
STATUTORY INSTRUMENTS

2022 No. 820

The Northumberland Line Order 2022

PART 2

WORKS PROVISIONS

Supplemental powers

Power to survey and investigate land

- 4.—(1) The Council may, in connection with the development—
- (a) survey or investigate any land shown within the Order limits;
 - (b) without limitation on the scope of sub-paragraph (a), make excavations or trial holes and boreholes in such positions on the land as the Council thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
 - (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land;
 - (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
 - (e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d).

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1), unless at least 14 days' notice before the first day on which the Council intends to enter the land in exercise of the power conferred by paragraph (1) has been served on every owner and occupier of the land.

- (3) Notice given in accordance with paragraph (2) must—
- (a) include a statement of the recipient's rights under paragraph (6); and
 - (b) if the Council proposes to do any of the following, include details of what is proposed—
 - (i) searching, boring or excavating;
 - (ii) leaving apparatus on the land;
 - (iii) taking samples;
 - (iv) an aerial survey;
 - (v) carrying out any other activities that may be required to facilitate compliance with the Conservation of Habitats and Species Regulations 2017(1).
- (4) Any person entering land under this article on behalf of the Council—
- (a) must, if so required, before or after entering the land, produce written evidence of authority to do so; and

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(b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes and boreholes.

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

(a) in a carriageway or footway without the consent of the highway authority; or

(b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld.

(6) The Council must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(7) Section 13 (refusal to give possession to acquiring authority)(2) of the 1965 Act applies to entry onto land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 15(1) (application of Part 1 of the 1965 Act).

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