

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

The authorised development is a nationally significant infrastructure project as defined in sections 14 and 22(1) of the 2008 Act, and associated development within the meaning of section 115(2)(2) of the 2008 Act, comprising:

In the administrative area of Derby City Council:

Kingsway

Work No. 1 – shown on sheet no. 1 of the works plans being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling 1.2 kilometres in length to include—

- (a) the construction of a drainage attenuation pond and pipe outfall into Bramble Brook adjacent to the altered A38 (Work No. 1) including a private means of access;
- (b) the diversion of the existing Bramble Brook and connection into a new section of culvert;
- (c) the construction of a flood storage area with piped outfall return to Bramble Brook adjacent to the drainage attenuation pond (Work No. 1(a));
- (d) the extension of the existing Bramble Brook culvert 152 metres in length;
- (e) the extension of the existing Bramble Brook culvert for a length of 30 metres in a north westerly direction below the southbound A38 merge slip road (Work No. 5) and the realigned A38 (Work No. 1);
- (f) the construction of flood storage areas;
- (g) the improvement of a non-segregated footway/cycle track 80 metres in length on each side of Lyttelton Street;
- (h) the construction of a gantry or similar signage 55m south of the southbound A38 diverge slip road (Work No. 4) at chainage 1850m;
- (i) the widening of the Brackensdale Avenue east and west underbridges;
- (j) works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38;
- (k) the construction of a gantry or similar signage at chainage 2080m;
- (l) works to effect the stopping up of the entry and exit lanes of Raleigh Street which connect to the A38; and
- (m) the alteration of part of Brackensdale Avenue slip road which connects to the A38.

Work No. 2 – shown on sheet no. 1 of the works plans being the construction of a northbound diverge slip road off the A38 570 metres in length that begins at the realigned A38 (Work No. 1) and connects to the Kingsway West Roundabout (Work No. 6(a)) to include the construction of highway drainage attenuation, outfall and access.

(1) Section 22 was substituted by article 3 of [S.I. 2013/1883](#) and amended by section 1(6) of, and paragraph 153 of Schedule 1 to, the [Infrastructure Act 2015 \(c. 7\)](#).

(2) Section 115(2) was amended by section 160(1) and (3) of the [Housing and Planning Act 2016 \(c. 22\)](#).

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Work No. 3 – shown on sheet no. 1 of the works plans being the construction of a northbound merge slip road 550 metres in length off the Kingsway West Roundabout (Work No. 6(a)) connecting into the realigned A38 (Work No. 1), to include the construction and realignment of a section of the National Cycling Network (No. 68 and 54) and the Regional Route (No. 66) 170 metres in length, as shown on the streets rights of way and access plan.

Work No. 4 – shown on sheet no. 1 of the works plans being the construction of a southbound A38 diverge slip road 540 metres in length that begins at the realigned A38 (Work No. 1) and connects into the Kingsway East Roundabout (Work No. 6(b)).

Work No. 5 – shown on sheet no. 1 of the works plans being the construction of a southbound A38 merge slip road 510 metres in length beginning at the Kingsway East Roundabout (Work No. 6(b)) and connecting to the realigned A38 (Work No. 1).

Work No. 6 – shown on sheet no. 1 of the works plans being the alteration, realignment and grading of the A5111, to include—

- (a) the construction of a roundabout (the Kingsway West Roundabout) connecting to the northbound diverge slip road (Work No. 2) and the northbound merge slip road (Work No. 3);
- (b) the construction of a roundabout (the Kingsway East Roundabout) connecting to the southbound diverge slip road (Work No. 4) and the southbound merge slip road (Work No. 5);
- (c) the construction of a link road 65 metres in length connecting the Kingsway East Roundabout and the Kingsway West Roundabout including the construction of an over bridge;
- (d) the construction of 2 controlled crossings in an east and west bound direction;
- (e) the construction, improvement and widening of an existing footway to a non-segregated footway/cycle track 110 metres in length;
- (f) the construction, improvement and widening of an existing footway to a non-segregated footway/cycle track 20m in length; and
- (g) the construction of a footway/cycle track 300 metres in length linking the A5111 Kingsway to Greenwich Drive south and the National Cycle Routes.

Work No. 7 – shown on sheet no. 1 of the works plans being the construction of a link road 220 metres in length connecting the Kingsway East Roundabout (Work No. 6(b)) and Kingsway Park Close to include—

- (a) the construction of a new junction and footways;
- (b) the reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close; and
- (c) the construction, improvement and realignment of the existing footway/cycle track 50m in length including a controlled crossing.

Work No. 8 – shown on sheet no. 1 of the works plans being the establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 1) at—

- (a) Mackworth Park; and
- (b) Kingsway Hospital.

Work No. 9 – shown on sheet no. 1 of the works plans being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of—

- (a) an 11kV electricity cable by 720 metres;
- (b) an 11kV electricity cable by 137 metres;
- (c) an 11kV electricity cable by 115 metres;

- (d) an 11kV electricity cable by 115 metres;
- (e) a telecoms cable by 45 metres;
- (f) a telecoms cable by 72 metres;
- (g) a foul sewer pipe by 33 metres;
- (h) a water trunk main by 474 metres;
- (i) a water trunk main by 61 metres;
- (j) an 11 kV electricity cable by 61 metres;
- (k) a 132 kV electricity cable by 61 metres; and
- (l) a gas main by 61 metres.

Markeaton

Work No. 10 – shown on sheet no. 2 of the works plans and being the alteration, realignment and grading of the northbound and southbound lanes of the A38 totalling 1.25 kilometres in length to include—

- (a) the construction of a gantry or similar signage 105 metres south of the A38 northbound diverge slip road (Work No. 11) at chainage 2310;
- (b) the construction of a gantry or similar signage 115 metres south of the A38 northbound merge slip road (Work No. 12) at chainage 2890;
- (c) the demolition of the existing Markeaton Park footbridge and the construction of a replacement footbridge including reconfigured ramps and steps;
- (d) the construction of a gantry or similar signage 20 metres south of the northbound diverge slip road connecting to Kedleston Road (Work No. 17) at chainage 3250; and
- (e) the construction of a gantry or similar signage 70 metres north of the A38 northbound diverge slip road (Work No. 17) at chainage 3375.

Work No. 11 – shown on sheet no. 2 of the works plans and being the construction of a northbound diverge slip road 330 metres in length beginning at the realigned A38 (Work No. 10) and connecting to Markeaton Junction Roundabout (Work No. 16(a)), to include—

- (a) the construction of a gantry or similar signage 35 metres north of the northbound A38 diverge slip road (Work No. 11) at chainage 2500;
- (b) works to effect the stopping up of Enfield Road entry and exit roads onto the realigned A38 including a turning head (Work No. 10); and
- (c) amendments to the access and egress for the filling station and fast-food site.

Work No. 12 – shown on sheet no. 2 of the works plans and being the construction of a northbound merge slip road 255 metres in length beginning at the Markeaton Junction Roundabout (Work No. 16(a)) and connecting to the realigned A38 (Work No. 10).

Work No. 13 – shown on sheet no. 2 of the works plans and being the construction of a southbound diverge slip road 275 metres in length beginning at the realigned A38 (Work No. 10) and connecting to Markeaton Junction Roundabout (Work No. 16(a)), to include—

- (a) the construction of a pumping station adjacent to the realigned A38 (Work No. 10) to include associated drainage works;
- (b) a pond; and
- (c) an access track and footway/cycle track.

Work No. 14 – shown on sheet no. 2 of the works plans and being the construction of a southbound merge slip road 280 metres in length beginning at the Markeaton Junction Roundabout (Work No. 16(a)) and connecting to the realigned A38 (Work No. 10).

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Work No. 15 – shown on sheet no. 2 of the works plans and being the construction, improvement and realignment of the existing cycle Regional Route (No. 66) 1.2 kilometres in length adjacent to the realigned A38 (Work No. 10).

Work No. 16 – shown on sheet no. 2 of the works plans and being the alteration realignment and grading of the A52, to include—

- (a) the construction of a roundabout (the Markeaton Junction Roundabout) connecting the realigned A52 (Work No. 16) with the northbound A38 diverge and merge slip roads (Work Nos 11 and 12) and the southbound A38 diverge and merge slip roads (Work Nos 13 and 14) including the construction of two over bridges;
- (b) the construction of a new junction for access to and egress from Markeaton Park 110 metres in length including a roundabout and a park and ride bus stop;
- (c) the construction and alteration of a private means of access to Sutton Close and 253 and 255 Ashbourne Road;
- (d) works to the entrance of Markeaton Park and the construction of a new emergency only access from Markeaton Park 20 metres in length;
- (e) relocation of 186 metres in length of the boundary wall to Markeaton Park;
- (f) alterations to the access to and egress from the filling station and fast-food site;
- (g) alterations to the access to and egress from the A52 to the Royal School for the Deaf; and
- (h) removal and relocation of a mobile phone mast.

Work No. 17 – shown on sheet no. 2 of the works plans and being the realignment and grading of the A38 northbound diverge slip road 200 metres in length connecting to the realigned A38 (Work No. 10) to Kedleston Road.

Work No. 18 – shown on sheet no. 2 of the works plans and being the realignment and grading of the A38 southbound merge slip road 185 metres in length connecting Kedleston Road with the realigned A38 (Work No. 10).

Work No. 19 – shown on sheet no. 2 of the works plans and being the construction of a temporary compound area/material storage area.

Work No. 20 – shown on sheet no. 2 of the works plans being the establishment of environmental mitigation areas to the west and east of the realigned A38 (Work No. 10).

Work No. 21 – shown on sheet no. 2 of the works plans being the diversion and construction of a utility corridor housing multiple utility apparatus as specified in this work no., including the diversion of—

- (a) an 11kv cable by 627 metres;
- (b) an 11kv cable by 625 metres;
- (c) an 11kv cable by 623 metres;
- (d) a foul sewer pipe of 480 metres;
- (e) a foul sewer pipe of 269 metres;
- (f) a foul sewer pipe of 506 metres;
- (g) a cadent medium pressure pipe by 654 metres;
- (h) a combined sewer pipe by 512 metres;
- (i) a mains water pipe by 491 metres;
- (j) a telecoms cable by 1146 metres;
- (k) a telecoms cable by 785 metres; and
- (l) a telecoms cable by 847 metres.

Work No. 22 – shown on sheet no. 2 of the works plans being the diversion of utilities to accommodate the realignment of the A38 (Work No. 10), to include the diversion of—

- (a) an 11kV electricity cable by 309 metres;
- (b) an 11kV electricity cable by 7 metres;
- (c) a water trunk main by 773 metres;
- (d) a foul sewer pipe by 308 metres;
- (e) a foul sewer pipe by 25 metres;
- (f) a telecoms cable by 28 metres;
- (g) a telecoms cable by 414 metres; and
- (h) a telecoms cable by 17 metres.

In the administrative area of Derby City Council, Derbyshire County Council and Erewash Borough Council:

Little Eaton

Work No. 23 – shown on sheet no. 3 of the works plans and being the alteration, re-alignment and grading of the northbound and southbound lanes of the A38 totalling 1.3 kilometres in length to include—

- (a) works to effect the stopping up and diversion of a section of the Breadsall Footpath (No. 7) 100 metres in length as shown on the streets rights of way and access plan and works to effect the stopping up and diversion of a private means of access 100 metres in length;
- (b) the alteration and extension of the existing flood arch bridge;
- (c) the alteration and extension of the existing railway bridge; and
- (d) the construction of two new bridges over Little Eaton Roundabout (Work No. 30(a)).

Work No. 24 – shown on sheet no. 3 of the works plans and being the construction of a northbound diverge slip road 215 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a)).

Work No. 25 – shown on sheet no. 3 of the works plans and being the construction of a northbound merge slip road 380 metres in length beginning at Little Eaton Roundabout (Work No. 30(a)) and connecting to the realigned A38 (Work No. 23).

Work No. 26 – shown on sheet no. 3 of the works plans and being the construction of a southbound diverge slip road 540 metres in length beginning at the realigned A38 (Work No. 23) and connecting to Little Eaton Roundabout (Work No. 30(a)), to include—

- (a) the alteration and extension of an existing culvert 125 metres in length;
- (b) the alteration and extension of an existing culvert 290 metres in length under the realigned A38 (Work No. 23);
- (c) the diversion of the existing Dam Brook watercourse by 340 metres connecting to the culvert beneath the A61 (Alfreton Road);
- (d) works to effect the stopping up and diversion of a section of the Breadsall Foot Path (No. 3) for a distance of 405 metres as shown on the streets rights of way and access plan;
- (e) the construction of two drainage attenuation ponds and piped outfall into Dam Brook including the construction of a private access to the attenuation ponds;
- (f) ecology mitigation including ponds;
- (g) the construction of a segregated left lane to the A61; and
- (h) a flood alleviation channel including environmental mitigation measures.

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Work No. 27 – shown on sheet no. 3 of the works plans and being the construction of a southbound merge slip road 280 metres in length beginning at the Little Eaton Roundabout (Work No. 30(a)) and connecting to the realigned A38 (Work No. 23).

Work No. 28 – shown on sheet no. 3 of the works plans and being the works to stop up Ford Lane, to include the construction of a turning head.

Work No. 29 – shown on sheet no. 3 of the works plans and being works to alter Ford Lane Bridge.

Work No. 30 – shown on sheet no. 3 of the works plans and being the alteration, realignment and grading of the A61 (Alfreton Road), to include—

- (a) the alteration of a roundabout (Little Eaton Roundabout) connecting the realigned A61 (Work No. 30) with the northbound A38 diverge and merge slip roads (Works Nos 24 and 25) the southbound A38 merge slip roads (Works Nos 26 and 27) the realigned B6179 (Work No. 30(b)) and Ford Lane (Work No. 30(c));
- (b) the realignment and grading of the B6179 to connect to Little Eaton Roundabout (Work No. 30(a));
- (c) the realignment and grading of Ford Lane to connect with Little Eaton Roundabout (Work No. 30(a));
- (d) the construction and diversion of the existing National Cycle Network Route No. 54 around Little Eaton Roundabout (Work No. 30(a)) connecting to the B6179 for 340 metres; and
- (e) works to effect the stopping up and relocation of the private means of access adjacent to the realigned Alfreton Road.

Work No. 31 – shown on sheet no. 3 of the works plans and being the construction of a flood plain compensation area from the River Derwent adjacent to the existing A38 including access; and the diversion of a foul sewer by 244 metres in length.

Work No. 32 – shown on sheet no. 3 of the works plans and being the erection and accommodation of a temporary works compound.

Work No. 33 – shown on sheet no. 3 of the works plans and being the realignment of Ford Lane and reconfiguration of the junction with Lambourn Drive.

Work No. 34 – shown on sheet no. 3 of the works plans and being the reconfiguration of the junction between the A6 Duffield Road and Ford Lane.

Work No. 35 – shown on sheet no. 3 of the works plans being the diversion of utilities to accommodate the realignment of the A38, to include the diversion of—

- (a) an 11kV electricity cable by 106 metres;
- (b) an 11kV electricity cable by 409 metres;
- (c) a water trunk main by 326 metres;
- (d) a water trunk main by 332 metres;
- (e) a foul sewer pipe by 521 metres;
- (f) a cadent medium pressure gas pipe by 192 metres;
- (g) a telecoms cable by 84 metres;
- (h) a telecoms cable by 221 metres;
- (i) a combined sewer pipe by 86 metres; and
- (j) an 11 kV electricity cable by 211 metres.

Work No. 36 – shown on sheets nos 1, 2, 3 and 4 of the works plans being the installation of advanced directional signage, safety barriers and associated equipment.

Work No. 37 – shown on sheet no. 3 of the works plans being the establishment of environmental mitigation areas to the north of the realigned A38 (Work No. 10).

In connection with the construction of any of those works, further development within the Order limits consisting of—

- (a) alteration to the layout of any street permanently or temporarily, including but not limited to increasing or reducing the width of the carriageway of the street by reducing or increasing the width of any kerb, footpath, footway, cycle track or verge within the street; and altering the level of any such kerb, footpath, footway, cycle track or verge;
- (b) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (c) refurbishment works to any existing bridge;
- (d) the strengthening, alteration or demolition of any structure;
- (e) ramps, means of access including private means of access, public rights of way, cycle tracks and crossing facilities;
- (f) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, barriers, pumping stations, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;
- (g) street works, including breaking up or opening up a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;
- (h) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables, ducts and lights;
- (i) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;
- (j) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (k) works for the benefit or protection of land affected by the authorised development;
- (l) site preparation works, site clearance (including fencing, vegetation removal and demolition of existing structures), earthworks (including soil stripping and storage, site levelling), and remediation of contamination;
- (m) the felling of trees;
- (n) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and
- (o) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

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SCHEDULE 2

Article 5

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“CEMP” means the construction environmental management plan;

“contaminated land” has the same meaning as that given in section 78A of the Environmental Protection Act 1990⁽³⁾;

“core hours” means the period of working hours of 7:30 to 18:00 on any day from Monday to Friday except Good Friday, Christmas Day or a bank holidays and 8:00 to 13:00 on Saturdays and in this definition a “bank holiday” means a holiday as defined in section 1 (bank holidays) of the Banking and Financial Dealings Act 1971⁽⁴⁾;

“County Archaeologist” means the individual nominated or appointed as such by the relevant planning authority;

“Ecological Clerk of Works” means the individual appointed as such by the undertaker;

“HEMP” means the handover environmental management plan, being the CEMP to be developed towards the end of the construction of the authorised development which is to contain—

- (a) the environmental information needed for the future maintenance and operation of the authorised development;
- (b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures as set out in the outline environmental management plan and the prevention of unexpected environmental impacts during the operation of the authorised development; and
- (c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies;

“preliminary works” means the works set out in table 1.1 of the outline environmental management plan and for the purposes of these requirements the preliminary works are a part and where any requirement allows discharge for a part, discharge may be sought for the preliminary works only;

“protected species” means species which are subject to protection under the laws of England or which are European protected species and in this definition “European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017⁽⁵⁾.

(3) 1990 c. 43. Section 78A was inserted by section 57 of the Environment Act 1995 (c. 25) and amended by section 86(2) of the Water Act 2003 (c. 37).

(4) 1971 c. 80.

(5) S.I. 2017/1012.

Time limits

2. The authorised development must not commence later than the expiration of 5 years beginning with the date on which this Order comes into force.

Construction Environmental Management Plan

3.—(1) No part of the authorised development is to commence until a CEMP for that part has been prepared in consultation with the relevant planning authority, the local highway authority and the Environment Agency and submitted to and approved in writing by the Secretary of State.

(2) The CEMP must—

- (a) be substantially in accordance with the outline environmental management plan;
- (b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development;
- (c) incorporate the measures referred to in the environmental statement as being incorporated in the CEMP;
- (d) require adherence to the core hours, except for—
 - (i) night time closures for Markeaton footbridge demolition and installation of a new footbridge;
 - (ii) junction and slip road tie-in works to existing highways;
 - (iii) installation of bridge decks;
 - (iv) installation of sign gantries;
 - (v) installation of temporary and permanent line markings;
 - (vi) overnight traffic management measures, as agreed with the local highway authority;
 - (vii) works associated with traffic management and signal changes; and
 - (viii) any emergency works.

Provided that written notification of the extent, timing and duration of each activity is given to relevant local authorities in advance of any works that are to be undertaken outside of core hours, except for any emergency works, which are to be notified to the relevant local authorities as soon as is practicable.

Any other work carried out outside the core hours or any extension to the core hours will only be permitted if there has been prior written agreement of the relevant environmental health officer provided that the activity does not result in materially new or materially different environmental effects as reported in the environmental statement.

(3) The authorised development must be constructed in accordance with the approved CEMP.

(4) Prior to completion of construction the undertaker will prepare a HEMP in consultation with the relevant planning authority, the local highway authority and the Environment Agency and submit it to the Secretary of State for written approval.

(5) Upon completion of construction of the authorised development the CEMP must be converted into the HEMP as approved under sub-paragraph (4) and the HEMP must—

- (a) be substantially in accordance with the relevant HEMP provisions included in the outline environmental management plan and the CEMP;
- (b) contain a record of all the sensitive environmental features that have the potential to be affected by the operation and maintenance of the proposed development; and
- (c) incorporate the measures referred to in the environmental statement as being incorporated in the HEMP.

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(6) The authorised development must be operated and maintained in accordance with the HEMP approved under sub-paragraph (5).

Details of consultation

4.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The consultation with another party referred to under sub-paragraph (1) is to be for a minimum period of 28 days unless otherwise agreed in writing by the relevant consultee.

(4) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(5) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Landscaping

5.—(1) No part of the authorised development other than the preliminary works is to commence until a written landscaping scheme for that part has been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority and the local highway authority.

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

(3) The landscaping scheme prepared under sub-paragraph (1) must be based on the outline environmental management plan and the results of the surveys undertaken under sub-paragraph (2).

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

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

Implementation and maintenance of landscaping

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

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

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

Fencing

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

Land and groundwater contamination

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

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

and the assessment has been submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency.

(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.

(3) In the event that contaminated material which was not previously identified in the environmental statement, including impacted groundwater, is found at any time when carrying out the authorised development, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State, the Environment Agency and the relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

(4) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency and the relevant planning authority.

(5) Remedial measures must be carried out in accordance with the approved scheme.

Archaeology

9.—(1) No part of the authorised development is to commence until for that part a scheme for the investigation and mitigation of areas of archaeological interest, reflecting the mitigation measures included in chapter 6 of the environmental statement, with provision for sub-written schemes of

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investigation for each area and each phase (evaluation or detailed excavation or watching brief), has been prepared in consultation with the relevant planning authority, agreed with the County Archaeologist and submitted to and approved in writing by the Secretary of State.

(2) The authorised development must be carried out in accordance with the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological framework strategy and sub-written schemes of investigation referred to in sub-paragraph (1) must be agreed with the County Archaeologist and implemented within a timescale agreed with the County Archaeologist and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

(4) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be—

- (a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and
- (b) subject to appropriate mitigation as set out in the archaeological framework strategy and mitigation agreed with the County Archaeologist.

(5) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (4) for a period of 14 days from the date the remains are reported to the County Archaeologist under sub-paragraph (4) unless otherwise agreed in writing by the Secretary of State.

(6) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be agreed with the County Archaeologist.

Protected species

10.—(1) In the event that any protected species which were not previously identified in the environmental statement or nesting birds are found at any time when carrying out the authorised development the undertaker must cease construction works near their location and report it immediately to the Ecological Clerk of Works.

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

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

Traffic management

11.—(1) No part of the authorised development other than the preliminary works is to commence until a traffic management plan for the construction of the authorised development substantially in accordance with the traffic management plan (application document reference 7.4) has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority.

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

Detailed design

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

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

Surface and foul water drainage

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

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

(3) The surface and foul water drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) and subsequently maintained.

Flood compensation and storage

14.—(1) No part of the authorised development at Little Eaton is to commence until a detailed floodplain compensation scheme for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the Environment Agency.

(2) No part of the authorised development at Kingsway is to commence until a detailed flood storage scheme for that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

(3) The scheme prepared under sub-paragraph (1) must provide suitable floodplain compensation for any flood waters that would be displaced by the authorised development in the 1 in 100 year event including 50% allowance for climate change.

(4) The scheme prepared under sub-paragraph (2) must provide suitable flood storage for any flood waters that would be displaced by the authorised development in the 1 in 100 year event including a 40% allowance for climate change.

(5) The schemes must be fully implemented as approved and subsequently maintained.

Noise Mitigation

15.—(1) No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.

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(2) The written details referred to in sub-paragraph (1) must either reflect the mitigation measures included in the environmental statement and the noise barriers must be provided in the locations shown on the environmental mitigation plan(s) or, where the mitigation proposed materially differs from the mitigation identified in the environmental statement, the undertaker must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1) and must be retained thereafter.

Highway lighting

16.—(1) No part of the authorised development is to commence until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and (in the case of proposed lighting for any highway for which the undertaker is not, or will not be following implementation of article 16, the highway authority) the local highway authority.

(2) The standard of the highway lighting to be provided by the scheme referred to in sub-paragraph (1) must either reflect the standard of the highway lighting included in the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement. The standard of the highway lighting must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

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

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

Approvals and amendments to approved details

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

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

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

- (a) the day immediately following that on which the application is received by the Secretary of State;

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(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 19; or

(c) such longer period as may be agreed between the parties.

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

(3) Where—

(a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;

(b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and

(c) the application is accompanied by a report referred to in paragraph 4 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

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

Further information

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

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

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 18 (applications made under requirements) and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971⁽⁶⁾.

Register of requirements

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

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

(6) 1971 c. 80.

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

Anticipatory steps towards compliance with any requirement

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

SCHEDULE 3

Articles 14 and 18

CLASSIFICATION OF ROADS, ETC.

PART 1

TRUNK ROADS

<i>(1)</i> Area	<i>(2)</i> Length of road
Kingsway	
Derby City Council	A38 northbound carriageway between point A and point B, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 1200 metres.
Derby City Council	A38 northbound diverge slip road onto Kingsway West Roundabout between point C and point D, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 588 metres.
Derby City Council	A38 northbound merge slip road onto the A38 northbound carriageway between point E and point F, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 302 metres.
Derby City Council	A38 southbound carriageway between point G and point H, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 1200 metres.
Derby City Council	A38 southbound diverge slip road onto Kingsway East Roundabout between point I and J, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 315 metres.
Derby City Council	A38 southbound merge slip road onto the A38 southbound carriageway between point K and point L, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 528 metres.
Derby City Council	Reference M Kingsway West Roundabout from point R to point N, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 118 metres.

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(1) Area	(2) Length of road
Derby City Council	Kingsway West Roundabout junction Overbridge link road between points N and R and points O and Q, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising of 70 metres.
Derby City Council	Reference P Kingsway East Roundabout circulatory carriageway, comprising 208 metres, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans.
Markeaton	
Derby City Council	A38 northbound carriageway road between point BB and point CC, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising of 1234 metres.
Derby City Council	A38 southbound carriageway road between point PP and point QQ, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising of 1239 metres.
Derby City Council	A38 northbound diverge slip road onto Markeaton junction roundabout between point DD and point EE, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 372 metres.
Derby City Council	A38 northbound diverge slip road onto the A38 northbound carriageway between point JJ and point KK, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 275 metres.
Derby City Council	A38 northbound diverge slip road onto Kedleston Road between point LL and point MM, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 225 metres.
Derby City Council	A38 southbound merge slip road from Kedleston Road onto the A38 southbound carriageway between point NN and point OO, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 207 metres.
Derby City Council	A38 southbound diverge slip road onto Markeaton junction roundabout between point RR and point SS, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 307 metres.
Derby City Council	A38 southbound merge slip road onto the A38 southbound carriageway between point XX and point YY, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 286 metres.
Little Eaton	
Derbyshire Council	County A38 northbound carriageway road between point ZZ and point A1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising of 1267 metres.
Derbyshire Council	County A38 southbound carriageway road between point K1 and point L1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising of 1300 metres.
Derbyshire Council	County A38 northbound diverge slip road onto Little Eaton junction roundabout between point B1 and point C1, as shown on Sheet 3 (Little

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
	Eaton junction) of the classification of roads plans, comprising 441 metres.
Derbyshire Council	County A38 northbound merge slip road onto the A38 northbound carriageway from Little Eaton junction roundabout between point I1 and point J1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 340 metres.
Derbyshire Council	County A38 southbound diverge slip road onto Little Eaton junction roundabout between point M1 and N1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 524 metres.
Derbyshire Council	County A38 southbound diverge slip road onto the A61 Alfreton Road between point O1 and P1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 260 metres.
Derbyshire Council	County A38 southbound merge slip road onto the A38 southbound carriageway from Little Eaton junction roundabout between point V1 and point W1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 426 metres.

PART 2

DE-TRUNKED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Markeaton	
Derby City Council	Reference A1 The whole length of the circulatory carriageway on Markeaton junction as shown on Sheet 4 (Markeaton junction) of the classification of roads plans, comprising 206 metres.
Little Eaton	
Derbyshire Council	County Reference B1 The whole length of the circulatory carriageway on Little Eaton junction as shown on Sheet 5 (Little Eaton junction) of the classification of roads plans, comprising 230 metres.

PART 3

CLASSIFIED ROADS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Kingsway	

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<i>(1)</i> Area	<i>(2)</i> Length of road
Derby City Council	A511 Kingsway Road carriageway between point T and V and point U on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising 182 metres.
Markeaton	
Derby City Council	A52 Ashbourne Road carriageway between points FF and HH and points II and GG on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 264 metres.
Derby City Council	Reference TT Markeaton roundabout circulatory carriageway, comprising 210 metres, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans.
Derby City Council	A52 Ashbourne Road carriageway between points UU and VV and point WW on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 87 metres.
Little Eaton	
Derbyshire Council	County B6179 Alfreton Road northbound carriageway between points F1 and H1 and point G1 on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 49 metres.
Derbyshire Council	County Reference Q1 Little Eaton roundabout circulatory carriageway, comprising 348 metres, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans.
Derbyshire Council	County A61 Alfreton Road southbound carriageway between point R1 and point S1 on Sheet 3 (Little Eaton junction) classification of roads plans, comprising 106 metres.
Derbyshire Council	County A61 Alfreton Road northbound carriageway between point T1 and point U1 on Sheet 3 (Little Eaton junction) classification of roads plans, comprising 106 metres.

PART 4

UNCLASSIFIED ROADS

<i>(1)</i> Area	<i>(2)</i> Length of road
Kingsway	
Derby City Council	Kingsway park close link road between points W and Y and point X, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising 224 metres.
Derby City Council	Kingsway park close road between point Z and point AA, as shown on Sheet 1 (Kingsway junction) of the classification of roads plans, comprising 27 metres.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Length of road</i>
Markeaton	
Derby City Council	Markeaton park access road between point X1 and point Y1, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 94 metres.
Derby City Council	Reference Z1 Markeaton park access circulatory carriageway, as shown on Sheet 2 (Markeaton junction) of the classification of roads plans, comprising 58 metres.
Little Eaton	
Derbyshire Council	County Ford lane between point D1 and point E1, as shown on Sheet 3 (Little Eaton junction) of the classification of roads plans, comprising 24 metres.

PART 5 SPEED LIMITS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Kingsway		
Derby City Council	A38 northbound carriageway starting at the point 74 metres south of the tip of the nosing of the A38 northbound diverge slip road at Kingsway junction to the point 172 metres north of the tip of the nosing of the A38 northbound diverge slip road at Kingsway junction for a total distance of 246 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	National speed limit
Derby City Council	A38 northbound carriageway starting at the point 172 metres north of the tip of the nosing of the A38 northbound diverge slip road at Kingsway junction to the point 254 metres north of the tip of the nosing of the A38 northbound merge slip road at Kingsway junction for total distance of 954 metres, as shown on Sheet 1 (Kingsway junction) permanent speed limit plans.	50 miles per hour
Derby City Council	A38 northbound diverge slip road starting from the diverge with A38 northbound carriageway to the point where it meets new Kingsway West Roundabout for a total distance of 588 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	National speed limit
Derby City Council	A38 northbound merge slip road starting from the new Kingsway West Roundabout to the point where	50 miles per hour

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(1) Area	(2) Road name, number and length	(3) Speed limit
	it merges with A38 northbound carriageway for a total distance of 302 metres, as shown on Sheet 1 (Kingsway junction) permanent of the speed limit.	
Derby City Council	A38 southbound carriageway starting at the point 328 metres north of the tip of the nosing of the A38 southbound diverge slip road at Kingsway junction to the point 69 metres north of the tip of the nosing of the A38 southbound merge slip road at Kingsway junction for a total distance of 954 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 southbound carriageway starting at the point 69 metres north of the tip of the nosing of the A38 southbound merge slip road at Kingsway junction to the point 178 metres south of the tip of the nosing of the A38 southbound merge slip road at Kingsway junction a total distance of 247m, as shown on Sheet 1 (Kingsway junction permanent) of the speed limit plans.	National speed limit
Derby City Council	A38 southbound diverge slip road starting from the diverge with A38 southbound carriageway to the point where it meets the Kingsway East Roundabout for a total distance of 315 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 southbound merge slip road starting from Kingsway East Roundabout to the point where it merges with A38 southbound carriageway for a total distance of 528 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	National speed limit
Derby City Council	From the Kingsway East Roundabout, the entire length of Kingsway Overbridge link road (eastbound and westbound) including Kingsway West Roundabout, a total distance of 348 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	40 miles per hour
Derby City Council	A38 new Kingsway East Roundabout, the whole length of the circulatory carriageway for a total distance of 208 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	40 miles per hour
Derby City Council	A5111 Kingsway eastbound carriageway starting at A38 new Kingsway East Roundabout to the point 182 metres east of the new Kingsway East Roundabout a total distance of 182 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	40 miles per hour

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(1) Area	(2) Road name, number and length	(3) Speed limit
Derby City Council	A5111 Kingsway westbound carriageway starting at the point 182 metres east of A38 new Kingsway East Roundabout to where it meets new Kingsway East Roundabout for a total distance of 182 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	40 miles per hour
Derby City Council	Kingsway Park Close link road (northbound and southbound) starting at the new Kingsway East Roundabout to the point 224 metres north west of the new Kingsway East Roundabout for a total distance of 224 metres, as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	30 miles per hour
Derby City Council	Kingsway park close starting at the junction with Kingsway Park Close Link road to the point 27 metres east of the junction, for a total distance of 27 metres as shown on Sheet 1 (Kingsway junction) of the speed limit plans.	30 miles per hour
Markeaton		
Derby City Council	A38 northbound carriageway starting at the point 260 metres south of the tip of the nosing of the A38 northbound diverge slip road at Markeaton junction to the point 430 metres north of the tip of the nosing of the A38 northbound merge slip road at Markeaton junction for a total distance of 1234 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 southbound carriageway starting at the point 398 metres north of the A38 southbound diverge slip road at Markeaton junction to the point 357 metres south of the A38 southbound merge slip road at Markeaton junction for a total distance of 1239 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 northbound diverge slip road starting from the diverge with A38 northbound carriageway to the point where it meets Markeaton junction roundabout for a total distance of 372 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	A38 northbound merge slip road starting at the point 194 metres south of the tip of the nosing of the A38 northbound merge slip road to the point where it merges with the A38 northbound carriageway for a total distance of 275 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Speed limit</i>
Derby City Council	A38 southbound diverge slip road starting from the diverge with A38 southbound carriageway to the point where it meets the A38 Markeaton junction roundabout for a total distance of 307 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 southbound merge slip road starting from Markeaton junction roundabout to the point where it merges with A38 southbound carriageway for a total distance of 286 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 Markeaton junction, for the whole length of the circulatory carriageway for a total distance of 210 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	A52 Ashbourne Road westbound carriageway starting from Markeaton junction roundabout (west side) to the point 232 metres west of the Markeaton junction roundabout for a total distance of 232 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	A52 Ashbourne Road eastbound carriageway starting from a point 232 metres west of the Markeaton junction roundabout (west side) along its length to the point 194 metres south of the tip of the nosing of the A38 northbound merge slip road for a total distance of 255 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	A52 Ashbourne road westbound carriageway starting at a point 87 metres east of the Markeaton junction roundabout (east side) along its length to the point where it joins the A38 Markeaton junction for a total distance of 87 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	A52 Ashbourne road eastbound carriageway starting at a Markeaton junction roundabout (east side) to the point 87 metres east of the Markeaton junction for a total distance of 87 metres as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour
Derby City Council	Entire length of the new access road starting at the A52 Ashbourne Road into Markeaton park including the roundabout for a total distance of 246 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	30 miles per hour

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(1) Area	(2) Road name, number and length	(3) Speed limit
Derby City Council	A38 northbound diverge slip road starting from the diverge with the A38 northbound carriageway along its length to the point where it merges with Kedleston Road junction for a total distance of 225 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Derby City Council	A38 southbound merge slip road starting from Kedleston Road along its length to the point where it merges with the A38 northbound carriageway for a total distance of 207 metres, as shown on Sheet 2 (Markeaton junction) of the speed limit plans.	50 miles per hour
Little Eaton		
Derbyshire Council County	A38 northbound carriageway starting at a point 231 metres west of the tip of the nosing of the A38 northbound diverge slip road at Little Eaton junction to a point 341 metres north of the tip of the nosing of the A38 northbound merge slip road at Little Eaton junction for a total distance of 1267 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council County	A38 southbound carriageway starting at a point 280 metres north of the tip of the nosing of the A38 southbound diverge slip road to a point 185 metres west of the tip of the nosing of the A38 southbound merge slip road at Little Eaton junction for a total distance of 1300 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council County	A38 northbound diverge slip road starting from the diverge with A38 northbound carriageway to the point where it meets Little Eaton junction roundabout for a total distance of 441 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council County	A38 northbound merge slip road starting from Little Eaton junction roundabout to the point where it merges with the A38 northbound carriageway for a total distance of 340 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council County	A38 southbound diverge slip road starting from the diverge with A38 southbound carriageway to the point where it meets the Little Eaton junction roundabout, a total distance of 524 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council County	A38 southbound merge slip road starting from Little Eaton junction roundabout to the point where it	National speed limit

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(1) Area	(2) Road name, number and length	(3) Speed limit
	merges with A38 southbound carriageway for a total distance of 426 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	
Derbyshire Council	County A38 southbound link road starting from diverge with A38 southbound diverge slip road to the point where it meets A61 Alfreton Road southbound carriageway for a total distance of 260 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	National speed limit
Derbyshire Council	County A38 Little Eaton junction for the whole length of the circulatory carriageway, a total distance of 348 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	60 miles per hour
Derbyshire Council	County A61 Alfreton Road (northbound and southbound) starting at Little Eaton Roundabout to a point 106 metres south of the Little Eaton Roundabout for a total distance of 106 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	60 miles per hour
Derbyshire Council	County B6179 Alfreton Road (northbound and southbound) starting at Little Eaton Roundabout to a point 49 metres north of the Little Eaton junction roundabout for a total distance of 49 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	40 miles per hour
Derbyshire Council	County Ford Lane starting at Little Eaton Roundabout to a point 24 metres west of the Little Eaton Roundabout for a total distance of 24 metres, as shown on Sheet 3 (Little Eaton junction) of the speed limit plans.	30 miles per hour

PART 6

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

(1) Area	(2) Road name, number and length	(3) Measures
Kingsway		
Derby City Council	A38 northbound carriageway From point A to point K on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 1200 metres.	Clearway (to include verges and hard strips)
Derby City Council	A38 northbound diverge slip road onto Kingsway West Roundabout	Clearway (to include verges and hard strips)

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(1) Area	(2) Road name, number and length	(3) Measures
	From point C to point D on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 588 metres.	
Derby City Council	A38 northbound merge slip road onto the A38 northbound carriageway From point J to point B on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 302 metres.	Clearway (to include verges and hard strips)
Derby City Council	Kingsway West Roundabout From point E to point F on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 208 metres.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound carriageway From point N to point M on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 1200 metres.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound diverge slip road onto the Kingsway East Roundabout From point L to point O on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 315 metres.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound merge slip road onto the A38 southbound carriageway From point P to point Q on (Kingsway junction) of the traffic regulations measures plans, for a total distance of 528 metres.	Clearway (to include verges and hard strips)
Derby City Council	Reference AB Kingsway East Roundabout For the whole length of the circulatory carriageway around Kingsway West Roundabout, a length of 208 metres, as shown on	Clearway (to include verges and hard strips)

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(1) Area	(2) Road name, number and length	(3) Measures
	Sheet 1 (Kingsway junction) of the traffic regulations measures plans.	
Derby City Council	Kingsway junction Overbridge Link Road From points E and F to points G and H on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 70 metres.	Clearway (to include verges and hard strips)
Derby City Council	Kingsway Park close link Road From points V and Y and points W and X on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, for a total distance of 190 metres.	(Prohibition and Restriction of waiting) (No waiting) (At Any Time)
Derby City Council	Reference A Cherry Tree close to the junction with A5111 Kingsway road westbound carriageway, as shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans.	Prohibition (No right turn)
Derby City Council	Reference N The whole length of the circulatory carriageway on Markeaton junction as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, for a total distance of 206 metres.	Clearway (to include verges and hard strips)
Markeaton		
Derby City Council	A38 northbound carriageway From point A and B on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, for a total distance of 1234 metres.	Clearway (to include verges and hard strips)
Derby City Council	A38 northbound diverge slip road onto Markeaton junction roundabout From point C to point D on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, for a total distance of 372 metres.	Clearway (to include verges and hard strips)

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(1) Area	(2) Road name, number and length	(3) Measures
Derby City Council	A38 northbound merge slip road onto the A38 northbound carriageway from point O to point P for a distance of 275 metres, as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound carriageway from point S to point T for a total distance of 1239 metres, as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound diverge slip road onto Markeaton junction roundabout from point W to point X, for a total distance of 307 metres, as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derby City Council	A38 southbound merge slip road onto A38 southbound carriageway from point AC to point AD for a total distance of 286 metres, as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Little Eaton		
Derbyshire Council	County A38 northbound carriageway from point A to point B for a total distance of 1267 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council	County Reference E The entire length of Little Eaton circulatory carriageway, a distance of 348 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council	County A38 northbound diverge slip road onto Little Eaton junction roundabout from point C to point D for a total distance of 441 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council	County A38 northbound merge slip road onto the A38 northbound carriageway from point I to point J, a total distance	Clearway (to include verges and hard strips)

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Measures</i>
	of 340 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	
Derbyshire Council County	A38 southbound carriageway from point K to point L, for a total distance of 1300 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council County	A38 southbound diverge slip road onto Little Eaton junction roundabout from point M to point N, a total distance of 524 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council County	A38 southbound diverge slip road onto the A61 southbound carriageway from point O to point P, a total distance of 260 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)
Derbyshire Council County	A38 southbound merge slip road onto A38 southbound carriageway from point U to point V, a total distance of 426 metres, as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	Clearway (to include verges and hard strips)

PART 7

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
Kingsway			
Derby City Council	A38 northbound carriageway into Kingsway junction from point A01 to point B01 shown on Sheet 1 (Kingsway junction) of the traffic regulations	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.

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	measures plans, a total distance of 566 metres.		
Derby City Council	Reference C01 The entire length of Kingsway circulatory carriageway a total distance of 495 metres as shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A56 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over the existing circulatory carriageway.
Derby City Council	Kingsway junction onto the A38 northbound carriageway from point D01 to point E01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 491 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	A38 southbound carriageway onto Kingsway junction from point F01 and point G01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 475 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	Kingsway junction onto the A38 southbound carriageway from point L01 and point M01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 549 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	A5111 Kingsway eastbound from point R to point S shown on Sheet 1 (Kingsway	Derby City Council (Prohibition and Restriction of Waiting)	Order to be varied (Varying the length of the A5111 Kingsway eastbound carriageway

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	junction) of the traffic regulations measures plans, a total distance of 180 metres.	No Waiting at Any Time	to which the order applies to accord with the realigned A5111 Kingsway. (H24, H25 and H26) (803)
Derby City Council	A5111 Kingsway westbound from point T to point U shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 180 metres.	Derby City Council (Prohibition and Restriction of Waiting) No Waiting at Any Time	Order to be varied (Varying the length of the A5111 Kingsway westbound carriageway to which the order applies to accord with the realigned A5111 Kingsway. (H24, H25 and H26) (803)
Derby City Council	Kingsway Park Close from point Z to Point AA shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 60 metres.	Derby City Council (Prohibition and Restriction of waiting) (No stopping) (Rural Clearway) (At Any Time) (Carriageway only)	Order to be varied over this length.
Derby City Council	Reference C01 Kingsway roundabout Circulatory carriageway for the whole length of the circulatory carriageway around Kingsway junction shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 487 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove 40mph speed limit over the entire length of circulatory carriageway.
Derby City Council	Kingsway junction onto the A38 northbound carriageway from point D01 to point E01 shown on Sheet 1 (Kingsway junction) of the traffic regulations	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove existing 40mph speed limit over this length.

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	measures plans, a total distance of 491 metres.		
Derby City Council	A38 southbound carriageway into Kingsway junction from point F01 and point G01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 475 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove existing 40mph speed limit over this length.
Derby City Council	A5111 Kingsway eastbound carriageway from point H01 to point I01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 30 metres.	Derby City Council (Speed Order) (40mph Speed Limit)	Order to be varied to remove the existing 40mph speed limit over this length.
Derby City Council	A5111 Kingsway westbound carriageway from point J01 to point K01 shown on Sheet 1 (Kingsway junction) of the traffic regulations measures plans, a total distance of 30 metres.	Derby City Council (Speed Order) (40mph Speed Limit)	Order to be varied to remove the existing 40mph speed limit over this length.
Markeaton			
Derby City Council	A38 northbound carriageway on to Markeaton junction from Point A01 and point C01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 510 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	Reference D01 The entire length of Markeaton circulatory carriageway a total distance of 206 metres as shown on	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road	Clearway order to be varied to remove the existing clearway over this length.

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	Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	(24 Hours Clearway) Order 2006 No. 2706	
Derby City Council	Markeaton junction into the A38 northbound carriageway from point E01 and point G01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 500 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	A38 southbound carriageway into Markeaton junction from point K01 and point I01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 494 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	Markeaton junction into the A38 southbound carriageway from point J01 and point L01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 510 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	A38 northbound carriageway diverge slip road onto the Kedleston Road from point Q01 to point R01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 180m.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.

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Derby City Council	A38 southbound merge slip road from Kedleston Road from point S01 to point T01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 197metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derby City Council	A38 northbound carriageway onto Markeaton junction from Point A01 and point C01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 510 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove existing 40mph speed limit over this length.
Derby City Council	Reference D01 The whole length of the circulatory carriageway on Markeaton junction as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 206 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to cover realigned circulatory carriageway 40mph speed limit over the length.
Derby City Council	Markeaton junction into the A38 northbound carriageway from point E01 and point G01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 500 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove existing 40mph speed limit over this length.
Derby City Council	A38 southbound carriageway into Markeaton junction from point K01 and	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40	Order to be amended to remove existing 40mph speed limit over this length.

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	point I01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 494 metres.	miles per hour speed limit and derestriction) Order 2006 No. 2707	
Derby City Council	Markeaton junction into the A38 southbound carriageway from point J01 and point L01 shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 510 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be amended to remove existing 40mph speed limit over this length.
Derby City Council	A52 Ashbourne Road from points F and G and points AE and AF shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 204 metres.	Derby City Council (Speed order) (40mph speed limit)	Order to be varied to remove existing 40mph speed limit to 30mph speed limit over this length. (C6) (5003)
Derby City Council	A52 Ashbourne Road (westbound) from point E and point I shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 70 metres.	Clearway	Clearway extents to be varied along the length.
Derby City Council	A52 Ashbourne Road (eastbound) from point H and point J shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 90 metres.	Clearway	Clearway extents to be varied along the length.
Derby City Council	A52 Ashbourne Road (eastbound)	Derby City Council (Prohibition and Restriction of Waiting)	Order to be varied (Varying the length of A52 Ashbourne Road eastbound and

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	from point Z and point Y shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 80 metres.	(No waiting (at any time))	westbound carriageway to which the order applied to accord with the realigned A52 Ashbourne Road) (108) (H20, I20) (202)
Derby City Council	A52 Ashbourne Road (westbound) from point AA and point AB shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 80 metres.	Derby City Council (Prohibition and Restriction of Waiting) (No waiting (at any time))	Order to be varied (Varying the length of A52 Ashbourne Road eastbound and westbound carriageway to which the order applied to accord with the realigned A52 Ashbourne Road) (108) (H20, I20) (202)
Derby City Council	Reference 1 Enfield Road diverge from the A38 northbound carriageway, as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	7.5T Weight limit restriction	Order to be varied.
Derby City Council	Reference 2 An extent of 10 metres from A38 northbound carriageway with the junction Enfield Road as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	No Entry	Order to be revoked.
Derby City Council	Reference 3 A52 Ashbourne Road eastbound diverge from the existing Markeaton roundabout as shown on Sheet 2 (Markeaton	7.5T Weight limit restriction	Order to be varied to move weight limit restriction to point Z.

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	junction) of the traffic regulations measures plans.		
Derby City Council	Reference 4 Queensway access to private properties, from A52 Ashbourne Road eastbound carriageway as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans, a total distance of 300 metres.	Derby City Council (Prohibitions of driving of motor vehicles exemptions 1 and 2) (Moving Vehicle Restrictions) (Principal Order)	Order to be revoked to remove existing moving vehicle restriction principal order over this length. (H20, I19 and I20) (5103)
Derby City Council	Reference 5 Exit Road from Markeaton Park on to the A52 Ashbourne Road eastbound carriageway as shown on Sheet 2 (Markeaton junction) of the traffic regulations measures plans.	No Entry	Order to be revoked.
Little Eaton			
Derbyshire County Council	A38 northbound carriageway into Little Eaton junction from point A01 and point B01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 468 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derbyshire County Council	Reference C01 A38 Little Eaton junction circulatory carriageway, the entire length of the circulatory carriageway a total distance of 230 metres as shown on	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.

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(1) Area	(2) Road name, number and length	(3) Title of Order	(4) Revocations or variations
	Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.		
Derbyshire County Council	Little Eaton junction into the A38 northbound carriageway from point D01 and point E01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 660 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derbyshire County Council	A38 southbound carriageway into Little Eaton roundabout from point H01 and point I01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 680 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derbyshire County Council	A38 southbound diverge slip road to A61 southbound carriageway from point J01 and point K01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 260 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.
Derbyshire County Council	Little Eaton junction into the A38 southbound carriageway from point P01 and point Q01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 480 metres.	The A38 Trunk Road (Between A50 Derby Southern bypass and M1 junction 28, Derbyshire) and the A516 Trunk Road (24 Hours Clearway) Order 2006 No. 2706	Clearway order to be varied to remove the existing clearway over this length.

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Derbyshire County Council	A61 Alfreton Road (southbound carriageway) from point L01 to M01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 75 metres.	Clearway	Order to be varied to remove the existing clearway over this length.
Derbyshire County Council	A61 Alfreton Road (northbound carriageway) From point O01 to N01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 75 metres.	Clearway	Order to be varied to remove the existing clearway over this length.
Derbyshire County Council	A61 Alfreton Road (southbound carriageway) from point Q to point R on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, for a total distance of 111 metres.	Clearway	Order to be varied (varying the length of A61 Alfreton Road southbound carriageway) to which the order applied).
Derbyshire County Council	A61 Alfreton Road (northbound carriageway) from point S to point T on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, for a total distance of 111 metres.	Clearway	Order to be varied (varying the length of A61 Alfreton Road northbound carriageway to which the order applied).
Derbyshire County Council	B6179 Alfreton Road (northbound and southbound) From point F to point G on Sheet 3 (Little Eaton junction) of the traffic regulations	Clearway	Order to be varied (varying the length of B6179 Alfreton Road northbound carriageway to which the order applied).

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	measures plans, for a total distance of 50 metres.		
Derbyshire Council County	A38 northbound carriageway into Little Eaton junction from point A01 to point B01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 460 metres	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be varied to vary the length of national speed limit.
Derbyshire Council County	Little Eaton junction onto A38 northbound carriageway from point D01 to point E01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 660 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be varied to vary the length of national speed limit.
Derbyshire Council County	Reference C01 A38 Little Eaton junction circulatory carriageway, the entire length of the circulatory carriageway, a total distance of 210 metres as shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be varied to remove national speed limit over this length.
Derbyshire Council County	A38 southbound carriageway onto Little Eaton junction from point H01 to Point I01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 680 metres.	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2707	Order to be varied to vary the length of national speed limit.
Derbyshire Council County	A38 southbound link road to A61 southbound	The A38 Trunk Road (A50 to A61, Derbyshire) and the	Order to be varied to vary the length of national speed limit.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
	carriageway from point J01 and point K01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 260 metres.	A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2708	
Derbyshire County Council	Little Eaton junction onto A38 southbound carriageway from point P01 to point Q01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 480 metres	The A38 Trunk Road (A50 to A61, Derbyshire) and the A516 Trunk Road (40 miles per hour speed limit and derestriction) Order 2006 No. 2708	Order to be varied to vary the length of national speed limit.
Derbyshire County Council	A61 Alfreton Road (southbound carriageway) from point L01 to M01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 75 metres.	National Speed Limit	Order to be varied to remove national speed limit over this length.
Derbyshire County Council	A61 Alfreton Road (northbound carriageway) from point O01 to N01 shown on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, a total distance of 75 metres.	National Speed Limit	Order to be varied to remove national speed limit over this length.
Derbyshire County Council	Ford Lane from points R01 and T01 to point S01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, for a total distance of 30 metres.	Clearway	Clearway extents to be revoked.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Road name, number and length</i>	<i>(3)</i> <i>Title of Order</i>	<i>(4)</i> <i>Revocations or variations</i>
Derbyshire County Council	Ford Lane from point H to point W on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, for a total distance of 20 metres.	Clearway	Clearway extents to be varied over this length.
Derbyshire County Council	Ford Lane (northbound and southbound carriageway) from points R01 and T01 to point U01 on Sheet 3 (Little Eaton junction) of the traffic regulations measures plans, for a total distance of 112 metres.	National Speed Limit	Order to be varied to remove national speed limit over this length.

PART 8

PUBLIC RIGHTS OF WAY

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Status and length of public right of way</i>
Kingsway	
Derby City Council	169 metres footway/cycle track from point AA to point AC to point AB shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	89 metres footway/cycle track from point AD to point AE shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	128 metres footway/cycle track from point AF to point AK shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	84 metres footway/cycle track from point AC to point AG shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	141 metres footway/cycle track from point AH to point AI shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	198 metres footway/cycle track from point AJ to point AL shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Status and length of public right of way</i>
Derby City Council	20 metres footway/cycle track from point AM to point AN shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	22 metres footway/cycle track from point AO to point AP shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	16 metres footway/cycle track from point AQ to point AR shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	166 metres footway from point AP to point AU shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	119 metres footway from point AQ to point AT shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	62 metres footway from point AW to point AV shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	38 metres footway from point AX to point AY shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	41 metres footway/cycle track from point BB to BD shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Markeaton	
Derby City Council	98 metres footway/cycle track from point AA to AB shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	17 metres footway/cycle track from point AD to AE shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	19 metres footway from point AE to AF shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	10 metres footway from point AG to AH shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	130 metres footway from point AI to BJ shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	105 metres footway from point BK to AM shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	43 metres footway/cycle track from point AK to AL shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	73 metres footway/cycle track from point AM to AN to BL to AO shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	27 metres footway/cycle track from point AO to AP shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	68 metres footway/cycle track from point AQ to AR shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.

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(1) Area	(2) Status and length of public right of way
Derby City Council	277 metres footway/cycle track from point AS to AV to AT shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	24 metres footway/cycle track from point AX to BA shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	658 metres footway/cycle track from point BD to BE shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	84 metres footway/cycle track from point BF to BG to BH to BI shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	85 metres footway/cycle track from point AZ to AY to BA shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	312 metres footway/cycle track from point AV to BN shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	618 metres footway/cycle track from point AW to BN to AX to AY as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	28 metres footway/cycle track from point BB to BC as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Little Eaton	
Derbyshire Council	County 442 metres of footway/cycle track from point AA to AB to AC shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire Council	County 62 metres of footway/cycle track from point AD to AE shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire Council	County 150 metres of footway/cycle track from point AH to AI shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire Council	County 25 metres of footway/cycle track from point AF to AG shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire Council	County 80 metres of footway/cycle track from point AJ to AK shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.

SCHEDULE 4

Articles 16 and 27

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

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

- (a) Existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the

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streets rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule.

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

PART 1

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highways to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Markeaton			
Derby City Council	Footpath/cycle track From A38 northbound carriageway in a westerly direction to Greenwich Drive North.	Entire length of footway/cycle track from point A01 to A02 (a total distance of 23 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Derby City Council	Footpath/cycle track From A38 northbound carriageway in a westerly direction to Greenwich Drive North.	Entire length of footway/cycle track from point A03 to A04 (a total distance of 9 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Derby City Council	Footpath/cycle track	Entire length of footway/cycle track from point A45 to A46	N/A

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highways to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
	From A38 southbound carriageway in an easterly direction to Thurcroft Close.	(a total distance of 11 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	
Derby City Council	Footpath/cycle track from the A38 southbound carriageway, north of the Markeaton junction, in an easterly direction.	Length of footway/cycle track from point A27 to A28 (a total distance of 4 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Derby City Council	Enfield Road exit from the A38 northbound carriageway	Reference A07 An extent of 19 metres from the junction with the A38 northbound carriageway to Enfield Road as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Derby City Council	Enfield Road entry on to the A38 northbound carriageway	Reference A08 An extent of 12 metres from the junction with the Enfield Road to the A38 northbound carriageway as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Derby City Council	Footways/cycle track west of the A38 northbound carriageway	Entire length of footway/cycle track on point A50, a total distance of 7 metres as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	N/A
Little Eaton			
Derbyshire County Council	Ford Lane	Reference A02	N/A

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highways to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
		A length of 112 metres north of its junction with the A38 northbound carriageway, as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.	

PART 2

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Kingsway			
Derby City Council	A38 northbound carriageway	Reference A04 Existing A38 northbound carriageway starting from Kingsway junction roundabout to a point 98 metres south of the Kingsway junction roundabout as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Reference A and B as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans. Reference A - Realigned A38 northbound carriageway starting at a point 74 metres south of the tip of the nosing of the A38 northbound diverge slip road at Kingsway junction to the point 254 metres north of the tip of the nosing of the A38 northbound merge slip road at Kingsway junction, a total distance of 1200 metres. Reference B - New A38 northbound diverge slip road starting from

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<i>(1)</i> Area	<i>(2)</i> Highway to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New Highway to be substituted/provided
			the diverge with A38 northbound carriageway to the point where it meets the new Kingsway junction roundabout, a total distance of 588 metres.
Derby City Council	Kingsway Junction Circulatory carriageway	Reference A05 The whole length of Kingsway junction circulatory carriageway, an extent of 495 metres, as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Reference C, D and E as shown on Sheet 1 (Kingsway junction) of the rights of way and access plans. Reference C - New Kingsway West Roundabout, a total distance of 118 metres. Reference D - New Kingsway Junction Overbridge link road for a length of 70m. Reference E - New Kingsway East Roundabout, a total distance of 208 metres.
Derby City Council	N/A	N/A	Reference F as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans. New A38 northbound merge slip road starting from new Kingsway junction roundabout to the point where it merges with A38 northbound carriageway, a total distance of 302 metres.
Derby City Council	Footway-68 (north of the existing A38 northbound	Reference A09, A10 and A12	New footway/cycle track from point AA to AC to AB for a

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
	carriageway and south of Greenwich Drive South)	To be stopped up for a distance of 176 metres on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	length of 169 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	Reference A11 To be stopped up for a distance of 23 metres on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	New footway/cycle track from point AC to AG for a length of 84 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	Brackensdale Avenue link road with the A38 northbound carriageway	Reference A13 An extent of link road from Brackensdale avenue to the A38 northbound carriageway, starting at the point 35 metres north of where it meets Brackensdale avenue junction to the A38 northbound carriageway, a total length of 106 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Reference G as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans. New Kingsway Park Close link road starting at its junction with the new Kingsway East Roundabout for a length of 224 metres in a north easterly direction to meet the existing Kingsway Park Close.
Derby City Council	N/A	N/A	New footway/cycle track from point AO to AP for a length of 22 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	Raleigh street junction with the A38 southbound carriageway.	Reference A18 An extent of 50 metres east from the Raleigh Street junction with the A38 southbound carriageway as shown	Reference G (as described above) as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
		on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	
Derby City Council	Footway	Reference A21 To be stopped up for a distance of 30 metres on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Footway/Cycle track from point AM to AN for a length of 20 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	Ashbourne Road exit from the A5111 eastbound carriageway	Reference A22 An extent of 12 metres from the junction with the A5111 eastbound and the A38 northbound carriageway as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Reference J and K as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans. Realigned A5111 Kingsway eastbound and westbound starting at Kingsway East Roundabout to the point 182 metres east of the Kingsway East Roundabout, a total distance of 182 metres.
Derby City Council	N/A	N/A	Reference I and L as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans. Reference I - Realigned A38 southbound carriageway starting at a point 328 metres north of the tip of the nosing of the A38 southbound diverge slip road at Kingsway junction roundabout to the point 177 metres south of the tip of the nosing of the A38 southbound merge

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			<p>slip road at Kingsway junction roundabout, a total distance of 1200 metres.</p> <p>Reference L - New A38 southbound merge slip road starting from new Kingsway East Roundabout to the point where it merges with A38 southbound carriageway, a total distance of 528 metres.</p>
Derby City Council	N/A	N/A	<p>Reference H as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.</p> <p>New A38 southbound diverge slip road starting from the diverge with A38 southbound carriageway to the point where it meets the new Kingsway East Roundabout, a total distance of 315 metres.</p>
Derby City Council	N/A	N/A	<p>New footway/cycle track from point AD to AE for a length of 89 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.</p>
Derby City Council	N/A	N/A	<p>New footway/cycle track from point AF to AK for a length of 128 metres as shown on Sheet 1 (Kingsway junction) of the streets</p>

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			rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AH to AI for a length of 141 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AJ to AL for a length of 198 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AQ to AR for a length of 16 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway from point AP to AU for a length of 166 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway from point AQ to AT for a length of 119 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway from point AW to AV for a length of 62 metres as shown on Sheet 1 (Kingsway junction) of

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			the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point BB to BD for a length of 41 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway from point AX to AY for a length of 38 metres as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Markeaton			
Derby City Council	N/A	N/A	<p>References A and B as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.</p> <p>Reference A - Realigned A38 northbound carriageway starting at the point 259 metres south of the tip of the nosing of the A38 northbound diverge slip road at Markeaton junction roundabout to the point 429 metres north of the tip of the nosing of the A38 northbound merge slip road at Markeaton junction roundabout, a total distance of 1234 metres.</p> <p>Reference B - New A38 northbound diverge slip road starting from the diverge with</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			A378 northbound carriageway to the point where it meets Markeaton junction roundabout, a total distance of 372 metres.
Derby City Council	Markeaton junction Circulatory carriageway	Reference A21 The whole length of Markeaton circulatory carriageway, an extent of 206 metres, as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	Reference C as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans. New Markeaton junction circulatory carriageway, an extent of 210 metres.
Derby City Council	N/A	N/A	Reference D and E as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans. Realigned A52 Ashbourne Road westbound and eastbound carriageway starting at Markeaton junction roundabout to a point 237 metres west from the Markeaton junction roundabout, a total distance of 237 metres.
Derby City Council	N/A	N/A	Reference F as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans. New A38 northbound merge slip road starting from the Markeaton junction roundabout to the point where it merges with the

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			A38 northbound carriageway, a total distance of 275 metres.
Derby City Council	N/A	N/A	<p>Reference G as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.</p> <p>Reference G- Realigned A38 northbound diverge slip road onto Kedleston Road junction from the start of the diverge from the A38 northbound carriageway along its length to its meets with junction Kedleston Road, a length of 262 metres.</p>
Derby City Council	N/A	N/A	<p>Reference H as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans</p> <p>Realigned southbound merge slip road onto the A38 southbound carriageway from the start of the junction with the Kedleston Road along its length of 171 metres to where it meets with A38 southbound carriageway.</p>
Derby City Council	N/A	N/A	<p>References I and J as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.</p> <p>Reference I-Realigned A38 southbound</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			<p>carriageway starting at the point 398 metres north of the A38 southbound diverge slip road nosing at Markeaton junction to the point 357 metres south of the A38 southbound merge slip road at Markeaton junction roundabout, a total distance of 1239 metres.</p> <p>Reference J-New A38 southbound diverge slip road starting from the diverge with A38 southbound carriageway to the point where it meets the A38 Markeaton junction roundabout, a total distance of 307 metres.</p>
Derby City Council	A52 Ashbourne Road with the A38 circulatory	Reference A47 To be stopped up for a distance of 14 metres as shown on Sheet 2 (Markeaton junction) rights of way and access plans.	<p>Reference K and L as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.</p> <p>Reference K - Realigned A52 Ashbourne Road eastbound carriageway starting at the Markeaton junction roundabout to the point 87 metres east of the Markeaton junction roundabout, a total distance of 87 metres.</p> <p>Reference L - Realigned A52 Ashbourne Road westbound starting at the point 87 metres</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			west of the Markeaton junction roundabout to the point where it meets the Markeaton junction roundabout, a total distance of 87 metres.
Derby City Council	N/A	N/A	Reference M as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans. New A38 southbound merge slip road starting from Markeaton junction roundabout to the point where it merges with A38 southbound carriageway, a total distance of 286 metres.
Derby City Council	Footway/cycle track on the east side of the A38 northbound carriageway	Reference A10 To be stopped up for a distance of 53 metres as shown on Sheet 2 (Markeaton junction) rights of way and access plans.	Realigned footway/cycle track from point AA to AB (a total distance of 98 metres) on the south west side of the Markeaton junction roundabout, as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway from point AI to BJ (a total distance of 130 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway from point BK to AM (a total distance of 185 metres) as shown on Sheet 2 (Markeaton

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			junction) of the streets rights of way and access plans.
Derby City Council	Footbridge crossing the A38 northbound and southbound carriageway.	Entire length of footbridge and ramps, a total distance of 226 metres from point A23 to A24 as shown on Sheet 2 (Markeaton junction) rights of way and access plans.	New footway/cycle track including footway/cycle track bridge from point AV to BN (a total distance of 312 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	Footway/cycle track on the north side of the A38 northbound carriageway	To be stopped up for a distance of 44 metres from point A25 to A26 as shown on Sheet 2 (Markeaton junction) rights of way and access plans.	New footway/cycle track from point AS to AV to AT (a total distance of 277 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AW to BN to AX to AY (a total distance of 618 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway/cycle track from point BD to BE (a total distance of 658 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway/cycle track from point AD to AE (a total distance of 17 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Derby City Council	N/A	N/A	Realigned footway from point AE to AF (a total distance of 19 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway from point AG to AH (a total distance of 10 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AK to AL (a total distance of 43 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AM to AN to BL to AO (a total distance of 73 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AO to AP (a total distance of 27 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AQ to AR (a total distance of 68 metres) as shown on Sheet 2 (Markeaton junction) of the streets

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			rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point AX to BA (a total distance of 24 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	New footway/cycle track from point BF to BG to BH to BI (a total distance of 84 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway/cycle track from point AZ to AY to BA (a total distance of 85 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Realigned footway/cycle track from point BB to BC (a total distance of 28 metres) as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Little Eaton			
Derbyshire County Council	N/A	N/A	References A and B, as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans. Reference A - Realigned A38 northbound carriageway starting at a point 231 metres west of the tip of the

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			<p>nosing of the A38 northbound diverge slip road at Little Eaton junction to the point 341 metres north of the tip of the nosing of the A38 northbound merge slip road at Little Eaton junction, a total distance of 1267 metres.</p> <p>Reference B - New A38 northbound diverge slip road starting from the diverge with A38 northbound carriageway to the point where it meets the Little Eaton junction roundabout, a total distance of 441 metres.</p>
Derbyshire County Council	N/A	N/A	<p>Reference D, as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.</p> <p>Realigned B6179 Alfreton Road starting at Little Eaton junction roundabout to the point 49 metres north of the Little Eaton junction roundabout, a total distance of 49 metres.</p>
Derbyshire County Council	Little Eaton circulatory carriageway	<p>Reference A09</p> <p>The entire length of the existing Little Eaton circulatory carriageway, an extent of 230 metres, and maintenance access, as shown on Sheet 3 (Little Eaton junction)</p>	<p>Reference E</p> <p>New Little Eaton Junction roundabout, a length of 348 metres, as shown on Sheet 3 (Little Eaton junction) streets rights of way and access plans.</p>

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<i>(1)</i> Area	<i>(2)</i> Highway to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New Highway to be substituted/provided
		streets rights of way and access plans.	
Derbyshire County Council	A38 northbound carriageway	Reference A10 A total length of 518 metres on A38 northbound carriageway commencing at the existing Little Eaton junction in a northerly direction, as shown on Sheet 3 (Little Eaton junction) streets rights of way and access plans.	Reference A (as described above) and F as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans. Reference F - New A38 northbound merge slip road starting from Little Eaton junction roundabout to the point where it merges with the A38 northbound carriageway, a total distance of 340 metres.
Derbyshire County Council	A38 southbound carriageway	Reference A11 and A12 A total extent of 460 metres on the A38 southbound carriageway from the existing Little Eaton roundabout in a northerly direction, as shown on Sheet 3 (Little Eaton junction) rights of way and access plans.	References G, H and I as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans. Reference G - Realigned A38 southbound carriageway starting at a point 278 metres north of the tip of the nosing of the A38 southbound diverge slip road at Little Eaton junction to the point 183 metres west of the tip of the nosing of the A38 southbound merge slip road at Little Eaton junction, a total distance of 1300 metres. Reference H - New A38 southbound diverge slip road starting from

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
			<p>the diverge with A38 southbound carriageway to the point where it meets the Little Eaton junction, a total distance of 524 metres.</p> <p>Reference I - New A38 southbound diverge slip road starting from the diverge with the A38 southbound diverge slip road at Little Eaton junction to the point where it meets the A61 Alfreton Road southbound carriageway, a total distance of 188 metres.</p>
Derbyshire County Council	N/A	N/A	<p>Reference J and K as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.</p> <p>Reference J - Realigned A61 Alfreton Road southbound carriageway starting at Little Eaton junction roundabout to the point 106 metres south of the Little Eaton junction roundabout, a total distance of 106 metres.</p> <p>Reference K - Realigned A61 Alfreton Road northbound carriageway starting at a point 106 metres south of the Little</p>

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<i>(1)</i> Area	<i>(2)</i> Highway to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New Highway to be substituted/provided
			Eaton junction roundabout to the point where it meets the Little Eaton junction roundabout, a total distance of 106 metres.
Derbyshire County Council	N/A	N/A	Reference C as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans. Reference C- Realigned Ford Lane starting at Little Eaton junction roundabout to the point 24 metres west of the Little Eaton junction roundabout, a total distance of 24 metres.
Derbyshire County Council	A38 southbound carriageway	N/A	Reference L as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans. New A38 southbound merge slip road starting from Little Eaton junction roundabout to the point where it merges with A38 southbound carriageway, a total distance of 426 metres.
Derbyshire County Council	N/A	N/A	Realigned footway/ cycle track from point AA to AB to AC for a length of 442 metres as show on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New Highway to be substituted/provided</i>
Derbyshire County Council	N/A	N/A	Realigned footway/cycle track from point AD to AE for a length of 62 metres as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire County Council	N/A	N/A	New footway/cycle track from point AF to AG for a length of 25 metres as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire County Council	N/A	N/A	New footway/cycle track from point AH and AI for a length of 150 metres as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.
Derbyshire County Council	N/A	N/A	New footway/cycle track from point AJ and AK for a length of 80 metres as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.

PART 3

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
Markeaton		
Derby City Council	Footways/cycle track between houses No. 18 and 20 Queensway, from the Queensway access Road	Entire length of footway/cycle track from point A14 to A15, a total distance of 30 metres as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
	heading in an easterly direction.	
Derby Council City	Access to private property (House No. 4 Queensway)	Reference B02 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 6 Queensway)	Reference B03 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 8 Queensway)	Reference B04 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 10 Queensway)	Reference B05 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 12 Queensway)	Reference B06 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 14 Queensway)	Reference B07 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council City	Access to private property (House No. 16 Queensway)	Reference B08 An extent of 10 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.

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<i>(1)</i> Area	<i>(2)</i> Private means of access to be stopped up	<i>(3)</i> Extent of stopping up
Derby Council	City Access to private property (House No. 18 Queensway)	Reference B09 An extent of 5 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 2 Queensway)	Reference B12 An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House no. 257 Ashbourne Road)	Reference B15 An extent of 3 metres from the junction with A52 Ashbourne Road westbound carriageway properties as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 20 Queensway)	Reference B16 An extent of 4 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 22 Queensway)	Reference B17 An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 24 Queensway)	Reference B18 An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 26 Queensway)	Reference B19 An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby Council	City Access to private property (House No. 30 Queensway)	Reference B20

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
		An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	Access to private property (House No. 32 Queensway)	Reference B21 An extent of 3 metres from the junction with footways to the private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Private means of access to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New private means of access to be substituted/provided</i>
Kingsway			
Derby City Council	Reference B02 Access to private property from Kingsway Park Close	An extent of 22 metres north from the junction with the Kingsway Park Close as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.	Reference 1 Realigned private means of access on Kingsway park close link road, 230m south of the junction with Lyttleton Street road as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Reference 2 A new private means of access to a buried tank on A38 northbound diverge slip road, starting at a point 180 metres south of Kingsway West Roundabout, a total distance of 19 metres including 20

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<i>(1)</i> Area	<i>(2)</i> Private means of access to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New private means of access to be substituted/provided
			metres turning head as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Derby City Council	N/A	N/A	Reference 3 A new private means of access to proposed balancing pond on A38 northbound carriageway, starting at a point 369 metres north of the tip of the nosing of A38 northbound diverge slip road, a distance of 35 metres including the 20 metres length of turning head as shown on Sheet 1 (Kingsway junction) of the streets rights of way and access plans.
Markeaton			
Derby City Council	N/A	N/A	Reference 1 A new private means of access to a buried tank off new footway/ cycle track (BN to AX), a total distance of 11 metres as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	Access to private property No. 253 Ashbourne Road	Reference B13 An extent of 1 metre from the A52 Ashbourne Road westbound carriageway to private property as shown on Sheet 2 (Markeaton junction) of the streets	Reference 2 From the A52 Ashbourne Road westbound carriageway to private property as shown on Sheet 2 (Markeaton junction) of the streets

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<i>(1)</i> Area	<i>(2)</i> Private means of access to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New private means of access to be substituted/provided
		rights of way and access plans.	rights of way and access plans.
Derby City Council	Access to private property No. 255 Ashbourne Road	Reference B14 An extent of 1 metre from the A52 Ashbourne Road westbound carriageway to private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.	Reference 2 From the A52 Ashbourne Road westbound carriageway to private property as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Derby City Council	Access to properties on Sutton Close	Reference B22 An extent of 5 metres from the A52 Ashbourne Road westbound carriageway to Sutton Close as shown on Sheet 2 (Markeaton junction) streets rights of way and access plans.	Reference 2 From the A52 Ashbourne Road westbound carriageway to private properties on Sutton Close as shown on Sheet 2 (Markeaton junction) of the streets rights of way and access plans.
Little Eaton			
Derbyshire County Council	Access to private land	Reference B01 Access to private land (a length of 14m) from the A61 Alfreton northbound carriageway, as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.	Reference 1 Access to private land (a length of 14m) from the A61 Alfreton road northbound carriageway at a point 170 metres south of the existing Little Eaton roundabout, as shown on Sheet 3 (Little Eaton junction) of the rights on way and access plans.
Derbyshire County Council	N/A	N/A	Reference 2 A new private means of access to new balancing

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			ponds, starting from the A61 Alfreton road southbound carriageway including the entire length of roads around ponds (a total distance of 256 metres) as shown on Sheet 3 (Little Eaton junction) of the streets rights of way and access plans.

SCHEDULE 5

Article 26

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Land Plans – Sheet 1		
1/3a	Required for the establishment and maintenance of environmental mitigation and enhancement areas	Work No. 8
1/3b	Required for the establishment and maintenance of environmental mitigation and enhancement areas and the diversion and maintenance of and access to utilities and the establishment and maintenance of flood storage areas	Work No. 1, 8 and 9
1/4b	Required for the establishment of environmental mitigation and enhancement and the diversion and maintenance of and access to utilities	Work No. 8 and 9
Land Plans – Sheet 2		
2/1b	Required for the diversion and maintenance of and access to utilities and the establishment and maintenance	Work No. 8 and 9

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<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	of environmental mitigation and enhancement	
2/1c	Required for the construction of a diverge slip road and for the establishment of environmental mitigation and enhancement areas and the construction of highway drainage attenuation	Work No. 2 and 8
2/1f	Required for the construction of a cycle track and the diversion and maintenance of and access to utilities	Work No. 3 and 9
2/1o	Required for the construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close and the diversion and maintenance and access to utilities	Work No. 7 and 9
2/1p	Required for the construction and reconfiguration of the junction between Lyttelton Street and Kingsway Park Close and the diversion and maintenance and access to utilities	Work No. 7 and 9
2/7a and 2/8	Required for the diversion construction and maintenance of a cycle track	Work No. 3
2/9	Required for the construction and maintenance of a cycle track and the diversion and maintenance of and access to utilities	Work No. 3 and 9
2/13a	Required to construct a link road and the diversion and maintenance and access to utilities	Work No. 7 and 9
2/19a	Required to construct a link road and the diversion and maintenance of and access to utilities and the construction of footways	Work No. 7 and 9
2/19b	Required to construct a link road and the diversion and	Work No. 7 and 9

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<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	maintenance of and access to utilities and the reconfiguration of Lyttelton junction	
Land Plans – Sheet 3		
3/1p and 3/1q	Required for the construction of a northbound diverge slip road and the diversion and maintenance of and access to utilities and the stopping up of the Enfield Road entry and exit roads	Work No. 11 and 22
3/1w and 3/1x	Required for the diversion and maintenance of and access to a utility corridor and construction of a new emergency access	Work No. 16 and 21
3/5a	Required for the alteration, realignment and grading of highway; the construction, improvement and realignment of cycle track and the diversion and maintenance of and access to utilities	Work No. 10, 15 and 22
3/9b	Required for alterations to the access to and egress from the filling station and fast-food site and the diversion and maintenance of utilities	Work No. 16 and 22
3/16a, 3/17 and 3/19	Required for the construction and alteration of a private means of access	Work No. 16
3/22b	Required for the construction of a southbound diverge slip and alteration realignment and grading of highway and the construction and maintenance of a noise barrier and alterations to the access to and egress from the A52 to the Royal School for the Deaf	Work No. 13 and 16
Land Plans – Sheet 4		
4/1b	Required for the diversion and maintenance of and access to a utility corridor and for the demolition of a footbridge and replacement of a footbridge	Work No. 10 and 21

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<i>(1)</i> <i>Plot reference number shown on land plans</i>	<i>(2)</i> <i>Purpose for which rights over land may be acquired</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
4/1d	Required for the alteration, realignment and grading of a highway	Work No. 10, 21 and 22
4/7b	Required for the construction and maintenance of a noise barrier	Work No. 13
Land Plans – Sheet 6		
6/2	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities	Work No. 31
Land Plans – Sheet 7		
7/5	Required for the construction and maintenance of a flood plain compensation area and the diversion and maintenance of and access to utilities	Work No. 31
Land Plans – Sheet 8		
8/6	Required for the access construction and maintenance of a railbridge	Work No. 23
8/23b, 8/25c and 8/21	Required for the diversion and maintenance of and access to utilities	Work No. 35
Land Plans – Sheet 9		
9/6b	Required for the alteration, realignment and grading of northbound and southbound carriageways, the construction of a southbound diverge slip road and the diversion and maintenance of and access to utilities	Work No. 23, 26 and 35

SCHEDULE 6

Article 26

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

Compensation enactments

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

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

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

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 6 to the A38 Derby Junctions Development Consent Order 2023 (the “A38 Derby Junctions Order”));
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 to the A38 Derby Junctions Order) to acquire an interest in the land; and
- (c) the acquiring authority enter on and take possession of that land,

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

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(7) has effect subject to the modifications set out in sub-paragraph (2).

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

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

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 29 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 23 (compulsory acquisition of land), applies to the compulsory acquisition of a right by the creation of a new right, or to the imposition of a restrictive covenant under article 26(1) (compulsory acquisition of rights)—

- (a) with the modifications specified in paragraph 5; and

(7) 1973 c. 26.

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(b) with such other modifications as may be necessary.

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

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

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

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

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

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

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

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

(5) Section 11(8) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 23), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(9) (powers of entry: further notices of entry), 11B(10) (counter-notice requiring possession to be taken on specified date), 12(11) (unauthorised entry) and 13(12) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(13) (tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference

(8) 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), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(9) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(10) Section 11B was inserted by section 187(3) of the Housing and Planning Act 2016.

(11) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraphs 2 and 4 of Schedule 16 to the Housing and Planning Act 2016.

(12) 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).

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

with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 29(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

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

“SCHEDULE 2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND NOT IN NOTICE TO TREAT

Introduction

(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 30 (application of the 1981 Act) of the A38 Derby Junctions Development Consent Order 2023 in respect of the land to which the notice to treat relates.

(2) But see article 31(3) (acquisition of subsoil or airspace only) of the A38 Derby Junctions Development Consent Order 2023 which excludes the acquisition of subsoil or airspace only from this Schedule.

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

Counter-notice requiring purchase of land

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

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

Response to counter-notice

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

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

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

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

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

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

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Determination by the Upper Tribunal

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

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

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

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

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

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

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

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

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

SCHEDULE 7

Article 33

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Plot Reference Number</i> <i>shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary</i> <i>possession may be taken</i>	<i>(3)</i> <i>Relevant part of the</i> <i>authorised development</i>
Land Plans – Sheet 1		
1/3c	Required for the establishment of environmental mitigation and enhancement	Work No. 8
1/4a	Required for the establishment of environmental mitigation and enhancement	Work No. 8
Land Plans – Sheet 2		

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<i>(1)</i> <i>Plot Reference Number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
2/1a	Required for the establishment of environmental mitigation and enhancement	Work No. 8
2/1d	Required for the construction of a northbound merge slip road and construction and realignment of a cycle track	Work No. 3
2/1n	Required for the construction of a link road and the construction and maintenance of a noise barrier	Work No. 7
2/1r	Required for the widening of the Brackensdale Avenue east and west underbridges, the alteration of part of the entry and exit lanes off Brackensdale Avenue which connects to the A38 and the reconfiguration of the existing junction between Lyttelton Street and Kingsway Park Close	Work No. 1 and 7
2/1s	Required for the alteration of part of the entry and exit lanes off Brackensdale Avenue which connects to the A38 and works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38	Work No. 1
2/1t	Required for works to effect the stopping up of part of the entry and exit lanes off Brackensdale Avenue which connect to the A38	Work No. 1
2/1u	Required for the alteration, realignment and grading of highway	Work No. 1
2/3	Required for the establishment of environmental mitigation and enhancement	Work No. 8
2/6	Required for the construction of a cycle track and establishment of environmental mitigation and enhancement	Work No. 3 and 8

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<i>(1)</i> <i>Plot Reference Number</i> <i>shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary</i> <i>possession may be taken</i>	<i>(3)</i> <i>Relevant part of the</i> <i>authorised development</i>
2/13c	Required to construct a link road	Work No. 7
Land Plans – Sheet 3		
3/1aa	Required for the diversion and construction of a utility corridor	Work No. 21
3/1b, 3/1c and 3/1d	Required for the alteration, realignment and grading of the A38	Work No. 10
3/1g and 3/1h	Required for works to effect the stopping up of the entry and exit lanes of Raleigh Street which connect to the A38; and the improvement and realignment of a cycle track	Work No. 1 and 15
3/1i	Required for the alteration, realignment and grading of highway and the construction, improvement and realignment of a cycle track	Work No. 10 and 15
3/1j	Required for the alteration, realignment and grading of the A38	Work No. 10
3/1n	Required for the construction of the A38 and the northbound diverge slip road	Work No. 10 and 11
3/1t and 3/8b	Required for alterations to the access and egress from the filling station and fast-food site	Work No. 16
3/1v	Required for the construction of a new junction for access to and egress from Markeaton Park including a roundabout and a park & ride bus stop; works to effect the stopping up of the entrance to Markeaton Park; new emergency access from Markeaton Park and relocation of the boundary wall to Markeaton Park	Work No. 16
3/4	Required for the alteration, realignment and grading of highway and the construction, improvement and realignment of the existing cycle track	Work No. 10, 15 and 22

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<i>(1)</i> <i>Plot Reference Number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
	and access to undertake utility diversion works	
3/5b	Required for the alteration, realignment and grading of highway and the construction of a southbound merge slip road	Work No. 10 and 14
3/5d	Required for the construction of a temporary construction compound	Work No. 19
3/8a and 3/9a	Required for amendments to the access to and egress from the filling station and fast-food site	Work No. 11
3/15a	Required for the construction and alteration of a private means of access	Work No. 16
Land Plans – Sheet 4		
4/1c	Required for the construction of a southbound merge slip road and access to undertake utility diversion works	Work No. 14 and 21
4/1f	Required for the establishment of environmental mitigation and enhancement areas	Work No. 20
4/1h and 4/7d	Required to establish environmental mitigation and enhancement areas	Work No. 20
4/13b	Required for the establishment of environmental mitigation and enhancement areas	Work No. 20
Land Plans – Sheet 5		
5/1 and 5/2	Required to establish environmental mitigation and enhancement areas	Work No. 20
Land Plans – Sheet 7		
7/1a, 7/1b, 7/2, 7/1d and 7/1c	Required for the reconfiguration of highway and a junction	Work No. 34
7/1f and 7/12	Required for the realignment of Ford Land and the reconfiguration of the junction with Lambourn Drive and the alteration of Ford Lane Bridge	Work No. 29 and 33

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(1) <i>Plot Reference Number shown on land plans</i>	(2) <i>Purpose for which temporary possession may be taken</i>	(3) <i>Relevant part of the authorised development</i>
7/6, 7/7a and 7/7b	Required for the construction of flood compensation area	Work No. 31
7/17a	Required for the alteration, realignment and grading of carriageway and the construction of a southbound merge slip road and works to effect the stopping up and diversion of a section of a footpath and works to effect the stopping up and diversion of a private means of access	Work No. 23 and 27
7/14	Required for the alteration, realignment and grading of the carriageway and the construction of a southbound merge slip road	Work No. 23 and 27
7/17c	Required for the alteration, realignment and grading of the northbound and southbound lanes of the carriageway and the southbound merge slip road	Work No. 23 and 27
7/9, 7/8, 7/1e, 7/10 and 7/11	Required for the realignment of Ford Lane and the reconfiguration of the junction with Lambourn Drive	Work No. 33
7/1g	Required for the establishment of environmental mitigation areas	Work No. 37
7/1h and 7/1i	Required for alterations to a bridge on Ford Lane	Work No. 29
7/1j and 7/13	Required for works to stop up a highway and carry out works on a bridge	Work No. 28 and 29
Land Plans – Sheet 8		
8/1	Required for the erection and accommodation of a temporary works compound	Work No. 32
8/2, 8/3a and 8/3c	Required for the alteration, realignment and grading of the northbound and southbound carriageways and the construction of a southbound merge slip road	Work No. 23 and 27

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<i>(1)</i> <i>Plot Reference Number shown on land plans</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
8/5 and 8/8	Required for the alteration, realignment and grading of the northbound and southbound carriageway and alteration and extension to an existing railway bridge	Work No. 23
8/18 and 8/19	Required for the realignment and grading of Ford Lane to connect to the Little Eaton Roundabout	Work No. 30
8/10b	Required for the alteration, realignment and grading of the northbound and southbound lanes, construction of a southbound merge slip road and the alteration, realignment and grading of carriageway	Work No. 23, 27 and 30
8/10c and 8/11	Required for the construction of a southbound diverge slip road and the alteration, realignment and grading of carriageway	Work No. 26 and 30
8/4h, 8/15, 8/16b, 8/24b and 8/25b	Required for the alteration, realignment and grading of northbound and southbound carriageway, construction of a southbound diverge slip road and the erection and accommodation of a works compound	Work No. 23 and 26
Land Plans – Sheet 9		
9/1, 9/2, 9/3 and 9/4	Required for the erection and accommodation of a temporary works compound	Work No. 32

SCHEDULE 8

Article 40

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Name of Order/Type of tree</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Land at Royal School for the Deaf, Land at the R.S.D	Tree Removal	Work No. 13

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<i>(1)</i> <i>Name of Order/Type of tree</i>	<i>(2)</i> <i>Work to be carried out</i>	<i>(3)</i> <i>Relevant part of the authorised development</i>
Ashbourne Road, Derby (TPO No. 456)		
Northern boundary of playing field and adjacent to 32 Queensway, Royal School for the Deaf (160)	Tree Removal	Work No. 13
Land to the north and east of Queensway, Land to the north of Markeaton Street (116)	Tree Removal	Work No. 10
Land at Sturgess Fields (197)	Tree Removal	Work No. 10

SCHEDULE 9

Article 44

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY,
WATER AND SEWERAGE UNDERTAKERS

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

2. In this Part of this Schedule—

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

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989⁽¹⁴⁾), belonging to or maintained by that utility undertaker;
- (b) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that utility undertaker for the purposes of water supply; and
- (c) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the utility undertaker under the Water Industry Act 1991⁽¹⁵⁾; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)⁽¹⁶⁾ (adoption of sewers and disposal works) of that Act or an

⁽¹⁴⁾ 1989 c. 29. The definition of “electrical plant” (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c. 27).

⁽¹⁵⁾ 1991 c. 56.

⁽¹⁶⁾ Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c. 37) and section 56 of, and paragraph 90 of Schedule 7 to, the Water Act 2014 (c. 21).

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agreement to adopt made under section 104(17) (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 (general interpretation) of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

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

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“utility undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a water undertaker within the meaning of the Water Industry Act 1991; and
- (c) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

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

On street apparatus

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

Apparatus in stopped up streets

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

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

Protective works to buildings

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

(17) Section 104 was amended by sections 96(4) and 101(2) of, and Part 3 of Schedule 9 to, the Water Act 2003, section 42(3) of the Flood and Water Management Act 2010 (c. 29) and section 11(1) and (2) of, and paragraphs 2 and 91 of Schedule 7 to the Water Act 2014.

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Acquisition of land

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

Removal of apparatus

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

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker in question 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question 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) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 48 (arbitration).

(5) The utility undertaker in question 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 utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

(7) Nothing in sub-paragraph (6) 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.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the

undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 48 (arbitration).

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

Retained apparatus

9.—(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 apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

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

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

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

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

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

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

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

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Expenses and costs

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

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 48 (arbitration) to be necessary then, if such placing involves cost 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 utility undertaker in question by virtue of sub-paragraph (1) must 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 must not 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 pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must 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 utility undertaker in respect of works by virtue of sub-paragraph (1), if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, is to be reduced by the amount which represents that benefit.

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraphs 5 or 7(2) any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the undertaker must—

(a) bear and pay the cost reasonably incurred by that utility undertaker in making good such damage or restoring the supply; and

(b) make reasonable compensation to that utility undertaker for any other expenses, loss, damages, penalty or costs incurred by the utility undertaker,

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

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any

requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

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

(4) A utility undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand.

Co-operation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

13. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and a utility undertaker in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

15. In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(18);

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

“the electronic communications code” has the same meaning as in section 106(19) (application of the electronic communications code) of the 2003 Act;

“electronic communications code network” means—

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

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

(18) 2003 c. 21.

(19) Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30).

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“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code; and

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

16. The exercise of the powers conferred by article 35 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

17.—(1) Subject to sub-paragraphs (2) to (4), if as a result of the authorised development or its construction, or of any subsidence resulting from the authorised development—

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised development), or other property of an operator; or

(b) there is any interruption in the supply of the service provided by an operator,

the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it by reason, or in consequence of, any such damage or interruption.

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

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

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 48 (arbitration).

(5) 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 (street works in England and Wales) of the 1991 Act; or

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

(6) 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 in land belonging to the undertaker on the date on which this Order is made.

PART 3

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

18.—(1) The following provisions apply for the protection of the Agency unless otherwise agreed in writing between the undertaker and the Agency.

(2) In this Part of this Schedule—

“the Agency” means the Environment Agency;

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“construction” includes executing, placing, altering, replacing, relaying, removing and excavating and “construct” and “constructed” shall be construed accordingly;

“drainage work” means any main river and includes any land which provides or is expected to provide flood storage capacity for any main river and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

“fishery” means any waters containing fish and fish in, or migrating to or from, such waters and the spawn, spawning ground, habitat or food of such fish;

“main river” means all watercourses shown as such on the statutory main river maps held by the Agency and the Department for Environment Food and Rural Affairs including any structure or appliance for controlling or regulating the flow of water in or out of the channel;

“plans” includes sections, drawings, specifications, calculations and method statements;

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 8 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery;
- (d) affect the conservation, distribution or use of water resources; or
- (e) affect the conservation value of the main river and habitats in its immediate vicinity;

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

19.—(1) Before beginning to construct any specified work, the undertaker must submit to the Agency plans of the specified work and such further particulars available to it as the Agency may within 28 days of the receipt of the plans reasonably request.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency, or determined under paragraph 28.

(3) Any approval of the Agency required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) in the case of a refusal must be accompanied by a statement of grounds of refusal;
- (c) is deemed to have been refused if it is neither given nor refused within 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the Agency for approval; and
- (d) may be given subject to such reasonable requirements as the Agency may have for the protection of any drainage work, fishery or water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(c).

20. Without limiting paragraph 19, the requirements which the Agency may have under that paragraph include conditions requiring the undertaker, at its own expense, to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

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- (a) to safeguard any drainage work against damage; or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

21.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 20, must be constructed—

- (a) without unreasonable delay in accordance with the plans approved or settled under this Part of this Schedule; and
- (b) to the reasonable satisfaction of the Agency,

and the Agency shall be entitled by its officer to watch and inspect the construction of such works.

(2) The undertaker must give to the Agency not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is completed.

(3) If the Agency reasonably requires, the undertaker must construct all or part of the protective works so that they are in place prior to the construction of the specified work to which the protective works relate.

(4) If any part of a specified work or any protective work required by the Agency is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the Agency may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the Agency reasonably requires.

(5) Subject to sub-paragraph (6), if within a reasonable period, being not less than 28 days beginning with the date when a notice under sub-paragraph (4) is served upon the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any reasonable expenditure incurred by the Agency in so doing shall be recoverable from the undertaker.

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency shall not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined in accordance with paragraph 28.

22.—(1) Subject to sub-paragraph (7) the undertaker must from the commencement of the construction of the specified works until the date falling 12 months from the date of completion of those works ("the maintenance period"), maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the undertaker for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) Upon the expiry of the maintenance period, the drainage work must be maintained by the highway authority of the highway to which the specified work relates.

(3) If any such drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the person liable for maintenance to repair and restore the work, or any part of such work, or (if the person liable for maintenance so elects and the Agency in writing consents, such consent not to be unreasonably

withheld or delayed), to remove the specified work and restore the site to its former condition, to such extent and within such limits as the Agency reasonably requires.

(4) Subject to sub-paragraph (6), if, within a reasonable period, being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (3) on the person liable for maintenance, the person has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the Agency may do what is reasonably necessary for such compliance and any reasonable expenditure incurred by the Agency in so doing shall be recoverable from that person.

(5) If there is any failure by the undertaker to obtain consent or comply with conditions imposed by the Agency in accordance with these protective provisions the Agency may serve written notice requiring the undertaker to cease all or part of the specified works and the undertaker must cease the specified works or part thereof until it has obtained the consent or complied with the condition unless the cessation of the specified works or part thereof would cause greater damage than compliance with the written notice.

(6) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (3), the Agency shall not, except in the case of an emergency, exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined in accordance with paragraph 28.

(7) This paragraph does not apply to—

- (a) drainage works which are vested in the Agency, or which the Agency or another person is liable to maintain and is not proscribed by the powers of this Order from doing so; or
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule.

23. If by reason of the construction of any specified work or of the failure of any such work, the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of the Agency and if the undertaker fails to do so, the Agency may make good the impairment or damage and recover any expenditure reasonably incurred by the Agency in so doing from the undertaker.

24. If by reason of construction of a specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the undertaker must provide such alternative means of access that will allow the Agency to maintain the flood defence or use the equipment no less effectively than was possible before the obstruction within 24 hours of the undertaker becoming aware of such obstruction.

25.—(1) The undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in a fishery during the construction of any specified work.

(2) If by reason of—

- (a) the construction of any specified work; or
- (b) the failure of any such work,

damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the undertaker requiring it to take such steps as may be reasonably practicable to make good the damage, or, as the case may be, to protect the fishery against such damage.

(3) If within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the undertaker fails

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to take such steps as are required under sub-paragraph (2), the Agency may take those steps and any expenditure reasonably incurred by the Agency in so doing shall be recoverable from the undertaker.

(4) In any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the undertaker any reasonable expenditure reasonably incurred in so doing provided that notice specifying those steps is served on the undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

26. The undertaker must repay to the Agency all reasonable costs, charges and expenses which the Agency may reasonably incur—

- (a) in the examination or approval of plans under this Part of this Schedule;
- (b) in the inspection of the construction of the specified works or any protective works required by the Agency under this Part of this Schedule; and
- (c) in the carrying out of any surveys or tests by the Agency which are reasonably required in connection with the construction of the specified works.

27.—(1) The undertaker must make reasonable compensation for costs and losses which may be reasonably incurred or suffered by the Agency by reason of—

- (a) the construction of any specified works comprised within the authorised works; or
- (b) any act or omission of the undertaker, its employees, contractors or agents or other whilst engaged upon the construction of the authorised works.

(2) For the avoidance of doubt, in sub-paragraph (1)—

“costs” includes—

- (a) expenses and charges;
- (b) staff costs and overheads; and
- (c) legal costs;

“losses” includes physical damage.

(3) The undertaker must make reasonable compensation for liabilities, claims and demands arising out of or in connection with the authorised development or otherwise out of the matters referred to in sub-paragraph (1)(a) and (b).

(4) For the avoidance of doubt, in sub-paragraph (3)—

“claims” and “demands” include as applicable—

- (a) costs (within the meaning of sub-paragraph (2)) incurred in connection with any claim or demand; and
- (b) any interest element of sums claimed or demanded;

“liabilities” includes—

- (a) contractual liabilities;
- (b) tortious liabilities (including liabilities for negligence or nuisance);
- (c) liabilities to pay statutory compensation or for breach of statutory duty; and
- (d) liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties).

(5) The Agency must give to the undertaker reasonable written notice of any such claim or demand.

(6) The undertaker may at its own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom.

(7) The Agency must not compromise or settle any such claim or demand or make any admission which might be prejudicial to the claim or demand without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

(8) The Agency must at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or losses.

(9) The Agency must, at the request of the undertaker, afford all reasonable assistance for the purpose of contesting any such claim or action, and is entitled to be repaid its reasonable expenses reasonably incurred in so doing.

(10) The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the undertaker from any liability under the provisions of this Part of this Schedule.

(11) Nothing in this paragraph imposes any liability on the undertaker with respect to any costs, charges, expenses, damages, claims, demands or losses to the extent they are attributable to the neglect or default of the Agency, its officers, servants, contractors or agents.

28. Any dispute arising between the undertaker and the Agency under this Part of this Schedule will, if the parties agree, be determined by arbitration under article 48 (arbitration), but will otherwise be determined by the Secretary of State for Environment, Food and Rural Affairs or its successor and the Secretary of State for Transport or its successor acting jointly on a reference to them by the undertaker or the Agency, after notice in writing by one to the other.

PART 4

FOR THE PROTECTION OF NETWORK RAIL

29. The following provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 43, any other person on whom rights or obligations are conferred by that paragraph.

30. In this Part of this Schedule—

“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;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993⁽²⁰⁾;

“Network Rail” means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at 1 Eversholt Street, London NW1 2DN) 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 (meaning of “subsidiary” etc.) of the Companies Act 2006⁽²¹⁾) 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;

⁽²⁰⁾ 1993 c. 43.

⁽²¹⁾ 2006 c. 46.

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“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 extent, timing and duration of any proposed occupation of railway property;

“protective works” means any works specified by the engineer under paragraph 33(4);

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

“railway property” means any railway belonging to Network Rail and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
- (b) 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 or is to be situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

31.—(1) Where under this Part of this Schedule 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.

32.—(1) The undertaker must not exercise the powers conferred by—

- (a) article 15 (temporary stopping up and restriction of use of streets);
- (b) article 16 (permanent stopping up and restriction of use of streets and private means of access);
- (c) article 17 (access to works);
- (d) article 20 (discharge of water);
- (e) article 21 (protective works to buildings);
- (f) article 22 (authority to survey and investigate the land);
- (g) article 23 (compulsory acquisition of land);
- (h) article 26 (compulsory acquisition of rights);
- (i) article 28 (private rights over land);
- (j) article 31 (acquisition of subsoil or airspace only);
- (k) article 32 (rights under or over streets);
- (l) article 33 (temporary use of land for carrying out the authorised development);
- (m) article 34 (temporary use of land for maintaining the authorised development);
- (n) article 35 (statutory undertakers);

- (o) article 39 (felling or lopping of trees and removal of hedgerows); and
- (p) article 40 (trees subject to tree preservation orders),

or the powers conferred by section 11(3) (powers of entry) of the 1965 Act or the 1981 Act as applied by this Order, in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of electronic communications code network operators: preliminary notices) of the 1990 Act or article 35 (statutory undertakers) in relation to any right of access of Network Rail to railway property, but such right of access may be extinguished or diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

(5) Where Network Rail is asked to give its consent under this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions.

33.—(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 communicated disapproval of those plans and the grounds of disapproval the undertaker may serve upon the engineer written notice requiring the engineer to communicate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not communicated 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 without unnecessary delay 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 engineer's reasonable opinion should 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 decommissioning 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 works), and such protective works as may be reasonably necessary for those purposes must 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 without unnecessary delay and the undertaker must not commence

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the construction of the specified works in question until the engineer has notified the undertaker that the protective works have been completed to the engineer's reasonable satisfaction.

34.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 33(4) must, when commenced, be constructed—

- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 33;
- (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; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic on it and the use by passengers of 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 or a protective work, the undertaker must, regardless of any such approval, make good such damage and must 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 of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its employees, contractors or agents or any liability on Network Rail with respect to any damage, costs, expenses or loss attributable to the negligence of the undertaker or its employees, contractors or agents.

35. The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work or a protective 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 a protective work or the method of constructing it.

36. Network Rail must at all times afford reasonable facilities to the undertaker and its employees, contractors or agents for access to any works carried out by Network Rail under this Part of this Schedule 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.

37.—(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 a protective work, or during a period of 24 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 or 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 or additions as are to be permanent, a capitalised sum representing the increase of the costs which are 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 or a protective work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work or the protective 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 or the protective work is to be constructed, Network Rail must assume construction of that part of the specified work or protective work and the undertaker must, regardless of any approval of the specified work or protective work in question

under paragraph 33, 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 or protective work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 38(a), provide such details of the formula or method of calculation 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 such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

38. 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 33(3) or in constructing any protective works under the provisions of paragraph 33(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 or a protective work;
- (c) in respect of the employment or procurement of the services of any inspectors, signallers, watchkeepers 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 or a protective work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer be required to be imposed by reason or in consequence of the construction or failure of a specified work or a protective 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 or a protective work.

39.—(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 33 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)—

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- (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 33) 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 under 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 the means of prevention and the method of their execution must be selected at the reasonable discretion of Network Rail, and in relation to such modifications paragraph 33 has effect subject to this sub-paragraph.
- (6) If at any time prior to the completion of the authorised development and regardless of any measures adopted under sub-paragraph (3) the testing or commissioning of the authorised development causes EMI, 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) 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—
- (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 34.
- (9) To the extent that it would not otherwise do so, the indemnity in paragraph 43(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.
- (10) For the purpose of paragraph 38(a) any modifications to Network Rail's apparatus under this paragraph are deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 48 (arbitration) to the Institution of Civil Engineers is to be read as a reference to the Institution of Engineering and Technology.

40. If at any time after the completion of a specified work or a protective 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 or the protective 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 or protective work in such state of maintenance as not adversely to affect railway property.

41. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work or a protective 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.

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 or protective work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

42.—(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to or reasonably incurred by Network Rail—

- (a) by reason of the construction or maintenance of a specified work or a protective work or the failure of it;
- (b) by reason of 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 or a protective work,

and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or protective work or any such failure, act or omission and 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 engineer's supervision will not (if it was done without negligence on the part of Network Rail or its employees, contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior written consent of the undertaker.

(3) The sums payable by the undertaker under sub-paragraph (1) shall if relevant include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the 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 (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) 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 (4).

(6) In this paragraph—

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“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each 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 a protective work or any such act or omission as mentioned in subparagraph (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.

43. 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 pursuant to this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 42) and 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 of this Schedule (including any claim relating to those relevant costs).

44. In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account 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 of this Schedule or increasing the sums so payable.

45. 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 or the 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.

46. 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.

47. The undertaker must give written notice to Network Rail where any application is proposed to be made by the undertaker for the Secretary of State’s consent under article 10 (consent to transfer benefit of order) and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

48. The undertaker must no later than 28 days from the date that the plans and documents referred to in article 46 (certification of plans etc.) are certified by the Secretary of State provide a set of those plans and documents to Network Rail in a format specified by Network Rail.

PART 5

FOR THE PROTECTION OF CADENT GAS LIMITED

Application

49. The following provisions apply for the protection of Cadent, unless otherwise agreed in writing between the undertaker and Cadent.

Interpretation

50. In this Part of this Schedule—

“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, cables or other apparatus belonging to or maintained by Cadent for the purposes of gas supply together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of Cadent for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term “authorised development” in article 2(1) of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“Cadent” means Cadent Gas Limited and/or its successors in title and/or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“commence” has the same meaning as in article 2(1) of the Order and commencement shall be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms commence and commencement include operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, establishment of working areas and compounds, and delivery of construction materials, plant and equipment;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary and/or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“facilities and rights” for construction and for maintenance include any appropriate working areas required to reasonably and safely undertake that construction or maintenance, and any necessary rights of access;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for Cadent’s approval a ground mitigation scheme;

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“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

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

“maintain” and “maintenance” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of Cadent including retain, lay, construct, inspect, protect, use, access, replace, renew or remove;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“rights” includes restrictive covenants, and in relation to decommissioned apparatus, the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which—

- (a) are or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 55(2) or otherwise; or
- (b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 55(2) or otherwise.

On Street Apparatus

51.—(1) This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provision of Part 3 of the 1991 Act, except—

- (a) paragraphs 52 (apparatus of Cadent in stopped up streets), 57 (retained apparatus: protection of Cadent), 58 (expenses) and 59 (indemnity); and
- (b) where sub-paragraph (2) applies, paragraph 55 (removal of apparatus) and 56 (facilities and rights for alternative apparatus).

(2) This sub-paragraph applies where any apparatus is diverted from an alignment within the existing adopted public highway but is not wholly replaced within the existing public highway, notwithstanding that any diversion may be carried out under the provisions of Part 3 of the 1991 Act.

Apparatus of Cadent in stopped up streets

52.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent is entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Cadent, or procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 55.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (temporary stopping up and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such stopped up highway and/or to execute and do all such works and things in, upon or under any such highway as it would have been entitled to do immediately before such temporary stopping up or diversion in respect of any apparatus which at the time of the stopping up or diversion was in that highway

(3) The protective provisions in this Part of this Schedule apply and take precedence over article 36(2) to (7) (apparatus and rights of statutory undertakers in stopped up streets), which shall not apply to Cadent.

Protective works to buildings

53.—(1) The undertaker must exercise the powers conferred by article 21 (protective works to buildings), so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent (such consent not to be unreasonably withheld or delayed) and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of Cadent or any interruption in the supply of gas by Cadent, as the case may be, is caused, the undertaker must bear and pay on demand the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and, subject to sub-paragraph (2), must—

- (a) pay compensation to Cadent for any loss sustained by it; and
- (b) indemnify Cadent against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by Cadent, by reason of any such damage or interruption.

(2) Nothing in this paragraph imposes any liability on the undertaker with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of Cadent or its contractors or workmen; and Cadent will give to the undertaker reasonable notice of any claim or demand as aforesaid and no settlement, admission of liability or compromise thereof shall be made by Cadent, save in respect of any payment required under a statutory compensation scheme, without first consulting the undertaker and giving the undertaker an opportunity to make representations as to the claim or demand.

Acquisition of land

54.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land of Cadent, or appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of Cadent, otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between Cadent and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of Cadent or affect the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure or secure the consent to and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus/ including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent or other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Part of this Schedule shall prevail.

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(4) Any agreement or consent granted by Cadent under paragraph 57 or any other paragraph of this Part of this Schedule, is not to be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement between the parties under sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement or other interest of Cadent in such decommissioned apparatus and release Cadent from all liabilities in respect of such decommissioned apparatus from the date of such surrender.

(6) Where the undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 55 do not apply, the undertaker must, unless Cadent agrees otherwise:

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; or
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.

Removal of apparatus

55.—(1) If, in the exercise of the powers conferred by this Order, including pursuant to any agreement reached in accordance with paragraph 54, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and, the facilities and rights referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of Cadent and in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over 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 Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account paragraph 56(1)) the necessary facilities and rights—

- (a) for the construction of alternative apparatus; and
- (b) subsequently for the maintenance of that apparatus.

(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3), then proceed without unnecessary delay to construct and bring into operation the alternative

apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

56.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance of alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed then the terms and conditions to which those facilities and rights are subject in the matter may be referred to arbitration in accordance with paragraph 63 (arbitration) and the arbitrator may make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of Cadent

57.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any specified works until Cadent has given written approval of the plan so submitted.

(4) Any approval of Cadent under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (7); and
- (b) must not be unreasonably withheld or delayed and Cadent must meaningfully engage with the undertaker within 28 days of the date of submission of the plan under sub-paragraph (1).

(5) Cadent may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Specified works must only be executed in accordance with—

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- (a) the plan, submitted under sub-paragraph (1), as approved or as amended from time to time by agreement between the undertaker and Cadent; and
- (b) all conditions imposed under sub-paragraph (4)(a), and Cadent is entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any specified works (or any relevant part thereof) for which protective works are required prior to commencement.

(8) If Cadent, 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 49 to 51 and 54 to 56 apply as if the removal of the apparatus had been required by the undertaker under paragraph 55(2).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.

(10) As soon as reasonably practicable after any ground subsidence event attributable to the authorised works—

- (a) the undertaker must implement an appropriate ground mitigation scheme; and
- (b) Cadent retains the right to carry out further necessary protective works for the safeguarding of its apparatus and can recover any such costs in accordance with paragraph 58.

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances.

(12) In this paragraph “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works reasonably believes to be existing or imminent) which are likely to cause danger to persons or property.

Expenses

58.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand all charges, costs and expenses reasonably anticipated (subject to Cadent first providing to the undertaker a detailed design and estimate which is to be agreed between the parties) or reasonably incurred by Cadent in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works as are referred to in this Part of this Schedule including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent—
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 55(3) if it elects to do so; or
 - (ii) exercising any compulsory purchase powers under this Order transferred to or benefitting Cadent;

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- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule; and
- (g) any watching brief pursuant to paragraph 57(6).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 63 (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 Cadent by virtue of sub-paragraph (1) must be reduced by the amount of that excess save where it is not possible in the circumstances (or it would be unlawful due to a statutory or regulatory change) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs must be borne by the undertaker.

(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 pipe or 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 Cadent 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 Cadent 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.

Indemnity

59.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus)

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or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand accompanied by an invoice or claim from Cadent, the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and
- (b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs properly incurred by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief does not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents;
- (b) any part of the authorised development carried out by Cadent in the exercise of any functions conferred by this Order pursuant to a grant or transfer under article 10 (consent to transfer benefit of Order); and
- (c) any indirect or consequential loss of any third party arising from any such damage or interruption, which is not reasonably foreseeable.

(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering its representations.

(5) Cadent must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies and if reasonably requested to do so by the undertaker Cadent must provide an explanation of how the claim has been minimised.

Enactments and agreements

60. Except where this Part of this Schedule provides otherwise, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

61.—(1) Where in consequence of the proposed construction of any of the authorised works, the undertaker or Cadent requires the removal of apparatus under paragraph 55(2) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 57, the undertaker must

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use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of Cadent's undertaking and Cadent must use its best endeavours to co-operate with the undertaker for that purpose.

(2) Whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted to Cadent or the taking of action by Cadent, it must not be unreasonably withheld or delayed.

Access

62. If in consequence of the agreement reached in accordance with paragraph 54(1) or the powers conferred by this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

63. Save for differences or disputes arising under paragraph 55(2) and 55(4) any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by arbitration in accordance with article 48 (arbitration).

Notices

64. Notwithstanding article 47 (service of notices) any plans submitted to Cadent by the undertaker pursuant to paragraph 57(1) must be sent via email to Cadent Gas Limited Plant Protection at plantprotection@cadentgas.com as well as via post to Plant Protection, Cadent Gas Limited, Brick Kiln Street, Hinckley, Leicestershire, LE10 0NA, or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker in writing.

SCHEDULE 10

Article 46

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference/ revision and date</i>	<i>(3)</i> <i>Examination or other Reference</i>
Book of reference – Regulation 5(2)(d)	Document 4.3(b) – 17 November 2020	
Classification of Roads Plans	Document 2.9(a) - 19 December 2019	REP3-001
Crown Land Plans - Regulation 5(2)(n) and 5(4)	Document 2.4(a) - 19 November 2019	REP2-004
Engineering Section Drawings – Regulations 5(2)(o), 5(4) and 6(2)	Document 2.10 - 23 April 2019	APP-014
Environmental Statement, excluding chapters 7, 8, 12;	Documents 6.1, 6.2 and 6.3 - 23 April 2019	APP-039 to APP-240, excluding APP-045, APP-046,

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(1) Document	(2) Document Reference/ revision and date	(3) Examination or other Reference
figures 7.1A and 7.5; and appendices 2.1, 2.2, 7.2, 8.20, 13.2A and 13.2B – Regulation 5(2)(a)		APP-050, APP-085, APP-091, APP-159, APP-160, APP-177, APP-217, APP-229 and APP-230
Environmental Statement, chapters 7(a), 8(a), 12(a); appendices 2.2(a), 7.2(a), 8.20(a), 13.2A(a) and 13.2B(a); and figures 7.1(a) and 7.5(a) – Regulation 5(2)(a)	Documents 6.1, 6.2 and 6.3 Chapter 7(a) – November 2019 Chapter 8(a) – 26 March 2020 Chapter 12(a) – 26 March 2020 Appendix 2.2(a) – June 2020 Appendix 7.2(a) – 26 March 2020 Appendix 8.20(a) – 26 March 2020 Appendix 13.2A(a)- 26 March 2020 Appendix 13.2B(a) – 3 February 2020 Figure 7.1A(a) – 19 November 2019 Figure 7.5(a) – 26 March 2020	REP2-008, REP9-009, REP9-011, REP-14-[tbc], REP2-010, REP9-013, REP9-014, REP9-015, REP9-017 and REP9-018
Environmental Statement Addendum	Document 6.14	REP14-010
General Arrangement Plans - Regulation 5(2)(o)	Document 2.6(b) – 19 November 2019	REP2-006
Hedgerows Plans – Regulation 8(1)(c)(ii)	Document 8.50 – 19 December 2019	REP3-021
Land Plans - Regulation 5(2)(i) and 5(4)	Document 2.2(c) – 17 November 2020	
Location Plans - Regulation 5(2)(d)	Document 2.1 – 23 April 2019	APP-005
Outline Environmental Management Plan	Document 6.12(f) – 18 June 2020	REP14-008

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<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Document Reference/ revision and date</i>	<i>(3)</i> <i>Examination or other Reference</i>
Special Category Land Plans	Document 2.3(b) – 17 November 2020	
Streets Rights of Way and Access Plans – Regulations 5(2)(k), 5(4) and 6(2)	Document 2.7(b) – 10 March 2020	REP7-002
Traffic Management Plan	Document 7.4(c) – 18 June 2020	REP14-011
Traffic Regulations Measures Plans	Document 2.8(a) – 3 February 2020	REP4-003
Works Plans - Regulation 5(2) (j) and 5(4)	Document 2.5(b) – 19 November 2019	REP2-005