be accommodated from the A30 eastbound through the Chybucca Junction to the existing A30;
- (b) that appropriate over-run areas will be provided; and
- (c) how access will be maintained to the Wind Farm throughout construction.

(2) If by the expiry of 28 days beginning with the date on which a plan or document under sub-paragraph (1) is submitted to it ScottishPower Renewables has not advised the undertaker in writing of any reasonable requirements for the alteration of the detailed design of that work or the detailed construction methodology for that work in order to accommodate the safe manoeuvre of the Design Vehicle through the junction, ensure that appropriate over-run areas are provided or to maintain access to the Wind Farm during construction, as described in sub-paragraph (1), it shall be deemed not to have any such requirements.

(3) Work No. 4 must be constructed in accordance with the detailed design information and the detailed construction methodology referred to in sub-paragraph (1) and any reasonable requirements specified by ScottishPower Renewables in accordance with sub-paragraph (2) that are necessary to accommodate the safe manoeuvre of the Design Vehicle through the junction, to ensure that appropriate over-run areas are provided or to maintain access to the Wind Farm during construction, as described in sub-paragraph (1).

Carland Cross Junction

25.—(1) At least 28 days prior to the commencement of Work No. 5 the undertaker must provide to ScottishPower Renewables copies of detailed design information for that work demonstrating—

- (a) that the safe manoeuvre of the Design Vehicle can be accommodated from the re-aligned existing A30 eastbound into the Wind Farm;
- (b) that appropriate over-run areas will be provided which will have a minimum 0.5m buffer either side of the theoretical design vehicle swept path;
- (c) in respect of Work No. 5(g)—

SCHEDULE 10

Article 45

DOCUMENTS TO BE CERTIFIED

(1) <i>Document</i>	(2) <i>Examination Library Reference</i>	(3) <i>Application Document Reference</i>	(4) <i>Revision</i>
Book of Reference	AS-034	4.3	A
Works Plans	REP5-004	2.4	C03 - C05
Land Plans	REP5-003	2.2	C01 - C02
Rights of Way and Access Plans	REP5-005	2.5	C03 - C05
Classification of Roads Plans	APP-021	2.7d	C01
Special Category Land Plan	AS-013	2.3	C03
Prohibitions Plans	APP-020	2.7c	C01
Clearways Plans	APP-019	2.7b	C01
De-trunking Plans	APP-022	2.8	C01 (Key Plan) C02
Speed Limits Plans	APP-018	2.7a	C01
Environmental Masterplan	APP-180 APP-181 APP-182 APP-183 APP-184 APP-185 APP-186 APP-187 APP-188 APP-189 APP-190 APP-191 APP-192 APP-193 APP-194 APP-195 APP-196 APP-197 APP-198 APP-199 APP-200	6.3, Figure 7.6	C01
General Arrangement and Section Plans	REP5-006	2.6	C02 - C03
Environmental Statement	APP-052 to APP-374 APP-377 to APP-383	6.2, 6.3, 6.4	
Outline Construction Environmental Management	REP5-011 REP5-013	6.4. Appendix 16.1	

UK202002061013 02/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/121>