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STATUTORY INSTRUMENTS

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**2014 No. 909**

**INFRASTRUCTURE PLANNING**

**The Network Rail (Norton Bridge  
Area Improvements) Order 2014**

*Made* - - - - 31st March 2014

*Coming into force* - - 21st April 2014

An application has been made to the Secretary of State, in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(1), for an order under sections 37, 114, 115, 117(4), 120 and 122 of the Planning Act 2008(2).

The application was examined in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(3), by a single appointed person appointed by the Secretary of State in accordance with Chapter 3 of Part 6 of the 2008 Act.

The single appointed person, having considered the representations made and not withdrawn and the application together with accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the single appointed person, has decided to make an Order granting development consent for the development described in the application and consent for ancillary works with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals comprised in the application.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120 and 122 of, and paragraphs 1 to 3, 10 to 17, 24, 26, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

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(1) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/722, S.I. 2013/755.  
(2) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).  
(3) S.I. 2010/103.

## PART 1

### Preliminary

#### Citation and commencement

1. This Order may be cited as the Network Rail (Norton Bridge Area Improvements) Order 2014 and comes into force on 21st April 2014.

#### Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(4);

“the 1965 Act” means the Compulsory Purchase Act 1965(5);

“the 1973 Act” means the Land Compensation Act 1973(6);

“the 1980 Act” means the Highways Act 1980(7);

“the 1984 Act” means the Road Traffic Regulation Act 1984(8);

“the 1990 Act” means the Town and Country Planning Act 1990(9);

“the 1991 Act” means the New Roads and Street Works Act 1991(10);

“the 2003 Act” means the Communications Act 2003(11);

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- (4) 1961 c. 33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c. 65). There are other amendments to the 1980 Act which are not relevant to this Order.
- (5) 1965 c. 56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c. 34). Section 11(1) and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c. 39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (6) 1973 c. 26. Section 20 was amended by subsections (6) and (12) of section 146 of, and Schedule 13 to, the 1984 Act. Subsection (10) of section 20 was repealed by section 343(3) of, and Schedule 25 to, the 1980 Act and subsection (11) was repealed by section 155 of, and Schedule 25 to, the Rent Act 1977 (c. 42). There are other amendments to the 1973 Act which are not relevant to this Order.
- (7) 1980 c. 66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c. 22); sections 1(2), (3) and (4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted by, and section 1(3) was amended by, section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (8) 1984 c. 27.
- (9) 1990 c. 8. Section 206(1) was amended by section 192(8) to, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. There are other amendments to the 1990 Act which are not relevant to this Order.
- (10) 1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Sections 79(4), 80(4) and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
- (11) 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

- “the 2008 Act” means the Planning Act 2008;
- “address” includes any number or address used for the purposes of electronic transmission;
- “associated development” has the same meaning as in section 115(2) of the 2008 Act;
- “authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;
- “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;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;
- “cycle track” has the same meaning as in the 1980 Act;
- “defects period” means, in relation to any highway work, the period of 12 months referred to in article 10(5) (construction and maintenance of new or altered streets) during which Network Rail must remedy defects in a street;
- “design brief” means the Design Brief for Landscape Proposals and Mitigation and Restoration of the Wider Landscape (revised September 2013) as certified by the Secretary of State for the purposes of this Order;
- “the design drawings” means the drawings listed in Part 1 of Schedule 11 (plans and drawings) and certified as the design drawings by the Secretary of State 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 document certified as the environmental statement by the Secretary of State for the purposes of this Order;
- “footpath” and “footway” have the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “highway work” means any work that involves the construction of a new street or permanent change to an existing street, including changes to road layout, kerbs, signs and markings, lighting, signalling, drainage, landscaping and installation of roadside equipment;
- “the land plans” means the plans listed in Part 2 of Schedule 11 and certified as the land plans by the Secretary of State for the purposes of this Order;
- “limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);
- “maintain” includes to inspect, test, repair, adjust, alter, remove, renew, reconstruct, replace, render unusable, protect or strengthen and any derivative of “maintain” is to be construed accordingly;
- “National Grid” means National Grid Gas plc, company number 2006000, registered at 1-3 Strand, London WC2N 5EH;
- “Network Rail” means Network Rail Infrastructure Limited, company number 02904587, registered at Kings Place, 90 York Way, London N1 9AG;
- “Order land” means the land shown on the land plans which is within the limits of land to be acquired or used and described in the book of reference;

“Order limits” means the limits of deviation shown on the works plans and the limits of land to be acquired or used shown on the land plans;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(12);

“relevant planning authority” means Stafford Borough Council;

“the sections” means the sections forming part of the works plans certified by the Secretary of State for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) of the 2008 Act and for the purpose of, or in connection with, Work No. 20, includes UKOP;

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

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the street plans” means the plans listed in Part 3 of Schedule 11 and certified as the street plans by the Secretary of State for the purposes of the Order;

“the traffic regulation order plans” means the plans listed in Part 5 of Schedule 11 and certified as the traffic regulation order plans by the Secretary of State for the purposes of the Order;

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

“UKOP” means United Kingdom Oil Pipelines Limited, company number 00746708, registered at 5-7 Alexandra Road, Hemel Hempstead, Hertfordshire, HP2 5BS;

“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 listed in Part 4 of Schedule 11 and certified as the works plans by the Secretary of State for the purposes of this Order.

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

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

(4) All areas described in the book of reference are approximate.

(5) References in this Order to points identified by letters, with or without numbers, are to be construed as references to points so lettered on the works plans.

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

### **Incorporation of the Railways Clauses Acts**

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(13) are incorporated in this Order—

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(12) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

(13) 1845 c. 20. Section 46 was amended by sections 109(1) and (3) of, and paragraph 22 of Schedule 8, and Schedule 10 to, the Courts Act 2003 (c. 39). Section 58 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101). Section 78 was amended by section 39(3) of, and Schedule 7 to, the 1965 Act (c. 56) and articles 5(1) and (2) of, and paras 1 and 3 of Schedule 7 to, S.I. 2009/1307. Section 105 was amended by section 46 of, and Part 3 of Schedule 7

section 46 (crossing of roads—level crossings), subject to paragraph (4) and article 17 (level crossing);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 83, 85 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923<sup>(14)</sup>; and

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”.

(2) The following provisions of the Railways Clauses Act 1863<sup>(15)</sup> are incorporated in this Order—

sections 5 and 7 (level crossings); and

section 12 (signals, watchmen etc.).

(3) In those provisions, as incorporated in this Order—

“the company” means Network Rail;

“goods” includes any thing conveyed on the railway authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and any other authorised development; and

“the special Act” means this Order.

(4) In section 46 of the Railways Clauses Consolidation Act 1845, as incorporated in this Order, for the proviso substitute—

“Provided always that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level.”.

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to, the Justices of the Peace Act 1949 (c. 101), and section 31(6) of the Criminal Law Act 1977 (c. 45), and sections 37 and 49 of the Criminal Justice Act 1982 (c. 48). There are other amendments to the 1845 Act not relevant to this Order.

(14) 1923 c. 20. Section 15 was amended by section 10(1) of the Decimal Currency Act 1969 (c. 19).

(15) 1863 c. 92.

## PART 2

### Principal Powers

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

4.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements)—

- (a) Network Rail is granted development consent for the authorised development; and
- (b) National Grid is granted development consent for Work Nos. 17, 18, 19A and 19B and any further associated development in connection with those works,

but, in relation to Work No. 19A and Work No. 19B, only one of them (not both) may be carried out.

(2) Subject to article 6 (limits of deviation) the authorised development is to be constructed in the lines and situations shown on the works plans and at the levels shown on the sections.

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

5.—(1) Network Rail may at any time maintain the authorised development except to the extent that this Order, or an agreement made under this Order, provides otherwise.

(2) National Grid may at any time maintain Work Nos. 17, 18 and either 19A or 19B and any associated development in connection with those works except to the extent that this Order, or an agreement made under this Order, provides otherwise.

#### **Limits of deviation**

6. In carrying out the authorised development for which they are granted development consent by article 4(1) (development consent etc. granted by the Order), Network Rail and National Grid may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the sections—
  - (i) to any extent not exceeding 3 metres upwards; or
  - (ii) to any extent downwards as may be found to be necessary or convenient.

#### **Benefit of Order**

7.—(1) Subject to paragraphs (2) to (4), and paragraph (5) of article 22 (compulsory acquisition of rights)—

- (a) the following provisions have effect for the benefit of Network Rail and National Grid—
  - (i) the development consent granted by article 4(1)(b) (development consent etc. granted by the Order); and
  - (ii) subject to sub-paragraph (b), any other provisions of this Order in so far as they are applicable to, or are exercisable for the purpose of, or in connection with, the carrying out or maintenance of Work Nos. 17, 18, 19A and 19B and of any associated development in connection with those works,

and references in any of those provisions to Network Rail, where applicable, with respect to those works, are to be construed as referring also to National Grid;

- (b) the following provisions have effect for the benefit of National Grid only—

- (i) article 22(3) and Part 2 of Schedule 7 (land in which only new rights etc. may be acquired); and
  - (ii) article 29 (temporary use of land by National Grid) and Part 2 of Schedule 9 (land of which temporary possession may be taken); and
  - (c) the remainder of the provisions of this Order have effect for the benefit of Network Rail only.
- (2) Paragraph (1) does not apply to the benefit of the consent granted by this Order for works for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.
- (3) National Grid may not exercise the powers referred to in sub-paragraphs (1)(a) or (1)(b) without the written consent of, and upon such terms as may be agreed by, Network Rail.
- (4) The exercise by National Grid of any benefits or rights conferred on it by this Order is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by Network Rail.

## PART 3

### Streets

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

**8.**—(1) Network Rail may for the purposes of the authorised development alter the layout of or carry out any works in each street specified in column (1) of Schedule 3 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2).

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to paragraph (3), Network Rail may, within the Order limits and for the purposes of constructing and maintaining the authorised development, alter the layout of any street and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, Network Rail may—

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

(3) Network Rail must restore to the reasonable satisfaction of the street authority any street that has been temporarily altered under this article.

(4) The powers conferred by paragraph (2) are not to be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

#### **Street works**

**9.**—(1) Network Rail may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;

- (c) place temporary apparatus in the street;
- (d) maintain temporary apparatus in the street and permanent apparatus under the street and, in either case, 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) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act and “in” as referring to apparatus in the street means under, over, across, along or upon the street.

### **Construction and maintenance of new or altered streets**

**10.**—(1) Any highway work constructed under this Order must be completed to the reasonable satisfaction of the highway authority.

(2) When Network Rail considers that a highway work has been completed, except for any minor item not affecting safety, it must apply to the highway authority in accordance with the provisions of article 44 (procedure in relation to certain approvals etc. other than under Schedule 2) for its approval of the standard to which the work has been carried out.

(3) In the case of a new street, Network Rail must, within 28 days of receiving the approval or deemed approval of the highway authority under article 44, vest the street in the highway authority.

(4) Upon the vesting of the new street in the highway authority, the highway authority must adopt it as a highway maintainable at the public expense.

(5) In the case of a new street, regardless of its adoption by the highway authority, Network Rail must, for a period of 12 months beginning with the date of the highway authority’s approval or deemed approval under article 44 of the standard to which a highway work has been carried out under this Order, and unless otherwise agreed with the highway authority, remedy any defect in the street resulting from the carrying out of the work.

(6) Any work by Network Rail to remedy a defect in a street under this article must be carried out to the reasonable satisfaction of the highway authority.

(7) Network Rail must apply to the highway authority for its approval of the standard to which any remedial work under this article has been carried out.

(8) Network Rail will continue to be liable for the maintenance of the structure of any bridge or tunnel carrying a street over or under any railway of Network Rail regardless of the adoption of the highway by the highway authority or the expiry of any defects period applicable to the street under this article.

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

(10) For the purpose of a defence under paragraph (9), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether Network Rail 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 Network Rail 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 Network Rail had arranged for a competent person to carry out or supervise the remedial work to the part of the street to which the action relates unless it is also proved that Network Rail had given the competent person proper instructions with regard to the remedial work to the street and that the competent person had carried out those instructions.

(11) Nothing in this article—

- (a) prejudices the operation of section 87 of the 1991 Act (prospectively maintainable highways); and Network Rail is not, by reason of any duty under this article to remedy a defect in a street, to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to the street works with regard to which the provisions of Part 3 of the 1991 Act apply.

### **Stopping up of streets**

**11.**—(1) Subject to the provisions of this article, Network Rail may, in connection with the carrying out of the authorised development, stop up each of the streets specified in columns (1) and (2) of Schedule 5 (streets to be stopped up) to the extent specified, by reference to the letters and numbers shown on the street plans, in column (3) of that Schedule.

(2) No street specified in columns (1) and (2) of Schedule 5 is to be wholly or partly stopped up under this article unless—

- (a) the new street to be constructed and substituted for it, which is specified in column (4) of that Schedule, has been constructed and 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 to be stopped up is first provided and subsequently maintained by Network Rail, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) Where a street has been stopped up under this article—

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

(4) 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.

(5) This article is subject to article 32 (apparatus and rights of statutory undertakers in stopped up streets).

(6) When a street has been stopped up under the provisions of this article, Network Rail must provide to the street authority within 28 days of the stopping up a plan to a scale of not less than 1:500 showing the extent of the stopping up.

## Application of the 1991 Act

12.—(1) Works carried out 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 of the 1991 Act (street works in England and Wales) as major transport works if—

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

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

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

(3) The provisions of the 1991 Act mentioned in paragraph (4) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to the temporary stopping up, temporary alteration or temporary diversion of a street by Network Rail under the powers conferred by article 13 (temporary stopping up of streets) and the carrying out of works under article 9 (street works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

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

- section 54 (advance notice of certain works), subject to paragraph (5);
- section 55 (notice of starting date of works), subject to paragraph (5);
- section 57 (notice of emergency works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulation); and
- section 77 (liability for cost of use of alternative route),

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

(5) Sections 54 and 55 of the 1991 Act as applied by paragraph (3) have effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

### **Temporary stopping up of streets**

**13.**—(1) Network Rail, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter or divert 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), Network Rail may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.

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

(4) Network Rail must not temporarily stop up, alter or divert or use as a temporary working site any street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(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.

### **Access to works**

**14.** Network Rail may, for the purposes of the authorised development and with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as Network Rail reasonably requires for the purposes of the authorised development.

### **Agreements with street authorities**

**15.**—(1) A street authority and Network Rail may enter into agreements with respect to—

- (a) the construction of any new street, including any structure carrying the street over or under a railway authorised by the Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) the maintenance of the structure of any bridge or tunnel carrying a street over or under any railway authorised by this Order;
- (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
- (e) the carrying out in the street of any of the works referred to in article 9(1) (street works).

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

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

### **Construction of bridges and tunnels**

**16.** Any bridge or tunnel to be constructed under this Order for carrying a highway over or under a railway or a watercourse must be constructed in accordance with the plans and specifications approved by the highway authority.

### **Level crossing**

17.—(1) Subject to paragraph (3), the level crossing specified in columns (1) and (2) of Schedule 6 (replacement and closure of level crossing) is stopped up and discontinued.

(2) Subject to paragraph (3), upon the stopping up and discontinuance of the level crossing referred to in paragraph (1), any right of way over it is extinguished.

(3) Paragraphs (1) and (2) do not take effect with respect to the level crossing specified in Schedule 6 until the new way to be substituted for it, which is specified in column (4) of that Schedule, has been constructed and completed to the reasonable satisfaction of the highway authority, such approval not to be unreasonably withheld, and is open for use.

(4) 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.

## **PART 4**

### **Supplemental powers**

#### **Discharge of water**

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

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by Network Rail under paragraph (1) is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991(16) (right to communicate with public sewers).

(3) Network Rail 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) Network Rail 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) Network Rail must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) Network Rail 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.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(17).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, or a local authority; and

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(16) 1991 c. 56.

(17) S.I. 2010/675.

- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(18) have the same meaning as in that Act.

#### **Authority to survey and investigate the land**

**19.**—(1) Network Rail may for the purposes of this Order enter on any land shown within the Order limits and—

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

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

(3) Any person entering land under this article on behalf of Network Rail—

- (a) must, if so required, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

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

but such consent must not be unreasonably withheld.

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

## **PART 5**

### **Powers of acquisition**

#### **Compulsory acquisition of land**

**20.**—(1) Network Rail may acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate, or is incidental to, it.

(2) This article is subject to paragraph (2) of article 22 (compulsory acquisition of rights) and paragraph (8) of article 28 (temporary use of land by Network Rail).

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

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

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981<sup>(19)</sup> as applied by article 24 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The authority conferred by article 28 (temporary use of land by Network Rail) and article 29 (temporary use of land by National Grid) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents Network Rail or National Grid remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

### **Compulsory acquisition of rights**

**22.**—(1) Subject to paragraphs (2) and (8) Network Rail may acquire compulsorily such rights over the Order land, or impose restrictive covenants affecting the land, as may be required for any purpose for which land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Part 1 of Schedule 7 (land in which only new rights etc. may be acquired) Network Rail's powers of compulsory acquisition are limited to the acquisition of such new rights as may be required for the purpose specified in relation to that land in column (2) of that Part.

(3) In the case of the Order land specified in column (1) of Part 2 of Schedule 7, National Grid may acquire compulsorily such new rights or impose such restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Part.

(4) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights)) where Network Rail or National Grid acquires a right over land or the benefit of a restrictive covenant under paragraphs (1) to (3) Network Rail or National Grid is not required to acquire a greater interest in that land.

(5) Schedule 8 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(6) In any case where the acquisition of new rights or the imposition of restrictive covenants under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker or of UKOP, Network Rail may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose such covenants to the statutory undertaker in question or to UKOP.

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

(8) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of Order land specified in column (1) of Part 2 of Schedule 7.

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<sup>(19)</sup> 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

## Private rights

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

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

whichever is the earlier.

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

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

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by Network Rail which, being within the limits of land which may be acquired or used shown on the land plans, are required for the purposes of this Order are extinguished on the appropriation of the land by Network Rail for any of those purposes.

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

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 31 (statutory undertakers) applies.

(7) Paragraphs (1) to (3) have effect subject to—

- (a) any notice given by Network Rail before—
  - (i) the completion of the acquisition of the land or the acquisition of rights or the imposition of restrictive covenants over or affecting the land;
  - (ii) Network Rail's appropriation of it;
  - (iii) Network Rail's entry onto it; or
  - (iv) Network Rail's taking temporary possession of it,

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

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

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

- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

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

(9) Reference in this article to private rights over land includes reference to any trusts or incidents to which the land is subject.

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

**24.**—(1) The Compulsory Purchase (Vesting Declarations) Act 1981 applies as if this Order were a compulsory purchase order.

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

(3) In section 3 (preliminary notices) for subsection (1) there is substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.

(8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 are construed as references to that Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the compulsory acquisition of land under this Order.

### **Acquisition of subsoil or airspace only**

**25.**—(1) Network Rail may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in article 20(1) (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

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



(3) Paragraph (2) does not prevent article 26 (acquisition of part of certain properties) from applying where Network Rail acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

### **Acquisition of part of certain properties**

**26.**—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as to divided land) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on Network Rail a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner is required to sell only the land subject to the notice to treat must, unless Network Rail agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which Network Rail is authorised to acquire compulsorily under this Order.

(8) If Network Rail agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material

detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which Network Rail is authorised to acquire compulsorily under this Order.

(9) Where by reason of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, Network Rail may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, Network Rail must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

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

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

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

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

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

(4) Network Rail must repair and make good at its own expense and to the reasonable satisfaction of the highway authority any damage caused to a street or to any highway apparatus, highway structure or street furniture in the street belonging to the highway authority by virtue of its occupation and appropriation of the subsoil of, or airspace over, the street under this article.

(5) Subject to paragraph (6), 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 Network Rail acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) Compensation is not payable under paragraph (5) to any person who is an undertaker to whom section 85 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 by Network Rail**

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

- (a) enter on and take temporary possession of—
  - (i) the land specified in column (1) of Part 1 of Schedule 9 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column

- (2) of Part 1 of that Schedule relating to the part of the authorised development specified in column (3) of Part 1 of that Schedule;
- (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including, subject to the provisions of article 14 (access to works), the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 1 of Schedule 9, or any other mitigation works.
- (2) Not less than 28 days before entering on and taking temporary possession of land under this article Network Rail must serve notice of the intended entry on the owners and occupiers of the land.
- (3) Network Rail may not, without the agreement of the owners of the land, remain in possession of any land under this article—
- (a) in the case of land specified in paragraph (1)(a)(i) after the end of the period of 3 years beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 1 of Schedule 9; or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of 3 years beginning with the date of completion of the work for which temporary possession of this land was taken unless Network Rail has, before 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 Compulsory Purchase (Vesting Declaration) Act 1981.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but Network Rail is not required to—
- (a) replace a building removed under this article;
- (b) restore the land on which any works have been constructed under paragraph (1)(d) in so far as the element of works shown in column (4) of Part 1 of Schedule 9 is concerned; or
- (c) remove any ground strengthening works which have been placed in that land to facilitate construction of the authorised development.
- (5) Network Rail must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.
- (6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.
- (7) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).
- (8) Network Rail may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that Network Rail is not precluded from—
- (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 22 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 25 (acquisition of subsoil or airspace only).

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

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

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

**29.**—(1) National Grid may, in connection with the carrying out of Work Nos. 17, 18, 19A and 19B and any associated development in connection with those works—

- (a) enter on and take temporary possession of the land specified in column (1) of Part 2 of Schedule 9 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of Part 2 of that Schedule;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including, subject to the provisions of article 14 (access to works), the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (2) of Part 2 of Schedule 9.

(2) Not less than 28 days before entering on and taking temporary possession of land under this article National Grid must serve notice of the intended entry on the owners and occupiers of the land.

(3) National Grid may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 2 of Schedule 9.

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

- (a) replace a building removed under this article;
- (b) remove any pipe-line constructed in that land; or
- (c) remove any ground strengthening works which have been placed in that land to facilitate construction of the authorised development.

(5) National Grid must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the 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 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(8) National Grid is not precluded from acquiring new rights or imposing restrictive covenants over any part of the land shown numbered 30, 30a, 33, 34, 37, 38, 56, 58, 59, 61, 65 and 67 on the land plans.

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

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

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

**30.**—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the authorised development, Network Rail may—

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

(2) Paragraph (1) does not authorise Network Rail 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 Network Rail must serve notice of the intended entry on the owners and occupiers of the land.

(4) Network Rail 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.

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

(6) Network Rail 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 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

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

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

(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**

**31.** Subject to the provisions of Schedule 10 (protective provisions), Network Rail may—

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

### **Apparatus and rights of statutory undertakers in stopped up streets**

**32.**—(1) Where a street is stopped up under article 11 (stopping up of streets) or article 17 (level crossing) any statutory utility whose apparatus is under, in, on, over, 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 articles 11 or 17 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by Network Rail 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, Network Rail 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 execution of the 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 Network Rail, or, in default of agreement, is not determined by arbitration in accordance with article 43 (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 under 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 the 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 under 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 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by Network Rail and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

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

“relocation works” means works carried out, 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) of the 2003 Act.

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

**33.**—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 31 (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 Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 31, any person who is—

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

is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) In this article—

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

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

## **PART 6**

### **Operations**

#### **Operation and use of railways**

**34.**—(1) Network Rail may operate and use the railways and any other elements of the authorised development as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993<sup>(20)</sup> (the provision of railway services).

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

**35.**—(1) Network Rail may fell or lop any tree or shrub within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

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

(2) In carrying out any activity authorised by paragraph (1), Network Rail must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

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

## **PART 7**

### **Miscellaneous and general**

#### **Operational land for purposes of the 1990 Act**

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

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

**37.**—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990<sup>(21)</sup> (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
  - (i) relates to premises used by Network Rail for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or section 65 (noise exceeding registered level), of the Control of Pollution Act 1974<sup>(22)</sup>; or
  - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or

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<sup>(20)</sup> 1993 c. 43.

<sup>(21)</sup> 1990 c. 43. There are amendments to this Act which are not relevant to this Order.

<sup>(22)</sup> 1974 c. 40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c. 43). There are other amendments to the 1974 Act which are not relevant to this Order.



(b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), does not apply where the consent relates to the use of premises by Network Rail for the purposes of or in connection with the construction or maintenance of the authorised development.

### **Traffic regulation**

**38.**—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, Network Rail may at any time, in the interests of safety and for the purposes of, or in connection with, the construction of the authorised development, regulate vehicular speed indefinitely or temporarily in the manner specified in Schedule 12 (traffic regulation) on the roads specified in column (1) by imposing the speed limit corresponding to those roads in column (2) to the extent described in column (3) of that Schedule.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, Network Rail may, in so far as may be expedient or necessary for the purposes of or in connection with the construction of the authorised development, at any time prior to the opening of the authorised development for use—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the maximum speed, direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

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

(3) Network Rail must not exercise the powers conferred by paragraphs (1) and (2) unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of Network Rail's intention in the case of sub-paragraph (a).

(4) Any prohibition, restriction or other provision made by Network Rail under paragraph (1) or (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 of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 12 (traffic regulation) to which the prohibition, restriction or other provision is subject; and

(b) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(23) (road traffic contraventions subject to civil enforcement).

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by Network Rail from time to time by subsequent exercise of the powers conferred by paragraph (2) at any time prior to the opening of the authorised development for use.

(6) Before complying with the provisions of paragraph (3), Network Rail must consult the chief officer of police and the traffic authority in whose area the road is situated.

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

### **Protections of interests**

39. Schedule 10 (protective provisions) has effect.

### **Application of the 1973 Act**

40.—(1) Any regulations made by the Secretary of State under section 20 (sound proofing of buildings affected by public works) and 20A (power to make payments in respect of caravans and other structures affected by noise of public works) of the 1973 Act which apply to a railway provided or used in the exercise of statutory powers apply to the railway comprised in the authorised development as if that railway was provided or used in the exercise of statutory powers.

(2) Section 28 (power to pay expenses) of the 1973 Act has effect as if any works comprised in the authorised development were public works for the purposes of that section.

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

41.—(1) Network Rail must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the book of reference;
- (b) the land plans;
- (c) the works plans;
- (d) the street plans;
- (e) the traffic regulation order plans;
- (f) the sections;
- (g) the design brief;
- (h) the design drawings; and
- (i) the environmental statement,

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

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

### **Service of notices**

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

- (a) by post;

- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
  - (c) with the consent of the recipient and subject to paragraphs (6) to (8) by electronic transmission.
- (2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(24) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—
- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
  - (b) in any other case, the last known address of that person at the time of service.
- (4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—
- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- (5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled only where—
- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
  - (b) the notice or document is capable of being accessed by the recipient;
  - (c) the notice or document is legible in all material respects; and
  - (d) 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**

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

## **Procedure in relation to certain approvals etc. other than under Schedule 2**

44.—(1) In this article “plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(2) Where an application is made to the relevant planning authority, a highway authority, a street authority, a traffic authority or the owner of a sewer for any consent, agreement or approval required under any of the provisions of this Order other than under Schedule 2 (requirements), such application must, where appropriate, be accompanied (if not already provided) by proper and sufficient plans of the proposal and such consent, agreement or approval must, if given, be in writing and may be given subject to such reasonable terms and conditions as the authority or owner may require and must not be unreasonably withheld.

(3) If, within 28 days after the application has been submitted to the authority or owner, it has not intimated its disapproval and the grounds of disapproval, it is deemed to have approved the application.

(4) In the event of any refusal or disapproval by the authority or owner, Network Rail may resubmit a revised application, or revised plans in support of the original application, and, in that event, if the authority or owner has not intimated its refusal or disapproval and the grounds of refusal or disapproval within 28 days of the revised application or of revised plans being submitted, it is deemed to have given its consent or agreement to, or its approval of, them.

(5) Network Rail must not carry out the proposal until such plans have been approved or are deemed to have been approved or have been settled by arbitration in accordance with article 43 (arbitration).

## **Further provision as to approvals etc. under Schedule 2**

45.—(1) Where the application is for a consent, agreement or approval required by a requirement under Schedule 2 (requirements), the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of a planning permission—

- (a) sections 78 (other than paragraph (a) of subsection (2)) and 79 of the 1990 Act (right of appeal in relation to planning decisions); and
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Signed by authority of the Secretary of State for Transport

31st March 2014

*Martin Woods*  
Head of the Transport and Works Act Orders  
Unit  
Department for Transport

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## SCHEDULES

### SCHEDULE 1

Article 2

#### AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 25 of the 2008 Act comprising—

##### **In the county of Staffordshire and the Borough of Stafford**

**Work No. 1** — A two track railway commencing at a junction with the existing West Coast Main Line railway at Little Bridgeford Junction, crossing over the diverted River Sow by means of Underbridge 1 (which is to be widened), continuing on embankment adjacent to a culvert proposed to be infilled under the existing West Coast Main Line (Underbridge 1A), then continuing on embankment over the diverted Meece Brook (Work No. 6) by means of Underbridge 2 and then passing into deep cutting to Searchlight Lane Junction, including cess and crest drainage outfalls into the diverted River Sow from the south and north (at Underbridge 1) and the diverted Meece Brook from the north (at Underbridge 2); an attenuation pond at Underbridge 2 including outfall headwall structure and parallel overflow spillway; passing under Work No. 7 at Overbridge 3; mitigation earthworks bunds; and diversion and alteration works to two distribution electricity services; then a single track railway running in cutting, passing under Work No. 11 at Overbridge 10A, then running onto embankment and crossing the diverted Meece Brook (Work No. 13) at Underbridge 11 (including cess and crest drainage from the south and outfalls into the diverted Meece Brook via an attenuation pond including outfall headwall structure and parallel overflow spillway) then in cutting past a further attenuation pool and outfalls into Meece Brook from the north, and terminating at a junction with the West Coast Main Line adjacent to Heamies Bridge at the northern end of the works including mitigation earthwork bunds along the alignment and all associated items that comprise a railway including track, cess drainage, combined troughing and walking route, overhead line electrification (new and alteration to existing), signalling, telecommunications and cutting or embankment earthworks, maintenance access track, crest drainage (where on sidelong ground) and boundary fencing;

**Work No. 8** — A two track railway commencing at a junction with Work No. 1 (Searchlight Lane Junction) and terminating at the Yarnfield Junction with the Norton Bridge to Stone branch railway line, initially in cutting, then on embankment, crossing the West Coast Main Line by means of Intersection Bridge 5 and the diverted Meece Brook (Work No. 15) by means of Underbridge 6, then in cutting passing under the diverted Meece Road (Work No. 12) by means of Overbridge 7, including a widening of existing Underbridge 8 the replacement of the existing foot crossing at Mid Norton (Chebsey Footpath 10) with a new footbridge (FB9) including track, cess drainage, combined troughing and walking route, overhead line electrification (new and alteration to existing), signalling, telecommunications, cutting and embankment earthworks, a maintenance access track, crest drainage (where on sidelong ground) and boundary fencing; and cess drainage outfalls into the diverted Meece Brook from the east and west, via attenuation ponds including outfall headwall structure and parallel overflow spillways, adjacent to the Underbridges 6 and 6A river diversion, with access tracks to both attenuation ponds from the existing B5026; and cess drainage outfalls into the

unnamed watercourse at Underbridge 8, from the east; and mitigation earthwork bunds along the alignment;

Associated development comprising—

**In the county of Staffordshire and the Borough of Stafford**

**Work No. 2** — The formation of a right hand turn lane on the A5013, north of Great Bridgeford, and the re-modelling of its junction with Chebsey Lane, including the diversion and protection of telecommunications cables;

**Work No. 3** — The remodelling of the junction of the A5013 with Chebsey Lane, including a widening of Chebsey Lane up to the bellmouth entrance to the temporary construction compound, a passing place and the diversion and protection of telecommunications cables, followed by a reinstatement to the existing width of the widened lane and remodelled junction;

**Work No. 4** — A compacted stone access track with passing places from Chebsey Lane to a fenced compound adjacent to the new railway (Work No. 1) at Little Bridgeford Junction, with parking facilities, including the diversion/protection of a water main in the area of the fenced compound;

**Work No. 5** — A diversion of the River Sow and a widening of the existing West Coast Main Line bridge (Underbridge 1), including earthworks on the southern side and cutting back the existing river cliff;

**Work No. 6** — A diversion of the Meece Brook to provide a perpendicular crossing of the proposed railway by means of Underbridge 2;

**Work No. 7** — A diversion of Searchlight Lane with the diverted road being carried over the proposed railway cutting, including new highway drainage, passing places and the diversion of existing telecommunications and water services along the new alignment, the stopping up of the old alignment where no longer required, the provision of access to adjacent land on both sides of the diverted road to the west of Overbridge 3 including parking facilities and the provision of access to adjacent land on the south side of the diverted road to the east of Overbridge 3;

**Work No. 9** — A surfaced access track commencing at a compound adjacent to the new railway (Work No. 1) at Searchlight Lane junction and terminating near the diverted B5026 (Work No. 11). The compound will include a new Distribution Network Operator power supply, welfare facilities, parking facilities and water supply, a principal supply point and relocatable equipment building;

**Work No. 10** — A remodelling of the junction of Scannell Lane with the diverted B5026 (Work No. 11), including new highway drainage and diversion of an existing water main and a new field access on the east side of Scannell Lane;

**Work No. 11** — A diversion of the existing B5026 passing above existing ground level, in a false cutting formed by mitigation earthworks bunds, over Work No. 1 by means of Overbridge 10A, continuing east over the existing West Coast Main Line by means of railway Overbridge 5A, then running on embankment, shared with the railway, over the diverted Meece Brook (Work No. 15) by means of Underbridge 6A, then continuing on embankment, with mitigation earthwork bunds, again forming a cutting, and terminating at a new roundabout junction with the diverted Meece Road (Work No. 12), including access to adjacent land on the north side, to the west of bridge 10A, access to adjacent land on the north side of the road to the west of the West Coast Main Line Overbridge 5A (opposite the new access road junction to Searchlight Lane Junction compound (Work No. 9) and access to adjacent land in the south verge on the approach to Meece Road, the diversion to include new highway drainage and partial diversion of existing electricity,

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telecommunications and water services, and a stopping up of the old alignment where no longer required;

**Work No. 12** — A diversion of the existing Meece Road including Overbridge 7 carrying the new highway over the proposed cutting and new highway drainage and diversion of an existing telecommunications service along the new alignment and a stopping up of the old alignment where no longer required. Access to adjacent land will also be provided in the western verge between Overbridge 7 and the existing Meece Road roundabout;

**Work No. 13** — A diversion of the existing Meece Brook to provide a perpendicular crossing of the proposed railway (Work No. 1) at Underbridge 11 and to move the current channel away from the toe of the proposed railway embankment on the west side;

**Work No. 14** — A diversion of Chebsey Footpath 11 to follow the proposed boundary on the west side of Work No 1 to include a new pedestrian bridge over Meece Brook, passing onto Network Rail property continuing along the access track for the attenuation pond; then passing onto the proposed B5026 (Work No. 11), crossing bridge 10A before leaving the highway alignment turning down the Searchlight Lane maintenance compound access road and crossing over, running along the crest of a mitigation bund and then running parallel to the West Coast Main Line Intersection Bridge 5 before tying back into the existing alignment on the existing B5026 opposite the end of Station Road;

**Work No. 15** — A diversion of the existing Meece Brook to provide a perpendicular crossing of the proposed railway at Underbridges 6 and 6A;

**Work No. 16** — A compacted stone access track with passing places, running from the existing layby on the B5026 to a fenced compound adjacent to the new railway (Work No 8) at Yarnfield Junction, to include a new Distribution Network Operator supply;

**Work No. 17** — Diversion (approximately 610 metres in length) of high pressure gas pipe-line (Feeder No. 21), beneath the railway cutting to the south of Searchlight Lane;

**Work No. 18** — Diversion (approximately 266 metres in length) of high pressure gas pipe-line (Feeder No. 21), parallel to the railway cutting to the north of Searchlight Lane;

**Work No. 19A** — Diversion (approximately 488 metres in length) of high pressure gas pipeline (Feeder No. 4) by horizontal directional drilling beneath the railway in cutting in the vicinity of Searchlight Lane Junction;

**Work No. 19B** — Diversion (approximately 426 metres in length) of high pressure gas pipeline (Feeder No.4) by opencut or microtunnelling beneath the railway in cutting in the vicinity of Searchlight Lane Junction;

**Work No. 20** — Diversion (approximately 680 metres in length) of fuel pipe-line beneath the railway in cutting in the vicinity of Searchlight Lane Junction,

and such further associated development within Order limits as may be necessary or expedient for the purposes of or in connection with the construction of those works or any of them consisting of—

- (a) demolition, site clearance, devegetation, remediation, the erection of contractors' works compounds, the erection of site offices and the erection of fencing to site boundaries;
- (b) electrical equipment and signalling works;
- (c) ramps, means of access, footpaths and bridleways;
- (d) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, wing walls, fencing and culverts;
- (e) works to alter the position of apparatus, including mains, sewers, drains and cables;



- (f) works to alter the course of, or that otherwise interfere with, a watercourse other than a navigable watercourse;
- (g) landscaping and habitat replacement (including replacement bat accommodation) and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;
- (i) works required for the strengthening, improvement, maintenance, or reconstruction of any streets and the grubbing up of any former street;
- (j) working sites and works of demolition; and
- (k) such other work as may be necessary or expedient for the purposes of or in connection with the construction of those works and which falls within the scope of the environmental impact assessment recorded in the Environmental Statement.

## SCHEDULE 2

Article 4

### REQUIREMENTS

#### *Interpretation*

1. In this Schedule—

“CEMP” means the Construction Environmental Management Plan to be submitted to and approved by the relevant planning authority, a draft of which is included in Appendix 6, Volume 2 (Folder 2) of the Environmental Statement; and

“Staffordshire Alliance” means the alliance formed by Network Rail with its contractors to progress and implement the works authorised by this Order.

#### *In accordance with approved details*

2. The authorised development must be carried out in accordance with the design drawings subject to such non-material amendments as are approved in writing by the relevant planning authority; provided that such approval is not given except where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

#### *Construction Environmental Management Plan*

3.—(1) The authorised development must not be commenced until the following aspects of the CEMP have been submitted to and approved by the relevant planning authority.

(2) The CEMP must incorporate the findings and recommendations of the Environmental Statement and the design brief.

(3) The authorised development must be carried out in accordance with the CEMP.

(4) The CEMP must incorporate the following plans and programmes—

(a) External Communications Management Plan—

(i) External communications programme;

(ii) External complaints procedure;

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- (b) Pollution Incident Prevention and Control Plan—
  - (i) Identification of potential pollution source, pathway and receptors;
  - (ii) Control measures to prevent pollution release to water, ground and air (including detail of the surface/ground water management plan);
  - (iii) Control measures for encountering potential contaminated land;
  - (iv) Monitoring regime;
  - (v) Emergency environmental incident response plan;
  - (vi) Incident investigation and reporting;
  - (vii) Review/change management and stakeholder consultation;
- (c) Site Waste Management Plan—
  - (i) Management of excavated material and other waste arising;
  - (ii) Waste minimisation;
  - (iii) Material re-use;
- (d) Materials Management Plan—
  - (i) Material classification;
  - (ii) On site re-use criteria and measures;
  - (iii) Hazardous waste management;
  - (iv) Disposal measures;
- (e) Traffic Management Plan—
  - (i) Roles and responsibilities;
  - (ii) Permitted and banned construction traffic routes and the mechanisms to be put in place by Network Rail and its contractors to enforce their compliance;
  - (iii) Procedures for working on the highway;
  - (iv) Road signage plans;
  - (v) Monitoring and reporting measures;
  - (vi) Access strategy and traffic management at the access off the roadside lay-by (off the B5026 between the roundabout and Stone);
  - (vii) The interfaces between the haul road and public highway (the crossing points at Searchlight Lane and the B5026);
- (f) Travel Plan—
  - (i) Measures to manage contractor travel to the site compounds such as on-site or remote car parking management, car sharing, works shuttle bus etc.;
  - (ii) Mechanisms for reviewing and monitoring;
- (g) Nuisance Management Plan (Noise, Vibration, Dust, Air Pollution and Lighting)—
  - (i) Roles and responsibilities;
  - (ii) Specific risk assessment – identification of sensitive receptors and predicted impacts;
  - (iii) Standards and codes of practice;
  - (iv) Specific control and mitigation measures;
  - (v) Details of any section 61 consent;
  - (vi) Monitoring regime – dust and noise;
  - (vii) Review/change management and stakeholder consultation;

- (viii) Notification of working hours;
- (h) Landscape and Ecology Management Plan (“LEMP”)—
  - (i) Roles and responsibilities;
  - (ii) Protection controls for retained landscape features, habitats and species;
  - (iii) Controls for protection of Doxey and Tillington Marshes SSSI;
  - (iv) Detailed mitigation for Meece Brook and Yelds Rough SBI;
  - (v) Detailed plans and specifications for ecological and landscape mitigation;
  - (vi) 5 year establishment, maintenance and monitoring plans for planting, ecology and geomorphology;
  - (vii) Aftercare and maintenance plans for habitats on Network Rail land (post 5 years);
  - (viii) Aftercare and maintenance guidelines for habitats on Staffordshire County Council highways land (post 5 years);
  - (ix) Aftercare and maintenance guidelines for habitats on other land (post 5 years);
  - (x) Habitat and protected species monitoring plans (to include scope, methods and reporting mechanism);
  - (xi) Bat roost replacement plans;
  - (xii) Soil Management Plan interface strategy;
  - (xiii) Change control, review and consultation processes;
  - (xiv) Tree survey validation and tree protection plan in accordance with BS 5837: 2012 (trees in relation to design, demolition and construction);
- (i) Archaeological management plan—
  - (i) Roles and responsibilities;
  - (ii) Review/change management and stakeholder consultation protocols;
  - (iii) Procedures for dealing with unexpected significant archaeological discoveries;
  - (iv) Programme of archaeological mitigation;
  - (v) Post excavation reporting and archiving;
- (j) Soil Management Plan—
  - (i) Soil resource survey;
  - (ii) Soil resource plan – including protection of in situ soils, handling and storage codes of practice;
  - (iii) On site re-use criteria and measures;
  - (iv) Hazardous waste management;
  - (v) Strategy for interface with LEMP.
- (5) The CEMP must require—
  - (a) adherence to the relevant Environment Agency Pollution Prevention Guidelines PPG1, PPG5, PPG6, PPG21 and PPG22; and
  - (b) adherence to working hours of 7am to 7pm on Mondays to Fridays and 7am to 1pm on Saturdays except that:
    - (i) work on or adjacent to the operational railway may be carried out at other times if it would otherwise interfere with the operation of the railway; and
    - (ii) work may be carried out on Sundays, Bank Holidays and Public Holidays and after 1pm on Saturdays after prior notification to the relevant planning authority and

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affected residents in accordance with a notification procedure agreed by the relevant planning authority.

#### *Landscaping and habitat replacement*

4.—(1) No authorised development may commence in any geographical area, those areas to be identified on a plan previously submitted to the relevant planning authority, unless and until a written landscaping and habitat replacement scheme for that area has been submitted to and approved by the relevant planning authority.

(2) The submitted scheme must incorporate—

- (a) the mitigation measures described in section 8 (Mitigation) of Technical Appendix Report 8 (Landscape and Visual Technical Report) to Volume 3 of the Environmental Statement and in the design brief; and
- (b) details of—
  - (i) location, number, species, size, planting density and planting method and protection of any proposed planting;
  - (ii) cultivation, other amelioration where appropriate, importing of materials and other operations to ensure plant establishment;
  - (iii) implementation timetables for all landscaping and habitat replacement;
  - (iv) temporary fencing that complies with best practice to protect trees and hedgerows adjacent to the works; and
  - (v) a 5 year aftercare programme including weed control and pruning, if required, to promote establishment and timely rectification of defects.

#### *Implementation and maintenance of landscaping and habitat replacement*

5.—(1) All landscaping and habitat replacement work must be carried out in accordance with the scheme and implementation timetable approved under requirement 4.

(2) Any tree or shrub or other habitat replacement planted as part of an approved landscaping and habitat replacement scheme or ecological management plan 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, or has failed to become established, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives consent to any variation.

#### *Highway works*

6. Prior to and during the carrying out of any highway work and during any defects period applicable to that work, Network Rail must afford the highway authority the opportunity to inspect, monitor, survey, and comment upon the carrying out of the work and the remedying of any defects resulting from the work and to approve the standard to which such work (including the remedying of any defects) is carried out, by—

- (a) using the quality processes of the Staffordshire Alliance, as agreed from time to time by Network Rail, including inspection and test plans for all elements of the works under which the highway authority is to be an inspection authority;
- (b) providing shared working facilities, including access to welfare and office facilities, for the highway authority at the Chebsey Lane works compound and the B5026/Meece Road works compound;

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- (c) giving the highway authority access to the documents in the Staffordshire Alliance’s electronic document management system that relate to the highway works authorised by this Order; and
- (d) allowing the highway authority such access to any highway work as it may reasonably require.

7. Network Rail must carry out stage 2, 3 and 4 road safety audits of the highway works authorised by this Order in accordance with the Standard HD 19/03 of the Department for Transport’s Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must remedy to the reasonable satisfaction of the highway authority any defects identified in any such road safety audits.

*Alteration, reconstruction or replacement of buildings or bridges*

8. No alteration, reconstruction or replacement of a building or bridge is to be carried out under article 5 (maintenance of authorised development) except in accordance with plans and specifications approved by the relevant planning authority.

*Amendments to approved details*

9. With respect to any requirement which requires the authorised development to be carried out in accordance with details approved by the relevant planning authority, the approved details are taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

SCHEDULE 3

Article 8

STREETS SUBJECT TO ALTERATION OF LAYOUT

**In the County of Staffordshire and the Borough of Stafford**

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
B5026	Construction of turning head where B5026 is to be stopped up at point W on the street plans
Station Road/B5026	Change in road markings/right of way designation between points X and Y on the street plans

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## SCHEDULE 4

Article 9

## STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
County of Staffordshire, Borough of Stafford	Eccleshall Road A5013  Chebsey Lane  Worston Lane  Searchlight Lane  Station Road  Scannell Lane  Stone Road B5026  Eccleshall Road B5026  Meece Road

## SCHEDULE 5

Article 11

## STREETS TO BE STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New street to be substituted</i>
County of Staffordshire, Borough of Stafford	B5026 (Stone Road)	Stopping up of highway between points R and S and V and W	Provision of new highway between points M and Q
County of Staffordshire, Borough of Stafford	Searchlight Lane	Stopping up of Searchlight Lane between points H and K	Provision of new access over highway between points H and L
County of Staffordshire, Borough of Stafford	Meece Road	Stopping up of Meece Road between points AA and Z and BA and CA	Provision of new access over highway between points AA and EA
County of Staffordshire, Borough of Stafford	Footpath 11	Stopping up of Chebsey Footpath 11 between points 1 and 8	New footpath to be created between points

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New street to be substituted</i>
			1 and 8 via points 9A to 22
County of Staffordshire, Borough of Stafford	Footpath 10	Stopping up of Chebsey Footpath 10 between points 26, 27, 28 and 29	New footpath to be created between points 26 to 29 via point 30, then over new footbridge and then via point 31

SCHEDULE 6

Article 17

REPLACEMENT AND CLOSURE OF LEVEL CROSSING

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Level crossing to be discontinued</i>	<i>(3)</i> <i>Street to be stopped up</i>	<i>(4)</i> <i>New street to be substituted</i>
County of Staffordshire, Borough of Stafford	Footpath 10 across the Stone railway line at Mid Norton	Between points 27 and 28 on the street plans	A new footbridge 15 metres from existing level crossing

SCHEDULE 7

Article 22

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

PART 1

NETWORK RAIL

<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
11a, 29a, 30a, 42, 52a, 55, 130a, 141, 156a, 170, 174, 175, 178a and 211	Vehicular access
210a and 212	Vehicular access and power supply

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**PART 2**  
**NATIONAL GRID**

<i>(1)</i>	<i>(2)</i>
<i>Number of land shown on land plans</i>	<i>Purpose for which rights may be acquired</i>
30, 30a, 33, 34, 37, 38, 56, 58, 59, 61, 65, 67 and 71	Construction and maintenance of pipe-line

SCHEDULE 8

Article 22

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

*Compensation enactments*

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

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

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

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

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there are substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there are substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there are substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there are substituted the words “right or restrictive covenant is”.

*Application of the 1965 Act*

**3.—(1)** The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition



under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired or the restrictive covenant imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable.

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

4. For section 7 of the 1965 Act (measure of compensation) there is substituted the following section—

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

5. For section 8 of the 1965 Act (provisions as to divided land) there is substituted the following section—

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

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

the Network Rail (Norton Bridge Area Improvements) Order 2014<sup>(25)</sup> (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

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

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection

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(25) S.I. 2014/909.

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to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

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

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

are modified 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.

7. Section 11 of the 1965 Act (powers of entry) is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

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

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

## SCHEDULE 9

Articles 28 and 29

## LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

## PART 1

## NETWORK RAIL

**In the County of Staffordshire and the Borough of Stafford**

<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
1	A5013 signage Access to works	Work No.2 Work Nos. 17, 18, 19A and 19B	
2	A5013 improvement Access to works	Work No.2 Work Nos. 17, 18, 19A and 19B	
4	Storage and overspill parking	Work Nos. 2 and 3	
5	Road widening	Work No.3	
6	Access to works	Work No.3	
7	Vehicle passing place Access to works	Work No.3 Work Nos. 17, 18, 19A and 19B	
8	Works compound Access to works	Work Nos. 3 and 4 Work Nos. 17, 18, 19A and 19B	
9	For West Coast Main Line connection	Work No.1	
11a	Part of compound Access to works	Work No.4 Work Nos. 17, 18, 19A and 19B	Access for maintenance vehicles
12, 14, 21	River diversion	Work No.5	Diverted river and earthworks
13	Works compound Access to works	Work Nos. 4 and 5 Work Nos. 17, 18, 19A and 19B	
15	Access to works	Work Nos. 3 and 4	
16	Part of compound	Work Nos. 1 and 3	

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<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
19	Access to works Access to works	Work No.1 Work Nos. 17, 18, 19A and 19B	
20	Part of compound	Work Nos. 1 and 3	
22, 47	Access to works	Work No.1	
24, 28	River diversion	Work No.6	Diverted river and earthworks
29	Access to works	Work Nos. 1 and 6	
29a	Access to works	Work No.1	Access track
30	Access to works Access to works	Work No.1 Work Nos. 17, 18, 19A and 19B	
30a	Access to works	Work Nos. 1, 17, 18, 19A and 19B	Access track and backfill of marl pit to support access track
33, 34, 38	Construction and maintenance of pipe-line	Work No.17	Pipe-line
34a, 36	Tree planting	Work No.1	Replacement woodland
35	Working area for tree planting	Work No.1	
37a	Works compound Access to works	Work No. 1 Work Nos. 17, 18, 19A and 19B	
40	Access to works	Work No.1	Access track and fencing
42	Access to works Access to works	Work No.1 Work Nos. 17, 18, 19A and 19B	Access track
43, 51	Road works	Work No.7	Roadway
52	Road works Access to works	Work No.7 Work Nos. 17, 18, 19A and 19B	
52a	Access to works	Work Nos.17, 18, 19A and 19B	Access track
53, 55	Access to works	Work No.7	

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(1) <i>Number of land shown on land plans</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>	(4) <i>Element of Work in respect of which land is not required to be re-instated</i>
	Access to works	Work Nos. 17, 18, 19A and 19B	
56	Works compound and construction of pipe-line	Work Nos. 1, 18, 19A and 19B	Pipe-line and access road
57	Grub up highway	Work No.7	Removal of road surface
59	Access to works	Work Nos. 1, 18, 19A and 19B	Pipe-line
61, 65, 67	Construction of pipe-line	Work Nos. 19A and 19B	Pipe-line
62, 63	Access to Works	Work No.1	
64	Environmental mitigation	Work No.1	Replacement newt habitat
71	Access to works	Work No.19A	
72, 73, 82, 82a, 84	Access to works	Work No.20	
77	Access to works	Work Nos. 1, 19A and 19B	
78, 83, 103, 107, 107a, 108	Earthworks	Work No.1	Earthworks and landscaping
85, 91, 92	Earthworks	Work Nos. 1 and 8	Earthworks and landscaping
94, 116, 121, 122	Works compound	Work Nos. 1, 8 and 9	Earthworks and landscaping
97, 99, 176, 201	Access to works	Work No.8	
98	Earthworks	Work No.1	Earthworks, landscaping and replacement bat accommodation
102	Drainage works	Work No.1	Drainage
105, 105a	Junction remodelling	Work No.10	Roadway
110	Remodel B5026	Work No.8	Roadway and turning head
114, 120	Grub up highway	Work Nos. 1 and 8	Removal of road surface
115	Works compound	Work Nos. 1, 8 and 9	

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<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
127	Grub up highway	Work No.11	Removal of road surface
128	Roadworks	Work No.11	Roadway
130a, 141	Access to works	Work No.1	Access track
131, 132	Works compound	Work No.1	Earthworks and landscaping
133, 136	Access to works	Work Nos. 1 and 13	
134	Mitigation work and river diversion	Work Nos. 1 and 13	Fen and swamp habitat replacement and diverted river
140, 142	Access to works	Work No.1	
143	Access to works	Work Nos. 1, 13 and 14	
144, 145	Working area for earthworks	Work Nos. 8 and 11	
149	Remodel Station Road junction	Work No.8	Roadway
151	Road works	Work Nos. 8 and 11	
152	Works to utilities	Work Nos. 8 and 11	Landscaping
153, 154	Access to compounds and works	Work No.8	
155	Works compound	Work No.8	Landscaping
156a	Access to works	Work No.8	Access track
162, 163	Access to works	Work Nos. 11 and 15	Habitat creation
164	Access to works and river diversion	Work Nos. 11 and 15	Diverted river and habitat creation
170, 171	Access to works	Work Nos. 8 and 15	Access
172, 173	Access to works	Work Nos. 8 and 15	
174, 175, 178a	Access to works	Work No.8	Access track
177	Works compound and formation of access	Work Nos. 8 and 11	Earthworks landscaping, access and access track
179	Access to works	Work Nos. 8, 11 and 15	

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<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
180, 182	Earthworks	Work Nos. 8 and 11	Earthworks and landscaping
181	Works to utilities	Work Nos. 8 and 11	
184, 193, 194, 195	Road works	Work No.12	Roadway
186	Works compound	Work No.12	
187	Grub up highway	Work No.12	Removal of road surface
189	Earthworks	Work Nos. 8, 11 and 12	Earthworks and landscaping
192, 196, 199	Earthworks	Work No.12	Earthworks and landscaping
198	Access to severed land	Work No.12	Access to severed land
203	Fencing	Work Nos. 8 and 12	
204, 206, 208	Access to works	Work No.8	
209	Access to works	Work No.16	
210a, 212	Access to works and installation of power supply	Work No.16	Power cables
211	Access to works	Work No.16	Access track

## PART 2

### NATIONAL GRID

#### **In the County of Staffordshire and the Borough of Stafford**

<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
1, 2, 3, 5, 7, 8, 11, 11a, 13, 19, 30, 30a, 37a, 42, 49, 50, 54, 55	Worksites and access to works	Work Nos. 17, 18, 19A and 19B

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(1) <i>Number of land shown on land plans</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>
33, 34, 37, 38	Construction and maintenance of pipe-line	Work No.17
34a (part)	Construction of pipe-line	Work No.17
52, 52a	Worksites and access to works	Work Nos. 17, 18, 19A and 19B
56	Construction of pipe-line	Work Nos. 18, 19A and 19B
57	Worksites and access to works	Work Nos. 18, 19A and 19B
58, 59, 65, 67	Construction of pipe-line	Work Nos. 19A and 19B
61, 66, 77	Worksites and access to works	Work Nos. 19A and 19B
71	Construction of pipe-line	Work No.19A
76, 80, 87, 90, 96	Worksites and access to works	Work Nos. 18, 19A and 19B

## SCHEDULE 10

Article 39

## PROTECTIVE PROVISIONS

## PART 1

PROTECTION FOR ELECTRICITY, GAS,  
WATER AND SEWERAGE UNDERTAKERS

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

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(26)), belonging to or maintained by that undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—

(26) 1989 c. 29.



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- (i) any drain or works vested in the undertaker under the Water Industry Act 1991(27); and
- (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

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

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

“functions” includes powers and duties;

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

“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(28);
- (c) a water undertaker within the meaning of the Water Industry Act 1991;
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991; and
- (e) UKOP,

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

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

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

5.—(1) If, in the exercise of the powers conferred by this Order, Network Rail acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of an 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 undertaker in question.

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of Network Rail, or Network Rail is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such

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(27) 1991 c. 56.

(28) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000 (c. 27).

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apparatus is to be constructed, the undertaker in question must, on receipt of a written notice to that effect from Network Rail, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of Network Rail under this Part of this Schedule is to be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and Network Rail or in default of agreement settled by arbitration in accordance with article 43 (arbitration).

(5) The undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 43, and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by Network Rail to be removed under the provisions of this Part of this Schedule.

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

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

6.—(1) Where, in accordance with the provisions of this Part of this Schedule, Network Rail affords to an undertaker facilities and rights for the construction and maintenance in land of Network Rail of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between Network Rail and the undertaker in question or in default of agreement settled by arbitration in accordance with article 43 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in or along any railway of Network Rail, the arbitrator must—

- (a) give effect to all reasonable requirements of Network Rail for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of Network Rail or the traffic on the railway; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or along the railway for which the alternative apparatus is to be substituted.

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

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

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

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

(4) If an undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by Network Rail, reasonably requires the removal of any apparatus and gives written notice to Network Rail of that requirement, paragraphs 1 to 6 apply as if the removal of the apparatus had been required by Network Rail under paragraph 5(2).

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

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

**8.—(1)** Subject to the following provisions of this paragraph, Network Rail must repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus (including costs or compensation payable in connection with the acquisition of land for that purpose) which may be required in consequence of the execution of any such works as are referred to in paragraph 5(2).

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by Network Rail or, in default of agreement, is not determined by arbitration in accordance with article 43 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

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

(a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

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(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

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

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

- (a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker,

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

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

(3) An undertaker must give Network Rail reasonable notice of any such claim or demand and no settlement or compromise may be made without the consent of Network Rail which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

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

## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

(2) In this Part of this Schedule—

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

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

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act<sup>(29)</sup>;

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<sup>(29)</sup> See section 106.

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“electronic communications code network” means—

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

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

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

**12.** The exercise of the powers conferred by article 31 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984**(30)**.

**13.—**(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from any of the works comprised in the authorised development—

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

Network Rail must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and must—

- (i) make reasonable compensation to an operator for loss sustained by it; and
- (ii) indemnify an operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence of, any such damage or interruption.

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

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

(4) Any difference arising between Network Rail and the operator under this paragraph must be referred to and settled by arbitration under article 43 (arbitration).

**14.** This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between Network Rail and an operator are regulated by the provisions of Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

**15.** Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between Network Rail and an operator in respect of any apparatus laid or erected in land belonging to Network Rail on the date on which this Order is made.

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(30) 1984 c. 12.

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## SCHEDULE 11

Article 2

## PLANS AND DRAWINGS

**Note:**

In this Schedule a reference to a Regulation is to the quoted Regulation in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(31).

## PART 1

## DESIGN DRAWINGS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Design Drawings [Regulation 5(2)(o)] Key Plan	124130-EMF-DRG-ATK-910001	A01
Design Drawings [Regulation 5(2)(o)] Works Overview Sheet 1 of 4	124130-EMF-DRG-ATK-910002	A02
Design Drawings [Regulation 5(2)(o)] Works Overview Sheet 2 of 4	124130-EMF-DRG-ATK-910003	A02
Design Drawings [Regulation 5(2)(o)] Works Overview Sheet 3 of 4	124130-EMF-DRG-ATK-910004	A03
Design Drawings [Regulation 5(2)(o)] Works Overview Sheet 4 of 4	124130-EMF-DRG-ATK-910005	A02
Design Drawings [Regulation 5(2)(o)] Track Longitudinal Sections Down Slow	124130-EMF-DRG-ATK-910006	A01
Design Drawings [Regulation 5(2)(o)] Track Longitudinal Section Up Norton Bridge	124130-EMF-DRG-ATK-910007	A01
Design Drawings [Regulation 5(2)(o)] Highways Longitudinal Sections	124130-EMF-DRG-ATK-910008	A01
Design Drawings [Regulation 5(2)(o)] Highways Longitudinal Sections	124130-EMF-DRG-ATK-910014	A01
Design Drawings [Regulation 5(2)(o)] Footpath Longitudinal Sections	124130-EMF-DRG-ATK-910009	A02
Design Drawings [Regulation 5(2)(o)] Typical Earthworks Cross Sections Sheet 1 of 4	124130-EMF-DRG-ATK-910010	A01
Design Drawings [Regulation 5(2)(o)] Typical Earthworks Cross Sections Sheet 2 of 4	124130-EMF-DRG-ATK-910011	A01
Design Drawings [Regulation 5(2)(o)] Typical Earthworks Cross Sections Sheet 3 of 4	124130-EMF-DRG-ATK-910012	A01
Design Drawings [Regulation 5(2)(o)] Typical Earthworks Cross Sections Sheet 4 of 4	124130-EMF-DRG-ATK-910013	A01

(31) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/722, S.I. 2013/755.

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Design Drawings [Regulation 5(2)(o)] Underbridge 1 – LEC4 / 13 Widening Plans and Elevations	124130-EMF-DRG-ATK-910015	A02
Design Drawings [Regulation 5(2)(o)] Underbridge 1A Plans and Elevations	124130-EMF-DRG-ATK-910016	A01
Design Drawings [Regulation 5(2)(o)] Underbridge 2 – Meece Brook South Plans and Elevations	124130-EMF-DRG-ATK-910017	A02
Design Drawings [Regulation 5(2)(o)] Overbridge 3 – Searchlight Lane Plans and Elevations	124130-EMF-DRG-ATK-910018	A02
Design Drawings [Regulation 5(2)(o)] Intersection Bridge 5, WCML Plans and Elevations	124130-EMF-DRG-ATK-910020	A02
Design Drawings [Regulation 5(2)(o)] Overbridge 5A – WCML / B5026 Plans and Elevations	124130-EMF-DRG-ATK-910021	A02
Design Drawings [Regulation 5(2)(o)] Underbridges 6 & 6A – Meece Brook North Plan	124130-EMF-DRG-ATK-910022	A02
Design Drawings [Regulation 5(2)(o)] Underbridges 6 & 6A – Meece Brook North Sections and Elevations	124130-EMF-DRG-ATK-910023	A02
Design Drawings [Regulation 5(2)(o)] Overbridge 7 – Meece Road Plans and Elevations	124130-EMF-DRG-ATK-910024	A02
Design Drawings [Regulation 5(2)(o)] Underbridge 8 – NBS/9 Widening Plans and Elevations	124130-EMF-DRG-ATK-910025	A01
Design Drawings [Regulation 5(2)(o)] Footbridge 9 – Mid Norton Plans and Elevations	124130-EMF-DRG-ATK-910026	A01
Design Drawings [Regulation 5(2)(o)] Overbridge 10A – B5026 West Plans and Elevations	124130-EMF-DRG-ATK-910027	A02
Design Drawings [Regulation 5(2)(o)] Underbridge 11 – Meece Brook West Plans and Elevations	124130-EMF-DRG-ATK-910028	A02
Design Drawings [Regulation 5(2)(o)] Earthworks Cross Sections Sheet 1 of 5	124130-EMF-DRG-ATK-910115	A01
Design Drawings [Regulation 5(2)(o)] Earthworks Cross Sections Sheet 2 of 5	124130-EMF-DRG-ATK-910116	A01

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Design Drawings [Regulation 5(2)(o)] Earthworks Cross Sections Sheet 3 of 5	124130-EMF-DRG-ATK-910117	A01
Design Drawings [Regulation 5(2)(o)] Earthworks Cross Sections Sheet 4 of 5	124130-EMF-DRG-ATK-910118	A01
Design Drawings [Regulation 5(2)(o)] Earthworks Cross Sections Sheet 5 of 5	124130-EMF-DRG-ATK-910119	A01
Highway Diversion and Maintenance Access Key Plan	124130-ECV-DRG-ATK-038101	B03
B5026 Diversion Plan and Longsection Sheet 1 of 8	124130-ECV-DRG-ATK-038311	B03
B5026 Diversion Plan Sheet 2 of 8	124130-ECV-DRG-ATK-038312	B03
B5026 Diversion Plan Sheet 3 of 8	124130-ECV-DRG-ATK-038313	B03
B5026 Long Section Sheet 4 of 8	124130-ECV-DRG-ATK-038314	B03
B5026 Diversion Plan and Long Section Sheet 5 of 8	124130-ECV-DRG-ATK-038315	B03
B5026 Diversion Plan and Long Section Sheet 6 of 8	124130-ECV-DRG-ATK-038316	B03
B5026 Diversion Plan and Long Section Sheet 7 of 8	124130-ECV-DRG-ATK-038317	B03
B5026 Diversion Plan and Long Section Sheet 8 of 8	124130-ECV-DRG-ATK-038318	B04
Searchlight Lane Diversion Plan and Long Section Sheet 1 of 2	124130-ECV-DRG-ATK-038319	B04
Searchlight Lane Diversion Plan and Long Section Sheet 2 of 2	124130-ECV-DRG-ATK-038320	B04
Searchlight Lane Junction Maintenance Compound General Arrangement	124130-ECV-DRG-ATK-038386	B03
Yarnfield Junction Maintenance Compound General Arrangement	124130-ECV-DRG-ATK-038387	B03
Little Bridgeford Maintenance Compound General Arrangement	124130-ECV-DRG-ATK-038388	B03
Highway Standard Details	124130-ECV-DRG-ATK-038001	B03
B5026 Diversion Fencing and Road Restraint Systems	124130-ECV-DRG-ATK-038341	B03
B5026 Diversion Fencing and Road Restraint Systems	124130-ECV-DRG-ATK-038342	B03
B5026 Diversion Fencing and Road Restraint Systems	124130-ECV-DRG-ATK-038343	B03
B5026 Diversion Fencing and Road Restraint Systems	124130-ECV-DRG-ATK-038344	B03



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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Searchlight Lane Fencing and Road Restraint Systems	124130-ECV-DRG-ATK-038345	B04
B5026 Diversion Pavement, Footways and Paved Areas Sheet 1 of 4	124130-ECV-DRG-ATK-038351	B03
B5026 Diversion Pavement, Footways and Paved Areas Sheet 2 of 4	124130-ECV-DRG-ATK-038352	B03
B5026 Diversion Pavement, Footways and Paved Areas Sheet 3 of 4	124130-ECV-DRG-ATK-038353	B03
B5026 Diversion Pavement, Footways and Paved Areas Sheet 4 of 4	124130-ECV-DRG-ATK-038354	B03
Searchlight Lane Diversion Pavement, Footways and Paved Areas	124130-ECV-DRG-ATK-038355	B04
B5026 Diversion Kerbs Sheet 1 of 4	124130-ECV-DRG-ATK-038361	B03
B5026 Diversion Kerbs Sheet 2 of 4	124130-ECV-DRG-ATK-038362	B03
B5026 Diversion Kerbs Sheet 3 of 4	124130-ECV-DRG-ATK-038363	B03
B5026 Diversion Kerbs Sheet 4 of 4	124130-ECV-DRG-ATK-038364	B03
Searchlight Lane Kerbs	124130-ECV-DRG-ATK-038365	B04
B5026 Diversion Traffic Signs & Road Markings	124130-ECV-DRG-ATK-038371	B03
B5026 Diversion Traffic Signs & Road Markings	124130-ECV-DRG-ATK-038372	B03
B5026 Diversion Traffic Signs & Road Markings	124130-ECV-DRG-ATK-038373	B03
Searchlight Lane Traffic Signs & Road Markings	124130-ECV-DRG-ATK-038375	B04
B5026 Diversion Traffic Signs Details	124130-ECV-DRG-ATK-038003	B03
B5026 Diversion Traffic Signs Details	124130-ECV-DRG-ATK-038004	B03
B5026 Diversion Traffic Signs Details	124130-ECV-DRG-ATK-038005	B03
B5026 Diversion Traffic Signs Details	124130-ECV-DRG-ATK-038006	B03
B5026 Diversion Traffic Signs Details	124130-ECV-DRG-ATK-038007	B03
B5026 Diversion Proposed Street Lighting Layout	124130-ECV-DRG-ATK-038381	B03
B5026 Diversion Proposed Street Lighting Wiring Diagram	124130-ECV-DRG-ATK-038382	B03
Scannell Lane Sections	124130-ECV-DRG-ATK-038395	B03
Drainage Key Plan	124130-ECV-DRG-ATK-020100	B03
Drainage Network Layout Sheet 1 of 2	124130-ECV-DRG-ATK-020150	B03
Drainage Network Layout Sheet 2 of 2	124130-ECV-DRG-ATK-020151	B03

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
B5026 Diversion Drainage Sheet 1 of 4	124130-ECV-DRG-ATK-028311	B03
B5026 Diversion Drainage Sheet 2 of 4	124130-ECV-DRG-ATK-028312	B03
B5026 Diversion Drainage Sheet 3 of 4	124130-ECV-DRG-ATK-028313	B03
B5026 Diversion Drainage Sheet 4 of 4	124130-ECV-DRG-ATK-028314	B03
Searchlight Lane Drainage	124130-ECV-DRG-ATK-028315	B04
Chebsey Lane General Arrangement (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035310	B01
Chebsey Lane Fencing, Pavement & Kerbs (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035311	B01
Chebsey Lane Lighting (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035312	B01
Chebsey Lane Drainage	NBSAIP-ASA-DRG-EHW-035313	B01
Chebsey Lane Traffic Signs, Road Markings & Signals (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035314	B01
Chebsey Lane Extent of Temporary 40 mph Speed Limit (TRO)	NBSAIP-ASA-DRG-EHW-035315	B01
Chebsey Lane General Arrangement (Permanent Situation)	NBSAIP-ASA-DRG-EHW-035320	B01
Chebsey Lane Pavement And Kerbing (Permanent Situation)	NBSAIP-ASA-DRG-EHW-035321	B01
Chebsey Lane Traffic Signs, Road Markings & Signals (Permanent Situation)	NBSAIP-ASA-DRG-EHW-035323	B01
Chebsey Lane Traffic Signals Layout (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035354	B01
Chebsey Lane Traffic Signals Ducting Layout (Temporary Situation)	NBSAIP-ASA-DRG-EHW-035355	B01
Lighting and Electrical Standard Details Sheet 1 of 2 (Chebsey Lane / A5013 Eccleshall Road Junction)	124130-ECV-DRG-ATK-038385	B03
Lighting and Electrical Standard Details Sheet 2 of 2 (Chesbey Lane / A5013 Eccleshall Road Junction)	124130-ECV-DRG-ATK-038394	B03

## PART 2

### LAND PLANS

<i>Drawing Title</i>	<i>Reference</i>
<b>Land Plans</b>	
Key Plan	30 August 2013 (Revision B)
Sheet 1	29 November 2012

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<i>Drawing Title</i>	<i>Reference</i>
Sheet 2	29 November 2012
Sheet 3	29 November 2012
Sheet 4	29 November 2012
Sheet 5	29 November 2012
Sheet 6	29 November 2012
Sheet 7	30 August 2013 (Revision C)
Sheet 8	29 November 2012
Sheet 9	29 November 2012
Sheet 10	29 November 2012
Sheet 11	29 November 2012
<b>Land Affected Plans</b>	
Key Plan	124130-EMF-DRG-ATK-910125 (Rev: A02) (20 September 2013)
Sheet 1	124130-EMF-DRG-ATK-910126 (Rev: A01) (23 November 2012)
Sheet 2	124130-EMF-DRG-ATK-910127 (Rev: A02) (20 September 2013)
Sheet 3	124130-EMF-DRG-ATK-910128 (Rev: A02) (20 September 2013)
Sheet 4	124130-EMF-DRG-ATK-910129 (Rev: A01) (23 November 2012)

### PART 3 STREET PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Street Plans [Regulation 5(2)(k)] Key Plan	124130-EMF-DRG-ATK-910045	A01
Street Plans [Regulation 5(2)(k)] Sheet 1 of 4	124130-EMF-DRG-ATK-910046	A01
Street Plans [Regulation 5(2)(k)] Sheet 2 of 4	124130-EMF-DRG-ATK-910047	A01
Street Plans [Regulation 5(2)(k)] Sheet 3 of 4	124130-EMF-DRG-ATK-910048	A02
Street Plans [Regulation 5(2)(k)] Sheet 4 of 4	124130-EMF-DRG-ATK-910049	A01

### PART 4 WORKS PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Works Plans [Regulation 5(2)(j)] Key Plan 1:10000	124130-EMF-DRG-ATK-910030	A01

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Works Plans [Regulation 5(2)(j)] 1:2500 Plan Sheet 1 of 4	124130-EMF-DRG-ATK-910031	A01
Works Plans [Regulation 5(2)(j)] 1:2500 Plan Sheet 2 of 4	124130-EMF-DRG-ATK-910032	A01
Works Plans [Regulation 5(2)(j)] 1:2500 Plan Sheet 3 of 4	124130-EMF-DRG-ATK-910033	A02
Works Plans [Regulation 5(2)(j)] 1:2500 Plan Sheet 4 of 4	124130-EMF-DRG-ATK-910034	A01
Works Plans [Regulation 6(2)] Track Longitudinal Sections Work No.1 – Down Slow	124130-EMF-DRG-ATK-910035	A01
Works Plans [Regulation 6(2)] Track Longitudinal Section Work No.8 – Up Norton Bridge	124130-EMF-DRG-ATK-910036	A01
Works Plans [Regulation 6(2)] Highways Longitudinal Sections	124130-EMF-DRG-ATK-910037	A01
Works Plans [Regulation 6(2)] Footpath Longitudinal Sections	124130-EMF-DRG-ATK-910038	A02
Works Plans [Regulation 6(2)] Highways Longitudinal Sections	124130-EMF-DRG-ATK-910039	A01
Works Plans [Regulation 6(2)] Rivers Longitudinal Sections	124130-EMF-DRG-ATK-910040	A01
Fuel Pipeline Diversion Long Section (Regulation 5(2)(o)) Sheet 1 of 5	BPA-7385-X-MAP	1
Fuel Pipeline Diversion Long Section (Regulation 5(2)(o)) Sheet 2 of 5	BPA-7386-X-MAP	A
Fuel Pipeline Diversion Long Section (Regulation 5(2)(o)) Sheet 3 of 5	BPA-7387-X-MAP	A
Fuel Pipeline Diversion Long Section (Regulation 5(2)(o)) Sheet 4 of 5	BPA-7388-X-MAP	A
Fuel Pipeline Diversion Long Section (Regulation 5(2)(o)) Sheet 5 of 5	BPA-7389-X-MAP	A
Gas Pipeline Diversion, Long Sections [Regulation 5(2)(o)]	B1086521/9020	A
Works Plans [Regulation 6(2)] Earthworks Cross Sections 1 of 5	124130-EMF-DRG-ATK-910120	A01
Works Plans [Regulation 6(2)] Earthworks Cross Sections 2 of 5	124130-EMF-DRG-ATK-910121	A01
Works Plans [Regulation 6(2)] Earthworks Cross Sections 3 of 5	124130-EMF-DRG-ATK-910122	A01

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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Works Plans [Regulation 6(2)] Earthworks Cross Sections 4 of 5	124130-EMF-DRG-ATK-910123	A01
Works Plans [Regulation 6(2)] Earthworks Cross Sections 5 of 5	124130-EMF-DRG-ATK-910124	A01
Works Plans [Regulation 6(2)] Underbridge 1 – LEC4 / 13 Widening Plans and Elevations	124130-EMF-DRG-ATK-910050	A02
Works Plans [Regulation 6(2)] Underbridge 1A – Plans and Elevations	124130-EMF-DRG-ATK-910051	A01
Works Plans [Regulation 6(2)] Underbridge 2 – Meece Brook South Plans and Elevations	124130-EMF-DRG-ATK-910052	A02
Works Plans [Regulation 6(2)] Overbridge 3 – Searchlight Lane Plans and Elevations	124130-EMF-DRG-ATK-910053	A02
Works Plans [Regulation 6(2)] Intersection Bridge 5, WCML Plans and Elevations	124130-EMF-DRG-ATK-910054	A02
Works Plans [Regulation 6(2)] Overbridge 5A – WCML / B5026 Plans and Elevations	124130-EMF-DRG-ATK-910055	A02
Works Plans [Regulation 6(2)] Underbridges 6 & 6A – Meece Brook North Plan	124130-EMF-DRG-ATK-910056	A02
Works Plans [Regulation 6(2)] Underbridges 6 & 6A – Meece Brook North Sections and Elevations	124130-EMF-DRG-ATK-910057	A02
Works Plans [Regulation 6(2)] Overbridge 7 – Meece Road Plans and Elevations	124130-EMF-DRG-ATK-910058	A02
Works Plans [Regulation 6(2)] Underbridge 8 – NBS9 Widening Plans and Elevations	124130-EMF-DRG-ATK-910059	A01
Works Plans [Regulation 6(2)] Footbridge 9 – Mid Norton Plans and Elevations	124130-EMF-DRG-ATK-910060	A01
Works Plans [Regulation 6(2)] Overbridge 10A – B5026 West Plans and Elevations	124130-EMF-DRG-ATK-910061	A02
Works Plans [Regulation 6(2)] Underbridge 11 – Meece Brook West Plans and Elevations	124130-EMF-DRG-ATK-910062	A02
Works Plans [Regulation 5(2)(j)] National Grid 1:2500 Plan Sheet 1 of 2	124130-EMF-DRG-ATK-910100	A01
Works Plans [Regulation 5(2)(j)] National Grid 1:2500 Plan Sheet 2 of 2	124130-EMF-DRG-ATK-910101	A01
Gas Pipeline Diversion, Long Sections [Regulation 5(2)(o)]	B1086521/9020	A

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## PART 5

### TRAFFIC REGULATION ORDER PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Chebsey Lane Extent of Temporary 40 mph Speed Limit (TRO)	NBSAIP-ASA-DRG-EHW-035315	B01
B5026 and Meece Road TRO Plan	NBSAIP-ASA-DRG-EHW-035360	A01
B5026 and Meece Road TRO Plan	NBSAIP-ASA-DRG-EHW-035361	A01
B5026 and Meece Road TRO Plan	NBSAIP-ASA-DRG-EHW-035362	A01
B5026 and Meece Road TRO Plan	NBSAIP-ASA-DRG-EHW-035363	A01

### SCHEDULE 12

Article 38

### TRAFFIC REGULATION

#### Imposition of speed limit

<i>(1)</i> <i>Road</i>	<i>(2)</i> <i>Speed limit (miles per hour (mph))</i>	<i>(3)</i> <i>Extent</i>
A5013	40 mph	The area hatched red on the traffic regulation order plan NBSAIP-ASA-DRG-EHW-035315 (Rev. B01)
Chebsey Lane	40 mph	The area hatched red on the traffic regulation order plan NBSAIP-ASA-DRG-EHW-035315 (Rev. B01)
Worston Lane	40 mph	The area hatched red on the traffic regulation order plan NBSAIP-ASA-DRG-EHW-035315 (Rev. B01)
B5026	50 mph	The area hatched red on the traffic regulation order plans NBSAIP-ASA-DRG-EHW-035360 (Rev. A01) to NBSAIP-ASA-DRG-EHW-035363 (Rev. A01)
Meece Road	50 mph	The area hatched red on the traffic regulation order plans NBSAIP-ASA-DRG-EHW-035360 (Rev. A01) to NBSAIP-ASA-DRG-EHW-035363 (Rev. A01)

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## EXPLANATORY NOTE

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

This Order authorises Network Rail Infrastructure Limited (referred to in this Order as Network Rail) to construct and operate new sections of railway in the vicinity of Norton Bridge, Staffordshire.

The railway works comprise:

- (a) a new railway, partly two track and partly single track from Little Bridgeford Junction on the West Coast Main Line to a junction adjacent to Heamies Bridge on the West Coast Main Line; and
- (b) a new two track railway from the Searchlight Lane Junction on the above work, passing over the West Coast Main Line, to the Yarnfield Junction on the Norton Bridge to Stone branch railway,

the combined effect of which will be to remove an at-grade crossing and provide greater capacity and efficiency for trains using the West Coast Main Line.

In order to accommodate these railway works, the Order also authorises National Grid Gas plc (referred to in this Order as National Grid) to divert a high pressure gas pipe-line in one location and another high pressure gas pipe-line in two locations.

The Order permits Network Rail to acquire, compulsorily or by agreement, land and rights in land and to use land for these purposes and National Grid to acquire compulsorily rights in land and to use land in connection with the diversion of its gas pipe-lines.

The Order also makes provision in connection with the maintenance of the new section of railway.

A copy of the plans and sections, book of reference, design brief, design drawings and environmental statement mentioned in this Order and certified in accordance with article 41 of this Order (certification of plans etc.) may be inspected free of charge during working hours at the offices of the Company Secretary to Network Rail Infrastructure Limited at Kings Place, 90 York Way, London N1 9AG.