

## SCHEDULES

### SCHEDULE 1

Article 3

#### AUTHORISED DEVELOPMENT

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

#### 400Kv OVERHEAD LINE

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

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

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

*In the City of Canterbury*

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

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

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

*In the District of Thanet*

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

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

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

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

## UK POWER NETWORKS WORKS

### *In the City of Canterbury*

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

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

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

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

### *In the District of Thanet*

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

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

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

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

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

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

#### **Work No.5C —PY route**

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

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

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

*In the City of Canterbury*

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

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

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

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

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

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

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

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

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

*In the District of Thanet*

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

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

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

**Work No.6F — PX route removal**

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

**ASSOCIATED DEVELOPMENT**

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

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

SCHEDULE 2

Articles 2 and 3(5)

PLANS AND DRAWINGS

PART 1

LOCATION PLAN

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

PART 2

ACCESS AND RIGHTS OF WAY AND  
PUBLIC RIGHTS OF NAVIGATION PLANS

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

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

### PART 3 DESIGN DRAWINGS

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

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

## PART 4

### LAND PLANS

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

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



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

## PART 5

### SPECIAL CATEGORY LAND AND CROWN LAND PLANS

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

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

## PART 6

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

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

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

## PART 7

### TRAFFIC REGULATION ORDER PLANS

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

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

## PART 8

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

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Trees and Hedgerows to be Removed or Managed Plans	PDD-21497-2-OHL-1161	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 1 of 18	PDD-21497-2-OHL-1162	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 2 of 18	PDD-21497-2-OHL-1163	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 3 of 18	PDD-21497-2-OHL-1164	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 4 of 18	PDD-21497-2-OHL-1165	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 5 of 18	PDD-21497-2-OHL-1166	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 6 of 18	PDD-21497-2-OHL-1167	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 7 of 18	PDD-21497-2-OHL-1168	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 8 of 18	PDD-21497-2-OHL-1169	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 9 of 18	PDD-21497-2-OHL-1170	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 10 of 18	PDD-21497-2-OHL-1171	B
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Trees and Hedgerows to be Removed or Managed Plans – Sheet 12 of 18	PDD-21497-2-OHL-1173	B
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<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Trees and Hedgerows to be Removed or Managed Plans – Sheet 14 of 18	PDD-21497-2-OHL-1175	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 15 of 18	PDD-21497-2-OHL-1176	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 16 of 18	PDD-21497-2-OHL-1177	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 17 of 18	PDD-21497-2-OHL-1178	B
Trees and Hedgerows to be Removed or Managed Plans – Sheet 18 of 18	PDD-21497-2-OHL-1179	B

## PART 9 WORKS PLANS

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

## SCHEDULE 3

Articles 2 and 3

### REQUIREMENTS

#### Interpretation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Time Limits**

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

### **Design drawings**

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

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

### **Stages of authorised development**

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

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

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### **Construction Environmental Management Plan**

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

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

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

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

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

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

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

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

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

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



### **Construction hours**

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

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

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

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

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

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

### **Mitigation planting**

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

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

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

### **Implementation of mitigation planting**

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

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

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

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

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

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

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

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

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

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

### **Bird flight diverters**

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

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

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

### **Reinstatement schemes**

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

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

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

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

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

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

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

(5) In this Requirement, “controlled waters” has the same meaning as in Part 3 of the Water Resources Act 1991(1).

### **Inspection of temporary watercourses**

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

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

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

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

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(1) 1991 c. 57.

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

### **Highway works**

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

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

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

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

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

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

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

### **Decommissioning**

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

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

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

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

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

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

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

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

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

### **Location of Pylon PC10**

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

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

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

## SCHEDULE 4

Article 45

### DISCHARGE OF REQUIREMENTS

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

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

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

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

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

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

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

## **Fees**

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

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

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

## **Appeals**

3.—(1) The undertaker may appeal if—

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

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- (d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
  - (e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to paragraph (d) above; and
  - (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.
- (4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person.
- (5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.
- (6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

### **Outcome of appeals**

- 4.—(1) On an appeal under paragraph 3, the appointed person may—
- (a) allow or dismiss the appeal; or
  - (b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to the appointed person in the first instance.
- (2) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed or set by the appointed person under this paragraph.
- (3) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.
- (4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.
- (5) Any consent, agreement or approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purpose of Schedule 3 (requirements) as if it had been given by the relevant authority.
- (6) The relevant authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) does not affect or invalidate the effect of the appointed person's determination.
- (7) Except where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person must be met by the undertaker.

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

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

**Interpretation of Schedule 4**

5.—(1) In this Schedule—

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

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

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

SCHEDULE 5

Article 10

STREETS SUBJECT TO STREET WORKS

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



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

## SCHEDULE 6

Article 12

## STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

**Canterbury City Council**

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

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

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**Thanet District Council**

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

**Dover District Council**

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

SCHEDULE 7

Article 13

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

**PART 1**

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

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

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

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<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
		as shown on Sheets 2, 3 and Plan A.	A290 and A293 as shown on Sheet 2.
Canterbury Council and Thanet District Council	A28 Island Road	Between points ST5.1, ST5.1A, ST5.1B, ST5.1C, ST5.1D, ST5.1E, ST5.1F and ST5.2 as shown on Sheets 2, 4, 5, 7 – 10 and Plan A and Plan B.	Diversion Route from Point DV5.1 to DV5.3 via DV5.2, A293 and A28 as shown on Sheets 2, 3, 10, 11 and Plan A and Plan B.
Canterbury City Council	CB71	Between points RW14 and RW15 as shown on Sheet 3.	Between points RWD27 and RWD30 via RWD28 and RWD29 as shown on Sheet 3.
Canterbury City Council	CB80	Between points RW16 and RW17 as shown on sheet 3 of the access and rights of way plans.	Between points RWD31 and RWD35 via RWD32, RWD33 and RWD34 as shown on sheet 3 of the access and rights of way plans.
Canterbury City Council	CB73	Between points RW18 and RW19 as shown on Sheets 2 and 3.	Between points RWD36 and RWD37 as shown on Sheets 2 and 3.
Canterbury City Council	CB59	Between points RW20 and RW21 as shown on Sheet 2	Between points RWD38 and RWD40 via RWD39 as shown on Sheet 2.
Canterbury City Council	CB58	Between points RW22, RW22A and RW23 as shown on Sheets 3 and 4.	Between points RWD41 and RWD43 via RWD38, RWD39, RWD40 and RWD42 as shown on Sheets 2, 3 and 4.
Canterbury City Council	Bredlands Lane	Between points ST7.1, and ST7.2 as shown on Sheet 4.	Diversion Route from Point DV7.1 to DV7.2 via DV7.3 as shown on Sheet 4 and Plan A.
Canterbury City Council	Hoath Road	Between points ST6.1, ST6.2 and ST6.3 as shown on Sheet 4 and Plan A.	Diversion Route from Point DV6.1 to DV6.9 via DV6.2, DV6.2A, DV6.2B, DV6.2C, DV6.3, DV6.4, DV6.5, DV6.6, DV6.7, Mill Road and DV6.8, DV6.8A as shown on Sheets 4, 5, 6, 7, 8 and Plan A and Plan B.

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<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
Canterbury City Council	Hoath Road	Between points ST6.1, and ST6.2 shown on Sheets 4, 6 and Plan A and Plan B.	Diversion Route from Point DV6.1 to DV6.2 via DV6.3 as shown on Sheet 4 and Plan A.
Canterbury City Council	CB100	Between points RW24 and RW25 as shown on Sheet 7.	Between points RWD44 and RWD48 via RWD45, RWD46 and RWD47 as shown on Sheets 7 and 8.
Canterbury City Council	CB100A	Between points RW25 and RW26 as shown on Sheet 6.	Between points RWD48 and RWD53 via RWD49, RWD50, RWD51 and RWD52 as shown on Sheet 6 and Plan A and Plan B.
Canterbury City Council	CB119	Between points RW25 and RW27 as shown on Sheets 7 and 8.	Between points RWD48 and RWD47 via RWD44, RWD45 and RWD46 as shown on Sheets 7 and 8.
Canterbury City Council	Sandpit Hill	Between points ST8.1, ST8.2, and ST8.3 as shown on Sheet 8 and Plan A and Plan B of the access and rights of way plans.	Diversion Route from Point DV8.1 to DV8.7 via DV8.1A, DV8.1B, DV8.2, DV8.3, DV8.3A, DV8.4, DV8.4A, DV8.5, Max Mill Lane and DV8.6 as shown on Sheets 4, 6 – 8 and Plan A and Plan B.
Canterbury City Council	CB101	Between points RW28 and RW29 as shown on Sheet 6.	Between points RWD49 and RWD51 via RWD48, RWD53, RWD52 and RWD51 as shown on Sheet 6.
Canterbury City Council	CB118	Between points RW27 and RW30 as shown on Sheet 8.	Between points RWD47 and RWD46 via RWD48, RWD44, and RWD45 as shown on Sheets 7 and 8.
Canterbury City Council	CB117	Between points RW30 and RW31 as shown on Sheet 7.	Between points RWD46 and RWD45 via RWD54 as shown on Sheet 7.
Canterbury City Council	CB118 (2nd Diversion)	Between points RW30 and RW32 as shown on Sheets 7 and 8 and Plan A and Plan B.	Between points RWD46 and RWD54 via RWD45 as shown on Sheet 7.

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

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<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion as shown on the Access and Rights of Way and Public Rights of Navigation Plans</i>
			RWD73 as shown on Sheets 13, 14 and 15 and Plan B.
Dover District	EE42	Between points RW47, RW47A, RW47B and RW48 as shown on Sheets 15 to 18 and Plan B.	Between points RWD74 and RWD82 via RWD75, RWD76, RWD77, RWD78, RWD79, RWD80 and RWD81 as shown on Sheets 13 and 15 and Plan B.

## PART 2

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

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

## SCHEDULE 8

Article 24

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

## PART 1

### NATIONAL GRID

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



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

## PART 2

### UK POWER NETWORKS

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

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

SCHEDULE 9

Article 34

DEEMED MARINE LICENCE

PART 1

INTRODUCTORY

**Interpretation**

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008(2);

“the 2009 Act” means the Marine and Coastal Access Act 2009(3);

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

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

“GSDIG” means Great Stour Downstream Interest Group;

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

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

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

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

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

“MMO” means the Marine Management Organisation;

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

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

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

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

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

## Addresses

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

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

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(2) 2008 c. 29.

(3) 2009 c. 23.

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## PART 2

### LICENSED ACTIVITIES

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

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

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

## PART 3

### ENFORCEMENT

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

## PART 4

### CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Within Office hours: 0300 200 2024

Outside Office hours: 07770 977 825

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

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

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

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

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

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

## SCHEDULE 10

Article 21

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

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

**2.—(1)** Without limitation on the scope of paragraph 1, the Land Compensation Act 1973<sup>(4)</sup> has effect subject to the modifications set out in sub-paragraphs (2) and (3).

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

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

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

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

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

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

**Application of the 1965 Act**

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

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

<sup>(4)</sup> 1973 c. 26.

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

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

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

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

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

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

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

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

the National Grid (Richborough Connection Project) Development Consent Order 2017(6) (“the Order”) ceases, in relation to that person, to authorise the purchase of the right or imposition of a restriction and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

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

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

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(6) S.I. 2017.

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

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

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

7. Section 11(7) of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12(8) (penalty for unauthorised entry) and 13(9) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20(10) of the 1965 Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

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

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(7) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

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

(9) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

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



SCHEDULE 11

Articles 28 and 29

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART 1

NATIONAL GRID

Canterbury City Council

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

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

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

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
414, 415, 417, 418, 420, 422, 434, 436, 437, 438, 440, 442, 443, 444, 445, 447, 448, 453, 454, 455, 456, 458, 459, 552, 577, 591, 592, 607, 608, 610, 639, 642, 644, 645, 646, 647, 651, 654, 656, 658, 659, 660, 661, 668, 673, 710, 714, 721, 722, 723, 725, 726, 730, 731, 732, 733, 735, 736, 737, 745, 750, 751, 759, 760, 761, 762, 775, 785, 787, 788, 800, 801, 803, 806, 808, 809, 810a, 812, 815, 816, 817, 832, 835, 836, 837, 839, 854, 855, 861, 884, 889, 890, 891, 893, 894, 895, 899, 900, 901, 904, 914, 916, 918, 920, 922, 923, 930, 932, 933, 939, 940, 941, 942, 943, 944, 945, 957, 958, 994, 1007 & 1055			
300, 551 & 612	Construction of authorised development and mitigation works	1 and 6B	
467 & 478	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4A and 6B	
468, 474, 475, 476, 480, 481, 482 & 483	Dismantling of redundant infrastructure	4A and 6B	

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<i>(1)</i> <i>Plot number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>	<i>(4)</i> <i>Element of Work in respect of which land is not required to be re-instated</i>
469, 470, 471, 472, 473 & 488B	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	4A and 6B	
477, 485, 486, 487, 490, 495, 501, 502, 504, 505, 507, 511, 512, 513, 516, 518, 520, 522, 524, 525, 531, 532, 534, 535, 537, 546, 549, 550, 554, 593, 595, 599, 601, 604, 605, 606, 611, 635, 637, 643, 649, 653, 657, 662, 667, 669, 675, 676, 684, 693, 695, 699, 702, 704, 707, 711, 712, 718, 724, 738, 749, 752, 753, 758, 764, 767, 769, 782, 789, 794, 797, 798, 799, 807, 820, 838, 844, 849, 853, 857, 863, 864, 866, 868, 869, 871, 873, 876 & 880	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6B	
479	Dismantling of redundant infrastructure	1, 4A and 6B	
498, 503, 526, 527, 528, 536, 553, 609, 620, 626, 631, 641, 652, 665, 706, 766, 770, 792, 811, 840, 851, 862, 867 & 885	Dismantling of redundant infrastructure	6B	Removal of pylon foundations only to a depth of 1.5 metres
538, 540 & 545	Access to land for the purpose of carrying out the authorised development including the power to carry	2	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	out any ancillary works necessary to facilitate that access		
539, 541, 542, 543 & 544	Construction of authorised development and mitigation works	2	
905 & 906	Dismantling of redundant infrastructure	4B and 6C	
909 & 961	Construction of authorised development and mitigation works	1, 4B, 6C and 6B	Removal of pylon foundations only to a depth of 1.5 metres
924, 926, 927, 928, 934, 935, 948, 951, 952, 965, 971 & 973	Construction of authorised development and mitigation works	1, 4B and 6C	
962, 964, 972, 987, 1011, 1023 & 1025	Dismantling of redundant infrastructure	1 and 6D	
974, 975, 982, 985, 990, 991, 995, 996, 1000, 1006, 1045 & 1049	Dismantling of redundant infrastructure	6D	
980, 983, 984 & 989	Construction of authorised development and mitigation works	1 and 6D	
986, 1009, 1015, 1019, 1021 & 1052	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6D	
998, 999, 1001, 1003, 1005, 1017 & 1018	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 6D	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	necessary to facilitate that access		
1040	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres

**Canterbury City Council and Thanet District Council**

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

**Thanet District Council**

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

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1098, 1104, 1112, 1113, 1114, 1115, 1116, 1117, 1119, 1120, 1125, 1135, 1150, 1156 & 1157	the power to carry out any ancillary works necessary to facilitate that access		
1053, 1069, 1102, 1127 & 1153	Dismantling of redundant infrastructure	6D	Removal of pylon foundations only to a depth of 1.5 metres
1060, 1088, 1118, 1121, 1123, 1124, 1133, 1146, 1147, 1148, 1151, 1159, 1161 & 1162	Dismantling of redundant infrastructure	6D	
1065, 1067, 1072, 1105, 1108, 1109, 1110, 1145, 1155, 1235, 1299, 1312, 1328, 1333, 1336, 1337, 1349, 1352, 1362, 1399, 1405, 1410, 1428, 1433, 1442 & 1450	Construction of authorised development and mitigation works	1	
1073, 1077, 1078, 1079, 1082, 1095, 1096, 1097, 1122, 1126, 1128, 1131 & 1137	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	
1107 & 1111	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6D	
1129, 1130, 1132, 1134, 1138, 1143 & 1164	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1, 4C and 6E	



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(1) Plot number of land shown on land plan	(2) Purpose for which temporary possession may be taken	(3) Relevant part of the authorised development	(4) Element of Work in respect of which land is not required to be re-instated
	necessary to facilitate that access		
1167, 1173, 1179, 1181, 1182, 1194 & 1195	Construction of authorised development and mitigation works	1, 4C and 6E	
1169, 1188, 1190, 1198, 1199 & 1241	Construction of authorised development and mitigation works	1 and 5C	
1176	Construction of authorised development and mitigation works	1, 5C 5D, 6D and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1177, 1204, 1216 & 1218	Construction of authorised development and mitigation works	1, 5C and 5D	
1178, 1183 & 1189	Dismantling of redundant infrastructure	5C	
1186 & 1187	Construction of authorised development and mitigation works	1, 5C and 5D	Removal of pylon foundations only to a depth of 1.5 metres
1201, 1205, 1242, 1252, 1253 & 1254	Construction of authorised development and mitigation works	1 and 5D	
1214	Construction of authorised development and mitigation works	1, 4C and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1230	Construction of authorised development and mitigation works	1, 4C, 6E and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1219	Access to land for the purpose of carrying out the authorised development including the power to carry	1 and 5C	

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(1) Plot number of land shown on land plan	(2) Purpose for which temporary possession may be taken	(3) Relevant part of the authorised development	(4) Element of Work in respect of which land is not required to be re-instated
	out any ancillary works necessary to facilitate that access		
1225 & 1226	Construction of authorised development and mitigation works	1, 5A and 5C	
1239	Construction of authorised development and mitigation works	1, 5A, 5B, 5C and 5D	Removal of pylon foundations only to a depth of 1.5 metres
1240	Construction of authorised development and mitigation works	1, 4C and 5C	
1269, 1270, 1271, 1310, 1315, 1326, 1354, 1355, 1360, 1382, 1391, 1395, 1402, 1407, 1408, 1409, 1427, 1455, 1456, 1598, 1608, 1637 & 1639	Construction of authorised development and mitigation works	1 and 6F	
1272, 1276, 1277, 1300, 1306, 1332, 1341, 1343, 1344, 1356, 1357, 1401, 1422 & 1425	Dismantling of redundant infrastructure	6F	
1278, 1301, 1302, 1307, 1316, 1318, 1325, 1334, 1347, 1353 & 1366	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6F	
1279, 1317, 1329, 1346, 1364, 1415, 1649,	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres
1294, 1308, 1311, 1363, 1378, 1383, 1384, 1387, 1393, 1404, 1412 & 1413	Access to land for the purpose of carrying out the authorised development including	1 and 6F	

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
	the power to carry out any ancillary works necessary to facilitate that access		
1601, 1602, 1611 & 1613	Construction of authorised development and mitigation works	1 and 3	
1614 & 1625	Construction of authorised development and mitigation works	1, 3 and 6F	

#### Dover District Council

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

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<i>(1) Plot number of land shown on land plan</i>	<i>(2) Purpose for which temporary possession may be taken</i>	<i>(3) Relevant part of the authorised development</i>	<i>(4) Element of Work in respect of which land is not required to be re-instated</i>
1457, 1522, 1527, 1541, 1548, 1562, 1570, 1580, 1581, 1582, 1653, 1662, 1667 & 1670	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	6F	
1463, 1466, 1468, 1473, 1474, 1475, 1479, 1480, 1481, 1482, 1484, 1485, 1486, 1490, 1491, 1493, 1494, 1497, 1498, 1509, 1514, 1521, 1553, 1554, 1556, 1565, 1576, 1579, 1587 & 1605	Construction of authorised development and mitigation works	1	
1471 & 1668	Dismantling of redundant infrastructure	1 and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1511, 1544, 1549, 1561, 1573 & 1661	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres

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

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

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

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

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

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

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799, 807, 820, 838, 844, 849, 853, 857, 863, 864, 866, 868, 869, 871, 873, 876 & 880			
479	Dismantling of redundant infrastructure	1, 4A and 6B	
498, 503, 526, 527, 528, 536, 553, 609, 626, 631, 641, 652, 665, 706, 766, 770, 792, 811, 840, 851, 862, 867 & 885	Dismantling of redundant infrastructure	6B	Removal of pylon foundations only to a depth of 1.5 metres
905 & 906	Dismantling of redundant infrastructure	4B and 6C	
909	Dismantling of redundant infrastructure	1, 4B, 6B and 6C	Removal of pylon foundations only to a depth of 1.5 metres
919, 924, 925, 926, 927, 928, 934, 935, 936, 937, 946, 947, 948, 949, 951 & 952	Dismantling of redundant infrastructure	1, 4B and 6C	
955 & 961	Construction of the authorised development and mitigation works	1, 4B, 6C and 6D	Removal of pylon foundations only to a depth of 1.5 metres
960, 993 & 1002	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1 and 6C	
962, 964, 972, 980, 983, 984, 987, 989, 1011, 1023, 1025 & 1044	Dismantling of redundant infrastructure	1 and 6D	



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

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### Canterbury City Council and Thanet District Council

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

### Thanet District Council

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

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	development including the power to carry out any ancillary works necessary to facilitate that access		
1129, 1130, 1132, 1134, 1136, 1138, 1143, 1149, 1152, 1164, 1165, 1261, 1263 & 1264	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4C and 6E	
1166b	Construction of the authorised development and mitigation works	1, 4C, 5C, 6D and 6E	
1167, 1170, 1172, 1173, 1175, 1179, 1180, 1182, 1191, 1192, 1194, 1195 & 1200	Construction of the authorised development and mitigation works	1, 4C and 6E	
1169, 1177, 1188, 1190, 1198, 1215, 1231, 1237, 1244 & 1248	Construction of the authorised development and mitigation works	1 and 5C	
1178, 1183 & 1189	Dismantling of redundant infrastructure	5C	
1201, 1205, 1210, 1213, 1242, 1252, 1253 & 1254	Construction of the authorised development and mitigation works	1 and 5D	
1214	Construction of the authorised development and mitigation works	1, 4C and 6E	Removal of pylon foundations only to a depth of 1.5 metres
1219 & 1236	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 5C	

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	necessary to facilitate that access		
1224	Dismantling of redundant infrastructure	1, 5C and 5D	
1225	Construction of the authorised development and mitigation works	1, 5A and 5C	
1230	Construction of the authorised development and mitigation works	1, 4C, 6E and 6F	
1232 & 1238	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1, 4C and 5C	
1240	Construction of the authorised development and mitigation works	1, 4C and 5C	
1269, 1270, 1271, 1360, 1382, 1391, 1395, 1396, 1417, 1427, 1445, 1446, 1455, 1456, 1462, 1598, 1608, 1637 & 1639	Construction of the authorised development and mitigation works	1 and 6F	
1272, 1276, 1277, 1300, 1306, 1332, 1341, 1343, 1344, 1356, 1357, 1401, 1422 & 1425	Dismantling of redundant infrastructure	6F	
1275, 1281, 1282, 1285, 1287, 1293, 1294, 1297, 1303, 1308, 1309, 1311, 1313, 1315, 1319, 1320, 1324, 1326,	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works	1 and 6F	

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

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### Dover District Council

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

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1582, 1653, 1662, 1667 & 1670	the power to carry out any ancillary works necessary to facilitate that access		
1466 & 1470A	Access to land for the purpose of carrying out the authorised development including the power to carry out any ancillary works necessary to facilitate that access	1	
1471 & 1668	Dismantling of redundant infrastructure	1 and 6F	Removal of pylon foundations only to a depth of 1.5 metres
1511, 1544, 1549, 1561, 1573 & 1661	Dismantling of redundant infrastructure	6F	Removal of pylon foundations only to a depth of 1.5 metres
1610 & 1617	Construction of the authorised development and mitigation works	1, 3 and 6F	

**Thanet District Council and Dover District Council**

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

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## SCHEDULE 12

Article 39

## TRAFFIC REGULATION

## PART 1

TEMPORARY PROHIBITION OF VEHICULAR ACCESS  
AND NO WAITING AND SPEED RESTRICTION

## Canterbury City Council

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



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

**Canterbury City Council and Thanet District Council**

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

**Thanet District Council**

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

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

## PART 2

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

#### Canterbury City Council

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

#### Thanet District Council

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

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## PART 3 TEMPORARY PROHIBITION OF VEHICULAR ACCESS

### Canterbury City Council

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

### SCHEDULE 13

Article 41

### TREES SUBJECT TO TREE PRESERVATION ORDERS

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

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

SCHEDULE 14

Article 42

PROTECTIVE PROVISIONS

PART 1

PROTECTION FOR ELECTRICITY, GAS,  
WATER AND SEWERAGE UNDERTAKERS

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

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the relevant statutory undertaker to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(11)), belonging to or maintained by that electricity undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by that gas undertaker for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other water apparatus belonging to or maintained by that water undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in that undertaker under the Water Industry Act 1991(12); and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

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

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

“functions” includes powers and duties;

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

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

“statutory undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(13);

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(11) 1989 c.29.

(12) 1991 c.56.

(13) 1986 c.44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by section 76 of the Utilities Act 2000 (c.27).

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

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

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

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the relevant statutory undertaker.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the relevant statutory undertaker written notice of that requirement, together with a plan and section of the work proposed.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on the land referred to in sub-paragraph (2), the relevant statutory undertaker, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) The relevant statutory undertaker must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 48 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the relevant statutory undertaker by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

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

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

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

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

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## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

(2) In this Part of this Schedule—

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

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

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Communications Act 2003(14);

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the Communications Act 2003; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

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

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

2. The exercise of the powers of article 32 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984(15).

3.—(1) Subject to sub-paragraphs (2) to (3), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works, or other property of an operator) the undertaker must bear and pay the cost reasonably and properly incurred by the operator in making good such damage.

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

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

4. This Part of this Schedule does not apply to—

(a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 of the 1991 Act; or

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(14) 2003 c. 21. See section 106.

(15) 1984 c.12.



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

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

## PART 3

### PROTECTION FOR HIGHWAYS AND TRAFFIC

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

(2) In this Part of this Schedule—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PART 4

### PROTECTION FOR RAILWAY INTERESTS

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

**2.** In this Part—

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

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

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“network licence” means the network licence, as amended from time to time, granted to Network Rail by the Secretary of State in exercise of the powers in section 8 of the Railways Act 1993<sup>(16)</sup>;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006<sup>(17)</sup> (meaning of “subsidiary” etc)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

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

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993<sup>(18)</sup>) or station lease;

“railway property” means—

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

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

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

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

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

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

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

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<sup>(16)</sup> 1993 c. 43.

<sup>(17)</sup> 2006 c. 46.

<sup>(18)</sup> 1993 c.43.

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

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

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

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

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

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

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

**6.** The undertaker must—

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

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

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

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

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

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

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

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

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

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

**10.—(1) In this paragraph—**

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

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

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

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

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

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

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

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

(7) In the event of EMI having occurred—

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



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

(3) Network Rail must—

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

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

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

but not otherwise.

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

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

(7) In this paragraph—

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

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

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

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

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

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

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

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

## PART 5

### PROTECTION FOR SOUTH EAST WATER LIMITED

#### General

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

2. In this Part—

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

“apparatus” means mains, pipes or other water apparatus belonging to or maintained by SEW for the purposes of water supply and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

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

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

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

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed or diverted from its position under this Part of this Schedule and/or any right of SEW to retain and maintain that apparatus in that land must not be extinguished or made permanently or for any longer than 7 consecutive days incapable of being exercised until—

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

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires SEW to remove or divert any apparatus placed in that land, SEW will not be obligated to do so until it is satisfied that the conditions of sub-paragraphs (1)(a) and (b) have, or will be, met and the undertaker has given to SEW written notice of that requirement, together with a plan and section of the work proposed for approval (such approval not to be unreasonably withheld).

(3) If alternative apparatus is to be constructed as a consequence of the removal or diversion of apparatus placed, or any part of such apparatus, on the land referred to in sub-paragraph (2), SEW, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible, use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) SEW must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 48 (arbitration), and after the grant to SEW of any such facilities and rights as are referred to in sub-paragraphs (1)(b) and (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule being met and SEW having secured any rights necessary to carry out such a removal, diversion or other alteration.

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

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

**6.—(1)** Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to or will or may affect any retained apparatus, the undertaker must submit to SEW a plan, section and description of the works to be executed in order to ensure the protection of retained apparatus.

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

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

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

(4) If SEW in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 4 of this Part of this Schedule apply as if the removal of the apparatus had been required by the undertaker under paragraph 49(2).

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

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

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to SEW by virtue of sub-paragraph (1) is to be reduced by the amount of that excess, the amount of that excess being calculated by the undertaker (who will provide reasonable evidence of such amount) and agreed between the undertaker and SEW or settled by arbitration in accordance with article 48 (arbitration).

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

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

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

(5) An amount which, apart from this sub-paragraph, would be payable to SEW in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on SEW any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit, the amount being calculated by SEW (who will provide reasonable evidence of such amount) and agreed between the undertaker and SEW or settled by arbitration in accordance with article 48 (arbitration).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 15

Article 46

AMENDMENT OF LOCAL LEGISLATION

PART 1

LOCAL ENACTMENTS

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

PART 2

BYELAWS

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