STATUTORY INSTRUMENTS

2025 No. 1054

INFRASTRUCTURE PLANNING

The Gatwick Airport (Northern Runway Project) Development Consent Order 2025

Made - - - - *21st September 2025*

Coming into force *12th October 2025*

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008(**a**) ("the 2008 Act"), in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**b**) for an Order granting development consent.

The application was examined by a Panel of five members ("the Panel) appointed by the Secretary of State pursuant to Chapter 2 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(**c**).

The Panel, having considered the application together with the accompanying documents and the representations made and not withdrawn, has submitted a report to the Secretary of State under section 74(2) of the 2008 Act setting out its findings, conclusions and recommendation in respect of the application.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications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

The Secretary of State is satisfied that the special category land identified in Part 1 of Schedule 10 to this Order is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and that accordingly section 131(5) of the 2008 Act applies in respect of that land;

The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3A of the table in Part 3 of Schedule 10 to this Order will be acquired for a temporary (although possibly long-lived) purpose, and that accordingly section 132(4B) of the 2008 Act applies in respect of that land; and

The Secretary of State is satisfied that rights to be acquired over the land identified in Part 3B of the table in Part 3 of Schedule 10 to this Order, when imposed on the relevant open space land, will leave that land no less advantageous than it was before to the persons in whom it is vested,

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(**a**) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).
(**b**) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, S.I. 2017/572, S.I. 2018/378, S.I. 2019/734, S.I. 2020/764, S.I. 2021/978, S.I. 2022/634, S.I. 2023/1071 and S.I. 2024/332.
(**c**) S.I. 2010/103, amended by S.I. 2012/635 and S.I. 2024/317.

other persons, if any, entitled to rights of common or other rights and the public, and that accordingly section 132(3) of the 2008 Act applies in respect of that land.

The Secretary of State, in exercise of the powers conferred by sections 114(**a**), 115(**b**), 117(**c**), 120(**d**), 122(**e**), 123(**f**), 127(**g**), 131(**h**), 132(**i**), 135, 138(**j**), 147(**k**), 154 and 229 of, and paragraphs 1 to 4, 10 to 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Gatwick Airport (Northern Runway Project) Development Consent Order 2025 and comes into force on 12th October 2025.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**l**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**m**);

"the 1980 Act" means the Highways Act 1980(**n**);

"the 1981 Act" means the Compulsory Purchase (Vesting Declarations) Act 1981(**o**);

"the 1984 Act" means the Road Traffic Regulation Act 1984(**p**);

"the 1990 Act" means the Town and Country Planning Act 1990(**q**);

"the 1991 Act" means the New Roads and Street Works Act 1991(**r**);

"the 2008 Act" means the Planning Act 2008(**s**);

"the 2015 Regulations" means the Town and Country Planning (General Permitted Development) (England) Order 2015(**t**);

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

(**a**) Section 114 was amended by paragraph 55(2) and (3) of Schedule 13 to the Localism Act 2011.
(**b**) Section 115 was amended by paragraph 56 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011, section 160(2) to (6) of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
(**c**) Section 117 was amended by paragraph 58(3) and (4) of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011.
(**d**) Section 120 was amended by section 140 of, and paragraph 60(2) and (3) of Schedule 13 to, the Localism Act 2011.
(**e**) Section 122 was amended by paragraph 62 of Schedule 13 to the Localism Act 2011.
(**f**) Section 123 was amended by paragraph 62 of Schedule 13 to the Localism Act 2011.
(**g**) Section 127 was amended by paragraph 64(2) of Schedule 13 to the Localism Act and section 23(2) of the Growth and Infrastructure Act 2013 (c. 27).
(**h**) Section 131 was amended by section 24(2) of the Growth and Infrastructure Act 2013.
(**i**) Section 132 was amended by section 24(3) of the Growth and Infrastructure Act 2013.
(**j**) Section 138 was amended by section 23(4) of the Growth and Infrastructure Act 2013 and S.I. 2017/1285.
(**j**) Section 138 was amended by section 23(4) of the Growth and Infrastructure Act 2013 and S.I. 2017/1285.
(**k**) Section 147 was amended by paragraph 68 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011.
(**l**) 1961 c. 33.
(**m**) 1965 c. 56.
(**n**) 1980 c. 66.
(**o**) 1981 c. 66.
(**p**) 1984 c. 27.
(**q**) 1990 c. 8.
(**r**) 1991 c. 22.
(**s**) 2008 c. 29.
(**t**) S.I. 2015/596.

"airport" means London Gatwick Airport, an airport within the meaning given in section 66 (airports) of the Civil Aviation Act 2012(**a**) comprised of the area shown on the airport boundary plan;

"airport boundary plan" means the document of that description listed in Schedule 12 (documents to be certified) and certified by the Secretary of State as the airport boundary plan for the purposes of this Order;

"airport road" means a road (including both highways and roads for which public access is restricted) located within the airport and, where only part of a road is located within the airport, includes that part;

"apparatus" unless otherwise provided for, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

"associated development" has the same meaning as in section 115 (development for which development consent may be granted) of the 2008 Act;

"authorised development" means the development and associated development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of "development") of the 2008 Act;

"book of reference" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the book of reference for the purposes of this Order;

"building" includes any structure or erection or any part of a building, structure or erection;

"carriageway" has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act and includes part of a carriageway;

"CBC" means Crawley Borough Council;

"commence" means the carrying out of any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part, or carried out for the purposes, of the authorised development other than operations consisting of—

(a) remedial work in respect of any contamination or adverse ground conditions;

(b) environmental (including archaeological) surveys and investigation;

(c) investigations for the purpose of assessing ground conditions;

(d) site or soil surveys;

(e) erection of fencing to site boundaries or marking out of site boundaries;

(f) removal of hedgerows, trees and shrubs;

(g) installation of amphibian and reptile fencing;

(h) the diversion or laying of services;

(i) ecological mitigation measures;

(j) receipt and erection of construction plant and equipment;

(k) erection of temporary buildings and structures;

(l) site preparation and site clearance;

(m) establishment of construction compounds;

(n) establishment of temporary haul roads; and

(o) the temporary display of site notices, advertisements or information,

and "commencement" and "commenced" are to be construed accordingly;

"consolidated environmental statement" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the consolidated environmental statement for the purposes of this Order;

(**a**) 2012 c. 19.

"code of construction practice" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the code of construction practice for the purposes of this Order;

"cycle track" has the same meaning as in section 329(1)(**a**) of the 1980 Act and for the purposes of this Order includes a right of way on foot;

"discharging authority" means the body responsible for giving any endorsement, agreement or approval required by a requirement;

"electronic transmission" means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

and in this definition "electronic communications network" has the same meaning as in section 32(1) of the Communications Act 2003(**b**);

"environmental statement" means the document submitted by the undertaker in support of its application for development consent and detailed in the consolidated environmental statement;

"existing northern runway" means the airport's northern runway as configured and used at the date of this Order;

"footway" and "footpath" have the same meaning as in section 329(1) of the 1980 Act and include part of a footway or footpath;

"highway" and "highway authority" have the same meaning as in sections 328 (meaning of highway) and 1(**c**) (highway authorities: general provision) (respectively) of the 1980 Act and "highway" includes part of a highway;

"land plans" means the plans of that description listed in Schedule 14 and certified by the Secretary of State as the land plans for the purposes of this Order;

"limits of works" means the limits of works referred to in article 6 (limits of works);

"local highway" means a highway—

(a) which is not an airport road; and

(b) for which National Highways is not (and will not be upon completion of any relevant works) the highway authority;

"local highway authority" means the highway authority in respect of the local highway in question;

"local highway works" means the construction or alteration of any local highway authorised by this Order;

"main runway" means the airport's main runway being the runway located immediately to the south of the existing northern runway and which is used for routine take-offs and landings of aircraft;

"maintain" in relation to the authorised development includes to inspect, repair, adjust, alter, remove, refurbish, replace, improve or reconstruct to the extent that such works do not give rise to any materially new or materially different environmental effects from those identified in the environmental statement and any derivative of "maintain" is to be construed accordingly;

"MVDC" means Mole Valley District Council;

"National Highways" means National Highways Limited (company number 09346363) whose registered address is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

(**a**) The definition of "cycle track" was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(**b**) 2003 c. 21. Section 32 was amended by S.I. 2011/1210.

(**c**) Section 1 was amended by paragraph 1 of Part 1 of Schedule 4, and Schedule 17, to the Local Government Act 1985 (c. 51), section 21(2) of the New Roads and Street Works Act 1991, paragraph 1 of Part 1 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), section 259(1) to (3) of the Greater London Authority Act 1999 (c. 27) and paragraph 2 of Part 1 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

"national highway works" means the construction or alteration of any highway authorised by this Order for which National Highways is, or will be once the works are complete, the highway authority;

"Order land" means the land shown shaded pink, blue or green on the land plans and described in the book of reference;

"Order limits" means the limits shown on the works plans within which the authorised development may be carried out;

"outline landscape and ecology management plan" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the outline landscape and ecology management plan for the purposes of this Order;

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

"outline arboricultural and vegetation method statement" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the outline arboricultural and vegetation method statement for the purposes of this Order;

"parameter plans" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the parameter plans for the purposes of this Order;

"RBBC" means Reigate and Banstead Borough Council;

"relevant highway authority" means, in any given provision of this Order, the highway authority for the highway to which the provision refers or relates;

"relevant planning authority" means in any given provision of this Order, the planning authority, as defined in in section 1(**b**) (local planning authorities: general) of the 1990 Act, for the area of land to which the provision refers or relates;

"replacement land" has the same meaning as in section 131(12) (commons, open spaces etc: compulsory acquisition of land) of the 2008 Act;

"repositioned northern runway" means the existing northern runway as amended by Work No. 1;

"requirement" means a requirement set out in Schedule 2 (requirements), and a reference to a numbered requirement is a reference to the requirement set out in the paragraph of the same number in that Schedule;

"rights of way and access plans" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

"special category land" means land forming part of a common, open space or fuel or field garden allotment, as identified shaded orange and blue on the special category land plans;

"special category land plans" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the special category land plans for the purposes of this Order;

"start date" means the later of the day after—

(a) the day on which the period for legal challenge in respect of this Order under section 118 of the 2008 Act expires; or

(b) the final determination of any legal challenge under that section;

"statutory undertaker" means any statutory undertaker for the purposes of section 127(8) (statutory undertakers' land) or section 138(4A) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act;

(**a**) 1981 c. 67. The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34).

(**b**) Section 1 was amended by paragraph 28 of Schedule 21 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), paragraph 32(1) of Schedule 10 of the Environment Act 1995 (c. 25) and section 31(1) of the Greater London Authority Act 2007 (c. 24).

"street" means a street within the meaning of section 48(**a**) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

"street authority", in relation to a street, has the same meaning as in section 49(**b**) (the street authority) of the 1991 Act;

"surface access general arrangements" means the documents listed in Schedule 12 and certified by the Secretary of State as the surface access general arrangements for the purposes of this Order;

"surface access engineering section drawings" means the documents listed in Schedule 12 and certified by the Secretary of State as the surface access engineering section drawings for the purposes of this Order;

"surface access structure section drawings" means the documents listed in Schedule 12 and certified by the Secretary of State as the surface access structure section drawings for the purposes of this Order;

"TDC" means Tandridge District Council;

"traffic authority" has the same meaning as in section 121A(**c**) (traffic authorities) of the 1984 Act;

"tree survey report and arboricultural impact assessment" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the tree survey report and arboricultural impact assessment for the purposes of this Order;

"undertaker" means Gatwick Airport Limited (company number 01991018) whose registered address is at 5th Floor, Destinations Place, Gatwick Airport, Gatwick, West Sussex, RH6 0NP or any person who has the benefit of this Order in accordance with articles 7 (benefit of Order) or 8 (consent to transfer benefit of Order);

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

"a work" means a numbered work identified as part of the authorised development in Schedule 1 (authorised development) and includes any other associated development related to that work; and

"works plans" means the document of that description listed in Schedule 12 and certified by the Secretary of State as the works plans for the purposes of this Order.

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

(3) Subject to article 6 (limits of works) all distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development and shown on the works plans or rights of way and access plans are taken to be measured along that work.

(4) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the discretion of the undertaker, either—

(a) to an affected person directly, where that person's land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the

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(**a**) Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c. 26).
(**b**) Section 49 was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).
(**c**) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22) and amended by section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to, the Infrastructure Act 2015 and S.I. 2001/1400.

Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or

(b) to any statutory undertaker for the purpose of their undertaking.

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

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

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

(8) References to any statutory body includes that body's successor bodies from time to time.

(9) References in this Order to materially new or materially different environmental effects in comparison with those reported in the environmental statement must not be construed so as to preclude the undertaker from avoiding, removing or reducing an adverse environmental effect that was reported in the environmental statement.

(10) In this Order, the expression "includes" is to be construed without limitation unless so construing would give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent to construct, operate and use the authorised development.

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

Maintenance of authorised development

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

Maintenance of drainage works

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

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

Limits of works

6.—(1) Subject to paragraph (2), each numbered work must be situated within the limits of the corresponding numbered area shown on the works plans.

(**a**) 1991 c. 59. The definition of "drainage" was substituted by section 100(2) of the Environment Act 1995 (c. 25).

(2) Any of Work Nos. 35, 36 or 37 (surface access works) may be situated within the limits shown on the works plans of Work Nos. 35, 36 and 37 taken as a whole.

(3) In constructing Work Nos. 6, 9, 10, 11, 12, 13, 15, 16, 22, 23, 26, 27, 28, 30, 31, 32, 43 and 44 the undertaker must not exceed the maximum heights shown and noted on the parameter plans (these heights being listed solely for information in Schedule 11 (maximum parameter heights)).

(4) In constructing Work Nos. 35, 36 and 37 (surface access works), the undertaker may deviate—

(a) vertically from the levels shown or noted on the surface access engineering section drawings to a maximum of—

(i) in respect of Work No. 35(a) between points A1 and B1 on the parameter plans, 1.5 metres upwards and 2 metres downwards;

(ii) in respect of Work Nos. 35(b), 35(c), 35(e), 35(f), 36(e) and 36(f), 1.5 metres upwards and 2 metres downwards; and

(iii) in respect of all other parts of Work Nos. 35, 36 and 37, 1 metre upwards and 1 metre downwards; and

(b) laterally within the "Surface Access Works Lateral Limits" shown on the parameter plans.

(5) In constructing Work Nos. 4(b) and 4(e) (exit and entrance taxiways), the undertaker—

(a) may deviate laterally to the extent shown or noted on the parameter plans; but

(b) where an area is specified in square metres on the parameter plans for a component of these works, must not exceed that area.

(6) The limits set out in paragraphs (1), (3) and (5) do not apply where it is demonstrated by the undertaker to CBC's satisfaction and CBC certifies accordingly that works in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(7) The limits set out in paragraphs (2) and (4) do not apply where it is demonstrated by the undertaker to the relevant highway authority's satisfaction and the relevant highway authority certifies accordingly that works in excess of these limits would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

Benefit of Order

7.—(1) Subject to article 8 (consent to transfer benefit of Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

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

Consent to transfer benefit of Order

8.—(1) The undertaker may with the written consent of the Secretary of State—

(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or

(b) grant to another person ("the grantee") for a period agreed in writing between the undertaker and the grantee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

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

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

(4) The undertaker must notify National Highways in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than National Highways the benefit of the Order in respect of national highway works.

(5) The undertaker must notify a local highway authority in the event that it exercises the power in paragraph (1) to transfer or grant to a person other than that local highway authority the benefit of the Order in respect of local highway works in an area for which that local highway authority is the relevant highway authority.

Planning permission

9.—(1) Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3) (cases in which land is to be treated as not being operational land) of the 1990 Act.

(2) The authorised development may be carried out or continue to be carried out, and the airport may be operated or continue to be operated, pursuant to this Order notwithstanding the initiation of development pursuant to any planning permission which may be physically incompatible with the authorised development or inconsistent with any provision of this Order.

(3) Any planning permission which has been initiated prior to the commencement of the authorised development pursuant to this Order may continue to be lawfully implemented thereafter notwithstanding any physical incompatibility with the authorised development or inconsistency with any provision of this Order.

(4) Any conditions of any planning permission granted prior to the date of this Order that are incompatible with the requirements of this Order or the authorised development shall cease to have effect from the date the authorised development is commenced and for the purpose of this article planning permissions deemed to be granted pursuant to the 2015 Regulations shall be deemed to be granted prior to the date of this Order.

(5) Where the undertaker identifies an incompatibility between a condition of a planning permission and this Order that engages paragraph (4), it must notify the relevant planning authority and use reasonable endeavours to notify the current beneficiary of the affected planning permission as soon as reasonably practicable.

(6) Subject to paragraph (7), nothing in this Order restricts any person from seeking or implementing, or the relevant planning authority from granting, planning permission for development within the Order limits.

(7) The undertaker must not exercise the permitted development right in Class F of Part 8 (transport related development) of Schedule 2 (permitted development rights) to the 2015 Regulations for any development on the areas labelled Work No. 38 (habitat enhancement area and flood compensation area at Museum Field), Work No. 41 (ecological area at Pentagon Field) or Work No. 43 (water treatment works) on the works plans.

(8) In this article—

(a) "initiate" means when development of land is taken to be begun in accordance with section 56(**a**) (time when development begun) of the 1990 Act, and "initiated" and "initiation" are defined accordingly; and

(b) "planning permission" means planning permission granted under the 1990 Act including planning permission deemed to be granted under article 3 (permitted development) and Classes F, G, I, J, K, L, M and N of Part 8 of Schedule 2 to the 2015 Regulations.

(**a**) Section 56 was amended by paragraph 10 of Schedule 6 and paragraph 10(2) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 2 of Schedule 12 to the Localism Act 2011 (c. 20), paragraph 3 of Schedule 4 to the Infrastructure Act 3025 (c. 7), paragraph 3(2) of Schedule 14 to the Environment Act 2021 (c. 30) and sections 113(3) and 114(2) of, and paragraph 10(1) of Schedule 7 to, the Levelling-up and Regeneration Act 2023 (c. 55).

PART 3

STREETS

Application of the 1991 Act

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

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

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

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

(3) The following provisions of the 1991 Act (whether modified or not by the permit schemes or the lane rental schemes) do not apply in relation to any works executed under the powers conferred by this Order—

section 56(**c**) (power to give directions as to timing);

section 56A(**d**) (power to give directions as to placing of apparatus);

section 58(**e**) (restrictions following substantial road works);

section 58A(**f**) (restriction on works following substantial street works);

section 73A(**g**) (power to require undertaker to re-surface street);

section 73B(**h**) (power to specify timing etc. of re-surfacing);

section 73C(**i**) (materials, workmanship and standard of re-surfacing);

section 77 (liability for cost of use of alternative route);

section 78A(**j**) (contributions to costs of re-surfacing by undertaker); and

Schedule 3A(**k**) (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 14 (temporary stopping up of streets), whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(**a**) Section 64 was amended by Schedule 17 to the Local Government Act 1985 (c. 51) and Schedule 9 to the New Roads and Street Works Act 1991 (c. 22).
(**b**) Section 184 was amended by paragraph 45(11) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 9 of Schedule 8 and Schedule 9 to the New Roads and Street Works Act 1991.
(**c**) Section 56 was amended by section 43 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).
(**d**) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
(**e**) Section 58 was amended by section 51 of, and Schedule 1 to, the Traffic Management Act 2004.
(**f**) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
(**g**) Section 73A was inserted by section 55 of the Traffic Management Act 2004.
(**h**) Section 73B was inserted by section 55 of the Traffic Management Act 2004.
(**i**) Section 73C was inserted by section 55 of the Traffic Management Act 2004.
(**j**) Section 78A was inserted by section 57 of the Traffic Management Act 2004.
(**k**) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004.

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

section 54(**b**) (advance notice of certain works), subject to paragraph (6);

section 55(**c**) (notice of starting date of works), subject to paragraph (6);

section 57(**d**) (notice of emergency works);

section 59(**e**) (general duty of street authority to co-ordinate works);

section 60 (general duty of undertakers to co-operate);

section 68 (facilities to be afforded to street authority);

section 69 (works likely to affect other apparatus in the street);

section 75(**f**) (inspection fees); and

section 76 (liability for cost of temporary traffic regulation),

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

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

(7) Subject to paragraph (3), the permit schemes and the lane rental schemes apply to the construction and maintenance of the authorised development and must be applied and used by the undertaker in connection with the exercise of any powers conferred by this Part.

(8) For the purposes of this Order a permit may not be granted under the permit schemes subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions pursuant to the powers conferred by this Order.

(9) Any difference arising between the undertaker and either of West Sussex County Council or Surrey County Council under the relevant permit scheme will be resolved by arbitration under article 52 (arbitration).

(10) As regards any streets within the airport the undertaker shall not be required to give any notice, afford any facilities or pay any fee or costs to a street authority or traffic authority or do anything else that the undertaker would not be obliged to do were it not for this Order.

(11) In this article—

(a) "the permit schemes" means the following schemes made under Part 3 of the Traffic Management Act 2004 as in force at the date on which this Order is made—

(i) the Traffic Management (Surrey County Council) Permit Scheme Order 2015 (as varied); and

(ii) the West Sussex County Council Permit Scheme Order 2016 (as varied); and

(b) "the lane rental schemes" means the lane rental schemes approved by the Secretary of State under section 74A(2)(**g**) (charge determined by reference to duration of works) of the 1991 Act in the following Orders as in force at the date on which this Order is made—

(i) the Street Works (Charges for Occupation of the Highway) (Surrey County Council) Order 2021(**h**); and

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(**a**) Sections 54, 55, 57, 60, 68 and 69 were amended by sections 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.
(**b**) Section 54 was amended by section 49(1) of the Traffic Management Act 2004.
(**c**) Section 55 was amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.
(**d**) Section 57 was amended by section 52(3) of the Traffic Management Act 2004.
(**e**) Section 59 was amended by section 42 of the Traffic Management Act 2004.
(**f**) Section 75 was substituted by section 58(2) of the Traffic Management Act 2004.
(**g**) Section 74A was inserted by section 255(1) of the Transport Act 2000 (c. 38) and section 74A(2) was amended by paragraph 120(2) of Schedule 2 to the Infrastructure Act 2015 (c. 7).
(**h**) S.I. 2021/402.

(ii) the Street Works (Charges for Occupation of the Highway) (West Sussex County Council) Order 2022(**a**).

Street works

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

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

(b) drill, tunnel or bore under the street;

(c) place and keep apparatus in the street;

(d) maintain apparatus in the street or change its position; and

(e) execute any works required for, or incidental to, any works referred to in sub-paragraphs (a) to (d).

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

(3) Subject to article 10 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

Power to alter layout, etc., of streets

12.—(1) Subject to the following provisions of this article, the undertaker may for the purposes of constructing, operating or maintaining the authorised development enter on and alter the layout of, or carry out any works on, any street within the Order limits and, without limiting the scope of this paragraph, the undertaker may—

(a) alter the level or increase the width of any street, footpath, footway, cycle track, carriageway or verge or central reservation;

(b) make and maintain passing place(s);

(c) increase the width of the carriageway of the street by reducing the width of any footpath, footway, cycle track, verge or central reservation within the street;

(d) reduce the width of the carriageway of the street;

(e) execute any works to widen or alter the alignment of pavements;

(f) execute any works of surfacing or re-surfacing of the street; and

(g) execute any works necessary to alter existing facilities for the management and protection of pedestrians.

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority (this consent not to be unreasonably withheld).

(4) Article 53 (deemed consent) applies to an application to the street authority for consent under paragraph (3).

(5) Paragraphs (2) and (3) of this article do not apply to any streets within the airport.

Stopping up of streets

13.—(1) Subject to the following provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up permanently each of the streets specified in columns (1) and (2) of Part 1 (streets to be stopped up and substitute streets and new

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(**a**) S.I. 2022/1257.

streets to be provided) of Schedule 3 (stopping up of streets and private means of access and provisions of new streets and private means of access) to the extent specified, by reference to the rights of way and access plans, in column (3) of that Part of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 is to be wholly or partly stopped up under this article unless—

(a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use; or

(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided to the reasonable satisfaction of the relevant street authority and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

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

(a) all rights of way over or along the street so stopped up are extinguished; and

(b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street as is bounded on both sides by land owned by the undertaker.

(4) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(5) This article is subject to article 41 (apparatus and rights of statutory undertakers in stopped up streets).

Temporary stopping up of streets

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

(a) divert the traffic from the street; and

(b) subject to paragraph (3), prevent all persons from passing along the street.

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

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

(4) The undertaker must not temporarily stop up, alter, divert or restrict the use of any street—

(a) without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld; and

(b) unless a temporary diversion to be substituted for it is open for use and has been completed to the reasonable satisfaction of the street authority.

(5) Where the undertaker provides a temporary diversion under this article, the new or temporary alternative route is not required to be of a higher standard than the temporarily stopped up street, but it must be suitable for use by the same type of traffic as uses that street unless otherwise agreed with the street authority.

(6) Prior to the reopening of any street temporarily stopped up under this article, the undertaker must remove all temporary works and restore the street to its previous condition.

(7) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(8) Article 53 (deemed consent) applies to an application to the street authority for consent under paragraph (4).

(9) Paragraphs (4) and (6) of this article do not apply to any streets within the airport.

Public rights of way – creation, diversion and stopping up

15.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development—

(a) divert each of the public rights of way specified in columns (1) and (2) of Part 1 (public rights of way to be diverted for which a substitute is to be provided) of Schedule 4 (public rights of way, footways and cycle tracks to be stopped up) to the extent specified in column (3) of that Part of that Schedule;

(b) provide the substitute public rights of way described in column (4) of Part 1 of Schedule 4;

(c) temporarily stop up public rights of way to the extent agreed with the relevant highway authority and provide substitute temporary public rights of way between terminus points, on an alignment to be agreed with the relevant highway authority (in both respects agreement not to be unreasonably withheld or delayed); and

(d) stop up each of the public rights of way specified in columns (1) and (2) of Part 2 (public rights of way to be permanently stopped up for which no substitute is to be provided) of Schedule 4 to the extent specified in column (3) of that Part of that Schedule.

(2) No public right of way may be diverted pursuant to paragraph (1)(a) unless the respective substitute public right of way has first been provided pursuant to paragraph (1)(b) to the reasonable satisfaction of the relevant highway authority.

(3) No public right of way may be closed pursuant to paragraph (1)(c) unless the substitute temporary public right of way agreed with the relevant highway authority has been provided to the reasonable satisfaction of the relevant highway authority.

(4) Any temporary diversion route agreed by the relevant highway authority under paragraph (3) must be maintained by the undertaker for the duration of the diversion with appropriate clear signage of the temporarily diverted route.

(5) The undertaker must in connection with the carrying out of the authorised development provide the new footways and cycle tracks specified in columns (1) and (2) of Part 3 (footways and cycle tracks) of Schedule 4.

Access to works

16.—(1) Subject to paragraphs (2) and (3), the undertaker may, for the purposes of the authorised development, form and layout means of access, or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development provided that this does not result in any materially new or materially different environmental effects from those assessed in the environmental statement.

(2) The power in paragraph (1) may only be exercised with the consent of the street authority in consultation with the relevant planning authority (such consent not to be unreasonably withheld) provided that no consent is required in respect of airport roads.

(3) The private means of access set out in columns (1) and (2) of Part 2 (private means of access to be stopped up and substitute private means and new private means) of Schedule 3 may be removed by the undertaker to the extent specified in column (3) of that Part of that Schedule and if removed must be replaced by the means of access as set out in column (4) of that Part of that Schedule.

(4) Article 53 (deemed consent) applies to an application to the street authority for consent under paragraph (2).

Classification of roads, etc.

17.—(1) On or after the date on which the new and realigned roads described in columns (1) and (2) of Parts 1, 2 and 3 of Schedule 5 (classification of roads) have been completed and are open for through traffic, they are to be classified as follows for the purpose of any enactment or instrument which refers to highways classified as such—

(a) those roads listed in Part 1 (new and realigned classified trunk roads) of Schedule 5 are to become trunk roads as if they had become so by virtue of an order made under section 10(2)(**a**) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads;

(b) those roads listed in Part 2 (new and realigned classified non-trunk roads) of Schedule 5 are to become classified roads as if such classification had been made under section 12(3) (general provision as to principle and classified roads) of the 1980 Act; and

(c) those roads listed in Part 3 (new and realigned unclassified roads) of Schedule 5 are to become unclassified roads,

and in respect of each road the body set out in column (1) of Part 1, 2 or 3 of Schedule 5 (respectively) is the highway authority for those roads.

(2) The existing road described in Part 4 (roads to be de-trunked) of Schedule 5 is to cease to be a trunk road to the extent specified in column (2) of that Part of that Schedule as if it had ceased to be so by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which it was to cease to be trunk road and is to be the responsibility of the relevant highway authority set out in column (1) of that Part of that Schedule.

(3) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, the roundabout circulatory carriageway at junction 9 of the M23 is to become a trunk road with an A-road classification as if it had become so by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which it was to become a trunk road.

Traffic regulations

18.—(1) Subject to the provisions of this article, from the date determined by the undertaker the order specified in column (3) of Part 3 (revocations and variations of existing traffic regulation orders) of Schedule 6 (traffic regulation measures) is to be varied or revoked as specified in the corresponding row of column (4) of that Part of that Schedule in respect of the lengths of roads specified in the corresponding row of column (2) of that Part of that Schedule.

(2) Subject to the provisions of this article, the undertaker may at any time for the purposes of the authorised development regulate vehicular speed by imposing speed restrictions on vehicles in the manner specified in column (4) of Part 1 (speed limits) of Schedule 6 on those roads specified in columns (1) and (2) of that Part of that Schedule along the lengths and between the points specified in column (3) of that Part of that Schedule.

(3) Subject to the provisions of this article, the undertaker may in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation or maintenance of the authorised development—

(a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;

(b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;

(c) authorise the use as a parking place of any road;

(d) make provision as to the direction or priority of vehicular traffic on any road; and

(e) permit or prohibit vehicular access to any road,

(**a**) Section 10(2) was amended by section 22(2)(a) of the New Roads and Street Works Act 1991 and paragraph 2 of Schedule 1 to the Infrastructure Act 2015.

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

(4) The undertaker must not exercise the powers conferred by paragraphs (1), (2) or (3) of this article unless it has—

(a) given to the chief officer of police and to the traffic authority in whose area the road is situated not less than—

(i) 12 weeks' (or, for airport roads, 28 days') notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or

(ii) except in the case of an emergency, 4 weeks' (or, for airport roads, 7 days') notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily; and

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

(5) Before complying with the process in paragraph (4) in respect of the exercise of the power conferred by paragraph (3), the undertaker must consult—

(a) the chief officer of police for the area in which the relevant road is situated;

(b) the traffic authority in whose area the relevant road is situated; and

(c) any other such persons as the undertaker considers necessary and appropriate,

and the undertaker must take into consideration any representations made to it by any such persons.

(6) The undertaker must not exercise the power conferred by paragraph (3) of this article without the consent of the traffic authority (such consent not to be unreasonably withheld).

(7) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1), (2) or (3)—

(a) has effect as if duly made by, as the case may be—

(i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or

(ii) the local authority in whose area the road is situated, as an order under section 32(**a**) (power of local authorities to provide parking spaces) of the 1984 Act,

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

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

(8) A copy of the instrument referred to in paragraph (7)(a) must be held at the registered office address of the undertaker for inspection during normal working hours and a copy must be sent to each of Surrey County Council and West Sussex County Council.

(9) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers of paragraphs (1), (2) or (3) at any time.

(10) Provision made in respect of the roundabout circulatory carriageway at junction 9 of the M23 or accesses onto that junction pursuant to sub-paragraph (3) can include prohibitions on its access and use by pedestrians and other forms of non-motorised users as well as vehicles.

(**a**) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22).

(**b**) 2004 c. 18.

(11) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, a speed restriction of 50mph is to be imposed on the roundabout circulatory carriageway at junction 9 of the M23 as if effected pursuant to paragraph (2).

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

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

(14) Article 53 (deemed consent) applies to an application to the traffic authority for consent under paragraph (6).

(15) In respect of airport roads, paragraphs (4)(b), (5)(b) and (6) do not apply and paragraph (4)(a) shall be read as if it does not contain the words "and to the traffic authority".

Clearways, prohibitions and restrictions

19.—(1) On or after such day as is determined by the undertaker, the restrictions specified in column (4) of Part 2 (traffic regulation measures (clearways, height restrictions and prohibitions)) of Schedule 6 are to apply to those roads specified in columns (1) and (2) of that Part of that Schedule along the lengths and between the points specified in column (3) of that Part of that Schedule, except as provided in paragraph (2) of this article or upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

(2) Nothing in paragraph (1) applies—

(a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, for so long as may be necessary to enable that vehicle to be used in connection with—

(i) the removal of any obstruction to traffic;

(ii) the maintenance, improvement, reconstruction or operation of the road;

(iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable, or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(**a**); or

(iv) any building operation or demolition;

(b) in relation to a vehicle being used—

(i) for police, ambulance, fire and rescue authority or traffic officer purposes;

(ii) in the service of a local authority, safety camera partnership or Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;

(iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991(**b**); or

(iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2000(**c**); or

(c) in relation to a vehicle waiting when the person in control of it is—

(i) required by law to stop;

(ii) obliged to stop in order to avoid an accident; or

(iii) prevented from proceeding by circumstances outside the person's control.

(**a**) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30).
(**b**) 1991 c. 56.
(**c**) 2000 c. 26.

(3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispensed.

(4) From the date determined by the undertaker, being not before the date on which Work No. 35 (South Terminal Junction improvements) is completed and open for traffic, a clearway restriction is to be imposed on the roundabout circulatory carriageway at junction 9 of the M23 as if effected pursuant to paragraph (1).

(5) Paragraphs (1), (2), and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.

(6) In this article, "traffic officer" means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004.

Construction and maintenance of local highway works

20.—(1) Any local highways constructed, altered or diverted under this Order must be completed to the reasonable satisfaction of the relevant highway authority and must, as regards the part constructed, altered or diverted, unless otherwise agreed between the undertaker and the relevant highway authority, be maintained by and at the expense of the undertaker for a period of 12 months from the day on which they are first open to through traffic and at the expiry of that period by and at the expense of the relevant highway authority.

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

(3) For the purposes of a defence under paragraph (2), the court must in particular have regard to the following matters—

(a) the character of the local highway including the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a local highway of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the local highway;

(d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the local highway to which the action relates was likely to cause danger to users of the highway; and

(e) where the undertaker could not reasonably have been expected to repair that part of the local highway before the cause of action arose, what warning notices of its condition had been displayed,

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

Agreements with highway authorities

21.—(1) A relevant highway authority may enter into agreements with the undertaker in respect of—

(a) the construction of any new highway, including any structure carrying the highway over any part of the authorised development;

(b) the strengthening, improvement, repair or reconstruction of any highway, including any structure carrying the highway over any of the authorised development;

(c) the maintenance of the structure of any bridge or tunnel carrying a highway over or under any part of the authorised development;

(d) any stopping up, alteration or diversion of a highway authorised by this Order;

(e) the carrying out in the highway of any of the works referred to in article 11 (street works) or article 12 (power to alter layout, etc., of streets); and

(f) such other works as the parties may agree.

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

(a) make provision for the relevant highway authority to carry out any function under this Order which relates to the highway in question;

(b) include an agreement between the undertaker and the relevant highway authority specifying a reasonable time for the completion of the works; and

(c) contain such terms as to payment and other matters as the parties consider appropriate, including such matters as may be included in agreements made pursuant to section 278(**a**) (agreements as to execution of works) or section 38(**b**) (power of highway authorities to adopt by agreement) of the 1980 Act.

(3) The undertaker must not commence a local highway work prior to entering into an agreement pursuant to paragraph (1) which includes details of the specification of that work which will reasonably satisfy the relevant highway authority for the purpose of article 20 (construction and maintenance of local highway works), and related provisions in relation to the maintenance and adoption of such works pursuant to that article.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

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

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

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

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

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(**a**) Section 278 was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).

(**b**) Section 38 was amended by Schedule 17 to the Local Government Act 1985 (c. 51), section 22(1) of the New Roads and Street Works Act 1991 and paragraph 19 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(**c**) 1991 c. 56. Section 106 was amended by sections 35(1) and (8) and 43(2) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and section 49 of, and paragraph 16(1) of Schedule 3 to, the Flood and Water Management Act 2010 (c. 29).

(5) Article 53 (deemed consent) applies to an application for consent under paragraph (3) or approval under paragraph (4)(a) and "the authority" in article 53 must in this case refer to the person to whom the watercourse, sewer or drain belongs.

(6) The undertaker must not, in carrying out or maintaining works under this article, damage or interfere with the bed or banks of any watercourse forming part of a main river other than in accordance with a consent granted by the Environment Agency.

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

(8) This article does not authorise a groundwater activity or water discharge activity for which an environmental permit would be required under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(**a**).

(9) In this article—

(a) "public sewer or drain" means a sewer or drain which belongs to Homes England, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker or an urban development corporation;

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

(c) "main river" means watercourses as defined under section 113(1)(**c**) (interpretation of Part 4) of the Water Resources Act 1991 and shown as such on the statutory main river maps held by the Environment Agency and the Department for Environment, Food and Rural Affairs.

(10) The Environment Agency is deemed to have granted consent under paragraph (3) where the watercourse, public sewer or drain belongs to the Environment Agency and an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 has been granted in respect of the discharge.

(11) A sewerage undertaker is deemed to have granted consent to the discharge of trade effluent into a public sewer under paragraph (3) where the public sewer belongs to the sewerage undertaker and consent under section 118 (consent required for discharge of trade effluent into public sewer) of the Water Industry Act 1991 has been granted in respect of the discharge.

Protective work to buildings

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

(2) Protective works may be carried out—

(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or

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

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage, and place on, leave on and remove from the building any apparatus and equipment for use in connection with the survey.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

(**a**) S.I. 2016/1154.
(**b**) 1991 c. 57.
(**c**) The definition of "main river" was amended by section 59(3) of the Water Act 2014 (c. 21).

(a) enter the building and any land within its curtilage; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building;

(b) a right under paragraph (3) to enter a building and land within its curtilage;

(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or

(d) a right under paragraph (4)(b) to enter land,

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

(6) Where a notice is served under paragraph (5), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 52 (arbitration).

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

(8) Where—

(a) protective works are carried out under this article to a building; and

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

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

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

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

(11) Subject to paragraph (6), section 13(**b**) (refusal to give possession to acquiring authority) of the 1965 Act applies to entry onto, or possession of, land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125(**c**) (application of compulsory acquisition provisions) of the 2008 Act.

(12) In this article "protective works" in relation to a building means—

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

(b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development; and

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

(**b**) Section 13 was amended by section 139(4) to (9) of, paragraph 28 of Schedule 13 and Part 3 of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(**c**) Section 125 was amended by paragraph 17 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).

(c) any works the purpose of which is to secure the safe operation of the authorised development or to prevent or minimise the risk to such operation being disrupted.

Authority to survey and investigate the land

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

(a) survey or investigate the land (including any watercourses, groundwater, static water bodies or vegetation on the land);

(b) without limitation to the scope of sub-paragraph (a), make any excavations, trial holes, boreholes and other investigations in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil, ground water, underground structures, foundations, and plant or apparatus and remove soil and water samples and discharge water from sampling operations on to the land;

(c) without limitation to the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and

(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes, boreholes or excavations.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless no less than 14 days' notice has been served on every owner and occupier of the land, and such notice must indicate the nature of the survey or investigation that the undertaker intends to carry out.

(3) Any person entering land under this article on behalf of the undertaker—

(a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and

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

(4) No trial holes, boreholes or excavations are to be made under this article—

(a) in land located within a highway boundary without the consent of the relevant highway authority; or

(b) in a private street without the consent of the street authority (save for streets within the airport),

but such consent must not be unreasonably withheld.

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

(6) Article 53 (deemed consent) applies to an application to a highway authority or street authority for consent under paragraph (4).

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

Felling or lopping of trees and removal of hedgerows

25.—(1) The undertaker may fell, lop or remove any tree, shrub or hedgerow within or overhanging land within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, shrub or hedgerow—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or

(b) from constituting an imminent danger to persons using the authorised development or property within the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must—

(a) insofar as relevant, act in accordance with British Standard 3998:2010 (Tree work – Recommendations) or any British Standard which supersedes it;

(b) do no unnecessary damage to any tree, shrub or hedgerow; and

(c) pay compensation to any person for any loss or damage arising from such activity.

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

(4) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent under the Hedgerow Regulations 1997(**a**) in undertaking works pursuant to paragraph (1).

(5) In this article "hedgerow" means a hedgerow to which the Hedgerow Regulations 1997 apply by virtue of regulation 3 (application of Regulations) and that is—

(a) shown for removal on any of—

(i) Appendix A (M23 & A23 Preliminary Tree Removal & Protection Plans);

(ii) Appendix B (Airport Preliminary Tree Removal & Protection Plans);

(iii) Appendix C (M23 & A23 Preliminary Vegetation Removal & Protection Plans); or

(iv) Appendix D (Airport Preliminary Vegetation Removal & Protection Plans),

to the outline arboricultural and vegetation method statement; or

(v) Appendix H (M23 & A23 Preliminary Tree Removal Plans); or

(vi) Appendix I (Airport Preliminary Tree Removal Plans),

to the tree survey report and arboricultural impact assessment; or

(b) otherwise approved by the relevant planning authority.

(6) Article 53 (deemed consent) applies to approval by the relevant planning authority under paragraph (5)(b).

Removal of human remains

26.—(1) In this article "the specified land" means any land within the Order limits.

(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it is to remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Subject to paragraph (12), before any such remains are removed from the specified land the undertaker is to give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

(a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and

(b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker is to send a copy of the notice to the relevant planning authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.

(**a**) S.I. 1997/1160.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

(a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or

(b) removed to, and cremated in, any crematorium,

and that person is to, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) The undertaker is to pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under powers conferred by this article.

(8) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who is to remove the remains and as to the payment of the costs of the application.

(9) If—

(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or

(b) such notice is given and no application is made under paragraph (8) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or

(c) within 56 days after any order is made by the county court under paragraph (8) any person, other than the undertaker, specified in the order fails to remove the remains; or

(d) it is determined that the remains to which any such notice relates cannot be identified,

subject to paragraph (10) the undertaker is to remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves are to be re-interred in individual containers which are to be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under powers conferred by this article—

(a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and

(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant planning authority.

(12) No notice is required under paragraph (3) before the removal of any human remains where the undertaker is satisfied—

(a) that the remains were interred more than 100 years ago; and

(b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.

(13) In the case of remains in relation to which paragraph (12) applies, the undertaker—

(a) may remove the remains;

(b) must apply for direction from the Secretary of State under paragraph (14) as to their subsequent treatment; and

(c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.

(14) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State for Justice.

(15) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(16) Section 25 (offence of removal of body from burial ground) of the Burial Act 1857(**a**) does not apply to a removal carried out in accordance with this article.

PART 5

POWERS OF ACQUISITION AND POSSESSION

Compulsory acquisition of land

27.—(1) The undertaker may—

(a) acquire compulsorily (including for a statutory undertaker or any other person) so much of the Order land as is required for the construction, operation or maintenance of the authorised development, or to facilitate it, or is incidental to it, or is required as replacement land; and

(b) use any land so acquired for the purposes authorised by this Order or for any other purposes in connection with or ancillary to the undertaking.

(2) This article is subject to article 30 (time limit for exercise of authority to acquire land compulsorily), article 28 (compulsory acquisition of rights and imposition of restrictive covenants), article 34 (acquisition of subsoil and airspace only), article 35 (rights under or over streets), article 43 (crown rights) and Schedule 9 (protective provisions).

Compulsory acquisition of rights and imposition of restrictive covenants

28.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire compulsorily such rights over the Order land or impose restrictive covenants affecting that land, including rights and restrictive covenants for the benefit of a statutory undertaker or any other person, as may be required for any purpose for which that land may be acquired under article 27 (compulsory acquisition of land) by creating them as well as acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 7 (land in which only new rights etc. may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule.

(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) of the 1965 Act, as modified by paragraph 1 of Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) of this Order, where the undertaker acquires a right over land or the benefit of a restrictive covenant affecting land under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

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

(5) In any case where the acquisition of rights or imposition of a restrictive covenant under paragraph (1) is required for the purposes of diverting, replacing or protecting the apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the

(**a**) 1857 c. 81. Section 125 was substituted by section 2 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1).

power to acquire such rights or impose restrictive covenants to the statutory undertaker in question.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

Compulsory acquisition of land – incorporation of the mineral code

29.—(1) Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981(**a**) are incorporated in this Order subject to the modifications that—

(a) paragraph 8(3) is not incorporated;

(b) for "the acquiring authority" substitute "the undertaker";

(c) for "undertaking" substitute "authorised development"; and

(d) for "compulsory purchase order" substitute "this Order".

(2) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(3) Any rule or principle applied to the construction of section 10 of the 1965 Act applies to the construction of paragraph (2) (with any necessary modifications).

Time limit for exercise of authority to acquire land compulsorily

30. After the end of the period of seven years beginning on the start date—

(a) no notice to treat is to be served under Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act; and

(b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 33 (application of the 1981 Act),

in relation to any part of the Order land.

Private rights of way

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

(a) the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or

(b) the date of entry on the land by the undertaker under section 11(1)(**b**) (powers of entry) of the 1965 Act.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker that are within the Order land are extinguished at the start of any activity authorised by this Order which interferes with or breaches those rights.

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

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation in accordance with the terms of section 152(**c**) (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in

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(**a**) 1981 c. 67.

(**b**) Section 11(1) was amended by paragraph 14(3) of Schedule 4 to the Acquisition of Land Act 1981 (c. 67), paragraph 12(1) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure (No. 1) and section 186(2)(a) of the Housing and Planning Act 2016 (c. 22).

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

case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(5) This article does not apply in relation to any right to which section 138(**a**) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 40 (statutory undertakers) applies.

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

(a) any notice given by the undertaker before—

(i) the completion of the acquisition of the land or the acquisition of the rights over or the imposition of the restrictive covenant affecting the land;

(ii) the undertaker's appropriation of it;

(iii) the undertaker's entry onto it; or

(iv) the undertaker's taking temporary possession of it,

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

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

(7) Where an agreement referred to in paragraph (6)(b)—

(a) is made with a person in or to whom the right is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

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

Modification of Part 1 of the 1965 Act

32.—(1) Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act, as applied to this Order by section 125(**b**) (application of compulsory acquisition provisions) of the 2008 Act is modified as follows.

(2) In section 4A(1)(**c**) (extension of time limit during challenge)—

(a) for "section 23 (application to High Court in respect of compulsory purchase order) of the Acquisition of Land Act 1981" substitute "section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008"; and

(b) for "the applicable period for the purposes of section 4" substitute "the period of seven years as set out in article 30 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025".

(3) In section 11A(**d**) (powers of entry: further notices of entry)—

(a) in subsection (1)(a), after "land" insert "under that provision";

(b) in subsection (2), after "land" insert "under that provision".

(4) In section 22(2) (interests omitted from purchase), for "section 4 of this Act" substitute "article 30 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025".

(5) In Schedule 2A(**e**) (counter-notice requiring purchase of land not in notice to treat)—

(a) for paragraphs 1(2) and 14(2) substitute—

(**a**) Section 138 was amended by section 23 of the Growth and Infrastructure Act 2013 (c. 27) and S.I. 2017/1285.
(**b**) Section 125 was amended by paragraph 17 of Schedule 16 to the Housing and Planning Act 2016 (c. 22).
(**c**) Section 4A was inserted by section 202(1) of the Housing and Planning Act 2016 and section 4A(1) was amended by section 185(2)(b) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**d**) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
(**e**) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016.

"(2) But see article 34 (acquisition of subsoil or airspace only) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025, which excludes the acquisition of subsoil or airspace only from this Schedule."; and

(b) after paragraph 29, insert—

"PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 23 (protective work to buildings), 36 (temporary use of land for carrying out the authorised development) or 38 (temporary use of land for maintaining the authorised development) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025.".

Application of the 1981 Act

33.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as so applied by paragraph (1), has effect with the following modifications.

(3) In section 1 (application of Act) for subsection (2) substitute—

"(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.".

(4) In section 5(**a**) (earliest date for execution of declaration), in subsection (2), omit the words from ", and this subsection" to the end.

(5) Omit section 5A(**b**) (time limit for general vesting declaration).

(6) In section 5B(1)(**c**) (extension of time limit during challenge)—

(a) for "section 23 (application to High Court in respect of compulsory purchase order) of the Acquisition of Land Act 1981" substitute "section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008"; and

(b) for "the applicable period for the purposes of section 5A" substitute "the period of seven years as set out in article 30 (time limit for exercise of authority to acquire land compulsorily) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025 ".

(7) In section 6(**d**) (notices after execution of declaration) for subsection (1)(b) for "section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981" substitute "section 134(**e**) (notice of authorisation of compulsory acquisition) of the Planning Act 2008".

(8) In section 7(**f**) (constructive notice to treat) in subsection (1)(a), omit "(as modified by section 4 of the Acquisition of Land Act 1981)".

(9) In Schedule A1(**g**) (counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act

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(**a**) Section 5 was amended by paragraph 6 of Schedule 15 to the Housing and Planning Act 2016.
(**b**) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016 and amended by section 185(3)(a) by the Levelling-up and Regeneration Act 2023 (c. 55).
(**c**) Section 5B(1) was inserted by section 202(2) of the Housing and Planning Act 2016 and amended by section 185(3)(b) of the Levelling-up and Regeneration Act 2023.
(**d**) Section 6 was amended by paragraph 7 of Schedule 15 to the Housing and Planning Act 2016 and section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11).
(**e**) Section 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011 and S.I. 2017/16.
(**f**) Section 7(1) was substituted by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016 and amended by section 186(2) of the Levelling-up and Regeneration Act 2023.
(**g**) Schedule A1 was inserted by paragraph 6 of Part 1 of Schedule 18 to the Housing and Planning Act 2016.

and as modified by article 32 (modification of Part 1 of the 1965 Act) to the compulsory acquisition of land under this Order.

Acquisition of subsoil or airspace only

34.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of or the airspace over the land referred to in article 27(1) (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

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

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

(a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 32 (modification of Part 1 of the 1965 Act));

(b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and

(c) section 153(4A)(**a**) (reference of objection to Upper Tribunal: general) of the 1990 Act.

(4) Paragraphs (2) and (3) are to be disregarded where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

Rights under or over streets

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

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

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

(a) any subway or underground building; or

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

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, will be entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised development

36.—(1) The undertaker may, in connection with the carrying out of the authorised development—

(**a**) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

(a) enter on and take temporary possession of any Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;

(b) remove any buildings, apparatus, fences, landscaping, debris, electric line, electrical plant, structures and vegetation from that land;

(c) use any private road within the Order land for the passage of persons or vehicles (with or without materials, plant and machinery);

(d) construct temporary or permanent works (including the provision of means of access) or buildings on that land; and

(e) construct any works on that land as are mentioned in Schedule 1 (authorised development), or any other mitigation works.

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

(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 (powers of entry) of the 1965 Act or made a declaration under section 4 (execution of declaration) of the 1981 Act in relation to that land.

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

(a) replace a building removed under this article;

(b) restore the land on which any permanent works have been constructed under paragraph (1)(d);

(c) restore the land to a condition better than the relevant land was in before the temporary possession;

(d) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;

(e) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development; or

(f) remove or reposition any apparatus belonging to statutory undertakers or necessary mitigation works.

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

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

(7) Any dispute as to the satisfactory removal of temporary works and restoration of land under paragraph (4) does not prevent the undertaker giving up possession of the land.

(8) Subject to article 48 (no double recovery), nothing in this article affects any liability to pay compensation under section 152(**a**) (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the carrying

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

out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

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

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

(11) Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in paragraph (1).

Time limit for exercise of authority to temporarily use land for carrying out the authorised development

37.—(1) Subject to paragraph (2), the authority to enter onto land pursuant to article 36 (temporary use of land for carrying out authorised development) ceases to apply to any land after the period of seven years beginning on the start date.

(2) Paragraph (1) will not prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Temporary use of land for maintaining the authorised development

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

(a) enter on and take temporary possession of any Order land if such possession is reasonably required for the purpose of maintaining the authorised development;

(b) enter on any Order land for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development; and

(c) construct such temporary works (including the provision of means of access) and buildings on the land within the Order land as may be reasonably necessary for that purpose.

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

(a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

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

(4) The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of—

(a) the authorised development or any of its parts;

(b) the public; or

(c) the surrounding environment,

and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such notice as is reasonably practicable in the circumstances.

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

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

(**b**) Section 125 was amended by paragraph 17 of Schedule 16 to the Housing and Planning Act 2016.

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

(7) Any dispute as to the removal of temporary works and restoration of land under paragraph (6) does not prevent the undertaker giving up possession of the land.

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

(9) Any dispute as to a person's entitlement to compensation under paragraph (8), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(10) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (8).

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

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

(13) In this article "maintenance period", in relation to any part of the authorised development, means the period of 5 years beginning with the date on which—

(a) that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or

(b) in respect of any other part of the authorised development, that part is first brought into operational use by the undertaker.

Special category land

39.—(1) On the exercise by the undertaker of the Order rights, the special category land identified in Part 1 (special category land to be permanently acquired) of Schedule 10 (special category land) is not to vest in the undertaker until the undertaker has acquired the land identified in Part 2 (land to be laid out as replacement open space) of Schedule 10 (to the extent not already in its ownership) and an open space delivery plan has been submitted to and approved in writing by CBC (in consultation with RBBC and MVDC).

(2) The open space delivery plan submitted under paragraph (1) must include a timetable for—

(a) the submission of a landscape and ecology management plan pursuant to requirement 8 (landscape and ecology management plan) for each part of the land to be laid out as replacement open space; and

(b) the laying out of each part of that replacement open space.

(3) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker (or any specified person) and be discharged from all rights, trusts and incidents to which it was previously subject.

(4) The undertaker must implement the open space delivery plan approved by CBC under paragraph (1).

(5) Provision must be made in the relevant landscape and ecology management plan (or otherwise) for the undertaker to be responsible for the cost of, and associated with, the ongoing maintenance in perpetuity of the land to be laid out as replacement open space shown on the special category land plans with plot number 1/013 and comprising Work No. 40(c) (replacement open space on land to the north east of Longbridge Roundabout), subject to any subsequent

agreement pursuant to requirement 8(4) (landscape and ecology management plan) of Schedule 2 (requirements).

(6) In this article—

"Order rights" means rights and powers exercisable over the special category land by the undertaker under article 27 (compulsory acquisition of land) and article 28 (compulsory acquisition of rights and imposition of restrictive covenants); and

"specified person" means a person other than the undertaker for whose benefit the special category land is being acquired.

Statutory undertakers

40. Subject to the provisions of Schedule 9 (protective provisions), the undertaker may—

(a) acquire compulsorily the land belonging to statutory undertakers within the Order land and described in the book of reference;

(b) acquire existing rights, create and acquire new rights and impose restrictive covenants over the land belonging to statutory undertakers within the Order land and described in the book of reference;

(c) extinguish or suspend the rights of, or remove, alter, renew, relocate or reposition apparatus belonging to, statutory undertakers over or within the Order land;

(d) construct the authorised development in such a way as to cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order land;

(e) construct over existing apparatus belonging to statutory undertakers any necessary track or roadway (whether temporary or permanent) together with the right to maintain or remove the same, and install such service media under or over the existing apparatus needed in connection with the authorised development; and

(f) remove or reposition apparatus belonging to statutory undertakers which is laid beneath any of the streets within the Order land.

Apparatus and rights of statutory undertakers in stopped-up streets

41.—(1) Where a street is stopped up under article 13 (stopping up of streets), any statutory undertaker whose apparatus is under, in, on, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 13 any statutory undertaker whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker must—

(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory undertaker may reasonably determine and have power to place it; or

(b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

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

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

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

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

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

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

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

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

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

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

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

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

(a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and

(b) the allowable costs are to be borne by the undertaker and the statutory undertaker in such proportions as may be prescribed by any such regulations.

(8) In this article—

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

"statutory undertaker" means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(**a**).

Recovery of costs of new connections

42.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 40 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 40 (statutory undertakers), any person who is—

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

(b) the owner of a private sewer which communicated with that sewer,

(**a**) 2003 c. 21. There are amendments to section 151 which are not relevant to this Order.

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

(3) This article does not have effect in relation to apparatus to which article 41 (apparatus and rights of statutory undertakers in stopped-up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

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

"public utility undertaker" means a gas, water, electricity or sewerage undertaker.

Crown rights

43.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or rights of any description—

(a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and is deemed to have been given in writing where it is sent electronically.

Disregard of certain improvements, etc.

44.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal must not take into account—

(a) any interest in land; or

(b) any enhancement of the value of any interest in land by reason of any building erected, works carried out or improvement or alteration made on the relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the carrying out of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1)—

"relevant land" means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works constructed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned; and

"the tribunal" means the Lands Chamber of the Upper Tribunal.

PART 6

MISCELLANEOUS AND GENERAL

Disapplication of legislative provisions

45.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction or maintenance of the authorised development—

(a) sections 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act 1991(**a**); and

(b) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.

(2) The provisions of the Neighbourhood Planning Act 2017(**b**), insofar as they relate to the temporary possession of, or entry into, land under this Order, do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 38(13) (temporary use of land for maintaining the authorised development), any maintenance of any part of the authorised development.

(3) Notwithstanding the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of "development") of the Community Infrastructure Levy Regulations 2010(**c**) any building comprised in the authorised development is deemed to be—

(a) a building into which people do not normally go; or

(b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

Application of landlord and tenant law

46.—(1) This article applies to—

(a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and

(b) any agreement entered into by the undertaker with any person for the construction, maintenance or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

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

(a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

(**a**) 1991 c. 59.
(**b**) 2017 c. 20.
(**c**) S.I. 2010/948, amended by S.I. 2011/987. There are other amending instruments that are not relevant to this Order.

Defence to proceedings in respect of statutory nuisance

47.—(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(**a**) in relation to a nuisance falling within paragraph (d), (e), (g) and (ga) of section 79(1)(**b**) (statutory nuisances and inspections therefor) of that Act no order is to be made, and no fine may be imposed, under section 82(2)(**c**) of that Act if the defendant shows that the nuisance—

(a) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with—

(i) a notice served under section 60 (control of noise on construction sites) of the Control of Pollution Act 1974(**d**); or

(ii) a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(**e**); or

(b) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or

(c) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) For the purposes of paragraph (1)(b), compliance with the controls and measures described in the code of construction practice will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.

(3) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(4) In this article "premises" has the same meaning as in section 79(7)(**f**) of the Environmental Protection Act 1990.

No double recovery

48. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or deed or any rule of law, or under two or more different provisions of this Order.

Protection of interests

49. Schedule 9 (protective provisions) has effect.

Certification of documents, etc.

50.—(1) As soon as practicable after the making of this Order the undertaker must submit copies of each of the plans and documents set out in Schedule 12 (documents to be certified) to the Secretary of State for certification that they are true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 12 requires to be amended to reflect the terms of the Secretary of State's decision to make the Order, that plan or document in the form

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(**a**) 1990 c. 43. Section 82(1) was amended by paragraph 6(a) of Schedule 17 to the Environment Act 1995 (c. 25).
(**b**) Section 79(1)(ga) was inserted by section 2(2)(b) of the Noise and Statutory Nuisance Act 1993 (c. 40).
(**c**) Section 82(2) was amended by section 5(1) and (2) of the Noise and Statutory Nuisance Act 1993 and paragraph 6(b) of Schedule 17 to the Environment Act 1995.
(**d**) 1974 c. 40.
(**e**) Section 61 was amended by Schedule 7 to the Building Act 1984 (c. 55) and paragraph 15(3) of Schedule 15 to the Environmental Protection Act 1990 (c. 43).
(**f**) The definition of "premises" was amended by paragraph 2(b)(ii) of Schedule 17 to the Environment Act 1995 (c. 25).

amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

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

Service of notices

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

(a) by post;

(b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or

(c) with the consent of the recipient and subject to paragraphs (5) to (9) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(**a**) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) addressing it to that person by name or by the description of "owner", or as the case may be "occupier", of the land (describing it); and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement will be taken to be fulfilled only where—

(a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;

(b) the notice or document is capable of being accessed by the recipient;

(c) the notice or document is legible in all material respects; and

(d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

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

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

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

(**a**) 1978 c. 30.

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation will be final and will take effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) Where a notice or document is sent by electronic transmission after 5:00pm, it is deemed served on the next working day.

(10) This article will not be taken to exclude the employment of any method of service not expressly provided for by it.

(11) In this article "legible in all material respects" means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

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

Deemed consent

53.—(1) If an authority which receives a valid application for consent or approval to which this article applies fails to notify the undertaker of its decision before the end of the period of 56 days beginning with the day after the application was made (or such longer period agreed in writing between the undertaker and the authority), it is deemed to have granted consent or approval (as relevant).

(2) Any application for consent or approval to which this article applies must include a statement that this article applies to that application.

(3) If an application for consent or approval to which this article applies does not include the statement required under paragraph (2) then paragraph (1) will not apply to that application.

(4) An application to which this article applies must be made in the same manner as a notice or other document must be served pursuant to article 51 (service of notices) and is deemed to have been made on the date that such a notice or document would be deemed served under article 51.

Conservation and enhancement of protected landscapes

54.—(1) The parties are to agree in writing the financial contribution to be made available by the undertaker for the benefit of the protected landscapes having regard to the amended duty under—

(a) section 11A(1A) (duty of certain bodies in relation to the purposes for which National Parks are designated) of the National Parks and Access to the Countryside Act 1949(**a**); and

(b) (b) section 85(A1) (general duties of public bodies etc.) of the Countryside and Rights of Way Act 2000(**b**).

(2) If agreement is not reached regarding the financial contribution referred to in paragraph (1), the parties are to agree that the matter is referred to an agreed independent assessor or arbitrator

(**a**) 1949 c. 97. Section 11A was inserted by section 62 of the Environment Act 1995 (c. 25) and subsection (1A) was inserted by section 245(3)(b) of the Levelling-up and Regeneration Act 2023 (c. 55). There are further amendments to section 11A that are not relevant to this Order.

(**b**) 2000 c. 37. Section 85(A1) was inserted by section 245(6)(a) of the Levelling-up and Regeneration Act 2023. There are further amendments to section 85 that are not relevant to this Order.

or, failing agreement, to be appointed on the application of any party (after giving notice to the other parties) by the Centre for Effective Dispute Resolution.

(3) The parties are to agree a timetable with, and the provision of papers and documents to, the assessor.

(4) The costs of the consideration of the financial contribution by the assessor are to be paid by the undertaker.

(5) The reasonable costs of the conservation bodies incurred in connection with identifying the appropriate level of the financial contribution under this article are to be agree by the parties and paid by the undertaker.

(6) The assessor is to prepare a recommendation regarding the appropriate level of the financial contribution referred to in paragraph (1).

(7) The recommendation is to be submitted to the Secretary of State by the undertaker together with any supporting papers and documents provided to the assessor.

(8) In relation to the recommendation made by the assessor, the Secretary of State may—

(a) approve the recommendation;

(b) refuse the recommendation; or

(c) modify the recommendation in such way as the Secretary of State considers fit.

(9) Prior to the commencement of dual runway operations, the undertaker must pay the financial contribution agreed under paragraph (1) or determined under paragraph (8) to the South Downs National Park Authority for use by that authority and onward distribution to the other conservation bodies in such proportion as is agreed by the conservation bodies.

(10) Each of the conservation bodies must allocate its portion of the financial contribution to projects—

(a) that further the purposes of conserving or enhancing its protected landscape; and

(b) in a manner consistent with the management plan in effect from time to time for that protected landscape.

(11) Without prejudice to the generality of paragraph (10), projects may include—

(a) the conservation of the Dark Skies Reserve through allocation towards light monitoring and reporting;

(b) the annual Dark Skies Festival;

(c) the creation of a Dark Skies Engagement Lead role; and

(d) a tranquillity assessment and associated programme of advice, guidance and public engagement.

(12) Article 52 (arbitration) will not apply to any difference or dispute under this article.

(13) In this article—

"the assessor" means—

(a) the agreed independent assessor or arbitrator; or

(b) the arbitrator appointed by the Centre for Effective Dispute Resolution;

"the conservation bodies" means—

(a) the High Weald National Landscape Partnership;

(b) the Kent Downs National Landscape Partnership;

(c) the South Downs National Park Authority; and

(d) the Surrey Hills AONB Board;

"the parties" means the undertaker, Natural England and the conservation bodies; and

"the protected landscapes" means—

(a) the High Weald National Landscape;

(b) the Kent Downs National Landscape;

(c) the South Downs National Park; and

(d) the Surrey Hills National Landscape.

Signed by authority of the Secretary of State for Transport

Kayla Marks
Head of the Transport and Works Act Orders Unit
Department for Transport

21st September 2025

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In the administrative area of Crawley Borough Council, Reigate and Banstead Borough Council, Mole Valley District Council and Tandridge District Council

A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general), 22 (highways) and 23 (airports) of the 2008 Act; and associated development as defined in section 115(2) of the 2008 Act, comprising as follows—

Airfield works

Work No. 1

Works to reposition the existing northern runway 12 metres to the north (measured from the centreline of the existing northern runway).

Work No. 2

Works to construct a runway access track between the repositioned northern runway and the main runway, running east to west.

Work No. 3

Works to convert three existing aircraft stands to overnight parking/remote aircraft stands, including the installation of fuel hydrants, fixed electric ground power, lighting and stand entry guidance systems.

Work No. 4

Works relating to the runways and taxiways including works to—

(a) reposition and resurface Taxiway Juliet East between Taxiway Quebec and Taxiway Uniform;

(b) reposition and resurface exit/entrance taxiways between the repositioned northern runway and Taxiway Juliet;

(c) extend Taxiway Lima westward including works to—

(i) remove substation BJ;

(ii) construct pumping station 7a;

(iii) remove a stand;

(iv) construct a stand north-east of Hangar 7;

(v) re-configure existing remote stands; and

(vi) remove car park hardstanding and facilities.

(d) extend Taxiway Tango northward to the extended Taxiway Lima;

(e) reposition and resurface the exit/entrance taxiways from the main runway to the repositioned northern runway;

(f) construct an end around taxiway (End Around Taxiway West) and flood conveyance syphons;

(g) construct an end around taxiway (End Around Taxiway East) from the main runway to Taxiway Yankee and flood conveyance syphons;

(h) reposition and resurface Taxiway Juliet West, including the relocation of substation BK;

(i) construct a taxiway spur (Taxiway Juliet West Spur); and

(j) resurface existing taxiways including—

(i) Taxiway Uniform;

(ii) Taxiway Whiskey;

(iii) Taxiway Zulu; and

(iv) Taxiway Victor.

Work No. 5

Works to the Aircraft Holding Area (Charlie Box) including works to—

(a) relocate substation BR;

(b) remove the existing airside operations building;

(c) remove pumping station 17;

(d) relocate de-icer storage tanks;

(e) relocate substation BP;

(f) re-configure existing remote aircraft stands; and

(g) construct taxiways and aircraft hold points.

Work No. 6

Works to construct a new pier (Pier 7) including works to—

(a) construct a three-floor pier, including passenger circulation space, passenger service areas, processing and waiting areas for passengers and access structures to board aircraft;

(b) construct the Pier 7 Autonomous Vehicle Station;

(c) re-configure existing aircraft stands;

(d) construct up to 14 aircraft stands;

(e) construct a new substation; and

(f) remove car park hardstanding and facilities.

Work No. 7

Works to construct the Oscar Area including works to—

(a) construct a taxiway connection between Taxiway Juliet and Taxiway Tango;

(b) relocate substation A; and

(c) construct eight remote aircraft stands.

Airport support facilities

Work No. 8

Works to remove the airside support facilities including—

(a) the Central Area Recycling Enclosure (CARE) facility;

(b) motor transport facilities;

(c) grounds maintenance facilities;

(d) airfield surface transport facilities;

(e) Rendezvous Point North;

(f) emergency air traffic control tower; and

(g) former TCR Snowbase building.

Work No. 9

Works to construct the replacement Central Area Recycling Enclosure (CARE) facility including—

(a) a materials recovery facility;

(b) card baling facilities

(c) vehicle weighing platform;

(d) a baled waste storage area;

(e) office accommodation and welfare facilities; and

(f) hardstanding area for storage, parking, quarantine, vehicle manoeuvring and other associated uses.

Work No. 10

Works to construct the replacement motor transport facilities including—

(a) a parts store;

(b) a ramps, pits and tyre store;

(c) a test area;

(d) a workshop;

(e) a heavy goods vehicle (HGV) refuelling area;

(f) a vehicle wash area;

(g) parking;

(h) office and welfare facilities; and

(i) works to remove car park hardstanding and facilities.

Work No. 11

Works to construct the replacement grounds maintenance facilities including—

(a) an open vehicle storage shed;

(b) a closed tool shed;

(c) a hazardous substances unit;

(d) office and welfare facilities;

(e) parking;

(f) a green waste compost area; and

(g) vehicular access.

Work No. 12

Works to construct the replacement airfield surface transport facilities including—

(a) an open vehicle storage shed;

(b) a grit and salt store; and

(c) parking.

Work No. 13

Works to construct the replacement Rendezvous Point North, comprising a hardstanding area and cabin building, including removal of car park hardstanding and facilities.

Work No. 14

Works to remove and construct the replacement fire training ground including works to—

(a) relocate substation J;

(b) remove existing structures on the replacement fire training ground site; and

(c) construct hardstanding area and structures for the replacement fire training ground.

Work No. 15

Works to construct the satellite airport fire service facility, including a main garage building.

Work No. 16

Works to construct a new aircraft hangar.

Work No. 17

Works to relocate the Hangar 7 support structures including works to—

(a) remove existing support structures; and

(b) construct relocated support structures.

Work No. 18

Works to remove and replace the western noise mitigation bund including works to—

(a) remove the existing western noise bund;

(b) construct the replacement noise bund and wall; and

(c) construct flood conveyance syphons.

Work No. 19

Works to construct pumping station 2a.

Work No. 20

Works to realign Larkins Road.

Terminal works

Work No. 22

Works associated with the North Terminal building including works to—

(a) extend the International Departure Lounge on levels 20, 30 and 40 to the north;
(b) extend the International Departure Lounge on levels 10, 20 and 30 to the south;
(c) extend the baggage hall and baggage reclaim;
(d) construct the North Terminal autonomous vehicle station;
(e) construct the autonomous vehicle maintenance building;
(f) reconfigure internal facilities;
(g) construct a multi-storey car park;
(h) demolish the CIP building and circulation building; and
(i) remediate the coaching gates.

Work No. 23

Works associated with the South Terminal building including works to—
(a) extend the International Departure Lounge on levels 10, 20, 30, and 40;
(b) reconfigure internal facilities;
(c) construct the South Terminal autonomous vehicle station; and
(d) construct additional coaching gates.

Work No. 24

Works to upgrade the North Terminal forecourt including access roads.

Work No. 25

Works to upgrade the South Terminal forecourt including access roads.

Hotels, offices and car parking

Work No. 26

Works to construct a hotel north of multi-storey car park 3.

Work No. 27

Works to construct a hotel on the car rental site.

Work No. 28

Works associated with the Car Park H site including works to—
(a) construct a hotel;
(b) construct an office;
(c) construct a multi-storey car park;
(d) demolish Car Park H; and
(e) external vehicle and pedestrian accesses.

Work No. 29

Works to convert the existing Destinations Place office into a hotel.

Work No. 30

Works to construct Car Park Y including—

(a) earthworks and works to construct an attenuation storage facility with a capacity of approximately 32,000m^3; and

(b) construction of a multi-storey car park.

Work No. 31

Works associated with Car Park X including—

(a) earthworks and landscaping;

(b) construction of a flood compensation area with a capacity of approximately 55,000m^3;

(c) construction of an outfall structure;

(d) access improvements;

(e) deck parking provision, a re-provision of Purple Parking; and

(f) surface parking amendments.

Work No. 32

Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure.

Work No. 33

Works associated with the existing Purple Parking car park including—

(a) removal of existing decked car parking structure;

(b) partial removal of existing surface car parking;

(c) erection of a fenceline; and

(d) re-configuration of remaining surface level car parking.

Work No. 34

Works to—

(a) remove Car Park B South;

(b) remove Car Park B North; and

(c) deliver replacement open space at Car Park B South and Car Park B North.

Surface access works

Work No. 35

Works associated with the South Terminal Junction improvements including—

Highway

(a) widening and realignment of the mainline carriageway of Gatwick Spur/Airport Way, 1740m long, to include a new flyover over the South Terminal Roundabout and the provision of a third lane eastbound on Gatwick Spur between South Terminal Roundabout and M23 Junction 9;

(b) construction of a new eastbound merge slip road (Gatwick Spur Eastbound Merge), 330m long, from South Terminal Roundabout to Gatwick Spur;

(c) construction of a new westbound diverge slip road (Gatwick Spur Westbound Diverge), 420m long, from Gatwick Spur to the South Terminal Roundabout;

(d) realignment of the existing South Terminal Roundabout;

(e) construction of a new eastbound diverge slip road (Airport Way Eastbound Diverge), 265m long, from Airport Way to South Terminal Roundabout;

(f) construction of a new westbound merge slip road (Airport Way Westbound Merge), 275m long, from South Terminal Roundabout to Airport Way;

(g) realignment and widening of the existing Ring Road North, 80m long;

(h) realignment and widening of the existing Ring Road South, 85m long;

(i) realignment and widening of the existing B2036 Balcombe Road, 160m long;

(j) construction of a new footway connection for pedestrians between B2036 Balcombe Road and Ring Road South, 380m long;

Structures

(k) construction of a 230m long retaining wall, to the northeast of Balcombe Road Underbridge (Retaining Wall 27);

(l) construction of a 35m long retaining wall, to the southeast of Balcombe Road underbridge (Retaining Wall 37);

(m) construction of a 45m long retaining wall, between Gatwick Spur Westbound Diverge and Gatwick Spur (Retaining Wall 39);

(n) construction of a 25m long retaining wall, between Gatwick Spur Eastbound merge and Gatwick Spur (Retaining Wall 40);

(o) construction of a replacement bridge (Balcombe Road Underbridge) to carry Gatwick Spur, Gatwick Spur Eastbound Merge and Gatwick Spur Westbound Diverge over B2036 Balcombe Road;

(p) construction of a new 170m retaining wall, between the southern side of Balcombe Road underbridge and South Terminal Roundabout (Retaining Wall 38);

(q) construction of a new 160m long retaining wall, between Gatwick Spur Eastbound Merge and Gatwick Spur (Retaining Wall 26);

(r) construction of a new 165m long retaining wall, between Gatwick Spur Westbound Diverge and Gatwick Spur (Retaining Wall 23);

(s) construction of a new flyover structure (South Terminal Flyover Bridge), to carry the Gatwick Spur/Airport Way dual carriageway over South Terminal Roundabout;

(t) construction of a new 160m long retaining wall, between Airport Way Eastbound Diverge and Airport Way (Retaining Wall 25);

(u) construction of a new 180m long retaining wall, between Airport Way Westbound Merge and Airport Way (Retaining Wall 24);

(v) construction of a new 370m long retaining wall, on the southern side of the Airport Way Westbound Merge, East of the Airport Way Rail Bridge (Retaining Wall 22);

Drainage

(w) construction of a new land drainage ditch to the south of Gatwick Spur Westbound Diverge;

(x) modification of the existing Balcombe Road Culvert East under Gatwick Spur to the east of B2036 Balcombe Road;

(y) construction of a new attenuation pond (Pond 1), with an approximate capacity of 2,900m^3, with associated drainage facilities, access and landscaping located to the northeast of South Terminal Roundabout; and

(z) construction of a new proposed culvert (Balcombe Road Culvert West) on the western side of B2036 Balcombe Road.

Work No. 36

Works associated with the North Terminal Junction improvements including—

Highways

(a) widening and realignment of the existing A23 London Road between the Airport Way Bridge over A23 London Road and the new A23 London Road / North Terminal Link Signal-Controlled Junction, 545m long;

(b) construction of a new signal-controlled junction (A23 London Road / North Terminal Link Signal-Controlled Junction) for the interface between A23 London Road and the new North Terminal Link;

(c) widening and realignment of the existing A23 London Road between the new A23 London Road / North Terminal Link Signal-Controlled Junction and the A23 London Road bridge over the River Mole, 480m long, to include the provision of three lanes northbound between the North Terminal Flyover Link merge and the A23 London Road bridge over the River Mole;

(d) realignment and widening of the existing Airport Way Westbound between the Airport Way Rail Bridge and the new North Terminal Flyover Link, 550m long, to include the provision of a third lane westbound;

(e) realignment and reconfiguration of the existing diverge from A23 London Road to Airport Way Eastbound (A23 London Road Diverge to Airport Way Eastbound), 635m long;

(f) construction of a new flyover link (North Terminal Flyover Link) over the North Terminal Roundabout between Airport Way Westbound and A23 London Road Northbound, 650m long;

(g) construction of a new diverge from Airport Way Westbound to North Terminal Roundabout (Airport Way Diverge to North Terminal Roundabout), 425m long;

(h) realignment and widening of the existing North Terminal Roundabout;

(i) construction of a new left-in diverge from A23 London Road Northbound to North Terminal roundabout (A23 London Road Northbound Left-in Diverge to North Terminal Roundabout), 325m long;

(j) construction of a new link road (North Terminal Link) from North Terminal Roundabout to a new signal-controlled junction on A23 London Road, 105m long;

(k) realignment and widening of the existing Northway, 65m long;

(l) realignment and widening of the existing Longbridge Way, 90m long;

(m) realignment and widening of the existing Gatwick Way, 165m long;

(n) realignment and widening of the existing Perimeter Road North, 270m long;

(o) realignment and widening of the existing North Terminal Approach Road, 125m long;

(p) construction of a new active travel path for pedestrians and cyclists between Longbridge Roundabout and North Terminal Roundabout including crossings of internal Gatwick Airport roads, 775m long;

(q) construction of a new ramp connection for pedestrians and cyclists between A23 London Road and Riverside Garden Park, 120m long;

Structures

(r) widening of the existing Airport Way bridge over the London to Brighton Railway (Airport Way Rail Bridge);

(s) construction of a new 240m long retaining wall on the southern side of Airport Way to the west of the Airport Way Rail Bridge (Retaining Wall 36);

(t) construction of a new flyover bridge structure (North Terminal Flyover Bridge), to carry the new North Terminal Flyover Link over the new North Terminal Link;

(u) construction of a new 85m long retaining wall, southeast of the North Terminal Flyover Bridge (Retaining Wall 32);

(v) construction of a new 160m long retaining wall, located between Airport Way Westbound Diverge to North Terminal Roundabout and the existing Inter Terminal Transit Shuttle viaduct (Retaining Wall 30);

(w) construction of a new 160m long retaining wall, located between North Terminal Flyover Link and A23 London Road (Retaining Wall 33);

(x) construction of a new 160m long retaining wall, located east from the Bridge over the River Mole, adjacent to ramp down to Riverside Garden Park (Retaining Wall 21);

(y) construction of a new widened bridge (A23 London Road bridge over the River Mole) to replace the existing bridge over the River Mole on A23 London Road; and

Drainage

(z) construction of a new attenuation basin (Basin 2), with an approximate capacity of 2,000m^3, with associated drainage facilities, access and landscaping located to the northeast of North Terminal Roundabout.

Work No. 37

Works associated with the Longbridge Roundabout Junction improvements including—

Highways

(a) widening and realignment of the existing A23 London Road between Longbridge Roundabout and the A23 London Road bridge over the River Mole, 130m long, to include the provision of three lanes northbound;

(b) widening and realignment of the existing A23 Brighton Road, 220m long;

(c) widening and realignment of the existing A217, 110m long;

(d) realignment of the existing Povey Cross Road, 60m long;

(e) widening and realignment of existing Longbridge Roundabout;

Structures

(f) construction of a new 50m long retaining wall, northwest of the A23 London Road Bridge over the River Mole (Retaining Wall 35);

(g) widening of the existing Longbridge Roundabout segregated left turn lane stilt structure;

(h) construction of a new 35m long retaining wall, between the stilt structure and A23 Brighton Road Bridge over the River Mole (Retaining Wall 34);

(i) construction of a new widened bridge (A23 Brighton Road Bridge over the River Mole) to replace the existing bridge over the River Mole on A23 Brighton Road;

(j) construction of a new 30m long retaining wall east of the A23 Brighton Road Bridge over the River Mole (Retaining Wall 18);

(k) construction of a new 45m long retaining wall on the southern side of Longbridge Roundabout (Retaining Wall 19);

(l) construction of a new 40m long retaining wall on the northern side of Longbridge Roundabout (Retaining Wall 20);

Drainage

(m) construction of a new attenuation basin (Basin 3), with an approximate capacity of 600m^3, with associated drainage facilities, access and landscaping located to the north of Longbridge Roundabout; and

(n) modification of the existing A23 Brighton Road Culvert located to the east of the River Mole.

Miscellaneous

Work No. 38

Works to construct the habitat enhancement area and flood compensation area at Museum Field including works to—

(a) construct a flood compensation area with a capacity of approximately 57,600m^3;

(b) extend Gatwick greenspace footpath;

(c) construct a maintenance access road;

(d) undertake earthworks, landscaping and a bund around the southern and eastern perimeter;

(e) construct footbridge; and

(f) construct two farm access bridges.

Work No. 39

Works associated with the River Mole including works to—

(a) divert and extend river course;

(b) construct and extend culverts and syphons;

(c) construct a section of concrete channel;

(d) remove and infill Pond A;

(e) construct a connection from Pond A catchment to Pond M; and

(f) deliver ecological mitigation measures.

Work No. 40

Works associated with land to the north east of Longbridge Roundabout including works to—

(a) construct a pedestrian footbridge over the River Mole;

(b) deliver no less than 0.52ha of planting; and

(c) deliver replacement open space.

Work No. 41

Works to create an ecological area at Pentagon Field including works to—

(a) establish a temporary spoil receptor site;

(b) permanently raise the ground level to create a raised spoil platform with a maximum height of up to 4m (above datum) and with side slopes of a maximum of 1 in 3 gradient; and

(c) reinstate the land by—

(i) delivering no less than 1ha of planting, including the reinstatement of grassland;

(ii) planting a woodland tree belt of no less than 250 metres in length and no less than 15 metres in width along the site's eastern boundary adjacent to Balcombe Road; and

(iii) planting native woodland in the south-east portion of the site.

Work No. 42

Works to—

(a) establish a habitat enhancement area along Perimeter Road East and Perimeter Road South including replacement hedgerows and habitat suitable for bats along Crawter's Brook; and

(b) construct a weir and a fish pass.

Work No. 43

Works to construct water treatment works comprising a constructed wetland (reed bed) treatment system including—

(a) reed beds, surrounded by embankments and suitable boundary treatment;

(b) associated plant, equipment and machinery;

(c) cabin building;

(d) storage unit; and

(e) reprovision of car parking for Gatwick Greenspace Partnership.

Work No. 44

Works to—

(a) remove existing surface car parking and associated structures; and

(b) construct wastewater treatment works.

Ancillary or related development

In connection with the construction of any of those works, and other development in the Order limits, ancillary or related development—

(a) earthworks and excavations (including tunnelling, soil stripping and storage, site levelling, vegetation clearance, spoil screening/storage for re-use on site and remediation); provision of spoil retaining structures, bunds and ground terracing to formation levels; and site ground preparation works including land remediation, vegetation clearance and groundwater de-watering;

(b) provision, protection, diversion and relocation of surface drainage systems (including swales, ditches, culverts, outfalls, ponds, basins and water treatment and pumping); foul water drainage systems (including pipework, sewage treatment plant, pumps and outfalls); utilities, including electricity, telecommunications, water and power supplies (including substations, switchgear and transformers); cables, pipes, shafts, trenches tunnels and associated access points; and associated protective works for such infrastructure (including footbridges, barriers and grates);

(c) construction and provision of building compounds, external building plant and equipment, stacks and chimneys, access structures (including ladders, stairs and platforms) aerials and communication plant and equipment;

(d) works to create temporary or permanent landscaping (including temporary or permanent mounds); drainage and flood compensation (including flood attenuation works); finished ground levels; means of enclosure; and reinstatement/replacement of, or construction of, boundary walls and security fences (including gates and retaining walls);

(e) provision of permanent and temporary hard-standing areas; welfare/office accommodation, workshops and stores; secure entrances; structures and plant; site access points; security kiosks and buildings, perimeter and internal fencing; gates, barriers and bollards; vehicle and bicycle parking areas; vehicular and pedestrian access routes and internal roads; storage and handling areas; signage; CCTV poles and mountings; lighting

poles and fittings; facilities and equipment for processing of excavated and construction materials; treatment enclosures; and any other temporary and permanent works required;

(f) habitat creation and management;

(g) alteration of the layout of any street permanently or temporarily, including but not limited to increasing the width of the carriageway of the street by reducing the width of any footpath, footway, cycle track or verge within the street; altering the level or increasing the width of any such footpath, footway, cycle track or verge; and reducing the width of the carriageway of the street;

(h) works required for the strengthening, improvement, maintenance, or reconstruction of any street;

(i) ramps, means of access, non-motorised links, footpaths, footways, bridleways, cycle tracks and crossing facilities;

(j) embankments, viaducts, aprons, abutments, shafts, foundations, retaining walls, drainage, outfalls, ditches, pollution control devices, wing walls, highway lighting, fencing and culverts;

(k) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it; tunnelling or boring under a street;

(l) works to place, alter, divert, relocate, remove or maintain the position of apparatus, services, plant and other equipment in a street, or in other land, including mains, sewers, drains, pipes, lights and cables;

(m) landscaping, noise 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;

(n) works for the benefit or protection of land affected by the authorised development;

(o) works to place, alter, remove or maintain road furniture;

(p) the felling of trees and hedgerows;

(q) establishment of site construction compounds, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction lighting, haulage roads and other machinery, apparatus, works and conveniences;

(r) the provisions of other works including service roads, internal site roads, 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, operation or maintenance of the authorised development; and

(s) such other works, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

SCHEDULE 2

Article 3

REQUIREMENTS

PART 1

REQUIREMENTS PERTAINING TO CONSTRUCTION

Interpretation

1.—(1) In this Part of this Schedule, each of—

"appendix 1 of the design and access statement";

"carbon action plan";

"construction dust management strategy";

"construction resources and waste management plan";

"flood resilience statement";

"forecast data book";

"odour monitoring and management plan";

"operational waste management strategy";

"outline construction traffic management plan";

"outline construction workforce travel plan";

"public rights of way management strategy";

"soil management strategy";

"surface access commitments";

"surface access drainage strategy";

"water treatment works footpath plan";

"written scheme of investigation for Surrey"; and

"written scheme of investigation for West Sussex",

means the document of that description certified by the Secretary of State under article 50 (certification of documents, etc.);

"aircraft movements" means commercial or non-commercial aircraft take-offs and landings, but shall not include diverted or emergency flights;

"airport passengers" means passengers travelling to or from the airport in connection with aircraft movements;

"begin" has the meaning given in section 155 (when development begins) of the 2008 Act and is to have a meaning distinct to "commence" in this Order;

"CAA" means the Civil Aviation Authority or any successor organisation with their statutory functions;

"commencement of dual runway operations" means the first day on which aircraft movements are scheduled to depart from both the repositioned northern runway and the main runway, which will exclude any days on which both runways are used by the undertaker to test dual operations following approval by the CAA for dual operations;

"commercial air transport movements" means take-offs and landings of aircraft engaged on the transport of passengers, freight or mail on commercial terms, and does not include diverted or emergency flights;

"eligible premises" means premises approved in writing by the relevant local planning authority after its consideration of potentially eligible premises provided by the undertaker;

"emergency flights" means aircraft movements which do not carry commercial passengers, and which include but are not restricted to—

(a) flights operated by government or relief organisations for humanitarian reasons;

(b) flights operated by the armed forces for military purposes;

(c) medical flights; or

(d) a particular occasion or series of occasions which are to be disregarded pursuant to a notice published by the Secretary of State under section 78(4) or (5)(f) (regulation of noise and vibration from aircraft) of the Civil Aviation Act 1982(**a**) or set out in guidance published by the Secretary of State in connection with those provisions;

"host authorities" means CBC, MVDC, RBBC, Surrey County Council, TDC and West Sussex County Council;

"independent air noise reviewer" means the CAA (or such other competent body with knowledge and expertise to perform that function as appointed by the Secretary of State from time to time);

"LAeq 8h" means the equivalent sound level of aircraft noise in dBA for the 8 hour annual day. For conventional historical contours for a particular year this is based on the daily average movements that take place between 2300 and 0700 local time during the 92-day period 16 June to 15 September inclusive;

"LAeq 16h" means the equivalent sound level of aircraft noise in dBA for the 16 hour annual day. For conventional historical contours for a particular year this is based on the daily average movements that take place between 0700 and 2300 local time during the 92-day period 16 June to 15 September inclusive;

"lead local flood authority" has the same meaning as in section 6(7) (other definitions) of the Flood and Water Management Act 2010(**b**)

"listed works" means the works listed in requirement 4 as the non-highway works for which detailed design approval is required;

"noise model verification report" means a report detailing the review undertaken by an independent expert with credentials to carry out that review approved by the Institute of Acoustics to verify noise monitoring data in the noise model, including the siting of the noise and track keeping terminals and processing of data, which shall make recommendations to improve the validity of the noise modelling in future years where identified to be necessary;

"potentially eligible premises" means a main residence, school or college, hospital, library, place of worship, or community facility, where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed 54 dB LAeq 16 h, and for main residences where, following the commencement of dual runway operations, air noise, ground noise or combined air and ground noise is predicted to exceed 48 dB LAeq 8 h; and

"substantially in accordance with" means that the plan or detail to be submitted should in the main accord with the outline document and where it varies from the outline document should not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) References in this Part of this Schedule to part of the authorised development are to be construed as references to elements of the authorised development in respect of which an application is made by the undertaker under this Part of this Schedule, and references to commencement of part of the authorised development in this Schedule are to be construed accordingly.

(**a**) 1982 c. 16.
(**b**) 2010 c. 29.

(3) References in this Part of this Schedule to phases of the authorised development are to be construed as references to phases identified in a phasing scheme submitted under requirement 2.

(4) Where submitted details or actions can be "otherwise agreed" by a discharging authority pursuant to requirements 4, 5, 7, 8(4), 10(3), 11(3), 12(3), 13(3), 14(1) and (2), 20, 21, 22(3), 23(2), 24, 25(3), 27(3), 28(3), 29(3), 30(3), 31(3), 32, 35, 37(1) and 38(3) and 39 such agreement is not to be given by the discharging authority save where it has been demonstrated to the satisfaction of the discharging authority that the departure from the previously certified or approved document, details or obligation does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

(5) If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of this Part 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.

Phasing scheme

2.—(1) The authorised development must not commence unless, no less than four months prior to the anticipated date of commencement, a phasing scheme setting out the anticipated phases for construction of the authorised development has been submitted to the host authorities and National Highways.

(2) The undertaker must review and make any necessary updates to the phasing scheme and submit that updated phasing scheme to the host authorities and National Highways—

(a) no later than three years from the date of commencement of the authorised development;

(b) at any time if the undertaker proposes a significant change to the contents or timing of the phases of construction in a previously submitted phasing scheme; and

(c) no later than every three years after the date of the most recent submission of a phasing scheme under this sub-paragraph,

provided that the undertaker is not required to submit any further phasing scheme after the later of—

(d) the fifteenth anniversary of the commencement of the authorised development;

(e) the tenth anniversary of the commencement of dual runway operations; and

(f) the fifth anniversary of the commencement of the later of Work No. 35 (South Terminal Junction improvements), Work No. 36 (North Terminal Junction improvements) or Work No. 37 (Longbridge Roundabout Junction improvements).

(3) In submitting an updated phasing scheme under sub-paragraph (2)(b) the undertaker must make the submission at least 3 months before the significant change in question is implemented unless otherwise agreed in writing by CBC.

(4) Where any requirement in this Schedule requires the submission to any of the host authorities or National Highways for approval of details or a document relating to the authorised development, the undertaker must provide in writing to the host authority or National Highways (as relevant) in question indicative timings for the submission of the relevant details or document in question at least 3 months before their submission unless otherwise agreed in writing by the host authority in question or National Highways (as relevant).

(5) Where any requirement in this Schedule requires the submission to any of the host authorities or National Highways of details or a document relating to a part of the authorised development, the undertaker must—

(a) state which phase that part falls within by reference to the most recent phasing scheme submitted under sub-paragraph (1) or (2); and

(b) where the part does not constitute the whole phase—

(i) identify which works in Schedule 1 (authorised development) constitute the part, including by reference to the works plans (where applicable); and

(ii) provide indicative timings for the submission of the relevant details or document for the remainder of works in that phase.

(6) In this requirement "phasing scheme" means a written document which—

(a) identifies, by reference to Schedule 1 (authorised development), the works that are anticipated to be constructed within successive temporal phases of construction;

(b) includes a layout plan showing the location of the works anticipated to be constructed in each phase; and

(c) includes an indicative construction programme for any phases to be delivered in the five years following the date of submission of the phasing scheme and indicative timings for the delivery of later phases;

Time limit and notifications

3.—(1) The authorised development must begin no later than the expiration of five years beginning on the start date.

(2) The undertaker must notify the host authorities—

(a) within 7 days after the date on which the authorised development begins;

(b) at least 42 days prior to the anticipated date of commencement of the authorised development, provided that commencement may still lawfully occur if notice is not served in accordance with this sub-paragraph;

(c) within 7 days after the actual date of commencement of the authorised development;

(d) at least 42 days prior to the anticipated date of commencement of dual runway operations; and

(e) within 7 days after the actual commencement of dual runway operations.

Detailed design

4.—(1) No part of the authorised development (except for the highway works and listed works) is to commence until CBC has been consulted on the design of that part.

(2) Consultation under sub-paragraph (1) must take place by—

(a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the design of the part in question; and

(b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period is agreed in writing between CBC and the undertaker.

(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

(4) No part of any listed works is to commence until the details referred to in sub-paragraph (5) for the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by—

(a) for Work No. 40(a) (pedestrian footbridge over the River Mole), MVDC (in consultation with RBBC); and

(b) for all other listed works, CBC.

(5) The details referred to in sub-paragraph (4) must include—

(a) an explanatory note;

(b) drawings;

(c) a compliance statement;

(d) details of layout, siting, scale, external appearance and levels (including existing and finished floor levels and ground levels);

(e) a schedule of external materials and finishes;

(f) details of any associated structures;

(g) access arrangements;

(h) an operational lighting scheme for the part;

(i) details of any construction and sustainability measures; and

(j) for part of a work that is subject to design review in accordance with annex A of appendix 1 of the design and access statement, the relevant "Design Review Statement" as defined in that annex A.

(6) The relevant part of the listed works must be carried out in accordance with the details approved under sub-paragraph (4) unless otherwise agreed in writing with MVDC (in consultation with RBBC) or CBC (as relevant depending on which authority approved the details).

(7) In this requirement "compliance statement" means a document that sets out how—

(a) the part of the authorised development in question will be constructed in accordance with the design principles in appendix 1 of the design and access statement, unless otherwise agreed in writing with—

(i) for a part to which sub-paragraphs (1) or (4)(b) apply, CBC; or

(ii) for a part to which sub-paragraph (4)(a) applies, MVDC (in consultation with RBBC); and

(b) in carrying out that part the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(6).

(8) The non-highway works for which detailed design approval is required is set in the table below.

(1) *Work No.*	*(2)* *Work description*
16	New aircraft hangar
22(a) – (c) and (g)	Extending the North Terminal International Departure Lounge and constructing a multi-storey car park
23(a)	Extending the South Terminal International Departure Lounge
26	Hotel north of multi-storey car park 3
27	Hotel on the car rental site
28(a) – (c)	Hotel, office and multi-storey car park on the Car Park H site
29	Converting the existing Destinations Place office into a hotel
30	Car Park Y
31	Car Park X
32	Works to remove existing car parking at North Terminal Long Stay car park and construct a decked car parking structure
40(a)	Pedestrian footbridge over the River Mole

Local highway works – detailed design

5.—(1) No part of the local highway works is to commence until details of the layout, siting, scale and external appearance of the buildings, structures and works within that part have been submitted to and approved in writing by the relevant highway authority (in consultation with the relevant planning authority).

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

(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with the relevant highway authority; and

(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the

submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7).

(3) The relevant part of the local highway works must be carried out in accordance with the details approved by the relevant highway authority under sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

National highway works

6.—(1) The undertaker must carry out the national highway works in accordance with Part 3 of Schedule 9 (protective provisions for the protection of National Highways).

(2) Design details submitted to National Highways pursuant to paragraph 25(1)(c) (prior approvals and security) of Part 3 of Schedule 9 to this Order must—

(a) be in accordance with the design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with National Highways;

(b) be in accordance with the surface access general arrangements, surface access engineering section drawings and surface access structure section drawings or otherwise demonstrate that in carrying out the part of the authorised development to which the submitted details relate the undertaker would comply with article 6 (limits of works), including detailing any reliance by the undertaker on article 6(7); and

(c) to the extent that they constitute drainage details, be substantially in accordance with the surface access drainage strategy.

(3) The undertaker must have completed construction of the national highway works and made an application to National Highways for a provisional certificate pursuant to paragraph 28 (provisional certificate) of Part 3 of Schedule 9 in respect of the national highway works by the third anniversary of the commencement of dual runway operations, unless otherwise agreed in writing with National Highways, said agreement not to be unreasonably withheld or delayed.

Code of construction practice

7. Construction of the authorised development must be carried out in accordance with the code of construction practice unless otherwise agreed in writing with CBC.

Landscape and ecology management plan

8.—(1) No part of the authorised development is to commence until a landscape and ecology management plan for that part has been submitted to and approved in writing by CBC (in consultation with RBBC, MVDC or TDC to the extent that they are the relevant planning authority for any land to which the submitted plan relates).

(2) Where a landscape and ecology management plan submitted pursuant to sub-paragraph (1) relates to highways works, CBC must approve it also in consultation with the relevant highway authority.

(3) Each landscape and ecology management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the outline landscape and ecology management plan and must include a timetable for the implementation of the landscaping works it contains.

(4) The relevant part of the authorised development must be carried out in accordance with the relevant landscape and ecology management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with CBC.

(5) In respect of any landscape and ecology management plan for Work No. 40 (works associated with land to the north east of Longbridge Roundabout), the references in this requirement to "CBC" are to be read as "MVDC".

Contaminated land and groundwater

9.—(1) In respect of any part of the authorised development where historical data cannot establish that the risk of contaminated land is low, the undertaker must conduct ground investigations prior to that part of the authorised development being commenced. The scope of these investigations must be agreed with the relevant planning authority (in consultation with the Environment Agency on matters related to its functions).

(2) In the event that land affected by contamination, including groundwater, is found at any time when constructing the authorised development which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the relevant planning authority and the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority and the Environment Agency.

(3) Where the undertaker's risk assessment determines that remediation of contamination identified in, on, or under land from detailed site investigations, or as an unexpected discovery, is necessary, a remediation strategy comprising a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the relevant planning authority (in consultation with the Environment Agency on matters related to its functions).

(4) Any required and agreed remediation must be carried out in accordance with the remediation strategy approved under sub-paragraph (3).

(5) The remediation strategy submitted for approval pursuant to sub-paragraph (3) is to include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(6) Prior to the relevant part of the authorised development being occupied or used (as relevant) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation will be submitted to, and approved in writing by, the relevant planning authority. The report will include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Surface and foul water drainage

10.—(1) No part of the authorised development involving surface or foul water drainage (except for the highway works and listed works) is to commence until CBC has been consulted on the drainage for that part.

(2) Consultation under sub-paragraph (1) shall take place by—

(a) the undertaker providing CBC with an explanatory note, drawings (where necessary) and a compliance statement regarding the drainage of the part in question; and

(b) CBC providing its comments (if any) within 8 weeks beginning with the day after the information was provided to CBC pursuant to sub-paragraph (2)(a), unless a longer time period is agreed in writing between CBC and the undertaker.

(3) Any part of the authorised development to which sub-paragraph (1) applies must be carried out in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

(4) No part of any listed works involving surface or foul water drainage is to commence until details of the surface and foul water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).

(5) The drainage details referred to in sub-paragraph (4) must include those of the following that are reasonably considered necessary for the part of the listed work in question by CBC—

(a) an explanatory note;

(b) drawings;

(c) a compliance statement;

(d) details of layout, siting, scale, external appearance and levels;

(e) details of any associated structures;

(f) details of any construction and sustainability measures; and

(g) for part of a work that is subject to design review in accordance with annex A of appendix 1 of the design and access statement, the relevant "Design Review Statement" as defined in that annex A.

(6) The relevant part of the listed works must be constructed in accordance with the details approved under sub-paragraph (4) unless otherwise agreed in writing by CBC (in consultation with West Sussex County Council, the Environment Agency and Thames Water Utilities Limited).

(7) In this requirement "compliance statement" means a document that sets out how the part of the authorised development in question will be constructed in accordance with the drainage design principles in appendix 1 of the design and access statement unless otherwise agreed in writing with CBC.

Local highway surface water drainage

11.—(1) No part of the local highway works is to commence until written details of the surface water drainage for that part, including means of pollution control and monitoring, have been submitted to and approved in writing by the relevant highway authority (in consultation with the Environment Agency, the relevant lead local flood authority and the relevant planning authority).

(2) The drainage details approved pursuant to sub-paragraph (1) must be substantially in accordance with the surface access drainage strategy.

(3) The relevant part of the local highway works must be constructed in accordance with the details approved under sub-paragraph (1) unless otherwise agreed in writing by the relevant highway authority (in consultation with the Environment Agency and the relevant lead local flood authority).

Construction traffic management plan

12.—(1) No part of the authorised development is to commence until a construction traffic management plan for that part has been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

(2) The construction traffic management plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction traffic management plan.

(3) The relevant part of the authorised development must be constructed in accordance with the construction traffic management plan referred to in sub-paragraph (1), unless otherwise agreed in writing with CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

Construction workforce travel plan

13.—(1) No part of the authorised development is to commence until a construction workforce travel plan for that part has been submitted to and approved in writing by CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

(2) The construction workforce travel plan submitted under sub-paragraph (1) must be substantially in accordance with the outline construction workforce travel plan.

(3) The relevant part of the authorised development must be constructed in accordance with the construction workforce travel plan referred to in sub-paragraph (1), unless otherwise agreed in

writing with CBC (in consultation with West Sussex County Council, Surrey County Council and National Highways on matters related to their function).

Archaeological remains

14.—(1) Work No. 34(b) (Car Park B North) must be carried out in accordance with the written scheme of investigation for Surrey unless otherwise agreed in writing by Surrey County Council.

(2) Any part of the authorised development in West Sussex must be carried out in accordance with the written scheme of investigation for West Sussex unless otherwise agreed in writing with CBC.

(3) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant authority and Historic England as soon as reasonably practicable from the date they are identified.

(4) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (3) for a period of 14 days from the date of any report under sub-paragraph (3).

(5) If the relevant authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10 metres of the remains until provision has been made for the further investigation and recording of the remains in accordance with details to be submitted to, and approved in writing by, the relevant authority in consultation with Historic England.

(6) Construction operations which would otherwise be prohibited by sub-paragraphs (4) or (5) permitted to the extent that they are—

(a) agreed in writing by the relevant authority in consultation with Historic England; or

(b) necessary to address a potential risk identified by the undertaker to the safety of the authorised development or any of its parts, the public or the surrounding environment (in which case the undertaker must promptly notify the relevant authority and Historic England in writing of the operations which it has carried out).

(7) In this requirement, the "relevant authority" means—

(a) in respect of any land in West Sussex, CBC; and

(b) in respect of any land in Surrey, Surrey County Council.

Air noise limits

15.—(1) The undertaker shall not operate the airport for dual runway operations unless the air noise contour enclosed areas set out in Table 1 are complied with.

Table 1

Air noise contour	Enclosed area from the first to fifth year of dual runway operations	Enclosed area from the sixth year of dual runway operations
51 dB LAeq 16 h	135 km^2	125 km^2
45 dB LAeq 8 h	146 km^2	135 km^2

(2) Air noise contour reports shall be published annually by the undertaker to demonstrate compliance with this requirement, as soon as is reasonably practicable following the first year and subsequent years of dual runway operations. The air noise contour enclosed areas set out in Table 1 are to be calculated using the Civil Aviation Authority's Environmental Research and Consultancy Department Aircraft Noise Contour model, version 2.4 or later.

(3) The undertaker may submit a detailed written response to the Secretary of State to amend the air noise contour enclosed areas in Table 1 set out in sub-paragraph (1) in relation to any extraordinary review circumstances and, where approved by the Secretary of State, the air noise contour enclosed areas in Table 1 are to be read as amended in accordance with the decision of the Secretary of State.

(4) A request to the Secretary of State under sub-paragraph (3) is to be made in accordance with the following process—

(a) the undertaker must submit its detailed written request to the Secretary of State and the Secretary of State must provide the undertaker with an email address and postal address to which comments may be provided by interested parties on the request and specify a time limit (that is to comment on the undertaker's notification under paragraph (b)) within which comments may be provided;

(b) the undertaker must notify the persons listed in section 42(1) (duty to consult) of the 2008 Act and state that comments may be provided to the email address or postal address provided by the Secretary of State within the time limit specified by the Secretary of State;

(c) after the conclusion of the time period for comments, the Secretary of State may make any further arrangements that are considered necessary or proportionate for making a decision and then proceed to make a decision to accept or refuse the request. The decision is to be notified to the undertaker and the undertaker is to be responsible for publishing that notification on a website maintained by the undertaker or on another publicly accessible website; and

(d) the Secretary of State may agree in writing with the undertaker any amendment to this process.

(5) Where the airport is operated for dual runway operations in excess of the air noise contour enclosed areas in Table 1, it is not a breach of the terms of this Order for the purposes of Part 8 of the 2008 Act if the exceedance is due to action taken in emergency circumstances in which there was reasonable cause for apprehending injury to persons or serious damage to property.

(6) In this requirement, "extraordinary review circumstances" means circumstances outside the control of the undertaker which affect the noise environment at or around the airport, including but not limited to implementation of an airspace change.

(7) Following the end of the ninth year of the scheme or when commercial air transport movements (take-offs and landings) reach 382,000, the undertaker will review the air noise limits every five years, with contour limits being put in place as measured by the summer season average day.

(8) To ensure compliance with future noise limits, the undertaker will report compliance with the air noise limits and produce five yearly forecasts to project compliance which will be independently assessed by the CAA.

(9) In this requirement—

"detailed written request" should include details of the circumstances surrounding the request and the expected timeframe for resolution; and

"time limit" means a period of consultation of four weeks, which could be varied on a request from the undertaker where the Secretary of State considers the circumstances appropriate to vary the time limit.

16. Not used.

Verification of air noise monitoring equipment

17. Within not more than six months following the end of the period of 12 months beginning with the commencement of dual runway operations and at 5 yearly intervals thereafter the undertaker must submit to the independent air noise reviewer a noise model verification report and the undertaker must publish on a website (including a page on a website) hosted by the undertaker for that purpose each noise model verification report submitted to the independent air noise reviewer within not more than 14 days after the date of its submission.

Receptor-based noise mitigation

18.—(1) Within not more than 3 months following the commencement of any of Work Nos. 1 – 7 (inclusive) or 18 (replacement western noise mitigation bund), the undertaker is to submit for approval to the relevant local planning authority—

(a) a list of premises forecast to be potentially eligible premises at or after the commencement of dual runway operations (using the most recent available forecast at that time); and

(b) details of how the provision of a package of receptor-based noise mitigation measures is to be promoted to those potentially eligible premises and how an owner (or occupier with the owner's prior written consent) of such premises may apply for such a package.

(2) Within not more than 3 months following the approval of the list and details in sub-paragraph (1), the undertaker must take the steps approved under sub-paragraph (1)(b) to notify the owners and occupiers of all eligible premises that the premises are eligible for the design and installation of a package of receptor based mitigation measures.

(3) The undertaker must submit for approval by the relevant local planning authority details of the specific receptor-based mitigation measures for each eligible non-residential premises and the details submitted to the relevant planning authority must be—

(a) reasonably expected to achieve the standards set out in section (c) of the noise insulation scheme document; and

(b) comprised of measures selected from the list set out in section (d) of the noise insulation scheme document.

(4) The maximum sums of money to be provided by the undertaker towards the package of receptor-based mitigation measures for eligible residential premises are as follows (plus VAT)—

(a) inner zone - no limit;

(b) outer zone 1 - £6,500; and

(c) outer zone 2 - £4,500.

(5) The maximum sum of money to be provided by the undertaker towards the package of receptor-based mitigation measures for non-residential premises is £250,000 (plus VAT) per applicant, per building or group of buildings in the same occupation and location.

(6) Within not more than—

(a) 12 months (for eligible premises with the inner zone); or

(b) 24 months (for eligible premises with outer zone 1 or outer zone 2),

of receipt of a valid application for receptor-based mitigation measures from an owner (or occupier with the owner's prior written consent) of eligible premises, the undertaker must, subject to access being granted to the premises, carry out a survey of those premises and submit for the agreement of the owner a specific package of receptor-based mitigation measures proposed to be installed at those premises.

(7) In terms of eligible properties within the inner zone, the provision of a package of receptor-based noise mitigations is to include a dynamic thermal modelling report undertaken in line with the requirements set out in in the Chartered Institution of Building Services Engineer's TM59: "Design methodology for the assessment of overheating risk in homes" (2017) or any later version.

(8) The specific package submitted under sub-paragraph (6) must be for—

(a) eligible residential premises, reasonably expected to achieve the standard set out in section (a) of the noise insulation scheme document and comprised of measures selected from the list set out in section (b) of the noise insulation scheme document; or

(b) for eligible non-residential premises, in accordance with the specific package approved pursuant to sub-paragraph (3).

(9) The undertaker is not obliged by anything in this requirement to install any receptor-based mitigation measures that are declined by an owner of eligible premises.

(10) Where any eligible premises is a listed building, the undertaker is to submit (at the cost of the undertaker) the necessary application for the required consents following any requirements of the local conservation officer and Historic England's guidance Energy Efficiency and Historic Buildings, Secondary Glazing for Windows, 2016 (or successor guidance).

(11) If—

(a) a relevant local planning authority refuses to approve the list of premises or promotion details pursuant to sub-paragraph (1) or fails to communicate a decision with 8 weeks of the submission of the list and/or details by the undertaker;

(b) a relevant local planning authority refuses to approve details of the specific receptor-based mitigation measures pursuant to sub-paragraph (3) or fails to communicate a decision within 8 weeks of the submission of the details by the undertaker; or

(c) an owner rejects the specific package of receptor-based mitigation measures proposed by the undertaker pursuant to sub-paragraph (6) on the basis that they consider that the package does not comply with sub-paragraph (7),

the undertaker, the relevant local planning authority or the owner (as relevant) may refer the matter to the noise insultation scheme independent panel.

(12) Upon a referral pursuant to sub-paragraph (11), the noise insultation scheme independent panel may—

(a) make a decision to approve details in place of the relevant local authority pursuant to sub-paragraph (1) or (3); or

(b) confirm that the package of measures proposed to an owner pursuant to sub-paragraph (6) complies with sub-paragraph (7) or otherwise specify a revised package of measures that complies with sub-paragraph (7) that the undertaker is to be required to submit to the owner.

(13) Subject to—

(a) a relevant owner or occupier having made a valid application to the undertaker not less than two years from the date on which they were notified of their eligibility for receptor-based noise mitigation measures under sub-paragraph (2);

(b) agreement by the owner or occupier of the eligible premises to the specific package of measures pursuant to sub-paragraph (6); and

(c) if the eligible premises is a listed building, the grant of the necessary consents not less than 12 months prior to the relevant event,

the agreed package of receptor-based mitigation measures are to be installed and commissioned before the later of the commencement of dual runway operations or the year in which the premises is forecast to be within the relevant contour that rendered it a potentially eligible premises (using the most recent available forecast at that time).

(14) Subsequent to the commencement of dual runway operations and annually thereafter the undertaker and the relevant local planning authority are to carry out modelling and with the relevant local planning authority to identify additional potentially eligible premises or adjustments to the specification of the measures provided, in the manner set out in section (e) and section (f) of the noise insulation scheme document. With regard to any such premises the undertaker must offer, design, install and commission a package of receptor-based mitigation measures that accords with the other provisions of this requirement as soon as reasonably practicable.

(15) The undertaker must notify each owner or occupier of an eligible residential premises which is within the LAeq 66 dB air noise contour (as modelled based on actual operations of the previous summer following the commencement of dual runway operations) of their eligibility to receive a payment covering estate agent fees up to 1% of the purchase price and stamp duty costs to be met in full and any other reasonable moving costs (such as removals and storage) when requested by the owner, subject always to such entitlement being strictly limited to one claim per eligible premises.

(16) Any dispute as to the costs offered or sought under sub-paragraph (15) may be referred by the undertaker or the relevant homeowner to the noise insulation scheme independent panel, which can decide whether the amount offered or sought is compliant with that sub-paragraph.

(17) In this requirement—

"ambient noise" means the ambient noise levels assessed in the manner set out in section (f) of the noise insulation scheme document;

"eligible premises" means premises approved in writing by the relevant local planning authority pursuant to sub-paragraph (1) after its consideration of potentially eligible premises provided by the undertaker (and "eligible residential premises" and "eligible non-residential premises" mean the same as regards "potentially eligible residential premises" and "potentially eligible non-residential premises" respectively);

"inner zone" means the area which is predicted to be within the LAeq 8 h 55 dB contour or the LAeq 16 h 60 dB contour following the commencement of dual runway operations;

"noise insulation scheme independent panel" means the panel of experts that shall be established by the undertaker prior to Work Nos. 1 – 7 inclusive or 18 (replacement western noise mitigation bund), the composition, appointment and operation of which are described in section (g) of the noise insulation scheme document but in addition, in terms of the composition of the panel the Joint Local Authorities are to be consulted in selecting the members of the Independent Panel;

"noise insulation scheme document" means the document of that description certified by the Secretary of State under article 50 (certification of documents, etc);

"outer zone 1" means the area which is predicted to be within the LAeq 16 h 57 dB to 60 dB contour following the commencement of dual runway operations;

"outer zone 2" means the area which is predicted to within the LAeq 16 h 54 dB to 57 dB or within the LAeq 8 h 48 dB to LAeq 16 h 54 dB contour following the commencement of dual runway operations;

"potentially eligible premises" means potentially eligible non-residential premises and potentially eligible residential premises;

"potentially eligible non-residential premises" means—

(a) a school or college where, following the commencement of dual runway operations, (a) air noise or (b) ground noise alone or in combination with air noise, which is above ambient noise, is predicted to exceed LAeq 16 h 51 dB; or

(b) a hospital, library, place of worship or noise sensitive community building where, following the commencement of dual runway operations, (a) air noise or (b) ground noise alone or in combination with air noise, which is above ambient noise, is predicted to exceed LAeq 16 h 63 dB;

"potentially eligible residential premises" means a main residence where, following the commencement of dual runway operations, (a) air noise or (b) ground noise alone or in combination with air noise, which is above ambient noise, is predicted to exceed LAeq 16 h 54 dB or LAeq 8 h 48 dB; and

all monetary amounts are to be subject to indexation annually in accordance with the Consumer Price Index (or in the event this is no longer being updated, a suitable alternative index) from the date on which the Order is made.

Airport operations

19.—(1) From the date of the commencement of dual runway operations, the airport may not be used for more than 389,000 aircraft movements per annum or a passenger throughput of 80.2 million passengers per annum.

(2) The repositioned northern runway must not be used between the hours of 23:00 – 06:00 but may be used between these hours where the main runway is temporarily non-operational by reason

of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.

(3) Subject to sub-paragraph (4), the repositioned northern runway must not be used—

(a) for aircraft landings; or

(b) for departures of aircraft larger than Code C aircraft.

(4) Sub-paragraph (3) does not apply and the repositioned northern runway may be used in one or both of the ways stated in that sub-paragraph where the main runway is temporarily non-operational by reason of an accident, incident or structural defect or when maintenance to the main runway is being undertaken.

(5) In this requirement—

"Code C aircraft" means aircraft with dimensions meeting the maximum specifications of code letter C in the Aerodrome Reference Code table in Annex 14, Volume I to the Convention on International Civil Aviation, as at the date of this Order; and

"passenger throughput" means the number of passengers that use the airport as part of aircraft movements but excluding persons under the age of two years.

Surface access

20.—(1) On or after the date on which the authorised development begins the undertaker must comply with, and the operation of the airport must be carried out in accordance with the surface access commitments unless otherwise agreed in writing with—

(a) Network Rail Infrastructure Limited in respect of commitments 14A and 14B; or

(b) CBC and National Highways (in consultation with Surrey County Council and West Sussex County Council) in respect of any other commitment or matter.

(2) Subject to sub-paragraph (3), the commencement of dual runway operations and/or first use of Work No. 6(a) (Pier 7) must not take place unless and until the annual monitoring report for the year immediately prior demonstrates that at least 54% of airport passengers' journeys to and from the airport were made by public transport, unless otherwise agreed by CBC.

(3) Commencement of dual runway operations and/first use of Work No. 6(a) (Pier 7) may take place notwithstanding sub-paragraph (2) if the annual monitoring report for the year immediately prior shows that in the monitored year there were fewer than 24 million airport passenger vehicle trips travelling to and from the airport.

(4) First use of Work No. 6a (Pier 7) and Work Nos. 28(a), 28(b) and 30(b) must not take place until the undertaker has completed construction of the highway works (and made an application to National Highways for a provisional certificate under paragraph 28 of Part 3 of Schedule 9).

(5) In this requirement—

"annual monitoring report" has the same meaning as defined in the surface access commitments; and

"vehicle trips" means journeys using car-based modes (such as car, taxi and car rental) and includes passengers using drop off/pick up zones, on-airport cart parks and off-airport car parks that are subject to annual counts to determine the number of trips.

Carbon action plan

21. From the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the carbon action plan unless otherwise agreed in writing with the Secretary of State (following consultation with CBC).

Public rights of way

22.—(1) No development of any new or diverted public right of way listed in Part 3 of Schedule 4 (footways and cycle tracks) may be carried out until a public rights of way implementation plan for that public right of way has been submitted to and approved by the relevant highway authority.

(2) Each public rights of way implementation plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the public rights of way management strategy and in accordance with the rights of way and access plans.

(3) The development of any new or diverted public right of way listed in Part 3 of Schedule 4 must be carried out in accordance with the relevant public rights of way implementation plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with the relevant highway authority.

Flood compensation delivery plan

23.—(1) Prior to the commencement of the first of the floodplain works requiring prior mitigation, a flood compensation delivery plan setting out the timeframe for delivering the fluvial mitigation works must be submitted to and approved in writing by CBC (in consultation with West Sussex County Council as lead local flood authority and the Environment Agency).

(2) The undertaker is required to consider the Flood and Coastal Erosion Risk Data published quarterly by the Environment Agency in the flood compensation delivery plan in consultation with the Environment Agency and the lead local flood authority.

(3) The authorised development must be constructed in accordance with the flood compensation delivery plan referred to in sub-paragraph (1) unless otherwise agreed in writing with CBC (in consultation with West Sussex County Council as lead local flood authority and the Environment Agency).

(4) In this requirement—

(a) "floodplain works requiring prior mitigation" means Work Nos. 3, 4(f), 4(g), 4(h), 4(i), 4(j)(ii), 15, 20, 23(b), 23(c), 23(d), 29, 32, 34(a), 34(c), 36(c), 36(e), 36(f), 36(p), 36(q), 36(w), 36(x), 36(y), 37(a), 37(b), 37(f), 37(g), 37(h), 37(i), 37(j), 37(l), 37(m) and 37(n); and

(b) "fluvial mitigation works" means Work Nos. 31(b), 31(c), 38(a), 39(a), 39(b), 39(c) and 39(e).

Flood resilience statement

24. On or after the date on which the authorised development begins, the authorised development and the operation of the airport must be carried out in accordance with the flood resilience statement unless otherwise agreed in writing with CBC.

Operational waste management plan

25.—(1) Work No. 9 (replacement CARE facility) must not be commenced until an operational waste management plan has been submitted to and approved in writing by West Sussex County Council.

(2) The operational waste management plan submitted under sub-paragraph (1) must be substantially in accordance with the operational waste management strategy.

(3) The airport must be operated in accordance with the operational waste management plan approved by West Sussex County Council unless otherwise agreed in writing with West Sussex County Council.

Water treatment works footpath

26.—(1) Prior to the commencement of Work No. 43 (water treatment works) a public access by foot must be provided between the accesses marked "A" and "B" on the water treatment works footpath plan.

(2) Once provided, the public access by foot described in sub-paragraph (1) must not be removed until construction of Work No. 43 is complete.

Construction dust management plan

27.—(1) No construction activities that may generate dust may be carried out until a construction dust management plan for those activities has been submitted to and approved by CBC.

(2) Each construction dust management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the construction dust management strategy.

(3) Construction activities that may generate dust must be carried out in accordance with the relevant construction dust management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC.

Arboricultural and vegetation method statement

28.—(1) No vegetation or tree clearance may be carried out until an arboricultural and vegetation method statement for the area within which such works are to be carried out has been submitted to and approved by CBC (in consultation with MVDC, RBBC and TDC to the extent that they are the relevant planning authority for any land to which the statement relates).

(2) Each arboricultural and vegetation method statement submitted pursuant to sub-paragraph (1) must be substantially in accordance with the outline arboricultural and vegetation method statement.

(3) Vegetation or tree clearance must be carried out in accordance with the relevant arboricultural and vegetation method statement approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC (in consultation with MVDC, RBBC and TDC to the extent that they are the relevant planning authority for any land to which the statement relates).

Soil management plan

29.—(1) No soil removal may be carried out until a soil management plan for that soil has been submitted to and approved by CBC.

(2) Each soil management plan submitted pursuant to sub-paragraph (1) must be substantially in accordance with the soil management strategy.

(3) Removed soil must be managed in accordance with the relevant soil management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by CBC.

Site waste management plan

30.—(1) No part of the authorised development is to commence until a site waste management plan for that part has been submitted to and approved in writing by the relevant authority.

(2) The site waste management plan submitted pursuant to sub-paragraph (1) must include the form of sections A1, A2, A3 and A4 of Annex A to the construction resources and waste management plan.

(3) Construction waste arising from that part of the authorised development must be managed in accordance with the measures set out in the form of section A1 of the site waste management plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing by the relevant authority.

(4) A form of section A5 of Annex A to the construction resources and waste management plan must be maintained throughout the duration of the construction of that part of the authorised development and must be made available to the relevant authority upon request.

(5) In this requirement, the "relevant authority" means, in respect of a part of the authorised development—

(a) in West Sussex, West Sussex County Council;

(b) in Surrey, Surrey County Council; and

(c) partly in each of West Sussex and Surrey, West Sussex County Council (in consultation with Surrey County Council).

Construction sequencing

31.—(1) The commencement of dual runway operations must not take place until Work No. 43 (water treatment works) has been completed.

(2) Work No. 39(b) (River Mole culverts and syphons) must not be commenced until Work No. 42(b) (weir and fish pass) has been completed.

(3) The undertaker must prepare and provide to Thames Water Utilities Limited a development phasing plan which will include forecast passenger growth numbers for the period up to the commencement of dual runway operations and ten years after the commencement of dual runway operations. The development phasing plan must include detailed forecasts of the wastewater discharge rates and expected connection points for the authorised development throughout this period and be based on hydraulic modelling undertaken by Thames Water Utilities Limited or the undertaker in consultation with Thames Water Utilities Limited and validated by Thames Water Utilities Limited in writing.

(4) If the hydraulic modelling is undertaken by the undertaker in consultation with Thames Water Utilities Limited—

(a) Thames Water Utilities Limited will provide a formal review and response within 3 calendar months of receipt of the undertaker's hydraulic modelling, which will either indicate the results are validated or the steps required to validate the results;

(b) the undertaker will comply with those steps in order to achieve validation of their hydraulic modelling for submission to Thames Water Utilities Limited within a further 3 calendar months; and

(c) Thames Water Utilities Limited will respond to the updated submission within 3 calendar months of receipt.

(5) If, when responding under sub-paragraph (4)(c), Thames Water Utilities Limited concludes that the undertaker has not complied with the steps pursuant to sub-paragraph (4)(b), this question is to be referred to an independent Chartered Engineer (to be agreed between Thames Water Utilities Limited and the undertaker or, if not agreed, to be appointed by the President of the Chartered Institute of Water and Environment Management upon the request of either party). The decision of the Chartered Engineer is binding as to whether the hydraulic modelling is validated for the purpose of sub-paragraph (3).

(6) The details in the development phasing plan provided pursuant to sub-paragraph (3) must not materially exceed the forecast annual passenger numbers shown for the equivalent time periods for the airport with the authorised development in Table 9.2-1 of the forecast data book.

(7) Thames Water Utilities Limited must confirm in writing within twelve months of the provision of the development phasing plan pursuant to sub-paragraph (3) whether its infrastructure will be able to accommodate the additional foul water flows from the airport for the ten-year period after the commencement of dual runway operations.

(8) The commencement of Work No. 44 (wastewater treatment works) must not take place until either—

(a) Thames Water Utilities Limited confirms that its infrastructure will not be able to accommodate the additional foul water flows;

(b) Thames Water Utilities Limited has not provided any confirmation pursuant to sub-paragraph (7) within the time period specified therein; or

(c) Thames Water Utilities Limited has not responded pursuant to sub-paragraph (4)(a) or (4)(c) within the time period specified therein,

unless otherwise agree in writing by Thames Water Utilities Limited.

(9) The commencement of dual runway operations must not take place until either—

(a) Work No. 44 (wastewater treatment works) has been completed, and an application has been submitted for an environmental permit under regulation 12(1)(b) (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(**a**) for its operation; or

(b) Thames Water Utilities Limited confirms that its infrastructure will be able to accommodate the additional foul water flows,

unless otherwise agreed in writing by Thames Water Utilities Limited.

Western noise mitigation bund

32.—(1) The commencement of dual runway operations must not take place until Work No. 18(b) (replacement noise bund and wall) has been completed.

(2) Once completed, Work No. 18(b) must not be removed unless otherwise agreed in writing by CBC.

(3) During the carrying out of Work No. 18(a) (removal of existing western noise bund) and the construction of Work No. 18(b) (replacement noise bund and wall), no ground engine testing may take place on Work No. 4(i) (Taxiway Juliet West Spur) unless otherwise agreed in writing by CBC.

North and South Terminal roundabouts BAU improvement scheme

33.—(1) Prior to the first of—

(a) the commencement of dual runway operations;

(b) the commencement of the first of Work No. 35 (South Terminal Junction improvements) and Work No. 36 (North Terminal Junction improvements); or

(c) the third anniversary of the commencement of the authorised development,

the North and South Terminal roundabouts BAU improvement scheme must be completed, unless otherwise agreed with National Highways.

(2) In this requirement—

(a) "North and South Terminal roundabouts BAU improvement scheme" means a scheme of construction, not forming part of the authorised development, to implement traffic signal control and add further entry and exit lane and roundabout circulatory capacity at the North and South Terminal roundabouts, to be agreed with National Highways and to be in general accordance with the North and South Terminal roundabouts BAU improvement scheme plans and the detailed design of which will be agreed separately with National Highways; and

(b) "North and South Terminal roundabouts BAU improvement scheme plans" means the document of that description certified by the Secretary of State under article 50 (certification of documents, etc.).

(**a**) S.I. 2016/1154.

Office occupier

34. Work No. 28(b) (office at Car Park H site) must only be occupied by an entity related to, or whose business and/or operations are related to, the airport, air travel and/or aviation, unless otherwise agreed in writing by CBC.

Odour monitoring and management plan

35. On or after the date of the commencement of the authorised development, the authorised development and the operation of the airport must be carried out in accordance with the odour monitoring and management plan unless otherwise agreed in writing by CBC (in consultation with RBBC).

36. Not used.

Car parking spaces

37.—(1) Notwithstanding the provisions of Class F of Part 8 (transport related development) of Schedule 2 to the 2015 Regulations, (or any order revoking and re-enacting that Order with or without modification), no additional car parking is to be provided within the Order limits unless otherwise agreed by CBC.

(2) In sub-paragraph (1) "additional car parking" means—

(a) the provision of more than 53,260 car parking spaces; or

(b) allowing the parking of more than 53,260 airport passengers' and staff cars at any given time.

(3) Upon commencement of the authorised development and by no later than each anniversary of that date, the undertaker must submit an annual report to CBC providing an update on the number of car parking spaces provided by the undertaker within the Order limits and airport passengers and staff cars parked within the Order limits.

(4) In this requirement—

"car parking spaces" means space or spaces available for all car parking products provided by the undertaker including self-park, block-park, valet parking, staff parking and any other parking types used by airport passengers and staff within the Order limits; and

"staff" means those people who are employed directly by Gatwick Airport Limited or any other employer at the airport and who class the buildings and operational areas of the airport as their main place of work (in accordance with employer and employee travel surveys.

(5) In sub-paragraph (2) the number "53,260" includes a maximum of 47,180 car parking spaces for airport passengers or a maximum of 47,180 airport passengers' cars, as appropriate.

Speed limit monitoring

38.—(1) No part of Work Nos. 35, 36 or 37 (surface access works) is to commence until a speed limit monitoring plan for those works has been submitted to and approved in writing by West Sussex County Council (in consultation with Surrey County Council and National Highways).

(2) The speed limit monitoring plan must include—

(a) as a minimum, one survey to be carried out before commencement of the first of Work Nos. 35, 36 or 37 (surface access works) and two surveys to be carried out after completion of the last of those works to assess the changes in traffic speed on the local and strategic highway networks;

(b) the locations to be monitored and the methodology to be used to collect the required data;

(c) the periods over which traffic is to be monitored (each such period to be no longer in duration than 14 days);

(d) the submission of survey data and interpretative reports to West Sussex County Council; and

(e) a description of the manner in which the undertaker would propose to address excessive speeding identified through the monitoring.

(3) The authorised development must be carried out in accordance with the speed limit monitoring plan approved pursuant to sub-paragraph (1) unless otherwise agreed in writing with West Sussex County Council (in consultation with Surrey County Council and National Highways).

Tree balance statement

39.—(1) The undertaker must submit a tree balance statement to CBC for approval—

(a) within 3 months of the date of commencement of dual runway operations;

(b) within 3 months of the third anniversary of commencement of dual runway operations; and

(c) within 3 months of the sixth anniversary of commencement of dual runway operations.

(2) The tree balance statements referred to in sub-paragraph (1) should follow the methodology set out in Policy DD4 of the Crawley Borough Council Local Plan 2023-2040 and the Green Infrastructure SPD 2016, and must include the following totals up to and including the date of commencement of dual runway operations and the third and sixth anniversaries respectively—

(a) the total number of trees that have been removed as part of the authorised development;

(b) the total number of replacement trees that are required on the basis of the CBC tree replacement requirement; and

(c) the total number of trees that have been provided as part of the authorised development.

(3) In the event that the tree balance statement submitted on the sixth anniversary of the commencement of dual runway operations pursuant to sub-paragraph (1)(c) identifies that the total number of trees that has been provided as part of the authorised development is less than that required by the application of the CBC tree replacement requirement, the undertaker must pay the tree mitigation contribution to CBC within 60 days of the approval of the tree balance statement by CBC under sub-paragraph (1).

(4) In this requirement—

"CBC tree replacement requirement" means the number of replacement trees required on the basis of the number as per paragraph (2)(a), calculated in accordance with the table in Policy DD4 (Tree Replacement Standards) of the Crawley Borough Local Plan 2023-2040 (adopted on 16 October 2024);

"tree mitigation contribution" means the sum sought pursuant to Policy DD4 (Tree Replacement Standards) of the Crawley Borough Local Plan 2023-2040 and calculated in accordance with the tree mitigation formula to be paid to CBC and used towards the provision of tree planting and maintenance in the borough of Crawley or within the area of any of the host authorities which is a district council; and

"tree mitigation contribution formula" means the formula as set out in paragraphs 3.13 to 3.14 and Table 1 of the CBC Green Infrastructure Supplementary Planning Document (adopted on 5 October 2016).

PART 2

PROCEDURE FOR DISCHARGE OF REQUIRMENTS

Applications made under requirements

40.—(1) Where an application has been made to a discharging authority for any agreement, endorsement or approval required by a requirement included in this Order, the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

(a) in the case of requirements in respect of which the discharging authority has a duty under this Schedule to consult with any other body—

(i) where no further information is requested under this paragraph, 8 weeks from the day immediately following that on which the application is received by the discharging authority;

(ii) where further information is requested under this paragraph, 8 weeks from the day immediately following that on which further information has been supplied by the undertaker under this paragraph; or

(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii); and

(b) in the case of requirements in respect of which the discharging authority has no duty under this Schedule to consult with any other body—

(i) where no further information is requested under this paragraph, 6 weeks from the day immediately following that on which the application is received by the discharging authority;

(ii) where further information is requested under this paragraph, 6 weeks from the day immediately following that on which further information has been supplied by the undertaker under this paragraph; or

(iii) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (i) or (ii).

(3) In the case of requirements in respect of which the discharging authority has a duty under this Schedule to consult with any other body, the discharging authority must have regard to comments received from any of those bodies.

Further information

41.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a requirement consultee is required, the discharging authority must, within 14 days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement specifies that consultation with a requirement consultee is required, the undertaker must issue the consultation to the requirement consultee within 5 days of submitting the application, and must notify the discharging authority in writing.

(4) If the discharging authority does not give notification as specified in sub-paragraph (2) or (3), or otherwise fails to request any further information within the timescales provided for in this paragraph it will be deemed to have sufficient information to consider the application and will not thereafter be entitled to request further information without the prior agreement of the undertaker.

SCHEDULE 3

Articles 13 and 16

STOPPING UP OF STREETS AND PRIVATE MEANS OF ACCESS AND PROVISIONS OF NEW STREETS AND PRIVATE MEANS OF ACCESS

PART 1

STREETS TO BE STOPPED UP AND SUBSTITUTE STREETS AND NEW STREETS TO BE PROVIDED

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New street to be substituted*
Sheet 2			
West Sussex County Council	-	-	Reference a1 the reclassified/realigned Gatwick Spur (including the South Terminal Flyover); formerly the M23 Spur, between the M23 Junction 9 Roundabout and the Airport Way approach to the west-facing slip roads of South Terminal Roundabout, for a distance of 1.5km as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	M23 Spur Westbound	The existing highway within the area marked A2 for a distance of 245m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Gatwick Spur Westbound Diverge, within the area marked a2 for a distance of 420m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	M23 Spur Eastbound	The existing highway within the area marked A3 for a distance of 250m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Gatwick Spur Eastbound Merge, within the area marked a3 for a distance of 330m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a4 the realigned Ring Road South from the South Terminal Roundabout southbound to South Terminal, for a distance of 85m as shown on Sheet 2 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	-	-	Reference a5, the realigned South Terminal Roundabout, for a circulatory carriageway distance of

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New street to be substituted*
			310m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a6 the realigned Ring Road North from the South Terminal northbound to South Terminal Roundabout, for a distance of 80m as shown on Sheet 2 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	Airport Way Westbound	The existing highway within the area marked A7 for a distance of 40m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Airport Way Westbound Merge, within the area marked a7 for a distance of 275m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	Airport Way Eastbound	The existing highway within the area marked A8 for a distance of 140m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; Airport Way Eastbound Diverge, within the area marked a8 for a distance of 265m as shown on Sheet 2 the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a9 the realigned Airport Way, between the Airport Way Rail Bridge and South Terminal Flyover, for a distance of 245m as shown on Sheet 2 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a10 the realigned B2036 Balcombe Road for a distance of 160m as shown on Sheet 2 of the rights of way and access plans, show by a blue striped hatching on Inset B.
Sheet 1			
West Sussex County Council	Airport Way	The existing highway within the area marked A11 for a distance of 620m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching. The existing highway within the area marked	Proposed new highway; realigned Airport Way from the Airport Way Rail Bridge to the start of the proposed North Terminal Flyover Link, within the area marked a11 for a distance of 525m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New street to be substituted*
		A12 for a distance of 175m as shown on Sheet 2 of the rights of way and access plans, shown by black striped hatching.	
West Sussex County Council	Airport Way	The existing highway within the area marked A13 for a distance of 200m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching. The existing highway within the area marked A14 for a distance of 135m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching. The existing highway within the area marked A15 for a distance of 15m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Proposed new highway; realigned Airport Way from Airport Way Westbound Diverge to North Terminal Roundabout, within the area marked a12 for a distance of 425m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Reference a13 the realigned North Terminal Roundabout Segregated Lane, for a distance of 195m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a14 the realigned Gatwick Way from the priority junction with North Terminal Roundabout Segregated Lane to Perimeter Road North for a distance of 165m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a15 the realigned Perimeter Road from Northway Road Tunnel Eastbound for a distance of 270m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New street to be substituted*
West Sussex County Council, Gatwick Airport	-	-	Reference a16 the realigned North Terminal Approach Road from North Terminal Roundabout to North Terminal Airport for a distance of 125m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	North Terminal Roundabout	The existing circulatory carriageway within the area marked A17 for a distance of 140m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Reference a17 the realigned/improved North Terminal Roundabout; for a distance of 265m, as shown on Sheet 1 the rights of way and access plans, shown by green striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a18 the realigned Northway on the approach to North Terminal Roundabout for a distance of 60m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council, Gatwick Airport	-	-	Reference a19 the realigned Longbridge Way northwest of North Terminal Roundabout, for a distance of 90m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council	A23 London Road Merge from North Terminal Roundabout	The existing highway within the area marked A20 for a distance of 315m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching on Inset B.	Proposed new highway; North Terminal Link, within the area marked a20 for a distance of 110m, as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	-	-	Proposed new highway; North Terminal Flyover Link from the realigned Airport Way Westbound to the merge on to A23 London Road, within the area marked a21 for a distance of 650m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council and Surrey County Council	-	-	Reference a22 the realigned A23 London Road including the proposed signal-controlled junction with North Terminal Link, Southeast of Longbridge Roundabout for a distance of 1km as shown on Sheet 1 of the rights of

(1) *Area*	*(2)* *Street to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New street to be substituted*
			way and access plans, shown by blue striped hatching.
West Sussex County Council	-	-	Reference a23 the realigned and reconfigured A23 London Road Diverge to Airport Way Eastbound for a distance of 695m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
West Sussex County Council	A23 London Road Diverge to North Terminal Roundabout	The existing highway within the area marked A24 for a distance of 185m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching on Inset B.	Proposed new highway; A23 London Road Northbound Left-in Diverge to North Terminal Roundabout, within the area marked a24 for a distance of 380m as shown on Sheet 1 of the rights of way and access plans, shown by green striped hatching.
Surrey County Council	-	-	Reference a25 the realigned A23 Brighton Road Northeast of Longbridge Roundabout for a distance of 220m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
West Sussex County Council and Surrey County Council	-	-	Reference a26 the realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road for a distance of 225m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
Surrey County Council	Longbridge Roundabout	The existing highway within the area marked A27 for a distance of 80m as shown on Sheet 1 of the rights of way and access plans, shown by black striped hatching.	Proposed realigned/improved highway; Longbridge Roundabout, within the area marked a27 for a circulatory carriageway distance of 215m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
Surrey County Council	-	-	Reference a28 the realigned A217 Northwest of Longbridge Roundabout for a distance of 95m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.
Surrey County Council	-	-	Reference a29 the realigned Povey Cross Road Southwest of Longbridge Roundabout for a distance of 55m as shown on Sheet 1 of the rights of way and access plans, shown by blue striped hatching.

PART 2

PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND SUBSTITUTE PRIVATE MEANS AND NEW PRIVATE MEANS

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
Sheet 2			
Surrey County Council	Reference D1	The existing private means of access for the extents marked as D1 which is a private access off of Gatwick Spur (formerly M23 Spur) for a distance of 10m on Sheet 2 of the rights of way and access plans shown by purple striped hatching.	The newly proposed private means of access for the extents marked as d1 which provides access to an existing Pond to the east of Peeks Brook Lane for a distance of 230m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The newly proposed private means of access for the extents marked as d2 which provides access to a proposed Pond to the east of B2036 Balcombe Road for a distance of 85m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.
West Sussex Country Council	-	-	The newly proposed private means of access for the extents marked as d3 which provides access to a proposed retaining wall to the east of South Terminal Roundabout for a distance of 365m on Sheet 2 of the rights of way and access plans shown by orange striped hatching.
Sheet 1			
Surrey County Council	-	-	The modified existing private means of access for the extents marked as

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New private means of access to be substituted/provided*
			d4 which provides access to Car Park B for a distance of 125m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	Reference D5	The existing private means of access for the extents marked as D5 which is a private access to the Holiday Inn off of A217 for a distance of 5m on Sheet 1 of the rights of way and access plans shown by purple striped hatching.	The modified existing private means of access for the extents marked as d5 which provides access to Holiday Inn London – Gatwick Airport located west of the A217 for a distance of 10m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The modified existing private means of access for the extents marked as d6 which provides access to the farm located east of the A217 for a distance of 55m on Sheet 1 of the rights of way and access plans shown by orange striped hatching.
Surrey County Council	-	-	The newly proposed private means of access for the extents marked as d7 which provides access to a proposed attenuation basin to the east of the A217 for a distance of 20m and connects to private means of access d6 which runs east of the A217 on Sheet 1 of the rights of way and access plans shown by orange striped hatching.

SCHEDULE 4

Articles 15 and 22

PUBLIC RIGHTS OF WAY, FOOTWAYS AND CYCLE TRACKS TO BE STOPPED UP

PART 1

PUBLIC RIGHTS OF WAY TO BE DIVERTED FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

(1) *Area*	*(2)* *Public right of way to be diverted*	*(3)* *Extent of stopping up*	*(4)* *New public right of way to be substituted*
Sheet 2			
West Sussex County Council	Footpath 367Sy – Reference B1	The existing footpath for the extents marked as B1 for a distance of 290m on Sheet 2 of the rights of way and access plans shown by a red dash-diamond line.	Proposed public footpath 367Sy for the extents marked as b1 for a distance of approximately 300m on Sheet 2 of the rights of way and access plans shown indicatively with a cyan dashed line.
Sheet 1			
West Sussex County Council	Footpath 346_2Sy – Reference B3	The existing footpath for the extents marked as B3 for a distance of 100m on Sheet 1 of the rights of way and access plans shown by a red dash-diamond line.	Proposed public footpath 346_2Sy for the extents marked as b3 for a distance of 95m on Sheet 1 of the rights of way and access plans shown indicatively with a cyan dashed line.

PART 2

PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) *Area*	*(2)* *Public right of way to be stopped up*	*(3)* *Extent of stopping up*
Sheet 1		
West Sussex County Council	Footpath 346_2Sy – Reference B2	The existing footpath for the extents marked as B2 for a distance of 860m on Sheet 1 of the rights of way and access plans shown by a red dash-diamond line.

PART 3

FOOTWAYS AND CYCLE TRACKS

(1) *Area*	*(2)* *Length of Footway/Cycle Track*
Sheet 2	
West Sussex County Council	Footway between the points marked c1 on Sheet 2 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 380m.
West Sussex County Council and Surrey County Council	Footway between the points marked c27 on Sheet 2 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 145m.
Surrey County Council	Footway between the points marked c28 on Sheet 2 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 5m.
Sheet 1	
West Sussex County Council	Shared-use cycle track between the points marked c2 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 405m.
West Sussex County Council	Shared-use cycle track between the points marked c3 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 45m.
West Sussex County Council	Shared-use cycle track between the points marked c4 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 45m.
West Sussex County Council	Shared-use cycle track between the points marked c5 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 185m.
West Sussex County Council	Shared-use cycle track between the points marked c6 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 75m.
West Sussex County Council	Footway between the points marked c7 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 50m.
West Sussex County Council	Segregated cycle track between the points marked c8 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 170m.
West Sussex County Council	Segregated cycle track between the points marked c9 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 45m.
West Sussex County Council	Segregated cycle track between the points marked c10 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 350m.
West Sussex County Council	Footway between the points marked c11 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 155m.
West Sussex County Council	Footway between the points marked c12 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 220m.
West Sussex County Council	Footway between the points marked c13 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 655m.

(1) *Area*	*(2)* *Length of Footway/Cycle Track*
West Sussex County Council	Footway between the points marked c14 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 5m.
West Sussex County Council and Surrey County Council	Shared-use cycle track ramp between the points marked c15 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 120m.
West Sussex County Council and Surrey County Council	Shared-use cycle track between the points marked c16 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 255m.
West Sussex County Council	Segregated cycle track between the points marked c17 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of approximately 105m.
West Sussex County Council and Surrey County Council	Segregated cycle track between the points marked c18 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 70m.
Surrey County Council	Footway between the points marked c19 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 35m.
Surrey County Council	Segregated cycle track between the points marked c20 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 60m.
Surrey County Council	Shared-use cycle track between the points marked c21 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 60m.
Surrey County Council	Segregated cycle track between the points marked c22 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 100m.
Surrey County Council	Footway between the points marked c23 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 95m.
Surrey County Council	Footway between the points marked c24 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 55m.
Surrey County Council	Footway between the points marked c25 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 10m.
Surrey County Council	Footway between the points marked c26 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 20m.
West Sussex County Council	Footway between the points marked c29 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 5m.
West Sussex County Council	Footway between the points marked c30 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 10m.
West Sussex County Council	Shared-use cycle track between the points marked c31 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 50m.
West Sussex County Council and Surrey County Council	Shared-use cycle track between the points marked c32 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 15m.
Surrey County Council	Shared-use cycle track between the points marked c33 on Sheet 1 of the rights of way and access plans shown indicatively with a blue

(1) *Area*	*(2)* *Length of Footway/Cycle Track*
	solid hatch for a distance of 80m.
Surrey County Council	Shared-use cycle track between the points marked c34 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 10m.
Surrey County Council	Footway between the points marked c35 on Sheet 1 of the rights of way and access plans shown indicatively with a green solid hatch for a distance of 5m.
Surrey County Council	Segregated cycle track between the points marked c36 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 15m.
West Sussex County Council and Surrey County Council	Segregated cycle track between the points marked c37 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 40m.
West Sussex County Council and Surrey County Council	Segregated cycle track between the points marked c38 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 10m.
Surrey County Council	Segregated cycle track between the points marked c39 on Sheet 1 of the rights of way and access plans shown indicatively with a pink solid hatch for a distance of 10m.
West Sussex County Council	Shared-use cycle track between the points marked c40 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 10m.
West Sussex County Council	Shared-use cycle track between the points marked c41 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 5m.
West Sussex County Council	Shared-use cycle track between the points marked c42 on Sheet 1 of the rights of way and access plans shown indicatively with a blue solid hatch for a distance of 70m.

SCHEDULE 5

Article 17

CLASSIFICATION OF ROADS

PART 1

NEW AND REALIGNED CLASSIFIED TRUNK ROADS

(1) *Highway Authority*	*(2)* *Extent of Road*
Sheet 2A	
National Highways	The realigned M23 Spur Westbound between point 1a and point 1b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road (to be known as Gatwick Spur) for a length of 1250m.
National Highways	The realigned Gatwick Spur /Airport Way Westbound between point 1b and point 1c as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 525m.
National Highways	The realigned Airport Way Eastbound between point 2a and point 2b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 520m.
National Highways	The realigned M23 Spur Eastbound between point 2b and point 2c as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road (to be known as Gatwick Spur) for a length of 1250m.
National Highways	The new proposed Gatwick Spur Westbound Diverge between point 3a and point 3b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 420m.
National Highways	The new proposed Gatwick Spur Eastbound Merge between point 4a and point 4b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 330m.
National Highways	The realigned South Terminal Roundabout (currently M23 Junction 9a) shown as point 7 on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans to be re-classified as an A Road for a length of 310m.
National Highways	The new proposed Airport Way Westbound Merge between point 9a and point 9b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 275m.
National Highways	The new proposed Airport Way Eastbound Diverge between point 10a and point 10b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 265m.
Sheet 1A	
National Highways	The realigned Airport Way Westbound between point 1c and point 11a as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 525m.
National Highways	The new proposed North Terminal Flyover Link between point 11a and point 11b as shown on Sheet 1A of Traffic Regulation Measures – Classification of Roads Plans for a length of 650m.

(1) *Highway Authority*	*(2)* *Extent of Road*
National Highways	The realigned Airport Way Diverge to North Terminal Roundabout between point 12a and point 12b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 430m.
National Highways	The realigned North Terminal Roundabout Segregated Lane to North Terminal Approach between point 13a and point 13b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 220m.
National Highways	The realigned North Terminal Roundabout shown as point 18 on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 265m.
National Highways	The new proposed North Terminal Link between point 21a and point 21b on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 110m.
National Highways	The realigned A23 London Road Diverge to Airport Way Eastbound between point 22a and point 2a as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 610m.
National Highways	The proposed new A23 London Road Northbound Left-in Diverge to North Terminal Roundabout between point 24a and point 24b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 325m.

PART 2

NEW AND REALIGNED CLASSIFIED NON-TRUNK ROADS

(1) *Highway Authority*	*(2)* *Extent of Road*
Sheet 2A	
West Sussex County Council	The realigned B2036 Balcombe Road between point 5a and point 5b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 160m.
Sheet 1A	
West Sussex County Council	The realigned A23 London Road Northbound between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 1155m.
Surrey County Council	The realigned A23 London Road Northbound between point 23b and point 25b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 10m.
Surrey County Council	The realigned A23 London Road Southbound between point 26a and point 26b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 10m.
West Sussex County Council	The realigned A23 London Road Southbound between point 26b and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 1150m.
Surrey County Council	The realigned Longbridge Roundabout shown as point 31 on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 210m.

(1) *Highway Authority*	*(2)* *Extent of Road*
Surrey County Council	The realigned A23 Brighton Road between point 28a and point 28b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 220m.
Surrey County Council	The realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road onto A23 London Road between point 29a and point 29b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 120m.
West Sussex County Council	The realigned Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road onto A23 London Road between point 29b and point 30b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 90m.
Surrey County Council	The realigned A217 between point 32a and point 32b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 110m.
Surrey County Council	The realigned Povey Cross Road between point 33a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 60m.

PART 3

NEW AND REALIGNED UNCLASSIFIED ROADS

(1) *Highway Authority*	*(2)* *Extent of Street*
Sheet 2A	
Gatwick Airport Limited	The realigned Ring Road South between point 6a and point 6b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 85m.
Gatwick Airport Limited	The realigned Ring Road North between point 8a and point 8b as shown on Sheet 2A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 80m.
Sheet 1A	
Gatwick Airport Limited	The realigned North Terminal Roundabout Segregated Lane to North Terminal Approach between point 13b and point 14b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 70m.
Gatwick Airport Limited	The realigned Gatwick Way between point 15a and point 15b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 165m.
Gatwick Airport Limited	The realigned Perimeter Road North between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 270m.
Gatwick Airport Limited	The realigned North Terminal Approach Road between point 17a and point 17b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 125m.
Gatwick Airport Limited	The realigned Northway between point 19a and point 19b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 65m.

(1) *Highway Authority*	*(2)* *Extent of Street*
Gatwick Airport Limited	The realigned Longbridge Way between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 90m.
Gatwick Airport Limited	The realigned Car Park B access road between point 34a and point 34b as shown on Sheet 1A of the Traffic Regulation Measures – Classification of Roads Plans for a length of 125m

PART 4

ROADS TO BE DE-TRUNKED

(1) *Highway Authority*	*(2)* *Extent of Road*
Sheet 1A	
West Sussex County Council	Existing Merge Slip Road from North Terminal Roundabout to A23 London Road Northbound between point A1 and point A2 as shown on Sheet 1A in Inset A of the Traffic Regulation Measures – Classification of Roads Plans to be de-trunked for a length of 135m.

SCHEDULE 6

Articles 18 and 19

TRAFFIC REGULATION MEASURES

PART 1

SPEED LIMITS

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
West Sussex County Council	Gatwick Spur Westbound	Between point 1a and point 1b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 1470m.	Speed limit of 50mph
West Sussex County Council	Gatwick Spur Eastbound	Between point 2a and point 2b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 1530m.	Speed limit of 50mph
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3a and point 3b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits	Speed limit of 50mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
		plans for a length of 160m.	
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3b and point 5a as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 245m.	Speed limit of 40mph
West Sussex County Council, Surrey County Council	B2036 Balcombe Road	Between point 4a and point 4b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 160m.	National Speed limit for a single carriageway road (60mph)
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 5a and point 5b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 30m.	Speed limit of 30mph
West Sussex County Council	Gatwick Spur Eastbound Merge	Between point 6a and point 6b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 55m.	Speed limit of 30mph
West Sussex County Council	Gatwick Spur Eastbound Merge Slip Road	Between point 6b and point 7b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 220m.	Speed limit of 40mph
West Sussex County Council	Gatwick Spur Eastbound Merge Slip Road	Between point 7b and point 8b as show on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 80m.	Speed limit of 50mph
West Sussex County Council, Gatwick Airport Limited	Ring Road South	Between point 9a and point 9b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 100m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Ring Road North	Between point 10a and point 10b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 95m.	Speed limit of 30mph
West Sussex County Council	South Terminal Roundabout	Circulatory carriageway (point 11) as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 310m	Speed limit of 30mph
West Sussex County Council	Airport Way Westbound Merge	Between point 12a and point 12b as shown on	Speed limit of 30mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
	Slip Road	Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 245m.	
West Sussex County Council	Airport Way Westbound Merge Slip Road	Between point 12b and point 13b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 45m.	Speed limit of 40mph
West Sussex County Council	Airport Way Eastbound Diverge Slip Road	Between point 14a and point 14b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 60m.	Speed limit of 40mph
West Sussex County Council	Airport Way Eastbound Diverge Slip Road	Between point 14b and point 15b as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 220m.	Speed limit of 30mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 1b and point 16a as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 245m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound and North Terminal Flyover Link	Between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 1175m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 17a and point 17b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 420m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 17b and point 19a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 10m.	Speed limit of 30mph
West Sussex County Council	Airport Way Eastbound	Between point 18b and point 2a as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 245m.	Speed limit of 40mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
West Sussex County Council	A23 London Road Diverge to Airport Way Eastbound	Between point 18a and point 18b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 610m.	Speed limit of 40mph
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of approximately 155m.	Speed limit of 40mph
West Sussex County Council	North Terminal Roundabout Segregated Lane	Between point 20b and point 21b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 105m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	North Terminal Approach Road	Between point 22a and point 22b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 140m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Gatwick Way	Between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 175m.	Speed limit of 30mph
Gatwick Airport Limited	Perimeter Road North	Between point 24a and point 24b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 270m.	Speed limit of 30mph
West Sussex County Council	North Terminal Roundabout	Circulatory carriageway (point 25) as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 265m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Northway	Between point 26a and point 26b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 80m.	Speed limit of 30mph
West Sussex County Council,	Longbridge Way	Between point 27a and point 27b as shown on	Speed limit of 30mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
Gatwick Airport Limited		Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 90m.	
West Sussex County Council	North Terminal Link	Between point 30a and point 30b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 100m.	Speed limit of 30mph
West Sussex County Council	North Terminal Link	Between point 30b and point 31b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 15m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Northbound	Between point 32a and point 32b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 1125m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Southbound	Between point 33a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 1125m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Northbound Left-in Diverge to North Terminal Roundabout	Between point 34a and point 34b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 220m.	Speed limit of 40mph
West Sussex County Council	A23 London Road Diverge Link to North terminal Roundabout	Between point 34b and point 35b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 115m.	Speed limit of 30mph
West Sussex County Council	A23 London Road Northbound	Between point 32b and point 36b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 30m.	Speed limit of 30mph
Surrey County Council	A23 London Road Northbound	Between point 36b and point 37b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a	Speed limit of 30mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
		length of 15m.	
Surrey County Council	A23 London Road Southbound	Between point 38a and point 38b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 20m.	Speed limit of 30mph
West Sussex County Council	A23 London Road Southbound	Between point 38b and point 33a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 20m.	Speed limit of 30mph
Surrey County Council	A23 Brighton Road	Between point 39a and point 39b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 225m.	Speed limit of 30mph
Surrey County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 40a and point 40b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 105m.	Speed limit of 30mph
West Sussex County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 40b and point 41a as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 10m.	Speed limit of 30mph
West Sussex County Council	Longbridge Roundabout Segregated Left Turn Lane from A23 Brighton Road to A23 London Road	Between point 41a and point 41b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 90m.	Speed limit of 40mph
Surrey County Council	Longbridge Roundabout	Circulatory carriageway (point 42) as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 210m.	Speed limit of 30mph
Surrey County Council	A217	Between point 43a and point 43b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 20m.	Speed limit of 40mph

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Measures – Speed Limits Plans*	*(4)* *Speed Limits*
Surrey County Council	A217	Between point 43b and point 44b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 95m.	Speed limit of 30mph
Surrey County Council	Povey Cross Road	Between point 45a and point 45b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 60m.	Speed limit of 30mph
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 46a and point 46b as shown on Sheet 1A of the Traffic Regulation Measures – Speed Limits plans for a length of 125m.	Speed limit of 30mph
West Sussex County Council	Gatwick Spur Westbound	Between point 1c and point 1a as shown on Sheet 2A of the Traffic Regulation Measures – Speed Limits plans for a length of 60m.	Speed limit of 50mph

PART 2

TRAFFIC REGULATION MEASURES (CLEARWAYS, HEIGHT RESTRICTIONS AND PROHIBITIONS)

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
Sheet 2A			
West Sussex County Council	Gatwick Spur Westbound	Between point 1a and point 1b as show on Sheet 2A of the of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1770m.	Clearway (to include verges and hard strips)
West Sussex County Council	Gatwick Spur Eastbound	Between point 2a and point 2b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1770m.	Clearway (to include verges and hard strips)

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
West Sussex County Council	Gatwick Spur Westbound Diverge	Between point 3a and point 3b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 420m.	Clearway (to include verges and hard strips)
West Sussex County Council	Gatwick Spur Eastbound Merge	Between point 4a and point 4b as show on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 330m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Ring Road South	Between point 5a and point 5b as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 85m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	South Terminal Roundabout	Point 6 as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 310m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Ring Road North	Between point 7a and point 7b as shown on Sheet 2A Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 80m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	Airport Way Westbound Merge	Between point 8a and point 8b as shown on Sheet 2A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 275m.	Clearway (to include verges and hard strips)
West Sussex County Council	Airport Way Eastbound Diverge	Between point 9a and point 9b as shown on Sheet 2A of the of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 265m.	Clearway (to include verges and hard strips)
Sheet 1A			
West Sussex County Council	Airport Way Westbound	Between point 1b and point 12a as shown on	Clearway (to include verges and hard

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
		Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 525m.	strips)
West Sussex County Council	Airport Way Westbound Diverge to North Terminal Roundabout	Between point 10a and point 10b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 430m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Diverge to Airport Way Eastbound	Between point 11a and point 2a as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 610m.	Clearway (to include verges and hard strips)
West Sussex County Council	North Terminal Flyover	Between point 12a and point 12b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 650m.	Clearway (to include verges and hard strips)
West Sussex County Council	North Terminal Roundabout Segregated Lane	Between point 13a and point 13b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 215m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	North Terminal Approach	Between point 14a and point 14b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 125m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Gatwick Way	Between point 15a and point 15b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 165m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Perimeter Road North	Between point 16a and point 16b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and	No Parking or Stopping at any time – double red line markings (to include verges and hard

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
		Prohibitions plans for a length of 260m.	strips)
West Sussex County Council	North Terminal Roundabout	Point 17 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 265m.	Clearway (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Northway	Between point 18a and point 18b as shown on Sheet 1A of the Traffic Regulation Measures - Clearways and Prohibitions plans for a length of 65m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Longbridge Way	Between point 19a and point 19b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 90m.	No Parking or Stopping at any time – double red line markings (to include verges and hard strips)
West Sussex County Council	North Terminal Link	Between point 20a and point 20b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 110m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Northbound	Between point 21a and point 21b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1030m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Southbound	Between point 22a and point 22b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1030m.	Clearway (to include verges and hard strips)
West Sussex County Council	A23 London Road Northbound Left-in Diverge to North Terminal Roundabout	Between point 23a and point 23b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 325m.	Clearway (to include verges and hard strips)
West Sussex County Council,	North Terminal Approach	Between point 14a and point 14b as shown on	Height restriction (4.8m) beneath Inter

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
Gatwick Airport Limited		Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 125m.	Terminal Transit Shuttle Viaduct Structure
West Sussex County Council, Gatwick Airport Limited	Gatwick Way Northbound	Between point 24a and point 14b as shown on Sheet 1A of the Traffic Regulation Measures - Clearways and Prohibitions plans for a length of 320m.	Height restriction (4.5m) beneath Inter Terminal Transit Shuttle Viaduct Structure
West Sussex County Council	A23 London Road southbound / North Terminal Link Signal-Controlled Junction	Point 25 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No right turn from A23 London Road southbound to North Terminal Link
West Sussex County Council	A23 London Road northbound / North Terminal Link Signal-Controlled Junction	Point 26 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No left turn from A23 London Road northbound to North Terminal Link
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 27a and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 125m.	No Waiting or Loading at any time double yellow line markings (to include verges and hard strips)
West Sussex County Council, Gatwick Airport Limited	Car Park B access road	Between point 27a and point 27b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 125m.	Height restriction (3.9m) beneath the Airport Way Rail Bridge
West Sussex County Council	Gatwick Way Priority Junction with North Terminal Routh Segregated Lane	Point 28 as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans.	No right turn from Gatwick Way to North Terminal Roundabout Segregated Lane
Surrey County Council	Povey Cross Road Eastbound	Between point 29a and point 29b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 60m.	No Waiting at any time - double yellow lines (to include verges and hard strips)
Surrey County Council	Povey Cross Road Westbound	Between point 30a and point 30b as shown on Sheet 1A of the Traffic Regulation Measures –	No Waiting at any time - double yellow lines (to include verges and hard

(1) *Area*	*(2)* *Road*	*(3)* *Extent as shown on the Traffic Regulation Order Plans*	*(4)* *Restrictions*
		Clearways and Prohibitions plans for a length of 40m.	strips)
Surrey County Council	Woodroyd Avenue Northbound	Between point 31a and point 31b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 80m.	No Waiting at any time - double yellow lines (to include verges and hard strips)
Surrey County Council	A23 Brighton Road Westbound	Between point 32a and point 32b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 45m.	No Waiting at any time - double yellow lines (to include verges and hard strips)
Surrey County Council	Woodroyd Avenue Southbound	Between point 33a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 25m.	No Waiting at any time - double yellow lines (to include verges and hard strips)
Surrey County Council	Woodroyd Avenue Southbound	Between point 34a and point 34b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 45m.	No Waiting at any time - double yellow lines (to include verges and hard strips)
Surrey County Council	Church Walk Northbound	Between point 35a and point 33b as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 60m.	No Waiting at certain times - single yellow line (to include verges and hard strips)
Surrey County Council	Church Walk Southbound	Between point 36a and point 34a as shown on Sheet 1A of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 60m.	No Waiting at certain times - single yellow line (to include verges and hard strips)

PART 3

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
Existing Traffic Regulation Order: Speed limit			
West Sussex County Council	Existing M23 Spur (Gatwick Spur) westbound carriageway	The M23 Motorway (Gatwick Spur) (50 Miles Per Hour Speed Limit) Regulations 2020(**a**)	Speed Limit order of 50mph to be revoked for the existing M23 Spur between point 1A and point 5B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 1210m.
West Sussex County Council	Existing South Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011(**b**) referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing South Terminal Roundabout carriageway, shown as point 11 on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 310m.
West Sussex County Council	Existing Ring Road South	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and	Speed Limit order of 50mph to be revoked for the existing Ring Road South carriageway between point 9A and point 9C as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans

(**a**) S.I. 2020/721.
(**b**) S.I. 2011/2027.

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	for a length of 50m.
West Sussex County Council	Existing Ring Road North	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing Ring Road North carriageway between point 10C and point 10B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 10m.
West Sussex County Council	Existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing Airport Way eastbound carriageway between point 47A and point 15B as shown on Sheets 2 and 3 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 1290m.
West Sussex County Council	Existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way	Speed Limit order of 50mph to be revoked for the existing Airport Way westbound carriageway between point 12A and point 19A as shown on Sheets 2 and 3 of the Existing Traffic

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Regulation Measures – Speed Limits plans for a length of approximately 1290m.
West Sussex County Council	Existing segregated lane from Airport Way westbound to North Terminal Approach	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing segregated lane from Airport Way westbound to North Terminal Approach between point 20A and point 21B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 130m.
West Sussex County Council	Existing North Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing North Terminal Roundabout carriageway, shown as point 25 on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 220m.
West Sussex County Council	Existing Gatwick Way	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout	Speed Limit order of 50mph to be revoked for the existing Gatwick Way carriageway between point 23A and point 23C as shown on Sheet 1 of the Existing Traffic

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		(Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Regulation Measures – Speed Limits plans for a length of 20m.
West Sussex County Council	Existing North Terminal Approach	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing North Terminal Approach carriageway between point 22A and point 22C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 20m.
West Sussex County Council	Existing Northway	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Speed Limit order of 50mph to be revoked for the existing Northway carriageway between point 26C and point 26B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 20m.
West Sussex County Council	Existing Longbridge Way	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (i) both carriageways of the A23 (Airport Way) between the North	Speed Limit order of 50mph to be revoked for the existing Longbridge Way carriageway between point 27C and point 27B as shown on Sheet 1 of the

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Terminal Roundabout (Airport Way Roundabout West) and the South Terminal roundabout (Airport Way Roundabout East) at Gatwick Airport, including both roundabouts, a total distance of 1300m	Existing Traffic Regulation Measures – Speed Limits plans for a length of 30m.
West Sussex County Council	Existing slip road from North Terminal Roundabout to A23 London Road Northbound	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (ii) the slip roads leading from the North Terminal roundabout to the northbound carriageway of the A23 (London Road)	Speed Limit order of 50mph to be revoked for the existing slip road from A23 London Road northbound to North Terminal Roundabout between point 30A and point 31B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 280m.
West Sussex County Council	Existing slip road from A23 London Road Northbound to North Terminal Roundabout	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (iii) the slip road leading from the northbound carriageway of the A23 (London Road) to the North Terminal roundabout	Speed Limit order of 50mph to be revoked for the existing slip road from A23 London Road northbound to North Terminal Roundabout between point 34A and point 35B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 260m.
West Sussex County Council	Existing A23 London Road Diverge to Airport Way Eastbound	The A23 Trunk Road (Airport Way, Gatwick Airport) (50 miles Per Hour Speed Limit) Order 2011 referring to: (iv) the slip road leading to the eastbound carriageway of Airport Way from the southbound carriageway of the A23 (London Road)	Speed Limit order of 50mph to be revoked for the existing A23 London Road Diverge to Airport Way Eastbound carriageway between point 18A and point 18B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
			for a length of 470m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road South	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Ring Road South carriageway between point 9C and point 9B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 50m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road North	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Ring Road North carriageway between point 10A and point 10C as shown on Sheet 2 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 80m.
West Sussex County Council, Gatwick Airport Limited	Existing Gatwick Way	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Gatwick Way carriageway between point 23C and point 23B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 180m.
Gatwick Airport Limited	Existing Perimeter Road	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Perimeter Road carriageway between point 24A and point 24B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 260m.
West Sussex County Council, Gatwick Airport Limited	Existing North Terminal Approach	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013	Speed Limit order of 30mph to be revoked for the existing North Terminal

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Length of road upon which a 30mph Speed Limit Restriction is required	Approach carriageway between point 22C and point 22B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 130m.
West Sussex County Council, Gatwick Airport Limited	Existing Northway	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Northway carriageway between point 26A and point 26C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 80m.
West Sussex County Council, Gatwick Airport Limited	Existing Longbridge Way	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Longbridge Way carriageway between point 27A and point 27C as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 70m.
Gatwick Airport Limited	Existing Car Park B access road	The Gatwick Airport Road Network Speed Limit Restrictions Order 2013 Length of road upon which a 30mph Speed Limit Restriction is required	Speed Limit order of 30mph to be revoked for the existing Car Park B access road carriageway between point 46A and point 46B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Speed Limits plans for a length of 130m.
Existing Traffic Regulation Order: Waiting/ Loading/ Parking/ Clearway			
West Sussex County Council	Existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (i) both carriageways of the dual section of	Clearway order to be revoked for the existing Airport Way eastbound carriageway between point 28A and point 9B as shown on

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout East	Sheets 1 and 2 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1260m.
West Sussex County Council	Existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (i) both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout East	Clearway order to be revoked for the existing Airport Way eastbound carriageway between point 8A and point 10B as shown on Sheets 1 and 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1260m.
West Sussex County Council	Existing South Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (ii) the carriageways of Gatwick Roundabout West and Gatwick Roundabout East	Clearway order to be revoked for the existing South Terminal Roundabout carriageway, point 6 as shown on Sheet 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 310m.
West Sussex County Council	Existing North Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (ii) the carriageways of Gatwick Roundabout West and Gatwick Roundabout East	Clearway order to be revoked for the existing North Terminal Roundabout carriageway, point 17 as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 220m.
West Sussex County Council	Existing slip road from North Terminal Roundabout to A23 London Road Northbound	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (iii) the slip road extending from Gatwick	Clearway order to be revoked for the existing slip road from North Terminal Roundabout to A23 London Road Northbound between

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Roundabout West and joining the north-west bound (London-bound) carriageway of the A23 Trunk Road at a point 205m. north of that roundabout	point 20A and point 20B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 270m.
West Sussex County Council	Existing slip road from A23 London Road Northbound to North Terminal Roundabout	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (iv) the slip road extending from the north-west bound (London-bound) carriageway of the A23 Trunk Road at a point 215m. east of the Gatwick Roundabout West to that roundabout	Clearway order to be revoked for the existing slip road from A23 London Road Northbound to North Terminal Roundabout between point 23A and point 23B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 260m.
West Sussex County Council	Existing A23 London Road Diverge to Airport Way Eastbound	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (v) the slip road extending from the southbound (Brighton-bound) carriageway of the A23 Trunk Road at a point 675 meters west of the point where the Gatwick Link Road crosses the Western boundary of the London-Brighton Railway line to its junction with the Gatwick Link Road at a point 151m. west of that point	Clearway order to be revoked for the existing A23 London Road Diverge to Airport Way Eastbound carriageway between point 11A and point 11B as shown on Sheet 1 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 460m.
West Sussex County Council	Existing Hard shoulder of the existing Airport Way Eastbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (vi) the hard shoulders alongside both carriageways of the dual section of Gatwick Link Road between Gatwick	Clearway order to be revoked for the hard shoulder of the existing Airport Way Eastbound carriageway between point 28A and point 9B as shown on Sheets 1 and 2 of the Traffic Regulation

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Roundabout West and Gatwick Roundabout East	Measures – Clearways and Prohibitions plans for a length of 1260m.
West Sussex County Council	Existing Hard shoulder of the existing Airport Way Westbound carriageway between South Terminal and North Terminal	The A23 London Brighton Trunk Road (Prohibition of Waiting) (Clearways) Order 1977 referring to: (vi) the hard shoulders alongside both carriageways of the dual section of Gatwick Link Road between Gatwick Roundabout West and Gatwick Roundabout East	Clearway order to be revoked for the hard shoulder of the existing Airport Way eastbound carriageway between point 8A and point 10B as shown on Sheets 1 and 2 of the Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 1260m.
Existing Traffic Regulation Order: Waiting/ Loading/ Parking/ Clearway			
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road South	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing Ring Road South carriageway between point 5A and point 5B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 90m.
West Sussex County Council, Gatwick Airport Limited	Existing Ring Road North	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing Ring Road North carriageway between point 7A and point 7B as shown on Sheet 2 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 90m.
West Sussex County Council, Gatwick Airport Limited	Existing Gatwick Way	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic	No Parking or Stopping at any time order to be revoked for the existing

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
		Regulation Order 2021: No Parking or Stopping at any time – double red line markings	Gatwick Way carriageway between point 15A and point 15B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 180m.
Gatwick Airport Limited	Existing Perimeter Road	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing Perimeter Road carriageway between point 16A and point 16B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 260m.
West Sussex County Council, Gatwick Airport Limited	Existing North Terminal Approach	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing North Terminal Approach carriageway between point 14A and point 14B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 130m.
West Sussex County Council, Gatwick Airport Limited	Existing Northway	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing Northway carriageway between point 18A and point 18B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 80m.

(1) *Area*	*(2)* *Road*	*(3)* *Title of Order*	*(4)* *Revocations or Variations*
West Sussex County Council, Gatwick Airport Limited	Existing Longbridge Way	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Parking or Stopping at any time – double red line markings	No Parking or Stopping at any time order to be revoked for the existing Longbridge Way carriageway between point 19A and point 19B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 100m.
Gatwick Airport Limited	Existing Car Park B access road	The Gatwick Airport Road Network Waiting/ Loading/ Parking/ Clearway Traffic Regulation Order 2021: No Waiting or Loading at any time – double yellow line markings	No Waiting or Loading at any time order to be revoked for the existing Car Park B access road carriageway between point 27A and point 27B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 130m.
Existing Traffic Regulation Order: Height and Weight			
Gatwick Airport Limited	Car Park B access road	The Gatwick Airport Road Network Height and Weight Restrictions Order 2013: Length of Road upon which a Height Restriction is required	Height Restriction of 3.9m is to be revoked for the existing Car Park B access road carriageway between point 27A and point 27B as shown on Sheet 1 of the Existing Traffic Regulation Measures – Clearways and Prohibitions plans for a length of 130m.

SCHEDULE 7

Article 28

LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

(1) *Plot Reference Number shown on Land Plans*	*(2)* *Purpose for which rights over land may be acquired*
1/001, 1/002, 1/003, 1/005, 1/006, 1/010, 1/011, 1/012, 1/014, 1/015, 1/017, 1/019, 1/021, 1/022, 1/023, 1/028, 1/029, 1/031, 1/034, 1/035, 1/037, 1/040, 1/043, 1/044, 1/045, 1/048, 1/049, 1/050, 1/051, 1/052, 1/054, 1/055, 1/056, 1/058, 1/060, 1/062, 1/063, 1/065, 1/066, 1/068, 1/075, 1/076, 1/077, 1/078, 1/081, 1/085, 1/086, 1/088, 1/089, 1/092, 1/097	To construct, operate, maintain and use Work No. 36 (North Terminal Junction improvements) and Work No. 37 (Longbridge Roundabout Junction improvements) and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)).
1/007	To construct, operate, maintain and use Work No. 37 (Longbridge Roundabout Junction improvements) and Work No. 40 (works associated with land to the north east of Longbridge Roundabout) and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)).
1/036, 1/093, 1/138, 1/164, 1/172, 1/205, 1/212, 1/226,1/232, 1/233, 1/234, 1/235, 1/239, 1/242, 1/242A, 1/246, 1/251, 1/254, 1/258, 1/283, 1/286, 1/296	To construct, operate, maintain and use Work No. 34 (replacement open space at Car Park B), Work No. 35 (South Terminal Junction improvements), Work No. 36 (North Terminal Junction improvements) and Work No. 37 (Longbridge Roundabout Junction improvements) and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)).
4/461, 4/467, 4/468, 4/474, 4/474B, 4/474C, 4/477, 4/478, 4/479, 4/480, 4/481, 4/485, 4/486, 4/489, 4/493, 4/496, 4/497, 4/502, 4/539	To construct, operate, maintain and use Work No. 35 (South Terminal Junction improvements), Work No. 36 (North Terminal Junction improvements) and Work No. 25 (upgrade South Terminal forecourt including access roads) and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)).
1/315, 1/319	To construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) and in particular Work No. 4(c) (extend Taxiway Lima westward).

(1) *Plot Reference Number shown on Land Plans*	*(2)* *Purpose for which rights over land may be acquired*
4/550	To construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) and in particular Work No. 41 (ecological area at Pentagon Field).

SCHEDULE 8

Article 28

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 in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply in respect of compensation on the compulsory purchase of land and interests in land, subject to the modifications set out in this Schedule.

2.—(1) Without limiting paragraph (1), the Land Compensation Act 1973(**a**) has effect subject to the modifications set out in sub-paragraphs (2).

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

3.—(1) Without limiting 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 purpose of exercising a right in pursuance of a notice of entry under section 11(1) (powers of entry) of the 1965 Act (as modified by paragraph 5(5) of Schedule 8 to the Gatwick Airport (Northern Runway Project) Development Consent Order 2025);

(b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 8 to the Gatwick Airport (Northern Runway Project) Development Consent Order 2025) to acquire an interest in the land; and

(c) the acquiring authority enters on and takes possession of that land,

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

(**a**) 1973 c. 26.

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 32 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 27 (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 28 (compulsory acquisition of rights and the imposition of restrictive covenants)—

(a) with the modifications specified in paragraph 5; or

(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 restrictive covenant impose or to be imposed; or

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

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

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

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

(a) section 9(4) (failure by owners to convey);

(b) paragraph 10(3) of Schedule 1 (owners under incapacity);

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

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

(5) Section 11(**a**) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as applies to a compulsory acquisition under article 27), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant; and sections 11A(**b**) (powers of entry: further notices of entry), 12(**c**) (penalty for unauthorised entry) and 13(**d**) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(**a**) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and sections 186 to 188 of, and Schedule 14 and Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

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

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

(**d**) 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).

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

(7) Section 22 (interests omitted from purchase) of the 1965 Act as modified by article 32(4) is modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, 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

Introduction

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and has not executed a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 33 (application of the 1981 Act) of the Gatwick Airport (Northern Runway Project) Development Consent Order 2025) in respect of the land to which the notice to treat relates.

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 acquiring 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 acquiring authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

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

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

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

Determination by Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or 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 its determination, the Upper Tribunal must take into account—

(a) the effect of the acquisition of the right or the imposition of the covenant,

(b) the use to be made of the right or covenant proposed to be acquired or imposed, and

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

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

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

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

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

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.".

SCHEDULE 9

Articles 27, 40 and 49

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE 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 functions in a manner no less efficient than previously;

"apparatus" means—

(a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(**a**)), belonging to or maintained by that undertaker;

(b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986(**b**) for the purposes of gas supply;

(c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and

(d) in the case of a sewerage undertaker—

(i) any drain or works vested in the undertaker under the Water Industry Act 1991(**c**); and

(ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(**d**) (adoption of sewers and disposal of works) of that Act or an agreement to adopt made under section 104(**e**) (agreements to adopt sewer, drain or sewage disposal works, at a 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;

(**a**) 1989 c. 29. The definition of "electrical plant" contained in section 64 was amended by section 108 of, and paragraphs 24 and 38(1) and (3) of Schedule 6 to, the Utilities Act 2000 (c. 27).

(**b**) 1986 c. 44. Section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000.

(**c**) 1991 c. 56.

(**d**) 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).

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

(b) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986;

(c) a water undertaker within the meaning of the Water Industry Act 1991; and

(d) a sewerage undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991,

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

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 public rights of way

4.—(1) Where any public right of way is stopped up under article 15 (public rights of way – creation, diversion and stopping up), any utility undertaker whose apparatus is in the land in which the public right of way subsists has the same powers and rights in respect of that apparatus in the land in which the public right of way subsists 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 alteration, diversion or restriction of any street under the powers conferred by article 14 (temporary closure of streets), a utility undertaker is at liberty at all times to take all necessary access across any such stopped up street and to execute and do all such works and things in, upon or under any such street 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 street.

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 23 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

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

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that the utility undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a utility undertaker to maintain that apparatus in that land must not be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the utility undertaker in question in accordance with sub-paragraphs (2) to (6).

(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 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 52 (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 52 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraphs (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) If the utility undertaker fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved, provided that the undertaker has first taken all reasonable steps to contact the relevant representatives of the utility undertaker in order to elicit such a response.

(8) Any deemed approval under sub-paragraph (7) does not extend to the actual undertaking of the removal works, which remains the sole responsibility of the utility undertaker or its contractors.

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 by the utility 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 or in default of agreement settled by arbitration in accordance with article 52 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the arbitrator will—

(a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptions of the alternative apparatus which may be required to prevent interference with the proposed works of the undertaker; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or on the land for which the alternative apparatus is to be substituted.

(3) 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) must 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 (unless otherwise agreed with the utility undertaker), 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 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.

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) There must 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 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 52 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the

existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the 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 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 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), or by reason of any subsidence resulting from such development or 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 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 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) unless a utility undertaker fails to carry out and execute the works properly with due care and attention and in a skilful and professional 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 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 who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Cooperation

12. Where in consequence of the proposed construction of any 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 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. Where, under this Part, the utility undertaker is required to give its consent or approval in respect of any matter, that consent or approval must not be unreasonably withheld or delayed.

14. 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 laid or erected 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

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

16. In this Part of this Schedule—

"the 2003 Act" means the Communications Act 2003(**a**);

"electronic communications apparatus" has the same meaning as in the electronic communications code;

"the electronic communications code" has the same meaning as in Chapter 1 (electronic communications networks and services) of Part 2 (networks, services and the radio spectrum) of the 2003 Act(**b**);

"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 (application of the electronic communications code) 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 (application of the electronic communications code) of the 2003 Act; and

"operator" means the operator of an electronic communications code network.

17. The exercise of the powers conferred by article 40 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) of the electronic communications code.

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

(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 those works), 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.

(**a**) 2003 c. 21.

(**b**) Section 106 was amended by section 4(3) to (9) of the Digital Economy Act 2017 (c. 30); Schedule 3A to the Communications Act 2003 was inserted by section 4 of, and Schedule 1 to, the Digital Economy Act 2017.

(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 who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 52 (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) In respect of the acquisition of rights under or over or use of the operator's property, the operator must co-operate with the undertaker with a view to avoiding undue delay.

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

PART 3

FOR THE PROTECTION OF NATIONAL HIGHWAYS

Application etc.

19.—(1) The provisions of this Part of this Schedule apply for the protection of National Highways and have effect unless otherwise agreed in writing between the undertaker and National Highways.

(2) Except where expressly amended by the Order the operation of the powers and duties of National Highways or the Secretary of State under the 1980 Act, the 1984 Act, the 1991 Act, the Transport Act 2000 and the 2015 Regulations shall continue to apply in respect of the exercise of all of National Highways' statutory functions.

Interpretation

20.—(1) Where the terms defined in article 2 (interpretation) of this Order are inconsistent with sub-paragraph (2) the latter prevail.

(2) In this Part of this Schedule—

"as built information" means one electronic copy of the following information—

(a) as constructed drawings in both PDF and AutoCAD DWG formats for anything designed by the undertaker; in compliance with DMRB GG 184 (Specification for the use of Computer Aided Design) or any successor document;

(b) list of suppliers and materials used, as well as any relevant test results and CCTV surveys (if required to comply with DMRB standards);

(c) product data sheets and technical specifications for all materials used;

(d) as constructed information for any utilities discovered or moved during the works;

(e) method statements for the works carried out;

(f) in relation to road lighting, signs, and traffic signals any information required by Series 1300 and 1400 of the Specification for Highway Works or any replacement or modification of it;

(g) organisation and methods manuals for all products used;

(h) as constructed programme;

(i) test results and records as required by the detailed design information and during construction phase of the project;

(j) a stage 3 road safety audit subject to any exceptions to the road safety audit standard as agreed by the undertaker and National Highways;

(k) the health and safety file; and

(l) such other information as is required by National Highways to be used to update all relevant databases and to ensure compliance with National Highway's *Asset Data Management Manual* as is in operation at the relevant time.

"the bond sum" means the sum equal to 200% of the cost of the carrying out the specified works (to include all costs plus any commuted sum) or such other sum agreed between the undertaker and National Highways;

"the cash surety" means the sum agreed between the undertaker and National Highways;

"commuted sum" means such sum calculated as provided for in paragraph 34 (commuted sum) of this Part of this Schedule to be used to fund the future cost of maintaining any new National Highways assets or structures or apparatus provided under the Order;

"condition survey" means a survey of the condition of National Highways structures and assets within the Order limits that may be affected by the specified works;

"contractor" means any contractor or subcontractor appointed by the undertaker to carry out the specified works;

"defects period" means the period from the date of the provisional certificate to the date of the final certificate which shall be no less than 12 months from the date of the provisional certificate;

"detailed design information" means such of the following drawings specifications and calculations as are relevant to the development—

(a) site clearance details;

(b) boundary, environmental and mitigation fencing;

(c) road restraints systems and supporting road restraint risk appraisal process assessment;

(d) drainage and ducting as required by DMRB CD 535 (Drainage asset data and risk management) and DMRB CS 551 (Drainage surveys – standards for Highways);

(e) earthworks including supporting geotechnical assessments required by DMRB CD 622 (Managing geotechnical risk) and any required strengthened earthworks appraisal form certification;

(f) pavement, pavement foundations, kerbs, footways and paved areas;

(g) traffic signs and road markings;

(h) traffic signal equipment and associated signal phasing and timing detail;

(i) road lighting (including columns and brackets);

(j) regime of California Bearing Ratio testing;

(k) electrical work for road lighting, traffic signs and signals;

(l) motorway communications as required by DMRB;

(m) highway structures and any required structural approval in principle;

(n) landscaping;

(o) proposed departures from DMRB standards;

(p) walking, cycling and horse riding assessment and review report;

(q) stage 1 and stage 2 road safety audits and exceptions agreed;

(r) utilities diversions;

(s) topographical survey;

(t) maintenance and repair strategy in accordance with DMRB GD 304 (Designing health and safety into maintenance) or any replacement or modification of it;

(u) health and safety information including any asbestos survey required by DMRB GG 105 (Asbestos management) or any successor document; and

(v) other such information that may be required by National Highways to be used to inform the detailed design of the specified works;

"DBFO contract" means the contract between National Highways and the highway operations and maintenance contractor for the maintenance and operation of parts of the strategic road network which are within the Order limits or any successor or replacement contract that may be current at the relevant time;

"DMRB" means the Design Manual for Roads and Bridges or any replacement or modification of it;

"final certificate" means the certificate relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways pursuant to paragraph 32;

"the health and safety file" means the file or other permanent record containing the relevant health and safety information for the authorised development required by the Construction (Design and Management) Regulations 2015 (or such updated or revised regulations as may come into force from time to time);

"highway operations and maintenance contractor" means the contractor appointed by National Highways under the DBFO contract;

"nominated persons" means the undertaker's representatives or the contractor's representatives on site during the carrying out of the specified works as notified to National Highways from time to time;

"programme of works" means a document setting out the sequence and timetabling of the specified works;

"provisional certificate" means the certificate of provisional completion relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways in accordance with paragraph 28 when it considers the specified works are substantially complete and may be opened for traffic;

"road safety audit" means an audit carried out in accordance with the road safety audit standard;

"road safety audit standard" means DMRB Standard HD GG 119 (Road safety audit) or any replacement or modification of it;

"road space booking" means road space bookings in accordance with National Highways' Asset Management Operational Requirements (AMOR) including Network Occupancy Management System (NOMS) used to manage road space bookings and network occupancy;

"Specification for Highways Works" means the specification for highways works forming part of the manual of contract documents for highway works published by National Highways and setting out the requirements and approvals procedures for work, goods or materials used in the construction, improvement or maintenance of the strategic road network;

"specified works" means so much of any work, including highway works, street works and signalisation, authorised by this Order including any maintenance of that work, as is on, in, under or over the strategic road network for which National Highways is the highway authority;

"strategic road network" means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all other land, apparatus and rights located in, on, over or under the highway;

"utilities" means any pipes wires cables or equipment belonging to any person or body having power or consent to undertake street works under the 1991 Act; and

"winter maintenance" means maintenance of the road surface to deal with snow and ice.

General

21. In respect of any part of the strategic road network that is managed under a DBFO contract both National Highways and the highway operations and maintenance contractor shall have the benefit of this Part of this Schedule but for the purposes of any approvals required under this Part of this Schedule the undertaker shall liaise directly with National Highways.

22. Notwithstanding the limits of works permitted pursuant to article 6 (limits of works) of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road network unless such works are agreed in writing with National Highways at the absolute discretion of National Highways.

23. References to any standards, manuals, contracts, regulations and directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

Works outside the Order limits

24. If the undertaker proposes to carry out works to the strategic road network that are outside of the Order limits in connection with the authorised development, the undertaker must enter into an agreement with National Highways in respect of the carrying out of those works prior to the commencement of those works.

Prior approvals and security

25.—(1) The specified works must not commence until—

(a) a stage 1 and stage 2 road safety audit has been carried out and all recommendations raised by them or any exceptions are approved by National Highways;

(b) the programme of works has been approved by National Highways;

(c) the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—

(i) the detailed design information, incorporating all recommendations and any exceptions approved by National Highways under sub-paragraph (a);

(ii) details of the proposed road space bookings and at the same time as submitting the relevant details the undertaker shall be entitled to submit its application for road space bookings to National Highways;

(iii) the identity and suitability of the contractor and nominated persons;

(iv) a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker;

(v) information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG 142 (Walking, cycling and horse riding assessment and review);

(d) a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by agreement between the undertaker and National Highways from time to time;

(e) stakeholder liaison has taken place in accordance with the process for such liaison agreed between the undertaker and National Highways under sub-paragraph (c)(iv) above;

(f) National Highways has approved the audit brief and CVs for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;

(g) the undertaker has agreed the estimate of the commuted sum with National Highways;

(h) the scope of all maintenance operations (routine inspections, incident management, reactive and third party damage) to be carried out by the undertaker during the construction of the specified works (which must include winter maintenance) has been agreed in writing by National Highways;

(i) the undertaker has procured to National Highways collateral warranties in a form approved by National Highways from the contractor and designer of the specified works in favour of National Highways to include covenants requiring the contractor and designer to exercise all reasonable skill care and diligence in designing and constructing the specified works, including in the selection of materials, goods, equipment and plant; and

(j) a condition survey and regime of monitoring of any National Highways assets or structures that National Highways considers will be affected by the specified works, has been agreed in writing by National Highways.

(2) The undertaker must not exercise—

(a) article 4 (maintenance of authorised development);

(b) article 11 (street works);

(c) article 12 (power to alter layout, etc., of streets);

(d) article 13 (stopping up of streets);

(e) article 14 (temporary stopping up of streets);

(f) article 16 (access to works);

(g) article 18 (traffic regulations);

(h) article 22 (discharge of water);

(i) article 23 (protective work to buildings);

(j) article 24 (authority to survey and investigate the land);

(k) article 25 (felling or lopping of trees and removal of hedgerows);

(l) article 27 (compulsory acquisition of land);

(m) article 28 (compulsory acquisition of rights and imposition of restrictive covenants);

(n) article 31 (private rights of way);

(o) article 34 (acquisition of subsoil or airspace);

(p) article 36 (temporary use of land for carrying out the authorised development); or

(q) article 38 (temporary use of land for maintaining the authorised development),

of this Order over any part of the strategic road network or land in which National Highways has an interest without the consent of National Highways, and National Highways may in connection with any such exercise require the undertaker to provide details of any proposed road space bookings and/or submit a scheme of traffic management for National Highways' approval.

(3) National Highways must prior to the commencement of the specified works or the exercise of any power referenced in sub-paragraph (2) inform the undertaker of the identity of the person who will act as a point of contact on behalf of National Highways for consideration of the information required under sub-paragraph (1) or (2).

(4) Any approval of National Highways required under this paragraph—

(a) must not be unreasonably withheld;

(b) must be given in writing;

(c) shall be deemed to have been refused if neither given nor refused within 2 months of the receipt of the information for approval or, where further particulars are requested by National Highways within 2 months of receipt of the information to which the request for further particulars relates; and

(d) may be subject to any conditions as National Highways considers necessary.

(5) Any change to the identity of the contractor and/or designer of the specified works will be notified to National Highways immediately and details of their suitability to deliver the specified works will be provided on request along with collateral warranties in a form agreed by National Highways.

(6) Any change to the detailed design of the specified works must be approved by National Highways in accordance with sub-paragraph (1).

Construction of the specified works

26.—(1) The undertaker must give National Highways 3 months' notice in writing of the date on which the specified works will start unless otherwise agreed by National Highways.

(2) The undertaker must comply with National Highways' road space booking procedures prior to and during the carrying out the specified works and no specified works for which a road space booking is required shall commence without a road space booking having first been secured from National Highways.

(3) The specified works must be carried out by the undertaker to the satisfaction of National Highways in accordance with—

(a) the relevant detailed design information and programme of works approved pursuant to paragraph 25(1) (prior approvals and security) or as subsequently varied by agreement between the undertaker and National Highways;

(b) the DMRB, the Manual of Contract Documents for Highway Works, including the Specification for Highway Works, together with all other relevant standards as required by National Highways to include, inter alia; all relevant interim advice notes, the Traffic Signs Manual and the Traffic Signs Regulations and General Directions 2016(**a**) save to the extent that exceptions from those standards apply which have been approved by National Highways; and

(c) all aspects of the Construction (Design and Management) Regulations 2015(**b**) or any statutory amendment or variation of the same and in particular the undertaker, as client, must ensure that all client duties (as defined in the said regulations) are undertaken to the satisfaction of National Highways.

(4) The undertaker must ensure that (where possible) without entering the highway the highway is kept free from mud, soil and litter as a result of carrying out the specified works.

(5) The undertaker must permit and must require the contractor to permit at all reasonable times persons authorised by National Highways (whose identity must have been previously notified to the undertaker by National Highways) to gain access to the works pursuant to the Order including all land in which National Highways has an interest for the purposes of inspection and supervision of the works.

(6) If any part of the specified works is constructed—

(a) other than in accordance with the requirements of this Part of this Schedule; or

(b) in a way that causes damage to the highway, highway structure or asset or any other land of National Highways,

National Highways may by notice in writing require the undertaker, at the undertaker's own expense, to comply promptly with the requirements of this Part of this Schedule or remedy any damage notified to the undertaker under this Part of this Schedule, to the satisfaction of National Highways.

(7) If during the carrying out of the authorised development the undertaker or its appointed contractors or agents causes damage to the strategic road network then National Highways may by notice in writing require the undertaker, at its own expense, to remedy the damage.

(**a**) S.I. 2016/362.
(**b**) S.I. 2015/51.

(8) If within 28 days of the date on which a notice under sub-paragraph (6) or sub-paragraph (7) is served on the undertaker (or in the event of there being, in the opinion of National Highways, a danger to road users, within such lesser period as National Highways may stipulate), the undertaker has failed to take the steps required by that notice, National Highways may carry out the steps required of the undertaker and may recover any expenditure incurred by National Highways in so doing, such sum to be payable within 30 days of demand.

(9) Nothing in this Part of this Schedule prevents National Highways from carrying out any work or taking any such action as it reasonably believes to be necessary as a result of or in connection with the carrying out or maintenance of the authorised development without prior notice to the undertaker in the event of an emergency or to prevent the occurrence of danger to the public and National Highways may recover any expenditure it reasonably incurs in so doing.

(10) In constructing the specified works, the undertaker must at its own expense divert or protect all utilities and all agreed alterations and reinstatement of highway over existing utilities must be constructed to the satisfaction of National Highways.

(11) Until National Highways issues the provisional certificate the undertaker must carry out all maintenance (including winter maintenance) in accordance with the scope of maintenance operations agreed by National Highways pursuant to paragraph 25(1)(h) (prior approvals and security) and the undertaker must carry out such maintenance at its own cost.

(12) The undertaker must notify National Highways if it fails to complete the specified works in accordance with the agreed programme pursuant to paragraph 25(1)(b) of this Part of this Schedule or suspends the carrying out of any specified work beyond a reasonable period of time and National Highways reserves the right to withdraw any road space booking granted to the undertaker to ensure compliance with its network occupancy requirements.

Payments

27.—(1) The undertaker must pay to National Highways a sum equal to the costs and expenses which National Highways reasonably and properly incurs (including costs and expenses for using internal or external staff and costs relating to any work which becomes abortive) in relation to the specified works and in relation to any approvals sought under this Order, or otherwise incurred under this Part of this Schedule, including—

(a) the checking and approval of the information required under paragraph 25(1) (prior approvals and security);

(b) the supervision of the specified works;

(c) the checking and approval of the information required to determine approvals under this Order;

(d) all costs in relation to the transfer of any land required for the specified works;

(e) all legal and administrative costs and disbursements incurred by National Highways in connection with the Order and sub-paragraphs (a) to (d); and

(f) any value added tax which is payable by National Highways in respect of such costs and expenses and for which it cannot obtain reinstatement from HM Revenue and Customs,

together comprising "the NH costs".

(2) The undertaker must pay to National Highways upon demand and prior to such costs being incurred the total costs that National Highways believe will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the authorised development.

(3) National Highways must provide the undertaker with a schedule showing its estimate of the NH costs prior to the commencement of the specified works and the undertaker must pay to National Highways the estimate of the NH costs prior to commencing the specified works and in any event prior to National Highways incurring any cost.

(4) If at any time after the payment referred to in sub-paragraph (3) has become payable, National Highways reasonably believes that the NH costs will exceed the estimated NH costs it

may give notice to the undertaker of the amount by which it believes the NH costs will exceed the estimate of the NH costs (the excess) and the undertaker must pay to National Highways within 28 days of the date of the notice a sum equal to the excess.

(5) National Highways must give the undertaker a final account of the NH costs referred to in sub-paragraph (1) within 91 days of the issue of the provisional certificate issued pursuant to paragraph 28(4).

(6) Within 28 days of the issue of the final account—

(a) if the final account shows a further sum as due to National Highways the undertaker must pay to National Highways the sum shown due to it; or

(b) if the account shows that the payment or payments previously made by the undertaker have exceeded the costs incurred by National Highways, National Highways must refund the difference to the undertaker.

(7) If any payment due under any of the provisions of this Part of this Schedule is not made on or before the date on which it falls due the party from whom it was due must at the same time as making the payment pay to the other party interest at 3% above the Bank of England base lending rate from time to time being in force for the period starting on the date upon which the payment fell due and ending with the date of payment of the sum on which interest is payable together with that interest.

Provisional certificate

28.—(1) Following the completion of any specified works or prior to reopening any part of the strategic road network following any closure or partial closure, whichever shall be sooner, the undertaker shall notify National Highways who will carry out a site inspection to satisfy itself that the strategic road network is, in its opinion, safe for traffic and the undertaker must comply with any requirements of National Highways following the site inspection.

(2) As soon as the undertaker considers that the provisional certificate may be properly issued it must apply to National Highways for the provisional certificate.

(3) Following an application for a provisional certificate, National Highways must as soon as reasonably practicable—

(a) inspect the specified works; and

(b) provide the undertaker with a written list of works that are required for the provisional certificate to be issued or confirmation that no further works are required for this purpose.

(4) When—

(a) a stage 3 road safety audit for the specified works has been carried out and all recommendations raised including remedial works have (subject to any exceptions agreed) been approved by National Highways;

(b) the specified works incorporating the approved remedial works under sub-paragraph (4)(a) and any further works notified to the undertaker pursuant to sub-paragraph (3)(b) have been completed to the satisfaction of National Highways;

(c) the as built information has been provided to National Highways; and

(d) the undertaker has paid the commuted sum to National Highways,

National Highways must issue the provisional certificate.

(5) On the issue of the provisional certificate the bond sum shall be reduced to 20% of the total bond sum save insofar as any claim or claims have been made against the bond before that date in which case National Highways will retain a sufficient sum to ensure it does not have to meet any costs for or arising from the specified works.

(6) The undertaker must submit a stage 4 road safety audit as required by and in line with the timescales stipulated in the road safety audit standard. The undertaker must comply with the findings of the stage 4 road safety audit and must pay all costs of and incidental to such and provide updated as-built information to National Highways.

Opening

29. The undertaker must notify National Highways not less than 56 days in advance of the intended date of opening to the public of the strategic road network and the undertaker must notify National Highways of the actual date the strategic road network will be opened to the public no less than 14 days of that date and must not open the strategic road network to the public prior to the expiration of that period.

Final condition survey

30.—(1) The undertaker must, as soon as reasonably practicable after making its application for a provisional certificate pursuant to paragraph 28(2), arrange for the highways structures and assets that were the subject of the condition survey to be re-surveyed and must submit the re-survey to National Highways for its approval. The re-survey will include a renewed geotechnical assessment required by DMRB CD 622 (Managing geotechnical risk) if the specified works include any works beneath the strategic road network.

(2) If the re-surveys carried out pursuant to sub-paragraph (1) indicate that any damage has been caused to a structure or asset, the undertaker must submit a scheme for remedial works in writing to National Highways for its approval in writing and the undertaker must carry out the remedial works at its own cost and in accordance with the scheme submitted.

(3) If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it reasonably incurs in so doing.

(4) National Highways may, at its discretion, at the same time as giving its approval to the re-surveys pursuant to sub-paragraph (1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it reasonably incurs in so doing.

(5) The undertaker must make available to National Highways upon request copies of any survey or inspection reports produced pursuant to any inspection or survey of any specified work following its completion that the undertaker may from time to time carry out.

Defects period

31.—(1) The undertaker must at its own expense remedy any defects in the strategic road network as are reasonably required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales—

(a) in respect of matters of urgency, within 24 hours of receiving notification for the same (urgency to be determined at the absolute discretion of National Highways);

(b) in respect of matters which National Highways considers to be serious defects or faults, within 14 days of receiving notification of the same; and

(c) in respect of all other defects notified to the undertaker, within 4 weeks of receiving notification of the same.

(2) Following the issuing of the provisional certificate National Highways has responsibility for routine maintenance of the strategic road network save for any soft landscaping works which must be established and which must thereafter be maintained for a period of 3 years by and at the expense of the undertaker.

Final certificate

32.—(1) The undertaker must apply to National Highways for the final certificate no sooner than 12 months from the date of the provisional certificate.

(2) Following receipt of the application for the final certificate, National Highways must as soon as reasonably practicable—

(a) inspect the strategic road network; and

(b) provide the undertaker with a written list of any further works required to remedy or make good any defect or damage in the strategic road network or confirmation that no such works are required for this purpose.

(3) The undertaker must carry out such works notified to it pursuant to sub-paragraph (2).

(4) When National Highways is satisfied that—

(a) any defects or damage arising from defects during the defects period and any defects notified to the undertaker pursuant to sub-paragraph (2) and any remedial works required as a result of the stage 4 road safety audit have been made good to the satisfaction of National Highways; and

(b) the NH costs have been paid to National Highways in full,

National Highways must issue the final certificate after which the bond is to be released in full.

(5) The undertaker must pay to National Highways within 28 days of demand the costs reasonably incurred by National Highways in identifying the defects and supervising and inspecting the undertaker's work to remedy the defects that it is required to remedy pursuant to these provisions.

Security

33. The specified works must not commence until—

(a) the undertaker procures that the specified works are secured by a bond from a bondsman first approved by National Highways in the agreed form (as set out below) between the undertaker and National Highways to indemnify National Highways against all losses, damages, costs or expenses arising from any breach of any one or more of the obligations of the undertaker in respect of the exercise of the powers under this Order and the specified works under the provisions of this Part of this Schedule provided that the maximum liability of the bond must not exceed the bond sum; or where agreed by National Highways; and

(b) the undertaker has provided the cash surety which may be utilised by National Highways in the event of the undertaker failing to meet its obligations to make payments under paragraph 27 (payments) or to carry out works the need for which arises from a breach of one or more of the obligations of the undertaker under the provisions of this Part of this Schedule or a combination of a bond and cash surety together totalling 200%.

Commuted sum

34.—(1) National Highways must provide to the undertaker an estimate of the commuted sum, calculated in accordance with FS Guidance S278 Commuted Lump Sum Calculation Method dated 18 January 2010 or any successor guidance, prior to the commencement of the specified works.

(2) The undertaker must pay to National Highways the commuted sum prior to the issue of the provisional certificate.

Insurance

35. Prior to the commencement of the specified works the undertaker must effect public liability insurance with an insurer in the minimum sum of £10,000,000.00 (ten million pounds) in respect of any one claim against any legal liability for damage loss or injury to any property or any person as a direct result of the execution of specified works or use of the strategic road network by the undertaker.

Indemnity

36. The undertaker fully indemnifies National Highways from and against all costs, claims, expenses, damages, losses and liabilities suffered by National Highways arising from the

construction, maintenance or use of the specified works or exercise of or failure to exercise any power under this Order within 14 days of demand save for any loss arising out of or in consequence of any negligent act or default of National Highways.

Maintenance of the specified works

37.—(1) The undertaker must, prior to the commencement of any works of maintenance to the specified works, give National Highways 28 days' notice in writing of the date on which those works will start unless otherwise agreed by National Highways, acting reasonably.

(2) If, for the purposes of maintaining the specified works, the undertaker needs to occupy any road space, the undertaker must comply with National Highways' road space booking requirements and no maintenance of the specified works for which a road space booking is required shall commence without a road space booking having first been secured.

(3) The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days in advance of the planned commencement date of the maintenance works.

(4) The provisions of paragraph 29 (opening) shall apply to the opening of any part of the strategic road network following occupation of any road space under this paragraph.

Land

38.—(1) Following the issue of the final certificate pursuant to paragraph 32(4) (final certificate) National Highways may serve notice on the undertaker that it wishes to take a freehold transfer of land within the extent of strategic road network boundary which is not in the ownership of National Highways but has been acquired by the undertaker for the purposes of carrying out the specified works.

(2) If the undertaker receives notice under sub-paragraph (1) then the undertaker must effect a freehold transfer of the land which is the subject of the notice and complete such transfer as soon as reasonably practicable at no cost to National Highways.

(3) The undertaker must not under the powers of this Order—

(a) acquire or use land forming part of;

(b) acquire new or existing rights over; or

(c) seek to impose or extinguish any restrictive covenants over;

any of the strategic road network or land owned by National Highways, or extinguish any existing rights of or interfere with apparatus of National Highways in respect of any third party property, except with the consent of National Highways by written request to legalservicesinbox@nationalhighways.co.uk.

(4) Where any land or interest is proposed to be acquired for the benefit of National Highways, the undertaker must, unless otherwise agreed by National Highways, exercise article 27 (compulsory acquisition of land) and article 28 (compulsory acquisition of rights and imposition of restrictive covenants) as applied by article 33 (application of the 1981 Act) of this Order to directly vest in National Highways any such land or interest.

Expert determination

39.—(1) Article 52 (arbitration) of the Order does not apply to this Part of this Schedule.

(2) Any difference under this Part of this Schedule may be referred to and settled by a single independent and suitable person who holds appropriate professional qualifications and is a member of a professional body relevant to the matter in dispute acting as an expert, such person to be agreed by the differing parties or, in the absence of agreement, identified by the President of the Institution of Civil Engineers.

(3) On notification by either party of a dispute, the parties must jointly instruct an expert within 14 days of notification of the dispute.

(4) All parties involved in settling any difference must use best endeavours to do so within 21 days from the date that an expert is appointed.

(5) The expert must—

(a) invite the parties to make submission to the expert in writing and copied to the other party to be received by the expert within 7 days of the expert's appointment;

(b) permit a party to comment on the submissions made by the other party within 7 days of receipt of the submission;

(c) issue a decision within 7 days of receipt of the submissions under sub-paragraph (b); and

(d) give reasons for the decision.

(6) Any determination by the expert is final and binding, except in the case of manifest error in which case the difference that has been subject to expert determination may be referred to and settled by arbitration under article 52 (arbitration).

(7) The fees of the expert are payable by the parties in such proportions as the expert may determine or, in the absence of such determination, equally.

FORM OF BOND

BY THIS BOND [ ] [(Company Regn No)] whose registered office is situated at [ ] ("the undertaker") and [ ] [(Company Regn No)] whose registered office is situated at [ ] ("the Surety") are jointly and severally bound to [ ] of [ ] ("the [ ]") this [ ] day of [ ] 202[ ] in the sum of [ ] pounds (£[Surety Sum]) to the payment of which sum the undertaker and the Surety hereby jointly and severally bind themselves their successors and assigns.

WHEREAS under a Development Consent Order known as [ ] ("the DCO") the undertaker is empowered to commence execute perform and complete the highway works mentioned therein in such manner and within such time and subject to such conditions and stipulations as are particularly specified and set forth in the DCO and also to pay to National Highways such sums as are therein provided NOW THE CONDITIONS of this Bond are such that if the undertaker shall duly observe and perform all the terms provisions covenants conditions and stipulations of Part [ ] of Schedule [ ] to the DCO on the undertaker's part to be observed and performed according to the true purport intent and meaning thereof or if on default by the undertaker the Surety shall satisfy and discharge the damages sustained by National Highways thereby up to the amount of this Bond then this obligation shall be null and void but otherwise shall be and remain in full force and effect in accordance with the provisions of the DCO (and including any reductions as provided for in the DCO) but no allowance of time by National Highways under the DCO nor any forbearance or forgiveness in or in respect of any matter or thing concerning the DCO on the part of National Highways shall in any way release the Surety from any liability under this Bond.

It is hereby agreed that this Bond will be reduced and released in accordance with paragraph [ ] and [ ] of Part [ ] of Schedule [ ] of the DCO.

[Attestation]

PART 4

FOR THE PROTECTION OF RAILWAY INTERESTS

40. The 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 54 of this Part of this Schedule any other person on whom rights or obligations are conferred by that paragraph.

41. In this Part of this Schedule—

"asset protection agreement" means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

"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 Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993(**a**);

"Network Rail" means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at Waterloo General Office, London, SE1 8SW) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition "associated company" means any company which is (within the meaning of section 1159 of the Companies Act 2006(**b**)) 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 and any successor to Network Rail Infrastructure Limited's railway undertaking;

"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;

"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 or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment;

"regulatory consents" means any consent or approval required under—

(a) the Railways Act 1993;

(b) the network licence; and/or

(c) any other relevant statutory or regulatory provisions;

by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development;

"specified work" means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and includes the maintenance of such works under the powers conferred by article 4 (maintenance of authorised development) in respect of such works; and

"undertaker" has the same meaning as in article 2 (interpretation) of this Order.

42.—(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**) 1993 c. 43. Section 8 was amended by section 216 of, and Part 1 of Schedule 2, paragraph 4 of Schedule 17 and Part IV of Schedule 31 to, the Transport Act 2000 (c. 38), by section 16(5) of, and paragraph 5 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20), by sections 1 and 60 of, and paragraph 3 of Schedule 1 and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 14) and S.I. 2015/1682.

(**b**) 2006 c. 46.

(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 their 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.

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

(a) article 3 (development consent etc. granted by the Order);

(b) article 4 (maintenance of authorised development);

(c) article 16 (access to works)

(d) article 22 (discharge of water);

(e) article 24 (authority to survey and investigate the land);

(f) article 25 (felling or lopping of trees and removal of hedgerows);

(g) article 27 (compulsory acquisition of land);

(h) article 28 (compulsory acquisition of rights and imposition of restrictive covenants);

(i) article 31 (private rights of way);

(j) article 34 (acquisition of subsoil or airspace only);

(k) article 35 (rights under or over streets);

(l) article 36 (temporary use of land for carrying out the authorised development);

(m) article 38 (temporary use of land for maintaining the authorised development);

(n) article 40 (statutory undertakers);

(o) article 45 (use of airspace within the Order land);

(p) the powers conferred by section 11(3)(**a**) (power of entry) of the 1965 Act;

(q) the powers conferred by section 203 (power to override easements and other rights) of the Housing and Planning Act 2016(**b**);

(r) the powers conferred by section 172(**c**) (right to enter and survey land) of the Housing and Planning Act 2016; and

(s) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017(**d**);

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 telecommunications code system operators: preliminary notices) of the 1990 Act, article 31 (private rights of way) or article 40 (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be 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, or seek to impose any restrictive covenants over, any railway property, or extinguish any

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(**a**) Section 11(3) was amended by paragraph 6 of Schedule 14 to the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(**b**) 2016 c. 22. Section 203 was amended by section 37(2) of the Neighbourhood Planning Act 2017 (c. 20) and paragraph 5(2) and (3) of Schedule 20 to the Environment Act 2021 (c. 30).

(**c**) Section 172 was amended by section 26(8)(b) of the Neighbourhood Planning Act 2017.

(**d**) 2017 c. 20.

existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail.

(5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway.

(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld or delayed but may be given subject to reasonable conditions but it shall never be unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion).

(7) The undertaker must enter into an asset protection agreement, and where required prior to the carrying out of any specified work (including but not limited to any works referred to in paragraphs (a) – (o) in the definition of "commence" in article 2 (interpretation) forming part, or carried out for the purposes, of any specified work).

44.—(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 in accordance with article 52 (arbitration) of this Order.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer shall be 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 their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's 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 de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified 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 the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction.

45.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(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 44;

(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 thereon 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, the undertaker must, notwithstanding 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 servants, 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 servants, contractors or agents.

46. The undertaker must—

(a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and

(b) supply the engineer with all such information as they may reasonably require with regard to a specified work or the method of constructing it.

47. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part 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.

48.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction or completion of a specified work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker 56 days' notice (or in the event of an emergency or safety critical issue such notice as is reasonable in the circumstances) of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 44(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 49(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

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

49. 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 44(3) or in constructing any protective works under the provisions of

paragraph 44(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;

(b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;

(c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;

(d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and

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

50.—(1) In this paragraph-

(a) "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

(b) "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 44(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

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

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

(a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail's apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 44(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;

(b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail's apparatus identified pursuant to sub-paragraph (a); and

(c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 44(1) has effect subject to this sub-paragraph.

(6) Prior to the commencement of operation of the authorised development the undertaker shall test the use of the authorised development in a manner that shall first have been agreed with

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

(7) In the event of EMI having occurred—

(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;

(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; and

(d) the undertaker shall not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring.

(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 45.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 54(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 49(a) any modifications to Network Rail's apparatus under this paragraph is deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 52 (arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology.

51. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

52. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

53. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' 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.

54.—(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 (subject to article 48 (no double recovery)) which may be occasioned to or reasonably incurred by Network Rail—

(a) by reason of the construction, maintenance or operation of a specified work or the failure thereof; or

(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;

(c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development;

(d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others; or

(e) in respect of costs incurred by Network Rail in complying with any railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out or operation of the authorised development;

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 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 shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must—

(a) give the undertaker reasonable written notice of any such claims or demands;

(b) not make any settlement or compromise of such a claim or demand without the prior consent of the undertaker; and

(c) take such steps as are within its control and are reasonable in the circumstances to mitigate any liabilities relating to such claims or demands.

(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 shall, in the event of default, be 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—

(a) "the relevant costs" means the costs, losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work including but not limited to any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and

(b) "train operator" means any person who is authorised to act as the operator of a train by a licence under section 8 (licences) of the Railways Act 1993(**a**)

55. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 54) 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).

56. 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.

57. 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 and land plans and described in the book of reference;

(b) any lands, works or other property held in connection with any such railway property; and

(c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

58. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I (the provision of railway services) of the Railways Act 1993.

59. The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 8 (consent to transfer benefit of Order) of this 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.

60. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 50 (certification of documents etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in a format specified by Network Rail.

(**a**) 1993 c. 43. Section 8 was amended by Part I of Schedule 2 and paragraph 4(2), (33) and (4) of Schedule 17 to the Transport Act 2000 (c. 38), paragraph 5 of Schedule 2 to the Railways and Transport Safety Act 2003 (c. 20), paragraph 3(3) and (4) of Schedule 1 and Part 1 of Schedule 13 to the Railways Act 2005 (c. 14) and S.I. 2015/1682.

PART 5

FOR THE PROTECTION OF SOUTHERN GAS NETWORKS PLC AS GAS UNDERTAKER

Application

61. For the protection of SGN the following provisions will, unless otherwise agreed in writing between the undertaker and SGN, have effect.

Interpretation

62. In this Part of this Schedule—

"alternative apparatus" means appropriate alternative apparatus to the reasonable satisfaction of SGN to enable SGN 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 SGN for the purposes of gas distribution together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of SGN 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 (interpretation) 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;

"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 believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property. Where works comprise items some of which fall within this definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do;

"functions" includes powers and duties;

"ground mitigation scheme" means a scheme approved by SGN (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 SGN's approval a ground mitigation scheme;

"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" includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of SGN including retain, lay, construct, inspect, maintain, protect, use, access, replace, renew, decommission or render unusable or remove the apparatus;

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

"replacement rights" means rights conferred by way of 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;

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

"SGN" means Southern Gas Networks plc or its successors in title or successor bodies and/or any successor as a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986(**a**).

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

(a) will 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 67(2) (removal of apparatus) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 67(2) or otherwise;

"undertaker" means the undertaker as defined in article 2 (interpretation) of this Order.

On street apparatus

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

(a) paragraphs 64 (apparatus of SGN in stopped up streets), 69 (retained apparatus: protection of SGN) and 70 (expenses) of this Part of this Schedule; and

(b) paragraphs 67 (removal of apparatus) and 68 (facilities and rights for alternative apparatus) of this Part of this Schedule in so far as sub-paragraph (2) applies,

which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of SGN.

(2) Paragraphs 67 and 68 of this Part of this Schedule apply to diversions even where carried out under the 1991 Act, in circumstances where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within the existing adopted public highway.

(3) Section 85 (sharing of cost of necessary measures) of the 1991 Act in relation to cost sharing and the regulations made thereunder is not to apply in relation to any diversion of apparatus of SGN under the 1991 Act.

Apparatus of SGN in stopped up streets

64.—(1) Without prejudice to the generality of any other protection afforded to SGN elsewhere in the Order, where any street is stopped up under article 13 (stopping up of streets), if SGN has any apparatus in the street or accessed via that street SGN will be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker will grant to SGN, or will procure the granting to SGN of, legal easements reasonably satisfactory to SGN in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph is to affect any right of the undertaker or of SGN to require the removal of that apparatus under paragraph 67 (removal of apparatus).

(2) Notwithstanding the temporary closure or diversion of any street under the powers of article 14 (temporary stopping up of streets), SGN will be at liberty at all times to take all necessary

(**a**) 1986 c. 44.

access across any such stopped up street and/or to execute and do all such works and things in, upon or under any such street 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 street.

Protective works to buildings

65. The undertaker, in the case of the powers conferred by article 23 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus without the written consent of SGN.

Acquisition of land

66.—(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 apparatus of SGN or appropriate, acquire, extinguish, interfere with or override any easement, other interest or right of SGN over land in which apparatus of SGN is placed otherwise than by agreement.

(2) Prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between SGN and the undertaker) that are subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement and/or other legal or land interest of SGN and/or affect the provisions of any enactment or agreement regulating the relations between SGN and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must provide replacement rights to SGN which must be no less favourable on the whole to SGN unless otherwise agreed by SGN and (to the extent necessary) it will be the responsibility of the undertaker to procure and/or secure the consent to and entering into of any deeds and variations required to be entered into by other third parties in connection with the provision of replacement rights.

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

(4) Any agreement or consent granted by SGN under paragraph 69 (retained apparatus: protection of SGN) or any other paragraph of this Part of this Schedule shall not be taken to constitute agreement under sub-paragraph (1).

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

(6) Where the undertaker acquires land which is subject to any SGN right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 67 (removal of apparatus) do not apply, the undertaker must (where the undertaker reasonably considers it compatible with the carrying out of the authorised works)—

(a) retain any notice of SGN's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and

(b) where no such notice of SGN'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 SGN's easement, right or other interest in relation to such acquired land; and

(c) upon request from SGN, provide up to date official entry copies to SGN as soon as reasonably practicable.

(7) If the undertaker acquires land which is subject to any SGN right or interest and the undertaker reasonably considers that it cannot retain SGN's easement, right or other interest, the undertaker must provide replacement rights to SGN.

Removal of apparatus

67.—(1) If, in the exercise of an agreement reached in accordance with paragraph 66 (acquisition of land) or in any other authorised manner, 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 SGN to maintain that apparatus in that land must not be extinguished, until alternative apparatus has been constructed, is in operation, and the rights and facilities referred to in sub-paragraph (2) have been provided, to the reasonable satisfaction of SGN 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 SGN 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 SGN reasonably needs to move or remove any of its apparatus) the undertaker must afford to SGN to its reasonable satisfaction (taking into account paragraph 68(1) (facilities and rights for alternative apparatus)) the necessary facilities and rights—

(a) for the construction of alternative apparatus;

(b) subsequently for the maintenance of that apparatus; and

(c) to allow access to that apparatus,

in each case including appropriate working areas required to reasonably and safely undertake necessary works by SGN in respect of the 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, SGN 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 is not to extend to the requirement for SGN to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to do so.

(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 SGN and the undertaker.

(5) SGN must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to SGN of 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 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

68.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for SGN facilities and rights in land for the access to, and 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 SGN (both acting reasonably), and must be no less favourable on the whole to SGN than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by SGN.

(2) If the facilities and rights to be afforded by the undertaker and agreed with SGN 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 SGN than the facilities and rights enjoyed by SGN in respect of the apparatus to be decommissioned or removed (in SGN's reasonable opinion), then the terms and conditions to which those facilities and rights are subject in the matter will be referred to arbitration in accordance with paragraph 74 (arbitration) of this Part of this Schedule and the arbitrator shall make such provision for the payment of compensation by the undertaker to SGN as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of SGN

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

(2) The plan to be submitted to SGN 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 carry out any works to which sub-paragraphs (1) and (2) apply until SGN has given written approval of the plan so submitted.

(4) Any approval of SGN required 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; and

(c) if by the end of the period of 56 days from the submission of the plans pursuant to paragraphs (1) and (2) SGN has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon SGN written notice requiring SGN to intimate approval or disapproval within a further period of 28 days beginning with the date upon which SGN receives written notice from the undertaker and if by the expiry of the further 28 days SGN has not intimated approval or disapproval, SGN shall be deemed to have approved the plans as submitted.

(5) In relation to any work to which sub-paragraphs (1) and (2) apply, SGN may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing 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) Works to which this paragraph applies must only be executed in accordance with—

(a) the plan submitted under sub-paragraphs (1) and (2) (or as modified pursuant to sub-paragraphs (4) and (5)); and

(b) all conditions imposed under sub-paragraph (4)(a),

as approved or as amended from time to time by agreement between the undertaker and SGN, and SGN will be entitled to watch and inspect the execution of those works.

(7) Where SGN 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 SGN's reasonable satisfaction prior to the carrying out of any specified works (or any relevant part thereof) for which protective works are required and SGN must notify the undertaker of any such requirements within 45 days of submission of a plan pursuant to sub-paragraphs (1) and (2).

(8) If SGN, 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 61 to 63 and 66 to 68 apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 67(2) (removal of apparatus).

(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 carrying out 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) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works, but in that case it must give to SGN notice as soon as is reasonably practicable and a plan of those works and must comply with—

(a) the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances; and

(b) sub-paragraph (11) at all times.

(11) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development which SGN reasonably considers is likely to have adversely affected apparatus, the undertaker is to implement an appropriate ground mitigation scheme save that SGN retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 70 (expenses).

Expenses

70.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to SGN on demand all charges, costs and expenses reasonably anticipated or incurred by SGN (on provision of evidence by SGN to justify their claim and which in all cases must be reasonable in amount) in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or rights 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 SGN in connection with the negotiation or acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all reasonable and properly incurred costs (including professional fees) incurred by SGN as a consequence of SGN—

(i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 67(3) (removal of apparatus) if it elects to do so; and/or

(ii) exercising any compulsory purchase powers in the Order transferred to or benefitting SGN;

(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 (provided that the quantum of this sum must be agreed between the undertaker and SGN prior to the protective works being carried out (save in the case of emergency 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 69(6) (retained apparatus: protection of SGN).

(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 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 article 52 (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 SGN by virtue of sub-paragraph (1) will be reduced by the amount of that excess save where it is not possible in the circumstances (including due to statutory or regulatory changes) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will 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 will 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 will 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 SGN 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 SGN 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.

Enactments and agreements

71. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between SGN and the undertaker, nothing in this Part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the undertaker and SGN 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

72.—(1) Where in consequence of the proposed construction of any of the authorised works, the undertaker or SGN requires the removal of apparatus under paragraph 67(2) (removal of apparatus) or SGN makes requirements for the protection or alteration of apparatus under paragraph 69 (retained apparatus: protection of SGN), 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 SGN's undertaking and SGN must co-operate with the undertaker for that purpose.

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

Access

73. If in consequence of the agreement reached in accordance with paragraph 66(1) (acquisition of land) or the powers granted under this Order the access to any apparatus (including appropriate working areas required to reasonably and safely undertake necessary works by SGN in respect of the apparatus) is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable SGN to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

74.—(1) Any difference or dispute arising between the undertaker and SGN under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and SGN, be determined by arbitration in accordance with article 52 (arbitration).

(2) In determining any difference or dispute to which sub-paragraph (1) applies, the arbitrator must give full weight to the position expressed by SGN in relation to a dispute or difference as to the safe and efficient operation of its network.

Notices

75. The plans submitted to SGN by the undertaker pursuant to paragraph 69(1) (retained apparatus: protection of SGN) must be sent to SGN at 1 Forbury Place, 43 Forbury Road, Reading, Berkshire RG1 3JH or such other address as SGN may from time to time appoint instead for that purpose and notify to the undertaker.

PART 6

FOR THE PROTECTION OF THAMES WATER UTILITIES LIMITED

Application

76. For the protection of Thames Water Utilities Limited (hereinafter referred to as "TWUL") (Company Registration No. 02366661) whose registered office address is at Clearwater Court, Vastern Road, Reading, Berkshire, RG1 8DB the following provisions have effect, unless otherwise agreed in writing between the undertaker and TWUL.

Interpretation

77. In this Part of this Schedule—

"alternative apparatus" means alternative apparatus adequate to enable TWUL to fulfil its statutory functions in a manner no less efficient and effective than previously;

"apparatus" means—

(a) any sewer, drain or disposal works vested in TWUL under the Water Industry Act 1991(**a**); and

(b) any sewer, drain or disposal works which are the subject of a notice of intention to adopt given under section 102(4)(**b**) (adoption of sewers and disposal of works) of that Act or

(**a**) 1991 c. 56.
(**b**) Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c. 37) and paragraph 90 of Schedule 7 to the Water Act 2014 (c. 21).

an agreement to adopt made under section 104(**a**) (agreements to adopt sewer, drain or sewage disposal works, at a 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, inspection chambers or other accessories (as defined in section 219(1) (general interpretation) of that Act) forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

"functions" includes powers and duties;

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

"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.

On street apparatus

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

Apparatus in stopped up streets and public rights of way

79.—(1) Where any street is stopped up under article 13 (stopping up of streets) or any public right of way is stopped up under article 15 (public rights of way – creation, diversion and stopping up), TWUL has the same powers and rights in respect of any apparatus in the land in which the street or public right of way subsists as it enjoyed immediately before the stopping up and the undertaker must grant to TWUL legal easements reasonably satisfactory to TWUL in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of TWUL to require the removal of that apparatus under paragraph 82 (removal of apparatus) or the power of the undertaker to carry out works under paragraph 84 (retained apparatus).

(2) Regardless of the temporary alteration, diversion or restriction of any street under the powers conferred by article 14 (temporary stopping up of streets), TWUL is at liberty at all times to take all necessary access across any such stopped up street and to execute and do all such works and things in, upon or under any such street 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 street.

Protective works to buildings

80. The undertaker, in the case of the powers conferred by article 23 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land or interests

81. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not:

(a) acquire any apparatus of TWUL otherwise than by agreement;

(b) appropriate, acquire, extinguish, interfere with or override any interest in land, easement or other interest or right of TWUL so as to prevent access to the Crawley Sewage Treatment Works otherwise than by agreement; or

(**a**) Section 104 was amended by section 96(4) 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(2) of the Water Act 2014.

(c) appropriate, acquire, extinguish, interfere with or override any interest in land, easement, other interest or right of TWUL that would:

(i) prevent access to any TWUL apparatus (that is not to be removed pursuant to paragraph 82 (removal of apparatus)); or

(ii) impair TWUL's ability to carry out its statutory function in connection with any of that apparatus,

without having first provided such alternative means of access to that apparatus or alternative rights in connection with that apparatus as will enable TWUL to maintain or use the apparatus or carry out its statutory functions in connection with the apparatus no less effectively than was possible before the undertaker's exercise of powers.

Removal of apparatus

82.—(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 TWUL's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of TWUL 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 TWUL in accordance with sub-paragraphs (2) to (6).

(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 TWUL 56 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 for approval by TWUL in accordance with sub-paragraph (4) and in that case (or if in consequence of the exercise of any of the powers conferred by this Order TWUL reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to TWUL 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 TWUL 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 save that this obligation shall not extend to the requirement for TWUL to use its compulsory purchase powers to this end unless it elects (in its absolute discretion) to so do.

(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 TWUL and the undertaker or in default of agreement settled by arbitration in accordance with article 52 (arbitration).

(5) TWUL must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 52 (arbitration), and after the grant to TWUL of any such facilities and rights as are referred to in sub-paragraphs (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), and subject to sub-paragraph (7), if the undertaker gives notice in writing to TWUL 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, and TWUL gives its consent in writing (which is not to be unreasonably withheld or delayed and is to be subject to the provisions of sub-paragraph (7)), that work, instead of being executed by TWUL, may be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of TWUL.

(7) If by the end of the period of 56 days from the submission of the details relating to required removal works under sub-paragraphs (2) and (4) or the carrying out of works pursuant to sub-paragraph (6) TWUL has not intimated their disapproval of those details and the grounds of such disapproval, the undertaker may give TWUL written notice requiring TWUL to intimate approval or disapproval within a further period of 28 days beginning with the date upon which TWUL receives written notice from the undertaker and if by the expiry of the further 28 days TWUL has not intimated approval or disapproval, TWUL is deemed to have approved the details as submitted provided that such notification has been made in accordance with paragraph 94 (notices and applications).

(8) Any deemed approval under sub-paragraph (7) does not extend to the actual undertaking of the removal works, which remains the sole responsibility of TWUL or its contractors.

Facilities and rights for alternative apparatus

83.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to TWUL facilities and rights for the construction and maintenance 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 TWUL or in default of agreement settled by arbitration in accordance with article 52 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the arbitrator will—

(a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptions of the alternative apparatus which may be required to prevent interference with the proposed works of the undertaker;

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or on the land for which the alternative apparatus is to be substituted; and

(c) give effect to the statutory obligations of TWUL and the undertaker.

(3) 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 TWUL 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 TWUL as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

84.—(1) Not less than 56 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are within 5 metres of the outside face of any apparatus the removal of which has not been required by the undertaker under paragraph 82(2) (removal of apparatus), the undertaker must submit to TWUL a plan of the works to be executed.

(2) The undertaker must not commence any works to which sub-paragraph (1) applies until TWUL has given written approval of the plan so submitted and such approval may be given subject to reasonable requirements for the purposes mentioned in sub-paragraph (3).

(3) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements or modifications as may be made in accordance with sub-paragraph (4) by TWUL for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and TWUL is entitled to watch and inspect the execution of those works.

(4) Any requirements made by TWUL as a condition of the approval under sub-paragraph (2) must be notified to the undertaker within a period of 35 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(5) If by the end of the period of 35 days from the submission of the details relating to required works under sub-paragraph (1) TWUL has not intimated their disapproval of those details and the grounds of such disapproval, the undertaker may give TWUL written notice requiring TWUL to intimate approval or disapproval within a further period of 21 days beginning with the date upon which TWUL receives written notice from the undertaker and if by the expiry of the further 21 days TWUL has not intimated approval or disapproval, TWUL is deemed to have approved the details as submitted provided that such notification has been made in accordance with paragraph 94 (notices and applications).

(6) If TWUL 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 77 to 79 and 82 to 84 apply as if the removal of the apparatus had been required by the undertaker under paragraph 82(2) (removal of apparatus).

(7) 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 any works (unless otherwise agreed with TWUL), 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.

(8) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency works but in that case must:

(a) give TWUL notice in accordance with paragraph 94 (notices and applications) as soon as is reasonably practicable;

(b) provide TWUL with a plan of those works as soon as reasonably practicable subsequently;

(c) carry out the works in accordance with industry best practice and guidelines on safe working near utilities;

(d) comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances; and

(e) keep the impact of those emergency works on TWUL's apparatus to a minimum.

(9) In this Part of this Schedule "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 which are likely to cause danger to persons or serious damage to property. Where works comprise items some of which fall within this definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do.

Expenses and costs

85.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to TWUL all expenses reasonably incurred and any compensation properly paid by TWUL 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 paragraphs 82(2) (removal of apparatus) or 84(2) or 84(3) (retained apparatus).

(2) There must 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 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 52 (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 TWUL 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 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 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 TWUL 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 TWUL 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.

Indemnity

86.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction, maintenance or failure of any of the works referred to in paragraph 84(2) (retained property), 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 there is any interruption in the service provided by such apparatus or alternative apparatus, the undertaker must—

(a) bear and pay the cost reasonably and properly incurred by TWUL in making good such damage or restoring the service; and

(b) indemnify TWUL against all reasonable claims, penalties, demands, proceedings, costs, damages and expenses which are made or taken against or recovered from, or reasonably and properly incurred by, TWUL, by reason or in direct consequence of any such damage or interruption.

(2) The fact that any act or thing may have been done by TWUL on behalf of the undertaker or in accordance with a plan approved by TWUL or in accordance with any requirement of TWUL or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1) unless TWUL fails to carry out and execute the works properly with due care and attention and in a skilful and professional 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 with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of TWUL, its officers, servants, contractors or agents.

(4) TWUL 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 who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(5) The undertaker must not commence any works of removal or diversion of TWUL's apparatus carried out in accordance with paragraph 82 (removal of apparatus) or any works under paragraph 84 (retained property) unless and until TWUL is satisfied that the undertaker has first provided the bond and TWUL has confirmed the same to the undertaker in writing.

(6) The undertaker must maintain such bond for the construction period of such works from the proposed date of commencement of construction of those works.

(7) The total amount payable by the undertaker pursuant to this paragraph and paragraph 87 of this Part of this Schedule shall not exceed £20 million per event (and such cap will rise in line with the Consumer Prices Index rate of inflation).

Co-operation

87. Where in consequence of the proposed construction of any of the authorised development, the undertaker or TWUL requires the removal of apparatus under paragraph 82(2) (removal of apparatus) or TWUL makes requirements for the protection or alteration of apparatus under paragraph 84 (retained property), the undertaker must use 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 TWUL's undertaking and TWUL must use its best endeavours to co-operate with the undertaker for that purpose.

88. Where, under this Part of this Schedule, TWUL is required to give its consent, approval or agreement in respect of any matter, that consent, approval or agreement must not be unreasonably withheld or delayed.

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

90. At all times the undertaker shall procure that its employees, contractors and subcontractors take all reasonable and proper precautions in exercise of powers conferred by this Order to ensure that as little damage, obstruction or interference is caused is caused to TWUL's undertaking as is reasonably practicable save that this obligation is not to prevent the construction or operation of the authorised development.

Use of statutory powers

91. In the event that TWUL carries out any works involving apparatus under its own statutory powers at the express written request of the undertaker then this Part of this Schedule is to apply to such works and TWUL covenants to observe and comply with this Part of this Schedule irrespective of whether it is carrying out the works under its own statutory powers or in reliance on the powers conferred by the Order.

Ground works and surveys

92. The undertaker must provide written notice to TWUL as soon as reasonably practicable in the event they determine to alter the ground level more than 300mm within 5 metres laterally of the outside face of any apparatus. Subsequently TWUL will determine if works under paragraphs 82(2) (removal of apparatus) or 84(2) (retained apparatus) are necessary.

93. The undertaker must provide written notice to TWUL as soon as reasonably practicable if they intend to survey using ground intrusive methods within 5 metres laterally of the outside face of any apparatus. Subsequently TWUL will determine if works under paragraphs 82(2) or 84(2) are necessary.

Notices and applications

94. Notwithstanding any other provision of this Order, any—

(a) written notice to TWUL provided for in this Order; or

(b) application for the approval of TWUL made pursuant to article 22(3) (discharge of water),

must be made by email to devcon.team@thameswater or developer.services@thameswater.co.uk or such other contact details as may be provided by TWUL to the undertaker from time to time. In the case of emergencies, notice must also be given via the Thames Water website or such other contact details as may be provided by TWUL to the undertaker from time to time.

PART 7

FOR THE PROTECTION OF ESSO PETROLEUM COMPANY, LIMITED

Application

95. The provisions of this Part of this Schedule have effect for the protection of Esso unless otherwise agreed in writing between the undertaker and Esso.

Interpretation

96. In this Part of this Schedule—

"alternative apparatus" means alternative apparatus adequate to enable Esso to fulfil its functions as a pipe-line operator in a manner no less efficient than previously and having regard to Esso's standards for the construction and operation of its pipelines;

"alternative rights" means new rights for the construction of and for access to and for the use, protection, inspection, maintenance, repair and renewal of apparatus or alternative apparatus including any restrictions on the landowner and occupiers for the protection of the apparatus or alternative apparatus and to allow Esso to perform its functions in a manner no less efficient than under the existing rights and having regard to Esso's standards for the construction and operation of its pipelines;

"apparatus" means the pipeline and storage system owned by Esso within or adjacent to the Order limits and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus and includes any ancillary works and apparatus all protective wrappings, valves, sleeves and slabs, cathodic protection units, together with ancillary cables and markers and, where the context allows, includes alternative apparatus;

"Esso" means Esso Petroleum Company, Limited and any successor in title;

"existing rights" means the rights and benefits of covenants enjoyed by Esso in land within the Order limits;

"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 to describe the works to be executed;

"specified work" means any works that are near to, or will or are likely to affect any apparatus or power supply to any apparatus including—

(a) all intrusive or non-intrusive works within 15 metres of any apparatus,

(b) the crossing of apparatus by other utilities,

(c) the use of explosives within 400 metres of any apparatus (to an extent likely to affect any apparatus), and

(d) piling, undertaking of a 3D seismic survey or the sinking of boreholes within 30 metres of any apparatus;

whether carried out by the undertaker or by any third party at the direction of the undertaker in connection with the authorised development; and

"works agreement" means an agreement containing sufficient detail as to responsibilities for the design, programming, supervision and carrying out of works under this Part of this Schedule or in connection with the authorised development which affect the apparatus.

Acquisition of apparatus

97.—(1) Despite any provision in this Order or anything shown on the land plans or if the Order covers any interest in any land in which any apparatus is placed or over which existing rights are enjoyed by Esso, the undertaker must not—

(a) acquire any apparatus otherwise than by agreement with Esso; or

(b) acquire, suspend or extinguish any of the existing rights so as to hinder Esso's ability to access, maintain or repair its apparatus, otherwise than in accordance with this Part of this Schedule, by agreement with Esso or having first provided alternative rights.

(2) Where the undertaker acquires land which is subject to any existing rights and the provisions of paragraph 98 (removal of apparatus and rights for alternative apparatus) do not apply, the undertaker must retain any notice of the existing rights on the title to the relevant land when registering the undertaker's title to such acquired land, provided that this does not hinder the delivery of the authorised development.

Removal of apparatus and rights for alternative apparatus

98.—(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 any apparatus is relocated or diverted, that apparatus must not be removed by the undertaker and any right of Esso to maintain and use that apparatus in that land and to gain access to it must not be extinguished until alternative apparatus has been constructed and is in operation, and access to it has been provided, to the reasonable satisfaction of Esso.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give Esso 56 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 Esso reasonably needs to remove any apparatus) the undertaker must, subject to sub-paragraph (3), afford to Esso the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently grant alternative rights for the maintenance of that apparatus in accordance with paragraph 99 (facilities and rights for alternative 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 undertaker must, to the extent reasonable, acquire for the benefit of Esso the necessary facilities and rights for the construction, maintenance and use of the alternative apparatus and access to it.

(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 Esso and the undertaker or in default of agreement settled by arbitration in accordance with article 52 (arbitration).

(5) Esso must, after the alternative apparatus to be provided or constructed has been agreed or settled in accordance with article 52 (arbitration), and after the grant to Esso of any such facilities and rights as are referred to in sub-paragraph (2), proceed as soon as reasonably practicable using reasonable endeavours to construct and bring into operation the alternative apparatus and subsequently to remove (or if agreed between the parties allow the undertaker to remove) any redundant apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

(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 3000 millimetres of the apparatus without Esso's consent unless that apparatus is redundant and disconnected from Esso's remaining system and is more than 3000 millimetres from any live apparatus.

(8) If Esso fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving notice of the required works from the undertaker, then such details are deemed to have been approved, provided the undertaker has first taken all reasonable steps to contact the relevant representatives of Esso in order to elicit such a response.

Facilities and rights for alternative apparatus

99.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to Esso 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 Esso in accordance with this paragraph or in default of agreement settled by arbitration in accordance with article 52 (arbitration).

(2) Alternative rights must be granted before any alternative apparatus is brought into use or any existing rights extinguished.

(3) Alternative rights shall where reasonably practicable be granted to Esso by way of a deed of grant of easement, substantially in the form of Esso's precedent from time to time. If any third party is required to be involved for the grant of alternative rights, the undertaker must secure their agreement, at its own cost.

(4) In settling those terms and conditions for the alternative rights in respect of alternative apparatus the arbitrator—

(a) must give effect to all reasonable requirements of the undertaker and Esso for ensuring the safety and efficient operation of the authorised development and the apparatus respectively; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or on the land for which the alternative apparatus is to be substituted.

(5) 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 Esso 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 Esso as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

100.—(1) Unless a shorter period is otherwise agreed in writing between the undertaker and Esso, not less than 35 days before commencing any specified work in relation to apparatus the removal of which has not been required by the undertaker under sub-paragraph 98(2) (removal of apparatus and rights for alternative apparatus) the undertaker must submit to Esso a plan of the works to be executed.

(2) The plan to be submitted to Esso 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;

(f) any intended maintenance regime; and

(g) and any other information reasonably required by Esso to assess the works.

(3) The specified work 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 (4) by Esso for the alteration or otherwise for the protection of the apparatus, or for securing access to it; and Esso is entitled to watch and inspect the execution of the specified work and the undertaker must follow any reasonable instructions from Esso for the safety of the apparatus and those working nearby.

(4) Any reasonable requirements made by Esso under sub-paragraph (2) must be made within a period of 14 days (unless a shorter period is otherwise agreed in writing between the undertaker and Esso) beginning with the date on which a valid plan under sub-paragraph (1) is submitted to it.

(5) If Esso in accordance with sub-paragraph (2) 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, this paragraph applies as if the removal of the apparatus had been required by the undertaker under paragraph 98(2) (removal of apparatus and rights for alternative apparatus) but for the avoidance of doubt the undertaker shall not be required to serve Esso with a new notice under paragraph 98.

(6) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time but (unless otherwise agreed in writing between the undertaker and Esso) in no case less than 28 days before commencing any specified work, 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.

(7) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to Esso notice of the works it intends to carry out to remedy the emergency together with a plan as soon as is reasonably practicable and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

(8) In relation to any works which will or may be situated on, over, under or within 15 metres measured in any direction of apparatus, or (wherever situated) impose any load directly upon the apparatus or involve embankment works within 15 metres of the apparatus, the plan to be submitted to Esso under sub-paragraph (1) must include a material statement describing—

(a) the exact position of the work;

(b) the level at which the work is to be constructed or renewed;

(c) the manner of its construction or renewal;

(d) the position of the apparatus; and

(e) by way of detailed drawings, every alteration proposed to be made to the apparatus.

Cathodic protection testing

101. Where in the reasonable opinion of the undertaker or Esso—

(a) the authorised development might interfere with the existing cathodic protection forming part of any apparatus; or

(b) any apparatus might interfere with the proposed or existing cathodic protection forming part of the authorised development,

Esso and the undertaker must co-operate in undertaking the tests which the undertaker considers reasonably necessary for ascertaining the nature and extent of such interference and measures for providing or preserving cathodic protection.

Expenses

102.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Esso the reasonable costs and expenses incurred by Esso in, or in connection with—

(a) the inspection, removal, making safe, abandonment, alteration or protection of any apparatus;

(b) the execution of any works required by this Part of this Schedule including the purchase, installation and commission of alternative apparatus and re-commissioning of existing apparatus;

(c) the review and assessment of plans;

(d) the watching and inspecting the execution of any specified work, any associated works and any works undertaken by third parties as a result of any specified work (including the assessment of plans); or

(e) imposing reasonable requirements for the protection or alteration of apparatus affected by the authorised development or works as a consequence of the authorised development,

which may reasonably be required in consequence of the execution of any such works as are required under this Part of this Schedule or are authorised by the Order.

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

(3) Upon the submission of proper and reasonable estimates of costs and expenses to be incurred by Esso, the undertaker must pay Esso sufficiently in advance to enable Esso to undertake its obligations under this Part of this Schedule in a manner that is neutral to its cashflow provided that in the event that the costs incurred by Esso are less than the amount paid by the undertaker pursuant to this sub-paragraph then Esso shall promptly repay any overpayment to the undertaker.

(4) Where reasonably required by either party, in view of the complexity of any proposed works, timescales, phasing or costs, the parties must with due diligence and good faith negotiate a works agreement.

(5) 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 settled by arbitration in accordance with article 52 (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 Esso by virtue of sub-paragraph (1) shall be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of operations, capacity, dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(6) For the purposes of sub-paragraph (5)—

(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 shall be treated as if it also had been agreed or had been so determined.

Damage to property and other losses

103.—(1) Subject to the following provisions of this paragraph, the undertaker must make reasonable compensation to Esso—

(a) for all loss, damage, liability, costs and expenses reasonably suffered or incurred by Esso for which Esso is legally liable as a result of legally sustainable claims brought against Esso by any third party solely arising out of the carrying out of any relevant works;

(b) for the cost reasonably incurred by Esso in making good any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) arising from or caused by the carrying out of any relevant works and the authorised development; and

(c) for the cost reasonably incurred by Esso in stopping, suspending and restoring the supply through its pipe-line and make reasonable compensation to Esso for any other expenses, losses, damages, penalty or costs incurred by Esso by reason or in consequence of any such damage or interruption provided that the same arises in consequence of the carrying out of any relevant works and the authorised development.

(2) The fact that any act or thing may have been done by Esso on behalf of the undertaker or in accordance with a plan approved by Esso or in accordance with any requirement of Esso or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

(3) Irrespective of anything to the contrary elsewhere in this Part of this Schedule—

(a) the undertaker and Esso must at all times take reasonable steps to prevent and mitigate any loss, damage, liability, claim, cost or expense recoverable from the other under this Part of this Schedule; and

(b) neither the undertaker nor Esso are liable for any loss, damage, liability, claim, cost or expense suffered or incurred by the other to the extent that the same are incurred as a result of or in connection with the sole, partial or complete breach of this Part of this Schedule or negligence arising out of an act, omission, default or works of the other, its officers, servants, contractors or agents.

(4) Esso must give to the undertaker reasonable notice of any claim or demand to which this paragraph applies. If Esso agrees (such agreement not to be unreasonably withheld or delayed), the undertaker may at its own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom. Esso must not compromise or settle any claim or demand make any admission which might be prejudicial to the claim or demand without the undertaker's consent (such consent not to be unreasonably withheld). Esso 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 all reasonable expenses incurred in so doing.

(5) Nothing in this Part of this Schedule excludes or limit the liability of the undertaker for death or personal injury resulting from the negligence of the undertaker or any of its officers, employees or agents.

(6) The total liability of the undertaker to Esso under this Part of this Schedule is not to exceed £15 million.

(7) In this paragraph "relevant works" means such of the authorised development as—

(a) does, will or is likely to affect any apparatus; or

(b) involves a physical connection or attachment to any apparatus.

Co-operation

104.—(1) Where in consequence of the proposed construction of any of the authorised development, the undertaker requires the removal of apparatus under this Part of this Schedule or Esso makes requirements for the protection or alteration of apparatus under this Part of this Schedule, the undertaker must use reasonable 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 Esso's undertaking and Esso must use its reasonable endeavours to co-operate with the undertaker for that purpose.

(2) The undertaker and Esso must act reasonably in respect of any given term of this Part of this Schedule and, in particular, (without prejudice to generality) where any consent or expression of satisfaction is required by this Part of this Schedule it must not be unreasonably withheld or delayed.

Miscellaneous

105. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Esso in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made provided that the terms of the relevant enactment or agreement are not inconsistent with the provisions of this Order, including this Part of this Schedule. In the case of any inconsistency, the provisions of this Order, including this Part of this Schedule, prevail.

SCHEDULE 10

Article 39

SPECIAL CATEGORY LAND

PART 1

SPECIAL CATEGORY LAND TO BE PERMANENTLY ACQUIRED

Plot reference number shown on Special Category Land Plans and in the book of reference	
(1) *Special Category Land Plan*	*(2)* *Plot number*
Special Category Land Plans – APFP Regulation 5(2)(i)	1/008, 1/020, 1/038, 1/039, 1/047, 1/053, 1/059, 1/070, 1/071, 1/094, 1/095, 1/096, 1/105, 1/139, 1/150, 1/165, 1/166, 1/211, 1/226A, 1/243

PART 2

LAND TO BE LAID OUT AS REPLACEMENT OPEN SPACE

Plot reference number shown on Special Category Land Plans and in the book of reference	
(1) *Special Category Land Plan*	*(2)* *Plot number*
Special Category Land Plans – APFP Regulation 5(2)(i)	1/013, 1/200, 1/220, 1/289, 1/290A, 1/292

PART 3

SPECIAL CATEGORY LAND OVER WHICH RIGHTS WILL BE ACQUIRED

Plot reference number shown on Special Category Land Plans and in the book of reference	
(1) *Special Category Land Plan*	*(2)* *Plot number*
Part 3A	
Special Category Land Plans – APFP Regulation 5(2)(i)	1/036, 1/050, 1/052, 1/093, 1/164, 1/212, 1/226, 1/242A
Part 3B	
Special Category Land Plans – APFP Regulation 5(2)(i)	1/007

SCHEDULE 11

Article 6

MAXIMUM PARAMETER HEIGHTS

(1) *Work No.*	*(2)* *Work description*	*(3)* *Maximum building (or other works) height (m)*[1]*
6(a) and (b)	Three-floor pier (Pier 7) and the Pier 7 Autonomous vehicle station	18.00
9	Replacement central area recycling enclosure (CARE) facility	15.00
10	Replacement motor transport facilities	15.25
11	Replacement grounds maintenance facilities	8.00
12	Replacement airfield surface transport facilities	15.00
13	Replacement Rendezvous Point North	5.00
15	Satellite airport fire service facility	15.00
16	New aircraft hangar	32.00
22(a) and (d)	North Terminal International Departure Lounge extension (north) and the North Terminal autonomous vehicle station	32.50
22(b)	North Terminal International Departure Lounge extension (south)	30.00
22(c)	North Terminal baggage hall and baggage reclaim extension	12.50
22(e)	Autonomous vehicle maintenance building	12.00
22(g)	North Terminal multi-storey car park	27.00

(1) *Work No.*	*(2)* *Work description*	*(3)* *Maximum building (or other works) height (m)*[1]*
23(a)	South Terminal International Departure Lounge extension	27.00
23(c)	South Terminal autonomous vehicle station	13.00
23(d)	Additional coaching gates	13.00
26	Hotel north of multi-storey car park 3	27.00
27	Hotel on the car rental site	16.30
28	Car Park H site	27.00
30(b)	Car Park Y multi-storey car park	27.00
31(e)	Deck parking provision at Car Park X	11.00
32	Decked car parking structure at North Terminal Long Stay car park	11.00
38(d)	Earthworks, landscaping and a bund around the southern and eastern perimeter of Museum Field	6.00*[2]
41(c)	Spoil deposition at Pentagon Field	4.00*[2]
43	Water treatment works	3.00 to 4.00*[3]
44(b)	Wastewater treatment works	9.40
*[1] Maximum parameter height for the cited work shown as height in metres from the datum level shown on the parameter plans for that work. This table is for information only and, in the event of conflict with the parameter plans, the parameter plans are to be determinative.		
*[2] Maximum heights provided for in the design principles in appendix 1 of the design and access statement and not on the parameter plans.		
*[3] Maximum building (or other works) height is between 3.00 to 4.00m across the work area. Please refer to the parameter plans for information.		

SCHEDULE 12

Article 50

DOCUMENTS TO BE CERTIFIED

(1) Document	(2) Document Reference	(3) Version
airport boundary plan	Appendix 1 to Glossary (Doc Ref. 1.4)	2
appendix 1 of the design and access statement	Design and Access Statement – Appendix 1 – Design Principles (Doc Ref. 7.3)	7
book of reference	Book of Reference Parts 1 and 2 (Doc Ref. 3.3)	7
carbon action plan	ES Appendix 5.4.2: Carbon Action Plan (Doc Ref. 5.3)	2
code of construction practice	ES Appendix 5.3.2: Code of Construction Practice (Doc Ref. 5.3)	6
consolidated environmental statement	Consolidated Environmental Statement (Doc Ref 10.66)	3

(1) Document	(2) Document Reference	(3) Version
construction dust management strategy	ES Appendix 5.3.2: CoCP Annex 9 – Construction Dust Management Strategy (Doc Ref. 5.3)	3
construction resources and waste management plan	ES Appendix 5.3.2: CoCP Annex 5 – Construction Resources and Waste Management Plan (Doc Ref. 5.3)	3
flood resilience statement	Annex 6 to ES Appendix 11.9.6: Flood Risk Assessment (Doc Ref. 5.3)	3
forecast data book	ES Appendix 4.3.1: Forecast Data Book (Doc Ref. 5.3)	1
land plans	Land Plans - For Approval (Doc Ref. 4.2)	5
North and South Terminal roundabouts BAU improvement scheme plans	North and South Terminal Roundabouts BAU Improvement Scheme Plans (Doc Ref. 4.10)	2
odour monitoring and management plan	Odour Monitoring and Management Plan (Doc Ref. 10.57)	3
operational waste management strategy	Operational Waste Management Strategy (Doc Ref. 10.12)	1
outline arboricultural and vegetation method statement	ES Appendix 5.3.2: CoCP Annex 6 – Outline Arboricultural and Vegetation Method Statement (Doc Ref. 5.3)	6
outline construction traffic management plan	ES Appendix 5.3.2: CoCP Annex 3 – Outline Construction Traffic Management Plan (Doc Ref. 5.3)	4
outline construction workforce travel plan	ES Appendix 5.3.2: CoCP Annex 2 – Outline Construction Workforce Travel Plan (Doc Ref 5.3)	3
outline landscape and ecology management plan	ES Appendix 8.8.1: Outline Landscape and Ecology Management Plan (Doc Ref. 5.3)	8
parameter plans	Parameter Plans - For Approval (Doc Ref. 4.7)	5

(1) Document	(2) Document Reference	(3) Version
public rights of way management strategy	ES Appendix 19.8.1: Public Rights of Way Management Strategy (Doc Ref. 5.3)	4
rights of way and access plans	Rights of Way and Access Plans - For Approval (Doc Ref. 4.6)	5
soil management strategy	ES Appendix 5.3.2: CoCP Annex 4 – Soil Management Strategy (Doc Ref. 5.3)	1
special category land plans	Special Category Land Plans - For Approval (Doc Ref. 4.4)	4
surface access commitments	ES Appendix 5.4.1: Surface Access Commitments (Doc Ref. 5.3)	6
surface access drainage strategy	Annex 2 to ES Appendix 11.9.6: Flood Risk Assessment (Doc Ref. 5.3)	4
surface access general arrangements	Surface Access Highways Plans – General Arrangements - For Approval (Doc Ref. 4.8.1)	2
surface access engineering section drawings	Surface Access Highways Plans – Engineering Section Drawings - For Approval (Doc Ref. 4.8.2)	3
surface access structure section drawings	Surface Access Highways Plans – Structure Section Drawings - For Approval (Doc Ref. 4.8.3)	3
Traffic Regulation Measures – Classification of Roads Plans	Traffic Regulation Plans – Classification of Roads - For Approval (Doc Ref. 4.9.2)	3
Traffic Regulation Measures – Clearways and Prohibitions plans	Traffic Regulation Plans – Clearways and Prohibitions - For Approval (Doc Ref. 4.9.3)	3
Traffic Regulation Measures – Speed Limits plans	Traffic Regulation Plans – Speed Limits - For Approval (Doc Ref. 4.9.1)	3
tree survey report and arboricultural impact assessment	ES Appendix 8.10.1 – Tree Survey Report and Arboricultural Impact Assessment (Doc Ref. 5.3)	4
water	Annex 2 to ES Appendix 19.8.1: Public Rights of Way	4

(1) Document	(2) Document Reference	(3) Version
treatment works footpath plan	Management Strategy (Doc Ref. 5.3)	
works plans	Works Plans - For Approval (Doc Ref. 4.5)	7
written scheme of investigation for Surrey	ES Appendix 7.8.1: Written Scheme of Investigation for post-consent Archaeological Investigations – Surrey (Doc Ref. 5.3)	4
written scheme of investigation for West Sussex	ES Appendix 7.8.2: Written Scheme of Investigation for post-consent Archaeological Investigations and Historic Building Recording – West Sussex (Doc Ref. 5.3)	5

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Gatwick Airport Limited to undertake works to redevelop Gatwick Airport and carry out all associated works.

The Order permits Gatwick Airport Limited to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also includes provisions in connection with the maintenance and operation of the authorised development.

A copy of the documents referred to in Schedule 12 (documents to be certified) to this Order and certified in accordance with article 50 (certification of documents, etc.) of this Order may be inspected free of charge during normal working hours at 5th Floor, Destinations Place, Gatwick Airport, Gatwick, West Sussex, RH6 0NP.

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