S T A T U T O R Y I N S T R U M E N T S

2025 No. 795

INFRASTRUCTURE PLANNING

The M5 Junction 10 Development Consent Order 2025

Made - - - -	*4th June 2025*
Coming into force - -	*25th June 2025*

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An application has been made to the Secretary of State under section 37 of the Planning Act 2008(**a**) 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 two members (appointed by the Secretary of State) 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The panel, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 74(2) of the 2008 Act, has submitted a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the panel, has decided to make an Order granting development consent for the development described in the application with modifications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, in exercise of the powers conferred by sections 114(**d**), 115(**e**), 117(**f**), 120(**g**), 122(**h**), 123(**i**), 127(**j**) , 135, 138(**k**), 147(**l**), 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 M5 Junction 10 Development Consent Order 2025 and comes into force on 25th June 2025.

Interpretation

2.—(1) In this Order except where provided otherwise—

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

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

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

(**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. 2010/602, S.I. 2010/439, 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. 2014/3281, S.I. 2015/377, S.I. 2015/1682. S.I. 2017/324, S.I. 2017/572; S.I. 2019/734, S.I. 2020/764, S.I. 2020/1534, 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.
(**d**) Section 114 was amended by paragraph 55 of Schedule 13 to the Localism Act 2011.
(**e**) Section 115 was amended by paragraph 56 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011, section 160 of the Housing and Planning Act 2016 (c. 22) and section 43 of the Wales Act 2017 (c. 4).
(**f**) Section 117 was amended by paragraph 58 of Schedule 13, and paragraph 1 of Schedule 25, to the Localism Act 2011.
(**g**) Section 120 was amended by section 140 of, and paragraph 60 of Schedule 13 to, the Localism Act 2011.
(**h**) Section 122 was amended by paragraph 62 of Schedule 13 to the Localism Act 2011.
(**i**) Section 123 was amended by paragraph 62 of Schedule 13 to the Localism Act 2011.
(**j**) Section 127 was amended by paragraph 64(2) of Schedule 13 to the Localism Act 2011 and section 23(2) of the Growth and Infrastructure Act 2013 (c. 27).
(**k**) Section 138 was amended by section 23(4) of the Growth and Infrastructure Act 2013.
(**l**) Section 147 was amended by paragraph 68 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011.
(**m**) 1961 c. 33.
(**n**) 1965 c. 56.
(**o**) 1980 c. 66.

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

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

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

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

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

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

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

"authorised development" means the development and associated development described in Schedule 1 (authorised development) or any part of it;

"the book of reference" means the document of that description listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the book of reference for the purposes of this Order;

"bridleway" has the same meaning as in section 329(1) of the 1980 Act;

"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) of the 1980 Act;

"the classification of roads plans" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the classification of roads plans (part 1) and the classification of roads plans (part 2) for the purposes of this Order;

"commence" means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, ecological surveys and pre-construction ecological mitigation works, erection of any temporary means of enclosure, set up works associated with construction compounds such as soil-stripping, stockpiling, and the provision of access points to construction compounds, provision or diversion of service apparatus and the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly;

"county planning authority" means Gloucestershire County Council acting in any capacity, including but not limited to its capacity as county planning authority and mineral planning authority under section 1(1)(a) and (4) (local planning authorities: general) of the 1990 Act, local highway authority within the meaning of the 1980 Act, and lead local flood authority within the meaning of section 6(7) (other definitions) of the Flood and Water Management Act 2010(**f**) for the county of Gloucestershire;

"the Crown land plans" means the plans of that description listed in Schedule 10 and certified by the Secretary of State as the Crown land plans for the purposes of this Order;

"cycle track" has the same meaning as in section 329(1)(**g**) (further provision as to interpretation) of the 1980 Act;

"electronic transmission" means a communication transmitted—

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

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

(**a**) 1981 c. 66.
(**b**) 1984 c. 27.
(**c**) 1990 c. 8.
(**d**) 1991 c. 22.
(**e**) 2008 c. 29.
(**f**) 2010 c. 29.
(**g**) 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).

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

"the engineering drawings and sections" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the engineering drawings and sections (part 1), the engineering drawings and sections (part 2), and the engineering drawings and sections (part 3) for the purposes of this Order;

"the environmental statement" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the environmental statement for the purposes of this Order;

"the flood compensation areas" means the flood compensation areas shown on the works plans;

"the flood storage area" means the flood storage area shown on the works plans;

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

"highway" has the same meaning as in section 328 (meaning of "highway") of the 1980 Act;

"highway authority" has the same meaning as in section 1 (highway authorities: general provision) of the 1980 Act;

"the land plans" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the land plans for the purposes of this Order;

"the limits of deviation" means the limits of deviation referred to in article 8 (limits of deviation);

"the local highway authority" means Gloucestershire County Council;

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

"the Order land" means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily, and described in the book of reference;

"the Order limits" means the limits of the land to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

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

"the relevant planning authority" means the local planning authority:

(a) for the land in question; and

(b) with the relevant legislative competence under the 1990 Act for the matter to which the provision relates.

"special road" means a highway which is a special road in accordance with section 16(**c**) (general provision as to special roads) of the 1980 Act or by virtue of an order granting development consent;

"the speed limits and traffic regulations plans" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the speed limits and traffic regulations plans (part 1) and the speed limits and traffic regulations plans (part 2) for the purposes of this Order;

(**a**) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

(**b**) 1981 c. 67. The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

(**c**) Section 16 was amended by the Planning Act 2008 (c. 29) and paragraph 13(2), (3) and (4) of Schedule 1 to the Infrastructure Act 2015 (c. 7).

"statutory undertaker" means any statutory undertaker for the purposes of section 127(8) (statutory undertakers' land) of the 2008 Act;

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

"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" has the same meaning as in section 49(**b**) (the street authority and other relevant authorities) of the 1991 Act;

"the streets, rights of way and access plans" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the streets, rights of way and access plans (part 1) and the streets, rights of way and access plans (part 2) for the purposes of this Order;

"tree preservation order" has the meaning given in section 198(**c**) (power to make tree preservation orders) of the 1990 Act;

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

"trunk road" means a highway which is a trunk road by virtue of—

(a) section 10(**d**) (general provision as to trunk roads) or section 19(1)(**e**) (certain special roads and other highways to become trunk roads) of the 1980 Act;

(b) an order made or direction given under section 10 of that Act;

(c) an order granting development consent; or

(d) any other enactment;

"the undertaker" means Gloucestershire County Council;

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

"the works plans" means the documents of that description listed in Schedule 10 and certified by the Secretary of State as the works plans (part 1) and works plans (part 2) for the purposes of this Order.

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

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

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

(5) 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 relevant plans.

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

(**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**) Section 198 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34) and paragraph 8 of Schedule 8 and Schedule 13 to the Planning Act 2008.
(**d**) Section 10 was amended by section 22(2) of the New Roads and Street Works Act 1991 (c. 22), paragraph 22 of Schedule 2 to the Planning Act 2008 and by paragraph 10 of Schedule 1 to the Infrastructure Act 2015.
(**e**) Section 19(1) was amended by paragraph 15 of Schedule 1 to the Infrastructure Act 2015.

Disapplication of legislative provisions

3. 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 of the authorised development and, within any maintenance period defined in article 32(12) (temporary use of land for maintaining the authorised development), any maintenance of any part of the authorised development–

(a) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(**a**);

(b) section 80 (notice to local authority of intended demolition) of the Building Act 1984(**b**); and

(c) in so far as they relate to the temporary possession of land, the provisions of the Neighbourhood Planning Act 2017(**c**).

(2) Regulation 6 (permitted work) of the Hedgerow Regulations 1997(**d**) is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

"or

(k) for carrying out development which has been authorised by an order granting development consent pursuant to the Planning Act 2008.".

Maintenance of drainage works

4.—(1) Nothing in this Order, or the construction, maintenance or operation 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(**e**).

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

5.—(1) Subject to the provisions of this Order, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

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

Maintenance of authorised development

6. 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.

(**a**) 1991 c. 59. Section 23 was amended by Schedule 22 to the Environment Act 1995 (c. 25) and paragraph 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

(**b**) 1984 c. 55. Section 80 was amended by Schedule 4 to the Housing (Consequential Provisions) Act 1985 (c. 71), paragraph 33 of Schedule 8 to the Gas Act 1986 (c. 44), paragraph 11(1) and (2) of Schedule 5 t the Housing and Planning Act 1986 (c. 63) and paragraph 33 of Schedule 17 to the Electricity Act 1989 (c. 29); and S.I. 1990/1285.

(**c**) 2017 c. 20.

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

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

Planning permission

7. If planning permission is granted under the powers conferred by the 1990 Act for development, any part of which is within the Order limits, following the coming into force of this Order that is—

(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or

(b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Limits of deviation

8. In carrying out the authorised development the undertaker may—

(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and

(b) with the exception of Work Nos. 3(e), 4(b), 5(d), 5(n), and 6(d), deviate vertically from the levels of the authorised development shown on the engineering drawings and sections—

(i) to a maximum of 0.5 metres upwards or 1 metre downwards; or

(ii) in respect of the excavation of the flood storage area to a maximum of 2 metres downwards but to any distance upwards to ground level,

except that these maximum limits of deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, county planning authority and the strategic highway authority, certifies accordingly that a deviation 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

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), 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 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

10.—(1) The undertaker may—

(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be agreed between the undertaker and the transferee; or

(b) grant to another person ("the lessee") for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, 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 paragraph (3), include references to the transferee or the lessee.

(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) If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or lessee pursuant to this article and the transferee or lessee exercises those powers then the undertaker is liable to the transferee or lessee for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or lessee.

(5) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

(a) Gigaclear Limited (company number 07476617, whose registered office is at Building One, Wyndyke Furlong, Abingdon, Oxfordshire, United Kingdom, OX14 1UQ) for the purposes of undertaking Work Nos. 8, 9, 10 and 11;

(b) Openreach Limited (company number 10690039, whose registered office is at 6 Gracechurch Street, London, United Kingdom, EC3V 0AT) for the purposes of undertaking Work Nos. 27 to 34;

(c) Severn Trent Water Limited (company number 02366686, whose registered office is at Severn Trent Centre, 2 St John's Street, Coventry, CV1 2LZ) for the purposes of undertaking Work Nos. 14 and 15;

(d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close Coedkernew, Newport, South Wales, NP10 8FZ) for the purposes of undertaking Work Nos. 16, 17, 18 and 35;

(e) National Grid Electricity Distribution (West Midlands) PLC (company number 03600574, whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB) for the purposes of undertaking Work Nos. 19 to 26; or

(f) Zayo Group UK Limited (company number 03726666, whose registered office is at 4th Floor – the Relay Building 114 Whitechapel High Street London E1 7PT) for the purposes of undertaking Work Nos. 12 and 13.

PART 3

STREETS

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 under it;

(b) tunnel or bore under the street;

(c) place 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 12 (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).

(4) The powers conferred by paragraph (1) are not to be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

(5) If a street authority receives an application for consent under paragraph (4) and fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was made, it is deemed to have granted consent.

(6) Paragraphs (4) and (5) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

(7) Where paragraph (6) does not apply, an application for consent under paragraph (4) must include a written statement that the provisions of paragraph (5) apply to that application.

Application of the 1991 Act

12.—(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) (highway authorities, highways and related matters) of that Act; or

(b) they are works which, had they been executed by the local 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 references to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to the undertaker.

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

(a) section 56(**c**) (power to give directions as to timing of street works);

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

(c) section 58(**e**) (restriction on works following substantial road works);

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

(e) schedule 3A(**g**) (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 15 (temporary stopping up and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

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

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

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

(c) section 57(**k**) (notice of emergency works);

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

(**a**) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).
(**b**) Section 184 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); section 4 of, and paragraph 45 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and Schedules 8 and 9 to the New Roads and Street Works Act 1991.
(**c**) Section 56 was amended by sections 40 and 43 of 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 the Traffic Management Act 2004.
(**f**) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
(**g**) Schedule 3A was inserted by section 52 of, and Schedule 4 to, the Traffic Management Act 2004.
(**h**) Sections 54, 55, 57, 60 68 and 69 were amended by section 40(1) and(2) of, and Schedule 1 to, the Traffic Management Act 2004.
(**i**) Section 54 was amended by section 49(1) of the Traffic Management Act 2004.
(**j**) Section 55 was amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.
(**k**) Section 57 was amended by section 52(3) of the Traffic Management Act 2004.
(**l**) Section 59 was amended by section 42 of the Traffic Management Act 2004.

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

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

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

(h) section 75(**a**) (inspection fees);

(i) section 76 (liability for cost of temporary traffic regulation); and

(j) section 77 (liability for cost of use of alternative route),

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

(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) Nothing in article 13 (construction and maintenance of new, altered or diverted streets and other structures)—

(a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act;

(b) means that the undertaker is by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or

(c) has effect in relation to street works to which the provisions of Part 3 of the 1991 Act apply.

Construction and maintenance of new, altered or diverted streets and other structures

13.—(1) Subject to paragraphs (2) to (6), the streets authorised to be constructed, altered or diverted under this Order are to be public highways and are to be maintained by and at the expense of the highway authority.

(2) Any special road or trunk road to be constructed under this Order must be completed to the reasonable satisfaction of the strategic highway authority and, unless otherwise agreed in writing with the strategic highway authority, the highway including any culverts or other structures laid under it must be maintained by and at the expense of the strategic highway authority from its completion.

(3) Where a special road or trunk road is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the strategic highway authority and, unless otherwise agreed in writing with the strategic highway authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the strategic highway authority from its completion.

(4) Where a street which is not and is not intended to be a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority and unless otherwise agreed in writing with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(5) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over or under a special road or trunk road, the highway surface (being those elements over the waterproofing membrane and indicator layer) must from its completion be maintained by and at the expense of the undertaker and the remaining structure of the bridge must be maintained by and at the expense of the strategic highway authority unless otherwise agreed in writing with the strategic highway authority.

(6) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over or under another highway which is not a special road or trunk road, both

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(**a**) Section 75 was substituted by section 58(2) of the Traffic Management Act 2004

the highway surface and the structure of the bridge must be maintained by and at the expense of the undertaker from their completion.

(7) In any action against the undertaker or the strategic highway authority in respect of loss or damage resulting from any failure by it to maintain a street or structure 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 or the strategic highway authority had taken such care as in all the circumstances was reasonably required to secure that the part of the street or structure to which the action relates was not dangerous to traffic.

(8) For the purposes of a defence under paragraph (7), the court must in particular have regard to the following matters—

(a) the character of the street or structure and the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a street or structure of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the street or structure;

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

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

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

Classification of roads, etc.

14.—(1) The roads described in Part 1 (special roads) of Schedule 3 (classification of roads, etc.) are to be—

(a) classified as special roads for the purpose of any enactment or instrument which refers to highways classified as special roads; and

(b) provided for the use of traffic of Classes I and II of the classes of traffic set out in Schedule 4(**a**) to the 1980 Act.

(2) On and after the date on which the undertaker notifies the Secretary of State that the roads described in Part 1 (special roads) of Schedule 3 have been completed and are open for traffic—

(a) the strategic highway authority is the highway authority for those roads; and

(b) they are classified as trunk roads for the purpose of any enactment or instrument which refers to highways classified as trunk roads but does not make provision for highways classified as special roads.

(3) On and after the date on which the roads described in Part 2 (classified roads) of Schedule 3 are completed and open for traffic, they are to become classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(**a**) Schedule 4 was amended by section 4 of, and paragraph 21(3) of Schedule 3 to, the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(4) On and after the date on which the roads described in Part 3 (unclassified roads) of Schedule 3 are completed and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(5) On and after the date on which the roads described in Part 4 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part along the lengths of road specified in the corresponding row of column (2) of that Part.

(6) On a date to be determined by the undertaker, the restrictions specified in column (3) of Part 5 (traffic regulation measures) of Schedule 3 are to apply to the lengths of road specified in the corresponding row of column (2) of that Part.

(7) Unless otherwise agreed with the strategic highway authority, the public rights of way set out in Part 7 (public rights of way) of Schedule 3 and identified on the streets, rights of way and access plans are to be constructed by the undertaker in the specified locations and open for use on and after the date on which the authorised development is open for traffic and are to have the status described in column (2) of that Part.

(8) On a date to be determined by the undertaker, the orders specified in column (3) of Part 6 (revocations and variations of existing traffic regulation orders) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(9) The application of paragraphs (1) to (8) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters, including by an instrument made under the 1984 Act where the matter in question could have been included in an order made under that Act.

Temporary stopping up and restriction of use of streets

15.—(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 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 for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld or delayed.

(5) Any person who suffers loss as a result of 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 of the 1961 Act.

(6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(7) An application for consent under paragraph (4) must include a written statement that the provisions of paragraph (6) apply to that application.

Permanent stopping up and restriction of use of streets and private means of access

16.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Parts 2 (highways to be stopped up for which a substitute is to be provided and new highways which are otherwise to be provided) and 4 (private means of access to be stopped up for which a substitute is to be provided and new private means of access which are otherwise to be provided) of Schedule 4 is to be wholly or partly stopped up under this article unless—

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

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

(3) No street or private means of access specified in columns (1) and (2) of Parts 1 (highways to be stopped up for which no substitutes is to be provided) and 3 (private means of access to be stopped up for which no substitute is to be provided) of Schedule 4 is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private means of access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

(a) the undertaker is in possession of the land;

(b) there is no right of access to the land from the street or private means of access concerned;

(c) there is reasonably convenient access to the land otherwise than from the street or private means of access concerned; or

(d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street or private means of access has been stopped up under this article—

(a) all rights of way over or along the street or private means of access 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 or private means of access as is bounded on both sides by land owned by the undertaker.

(6) 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 of the 1961 Act.

(7) This article is subject to article 34 (apparatus and rights of statutory undertakers in stopped up streets).

Access to works

17. The undertaker may, for the purposes of the authorised development, form and lay out 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.

PART 4

SUPPLEMENTAL POWERS

Discharge of water

18.—(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, maintenance or use 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(**a**).

(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 or the person or body otherwise having authority to give such consent, 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.

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

(6) 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; and

(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.

(7) If a person who receives an application for consent under paragraph (3) or approval under paragraph (4)(a) fails to notify the undertaker of a decision within 28 days of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

(8) An application for consent under paragraph (3) or for approval under paragraph (4)(a) must contain a written statement that the provisions of paragraph (7) apply to that application.

Protective works to buildings

19.—(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

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(**a**) 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 paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

(**b**) 1991 c. 57.

(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 (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

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

(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 and survey any building and any land within its curtilage;

(c) a right under paragraph (4)(a) to enter a building and any 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 (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), 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 46 (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) 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; and

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

(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.

Authority to survey and investigate the land

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

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

(b) without limitation on the scope of sub-paragraph (a), make any excavations, trial holes or boreholes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil and groundwater and remove soil and water samples and discharge water samples onto the land;

(c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes; 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 or boreholes.

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

(3) The notice required under paragraph (2) must indicate the nature of the survey or investigation that the undertaker intends to carry out.

(4) 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 or boreholes.

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

(a) in land located within the highway boundary for which the local highway authority is the highway authority, without the consent of the local highway authority;

(b) in land located within the highway boundary for which the strategic highway authority is the highway authority, without the consent of the strategic highway authority; or

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

but such consent must not be unreasonably withheld.

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

(7) If either the local highway authority or a street authority which receives an application for consent under paragraph (5) fails to notify the undertaker of its decision within 28 days of receiving the application for consent, that authority is deemed to have granted consent.

(8) An application for consent under paragraph (5) must include a written statement that the provisions of paragraph (7) apply to that application.

(9) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto 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.

PART 5

POWERS OF ACQUISITION

Compulsory acquisition of land

21.—(1) The undertaker may acquire compulsorily so much of the Order land as is required to carry out or to facilitate, or is incidental to, the authorised development.

(2) This article is subject to article 24(2) (compulsory acquisition of rights and imposition of restrictive covenants) and article 31(8) (temporary use of land for carrying out the authorised development).

Compulsory acquisition of land – incorporation of the mineral code

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

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

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

(c) for "undertaking" substitute "authorised development".

Time limit for exercise of authority to acquire land compulsorily

23.—(1) After the end of the period of 3 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 as modified by article 27 (modification of Part 1 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 28 (application of the 1981 Act).

(2) The authority conferred by article 31 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertaker from 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.

(3) In this article, "the start date" means the later of the day after—

(a) the period for legal challenge in section 118(**b**) (legal challenges relating to applications for orders granting development consent) of the 2008 Act expires; or

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

Compulsory acquisition of rights and imposition of restrictive covenants

24.—(1) Subject to paragraphs (2) to (4), the undertaker may acquire such rights over the Order land or impose restrictive covenants affecting the Order land as may be required for any purpose for which that land may be acquired under article 21 (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 5 (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 and relating to that part of the authorised development specified in column (3) of that Schedule.

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

(**b**) Section 118 was amended by section 128(2) of, and paragraph 59 of Schedule 59 of Schedule 13 and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

(3) The power to impose restrictive covenants under paragraph (1) is exercisable only in respect of plots specified in column (1) of Schedule 5.

(4) Subject to Schedule 2A(**a**) (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants)), where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 6 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.

Public rights of way

25.—(1) The public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) and shown on the streets, rights of way and access plans are to be extinguished on the date of the expiry of the notice given under paragraph (2).

(2) Prior to the extinguishment of each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the streets, rights of way and access plans, the undertaker must erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(3) The notice to be erected under paragraph (2) must include—

(a) details of the public rights of way to be extinguished;

(b) the date on which the extinguishment will take effect;

(c) details of any public rights of way being provided in substitution; and

(d) details of the places where a copy of this Order and the documents listed in Schedule 10 (documents to be certified) may be inspected.

Private rights over land

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

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

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

whichever is the earlier.

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

(a) from the date of the acquisition of the right or the benefit of the restrictive covenant by the undertaker, whether compulsorily or by agreement; or

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

whichever is the earlier.

(**a**) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016 (c. 22).

(**b**) Section 11(1) was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and sections 186(1) and (2), 187 and 188 of the Housing and Planning Act 2016.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker within the Order limits which are required to be interfered with or breached for the purposes of this Order are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights 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.

(5) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152(**a**) (compensation in case where no right to claim in nuisance) of the 2008 Act to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138(**b**) (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) of the 2008 Act or article 33 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) 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 or the imposition of restrictive covenants over or 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.

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

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

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

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

(9) References in this article to private rights over land include any trust, incident, easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by virtue of a contract, agreement or undertaking having that effect.

Modification of Part 1 of the 1965 Act

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

(2) In section 4A(1)(**d**) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the applicable period for the purposes of section 4" substitute "section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent), the

(**a**) Section 152 was amended by S.I. 2009/1307.
(**b**) Section 138 was amended by section 23(1) and (4) of the Growth and Infrastructure Act 2013 (c. 27) and S.I. 2017/1285.
(**c**) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).
(**d**) 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).

three year period mentioned in article 23 (time limit for exercise of authority to acquire land compulsorily) of the M5 Junction 10 Development Consent Order 2025".

(3) In section 11A(**a**)(powers of entry: further notice 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 23 (time limit for exercise of authority to acquire land compulsorily) of the M5 Junction 10 Development Consent Order 2025".

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

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

"(2) But see article 29(3) (acquisition of subsoil or airspace only) of the M5 Junction 10 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 19 (protective works to buildings), 31 (temporary use of land for carrying out the authorised development) or 32 (temporary use of land for maintaining the authorised development) of the M5 Junction 10 Development Consent Order 2025.".

Application of the 1981 Act

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

(2) The 1981 Act, as 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(**c**) (earliest date for execution of declaration), in subsection (2), omit the words from ", and this subsection" to the end.

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

(6) In section 5B(**e**) (extension of time limit during challenge) for "section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the applicable period for the purposes of section 5A" substitute "section 118 (legal challenges relating to applications for orders granting development consent) of the Planning Act 2008, the three year period mentioned in article 23 (time limit for exercise of authority to acquire land compulsorily) of the M5 Junction 10 Development Consent Order 2025".

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

(**a**) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
(**b**) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016.
(**c**) Section 5 was amended by paragraphs 4 and 6 of Schedule 15 to the Housing and Planning Act 2016.
(**d**) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016 and was amended by section 185(3)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**e**) Section 5B was inserted by section 202(2) of Schedule 3 to the Housing and Planning Act 2016 and amended by section 185(3)(b) of the Levelling-up and Regeneration Act 2023.
(**f**) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(8) In Schedule A1(**a**) (counter-notice requiring purchase of land not in general vesting declaration) for paragraph 1(2) substitute—

> "(2) But see article 29(3) (acquisition of subsoil or airspace only) of the M5 Junction 10 Development Consent Order 2025, which excludes the acquisition of subsoil or airspace only from this Schedule.".

(9) 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 (and as modified by article 27 (modification of Part 1 of the 1965 Act)) to the compulsory acquisition of land under this Order.

Acquisition of subsoil or airspace only

29.—(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 paragraph (1) of article 21 (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 the 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 27 (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)(**b**) (blighted land: proposed acquisition of part interest; material detriment test) 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

30.—(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, is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(**a**) Schedule A1 was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.
(**b**) Section 153(4A) was inserted by section 200(1) and (2) of the Housing and Planning Act 2016.

(5) Compensation is not payable under paragraph (4) to any person who is a statutory 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

31.—(1) The undertaker may, in connection with the carrying out of the authorised development, but subject to article 23(2) (time limit for exercise of authority to acquire land compulsorily)—

(a) enter on and take temporary possession of—

(i) the land specified in column (1) of Schedule 7 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and

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

(b) remove any buildings and vegetation from that land;

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

(d) construct any permanent works specified in relation to that land in column (2) of Schedule 7, or any other mitigation works in connection with the authorised development.

(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)(ii).

(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—

(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 7; or

(b) in the case of any land referred to in paragraph (1)(a)(ii), 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 of the 1965 Act or made a declaration under section 4 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 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 (including ground strengthening works) have been constructed under paragraph (1)(d); or

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

(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 powers conferred by this article.

(**a**) Section 11 was amended by section 34(1) of, and paragraph 14(3) of Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 14 of, paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186, 187 and 188 of, and Schedules 14 and 16 to, the Housing and Planning Act 2016 and S.I. 2009/1307.

(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 it if were a dispute under Part 1 of the 1961 Act.

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

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not to be precluded from acquiring any part of the subsoil of or airspace over (or rights in the subsoil of or airspace over) that land under article 29 (acquisition of subsoil or airspace only).

(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 (application of compulsory acquisition provisions) of the 2008 Act.

(11) Paragraph (1)(a)(ii) does not authorise the undertaker to take temporary possession of any land which the undertaker is not authorised to acquire under article 21 (compulsory acquisition of land) or article 24 (compulsory acquisition of rights and imposition of restrictive covenants).

Temporary use of land for maintaining the authorised development

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

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

(b) enter on any land within the Order limits 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 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 explaining the purpose for which entry is to be 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 period of 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).

(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) 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.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(9) 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 (7).

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

(11) Section 13 (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 (application of compulsory acquisition provisions) of the 2008 Act.

(12) In this article "the maintenance period", in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Statutory undertakers

33.—(1) Subject to the provisions of article 24(3) (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

(a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and

(b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

(a) Part 3 (street works in England and Wales) of the 1991 Act; and

(b) article 34 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

34.—(1) Where a street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access), any statutory utility 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 16 any statutory utility 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 utility may reasonably determine and have power to place it; or

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

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

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

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

(4) If in the 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 utility 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 utility 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 utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

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

(a) the allowable costs of the relocation works are to be determined in accordance with section 85 (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 utility 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 utility" means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(**a**).

Recovery of costs of new connections

35.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 33 (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

(**a**) 2003 c. 21.

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 33, any person who is—

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

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

is entitled to recover from 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 sewage disposal plant.

(3) This article does not have effect in relation to apparatus to which article 34 (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.

PART 6

OPERATIONS

Felling or lopping of trees and removal of hedgerows

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

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

(b) from constituting a danger to persons using the authorised development.

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

(a) do no unnecessary damage to any tree or shrub;

(b) pay compensation to any person for any loss or damage arising from such activity; and

(c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981(**a**) and the Conservation of Habitats and Species Regulations 2017(**b**) or any successor acts and regulations.

(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 of the 1961 Act.

(4) The undertaker may, for the purposes of carrying out the authorised development but subject to paragraph (2), remove any hedgerow within the Order limits that is required to be removed.

(5) In this article "hedgerow" has the same meaning as in the Hedgerows Regulations 1997(**c**) and includes important hedgerows.

(**a**) 1981 c. 69.
(**b**) S.I. 2017/1012.
(**c**) S.I. 1997/1160.

Trees subject to tree preservation orders

37.—(1) The undertaker may fell or lop any tree described in Schedule 8 (trees subject to tree preservation orders), cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub—

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

(b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1)—

(a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity;

(b) the duty contained in section 206(1)(**a**) (replacement of trees) of the 1990 Act is not to apply although where possible the undertaker is to seek to replace any trees which are removed; and

(c) the undertaker must consult the relevant planning authority prior to that activity taking place.

(3) The authority given in paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

(4) 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 of the 1961 Act.

Removal of human remains

38.—(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 must 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 the undertaker must 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 for 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 for a minimum of 28 days.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must 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.

(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,

(**a**) Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to the 2008 Act.

and that person must, 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) 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 must 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 must remove the remains and as to the payment of the costs of the application.

(8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(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 (7) 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 (7) 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,

then subject to paragraph (10) the undertaker must remove the remains and cause them to be reinterred 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 must be reinterred 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 this article—

(a) a certificate of re-interment or cremation is to be sent to the Registrar General by the undertaker 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) must 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.

(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.

(17) Section 239 (use and development of burial grounds) of the 1990 Act applies—

(a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and

(b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to article 31 (temporary use of land for carrying out the authorised development) or 32 (temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order,

and in section 240(1) (provisions supplemental to sections 238 and 239) of the 1990 Act reference to "regulations made for the purposes of sections 238(3) and (4) and 239(2)" means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (15) of this article and in section 240(3) of the 1990 Act reference to a "statutory undertaker" includes the undertaker and reference to "any other enactment" includes this Order.

(18) The Town and Country Planning (Churches, Places of Religious Worship and Burial Grounds) Regulations 1950(**b**) do not apply to the authorised development.

PART 7

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

39.—(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, use 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**) 1857 c. 81. Section 25 was substituted by section 2 of the Church of England (Miscellaneous Provisions) Measure 2014 (No. 1).

(**b**) S.I 1950/792.

Operational land for purposes of the 1990 Act

40. 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.

Defence to proceedings in respect of statutory nuisance

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

(a) the defendant shows that the nuisance—

(i) 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 a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974(**c**); or

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

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

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 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.

Protective provisions

42. Schedule 9 (protective provisions) has effect.

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—

(a) to take, use, enter upon or in any manner interfere with any land or rights of any description—

(i) 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;

(ii) 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;

(iii) 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; or

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(**a**) 1990 c. 43.
(**b**) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40).
(**c**) 1974 c. 40. Section 61 was amended by section 133(2) of, and Schedule 7 to, the Building Act 1984 (c. 55) and section 162 of, and paragraph 15(3) of Schedule 15 to, the Environment Protection Act 1990 (c. 43) and Schedule 24 to the Environment Act 1995 (c. 25).

(b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown Land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) 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.

Certification of plans etc.

44.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of each of the plans and documents set out in Schedule 10 (documents to be certified) for certification that they are true copies of the plans and documents referred to in this Order.

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

Service of notices

45.—(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 (8) by electronic transmission.

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

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(**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 is to 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

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

(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 must provide such a copy as soon as reasonably practicable.

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

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

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

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

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

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

Arbitration

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

Signed by authority of the Secretary of State for Transport

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

4th June 2025

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In the administrative areas of Gloucestershire County Council, Cheltenham Borough Council and Tewkesbury Borough Council

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

Work No. 1 – the construction of a new Junction 10 on the M5 Motorway made up of four new slip roads, at the location shown on sheets 1 to 10, 12 and 15 of the works plans, to include—

(a) the construction of motorway signage and associated cabling and ducting works;

(b) the construction of a new northbound exit slip from the M5 to the A4019;

(c) the construction of a new southbound exit slip from the M5 to the A4019;

(**a**) Section 22 was substituted by S.I. 2013/1883.

(d) the construction of a new southbound entry slip from the A4019 to the M5;

(e) the construction of a new northbound entry slip from the A4019 to the M5;

(f) the demolition of the existing M5 northbound entry slip;

(g) the demolition of the existing M5 southbound exit slip;

(h) the construction of drainage attenuation basin (3) with associated drainage facilities, access and landscaping southwest of Junction 10 at the location shown on sheet 6 of the works plans;

(i) construction compound no. 1 of 37,300 square metres southwest of Junction 10 at the location shown on sheets 5 and 6 of the works plans;

(j) construction compound no. 2 of 47,500 square metres northwest of Junction 10 at the location shown on sheets 4 and 5 of the works plans;

(k) construction compound no. 3 of 53,800 square metres northeast of Junction 10 at the location shown on sheets 5 and 12 of the works plans;

(l) the construction of drainage attenuation basin (2) with associated drainage facilities, access and landscaping northwest of Junction 10 at the location shown on sheets 4 and 5 of the works plans;

(m) the extension of the Leigh Brook culvert (also known as the Barn Farm culvert);

(n) the construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5 at the location shown on sheet 4 of the works plans;

(o) the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5 at the location shown on sheets 4 and 5 of the works plans;

(p) construction compound no. 9 of 48,300 square metres south of Junction 10 at the location shown on sheets 6 and 15 of the works plans.

Work No. 2 – the construction of a new grade separated roundabout junction and maintenance bays at the location shown on sheets 4 and 5 of the works plans, to include—

(a) the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south);

(b) landscaping northwest of Junction 10;

(c) the extension of the Piffs Elm culvert;

(d) the demolition of the existing A4019 bridge over the M5;

(e) the demolition of 14 properties at Withybridge Gardens southeast of Junction 10;

(f) the demolition of Sheldon Nurseries northwest of Junction 10;

(g) the demolition of Barn Farm Cottage north of Junction 10;

(h) the demolition of Wayside northwest of Junction 10;

(i) the demolition of Bridge House northwest of Junction 10.

Work No. 3 – the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 for 550 metres with associated footway; cycle track; shared use path; private access points; and signage and ducting at the location shown on sheets 5, 6 and 11 of the works plans, to include—

(a) the realignment of the unclassified road known as Stanboro Lane / Piffs Elm Lane;

(b) the construction of drainage attenuation basin (1) with associated drainage facilities, access and landscaping north of the A4019 (Tewkesbury Road);

(c) the diversion of a public right of way (FP ABO14) to the south side of the A4019 (Tewkesbury Road);

(d) the construction of new or altered private means of access;

(e) the provision of a flood compensation area at the location shown on sheets 5 and 11 of the works plans.

Work No. 4 – the realignment and dualling of the A4019 (Tewkesbury Road) with associated footway; cycle track; shared use paths; private means of access; and signage and ducting southeast of Junction 10 for 2.7 kilometres to a point east of the Gallagher Junction at the location shown on sheets 5, 6, 12, 13 and 14 of the works plans, to include—

(a) the demolition of Withy Bridge and Laburnum properties north of the A4019 (Tewkesbury Road);

(b) the construction of an underpass beneath the A4019 (Tewkesbury Road) east of Junction 10 270 metres northwest of Withybridge Lane;

(c) the diversion and construction of bridleway BR AUC1 under the A4019 (Tewkesbury Road);

(d) the construction of drainage attenuation basin (4) with associated drainage facilities, access and landscaping southeast of Junction 10;

(e) the demolition of three properties (Nos 1 - 3 The Row) in Uckington south of the A4019 (Tewkesbury Road);

(f) the construction of a signalised junction including access to land north of the A4019 (Tewkesbury Road); pedestrian and cycle crossing points; maintenance bay; and southern access to the new West Cheltenham Link Road;

(g) the construction of new or altered private means of access;

(h) the removal of an existing layby south of the A4019 (Tewkesbury Road);

(i) construction compound no. 4 of 50,100 square metres north of the A4019 (Tewkesbury Road) at the location shown on sheet 12 of the works plans;

(j) mitigation planting for dormice;

(k) the construction of an environmental barrier 160 metres in length south of the A4019 (Tewkesbury Road) adjacent to Cooks Lane;

(l) the demolition of buildings at Manor Farm west and southwest of Uckington Junction;

(m) the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay;

(n) the construction of service roads running east and west of The Green;

(o) the construction of environmental barriers west and east of The Green, north of the A4019 (Tewkesbury Road);

(p) the construction of bat mitigation to the north of the A4019 (Tewkesbury Road), east of Uckington;

(q) the construction of drainage attenuation basin (6) with associated drainage facilities, access and landscaping south of the A4019 (Tewkesbury Road);

(r) the construction of a left turn exit for eastbound traffic into the development site known as Elms Park;

(s) the construction of a signalised junction to access development (site access A) to the north of the A4019 (Tewkesbury Road) with pedestrian and cycle crossing points;

(t) the construction of an environmental barrier south of the A4019 (Tewkesbury Road) between West Cheltenham Community Fire Station and just west of the entrance to the Cotswold Area Civil Service Sports Association;

(u) the construction of a signalised junction to access development (site access B) to the north of the A4019 (Tewkesbury Road) with pedestrian and cycle crossing points;

(v) the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station;

(w) the demolition of ten properties to the north of the A4019 (Tewkesbury Road) between Uckington and the Gallagher Junction;

(x) the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay;

(y) demolition of buildings forming part of Baileys Nursery west of Gallagher Retail Park access;

(z) the construction of a public right of way (footpath) to link to diverted bridleway BR AUC1;

(aa) the construction of a lane on the eastbound carriageway including sections of bus lane, bus gates and left turn lane at the locations shown on sheets 13 and 14 of the works plans;

(bb) the realignment of Withybridge Lane for 150 metres connecting to the realigned and dualled A4019 (Tewkesbury Road) at the location shown on sheet 12 of the works plans.

Work No. 5 – the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) for 1.4 kilometres to join with the B4634 with footway and cycle track to the west and private access, signage and ducting at the location shown on sheets 6, 12, 15 and 16 of the works plans, to include—

(a) the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane;

(b) construction compound no. 5 of 36,400 square metres east of Withybridge Lane and west of the new West Cheltenham Link Road at the location shown on sheet 12 of the works plans;

(c) construction compound no. 6 of 12,100 square metres east of the new West Cheltenham Link Road and south of the A4019 (Tewkesbury Road) at the location shown on sheet 12 of the works plans;

(d) the construction of a new bridge over the River Chelt;

(e) the diversion of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge;

(f) the diversion of public right of way FP ABO24 to the south of the River Chelt under the new River Chelt Bridge;

(g) construction compound no. 7 of 28,100 square metres east of the new West Cheltenham Link Road at the location shown on sheet 15 of the works plans;

(h) construction compound no. 8 of 9,600 square metres west of the new West Cheltenham Link Road at the location shown on sheet 16 of the works plans;

(i) the construction of drainage attenuation basin (5) with associated drainage facilities, access and landscaping north of the B4634;

(j) the construction of a signalised junction serving the new West Cheltenham Link Road, the B4634 and the West Cheltenham Golden Valley Development land, with pedestrian and cycle crossing points and maintenance layby;

(k) the construction of new or altered private means of access;

(l) the construction of the West Cheltenham Link bridge at the location shown on sheet 12 of the works plans;

(m) the construction of the West Cheltenham Link bridge at the location shown on sheet 15 of the works plans;

(n) the provision of a flood compensation area at the location shown on sheets 6, 12 and 15 of the works plans;

(o) the provision of a flood compensation area at the location shown on sheets 12 and 15 of the works plans.

Work No. 6 – the realignment of the B4634 for 490 metres connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting at the location shown on sheets 7, 15 and 16 of the works plans, to include—

(a) flood culverts group 1 under the B4634;

(b) flood culverts group 2 under the B4634;

(c) the construction of new or altered private means of access;

(d) the provision of a flood compensation area at the location shown on sheets 7, 15 and 16 of the works plans.

Work No. 7 – the construction of a flood storage area of 102,421 square metres and associated works to the east of the M5 and south of the A4019 at the location shown on sheets 5, 6 and 12 of the works plans.

Work No. 8 – the diversion of 500 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 9 – the diversion of 98 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 10 – the diversion of 1585 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheets 5, 11 and 12 of the works plans.

Work No. 11 – the diversion of 290 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 12 – the diversion of 611 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 13 – the diversion of 55 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.

Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.

Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.

Work No. 17 – the diversion of 55 metres of gas main at the location shown on sheet 13 of the works plans.

Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.

Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.

Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.

Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.

Work No. 22 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 23 – the diversion of 76 metres of electric cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 24 – the diversion of 760 metres of electric cable and associated apparatus and equipment at the location shown on sheets 13 and 14 of the works plans.

Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 27 – the diversion of 3815 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheets 5, 12, 13 and 14 of the works plans.

Work No. 28 – the diversion of 96 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 11 of the works plans.

Work No. 29 – the diversion of 416 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.

Work No. 30 – the diversion of 122 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.

Work No. 31 – the diversion of 211 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 32 – the diversion of 234 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheets 13 and 14 of the works plans.

Work No. 33 – the diversion of 258 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 14 of the works plans.

Work No. 34 – the diversion of 485 metres of telecommunication cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.

Work No 36 – the relocation of an existing national roads telecommunications service transmission station and associated infrastructure, to include—

(a) demolition of the existing national roads telecommunication service transmission station and associated infrastructure; and

(b) construction of a new national roads telecommunication service transmission station and associated infrastructure.

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

(a) works required for the strengthening, improvement, maintenance or reconstruction of any street;

(b) the strengthening, alteration or demolition of any structure;

(c) ramps, means of access including private means of access, public rights of way and crossing facilities;

(d) embankments, abutments, shafts, foundations, retaining walls, barriers, parapets, drainage, outfalls, ditches, wing walls, highway lighting, fencing and culverts;

(e) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, pipes, cables and ducts;

(f) works to alter the course of or otherwise interfere with a watercourse, including private water supplies;

(g) landscaping, noise bunds and barriers, works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;

(h) works for the benefit or protection of land affected by the authorised development;

(i) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing structures), earthworks (including soil stripping and storage, site levelling), remediation of contamination;

(j) the felling of trees;

(k) working sites, storage areas, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences; and

(l) the provision of other works including pavement works, kerbing and paved areas works, signing, signals, gantries, road markings works, traffic management measures including temporary roads and such other works as are associated with the construction of the authorised development.

SCHEDULE 2

Article 5

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

"the environmental masterplan" means the documents of that description listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the environmental masterplan (part 1) and the environmental masterplan (part 2) for the purposes of this Order;

"EMP (1st iteration)" means the environmental management plan (1st iteration) listed in Schedule 10 and certified by the Secretary of State for the purposes of this Order;

"EMP (2nd iteration)" means the construction stage environmental management plan to be submitted and approved under paragraph 3 of this Schedule;

"EMP (3rd iteration)" means the end of construction stage environmental management plan to be developed towards the end of the construction of the authorised development which is to contain—

(a) the environmental information needed for the future maintenance and operation of the authorised development;

(b) the long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to ensure the continued long-term effectiveness of the environmental mitigation measures and the prevention of unexpected environmental impacts during the operation of the authorised development; and

(c) a record of the consents, commitments and permissions resulting from liaison with statutory bodies;

"Manual of Contract Documents for Highway Works" means the document of that name published electronically by or on behalf of the strategic highway authority for England, or any equivalent replacement published for that document;

"protected species" means species which are subject to protection under the laws of England or which are European protected species;

"the register of environmental actions and commitments" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the register of environmental actions and commitments for the purposes of this Order.

Time limits

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

Environmental Management Plan

3.—(1) No part of the authorised development is to commence until a EMP (2nd iteration) for that part has been prepared in consultation with the county planning authority and the strategic highway authority and submitted to and approved in writing by the relevant planning authority.

(2) The EMP (2nd iteration) must—

(a) be substantially in accordance with the EMP (1st iteration);

(b) contain a record of all the sensitive environmental features that have the potential to be affected by the construction of the proposed development;

(c) incorporate the register of environmental actions and commitments;

(d) require adherence to working hours of 07:00 to 19:00 on Mondays to Saturdays with no working on Sundays, except for—

(i) night-time closures for bridge demolition and installation or other works requiring the full or partial closure of, or otherwise adversely affecting the operation of, existing carriageways;

(ii) oversized deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation;

(iii) the provision of services at compounds, including security and vehicle recovery;

(iv) works associated with the diversion or removal of existing utilities;

(v) works associated with tie-ins to existing carriageways;

(vi) works associated with traffic management and signal changes;

(vii) any emergency works;

(viii) any works for which different working hours have been notified at least seven days in advance to those parties who the undertaker reasonably considers will or may be affected by those works and recorded in the approved EMP (2nd iteration), in which case the EMP (2nd iteration) must require adherence to those working hours; and

(ix) as otherwise agreed by the relevant planning authority in advance;

(e) include the following management plans—

(i) materials management plan;

(ii) soil handling management plan;

(iii) noise and vibration management plan;

(iv) air quality management plan;

(v) landscape and ecology management plan;

(vi) emergency preparedness and response plan including flood management plan and severe weather plan;

(vii) pollution prevention and control management plan;

(viii) archaeological management plan;

(ix) invasive non native species management plan;

(x) operational unexploded ordnance emergency response plan;

(xi) traffic management plan

(xii) site waste management plan;

(xiii) public rights of way management plan;

(xiv) emergency vehicle movement management plan;

(xv) community engagement plan;

(xvi) carbon management plan;

(xvii) river realignment and channel diversion management plan; and

(xviii) statement of statutory nuisance.

(3) The authorised development must be constructed in accordance with the approved EMP (2nd iteration).

(4) Upon completion of construction of the authorised development, the EMP (3rd iteration) must be prepared in consultation with the county planning authority and the strategic highway authority and submitted to the relevant planning authority for approval within 28 days of the opening of the authorised development for public use.

(5) The authorised development must be operated and maintained in accordance with the EMP (3rd iteration) approved under paragraph (4).

Details of consultation

4.—(1) Where appropriate, with respect to any requirement which requires details to be submitted to the relevant planning authority for approval under this Schedule following consultation with another party, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted, the responses received to the consultation and the undertaker's response to those responses.

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

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

(4) Where the consultation responses are not reflected in the details submitted to the relevant planning authority for approval, the undertaker must state in the summary report referred to in sub-paragraph (1) the reasons why the consultation responses have not been reflected in the submitted details.

Landscaping

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

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

(3) The landscaping scheme prepared under sub-paragraph (1) must be in accordance with the environmental masterplan and the results of the surveys undertaken under sub-paragraph (2).

(4) The authorised development must be landscaped in accordance with the approved landscaping scheme for that part.

(5) The landscaping scheme referred to in sub-paragraph (1) must include details of hard and soft landscaping works, including—

(a) location, number, species, size and planting density of any proposed planting;

(b) cultivation, importing of materials and other operations to ensure plant establishment;

(c) proposed finished ground levels;

(d) hard surfacing materials;

(e) details of existing trees to be retained, with measures for their protection during the construction period; and

(f) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

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

(2) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice and in accordance with the landscape and ecology management plan approved as part of the EMP (2nd iteration) and the EMP (3rd iteration) under paragraph 3 of this Schedule.

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

Fencing

7. Any permanent and temporary fencing and other means of enclosure for the authorised development must be constructed and installed in accordance with the Manual of Contract Documents for Highway Works except where any departures from that manual are agreed in writing by the relevant planning authority following consultation with the county planning authority and strategic highway authority on matters related to their functions in connection with the authorised development.

Land and groundwater contamination

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

(a) any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;

(b) any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination; and

(c) appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,

and the assessment has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency.

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

(3) In the event that contaminated material, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Environment Agency and the relevant planning authority, and in agreement with the Environment Agency and

the relevant planning authority undertake a risk assessment of the contamination, and sub-paragraphs (4) and (5) will apply.

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

(5) Remedial measures must be carried out in accordance with the scheme approved under sub-paragraph (4) and following completion of the remedial measures a validation report confirming the completion and effectiveness of those measures must be submitted to the Environment Agency and the relevant planning authority.

Archaeology

9.—(1) In order to be included in the EMP (2nd iteration) pursuant to paragraph 3(2)(e)(viii) of this Schedule, the archaeological management plan, must accord with the investigation and mitigation measures included in chapter 11 (cultural heritage) of the environmental statement, the EMP (1st iteration), and must include provision for site-specific archaeological project designs for each area and each phase where necessary, and have been prepared in consultation with the county planning authority, the strategic highway authority, the County Archaeologist and Historic England and have been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with the archaeological management plan and where relevant the site-specific archaeological project designs referred to in sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority.

(3) A programme of archaeological reporting, post excavation and publication required as part of the archaeological management plan and where relevant the site specific archaeological project designs referred to in sub-paragraph (1) must be prepared in consultation with the County Archaeologist and implemented within a reasonable timescale and deposited with the Historic Environment Record of the relevant planning authority within two years of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority.

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

(a) retained in situ and reported to the County Archaeologist as soon as reasonably practicable; and

(b) subject to appropriate mitigation as set out in the archaeological management plan referred to in sub-paragraph (1).

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

(6) In this paragraph "County Archaeologist" means the individual nominated or appointed as such by the relevant planning authority.

Protected species

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

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

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

(4) In this paragraph "Ecological Clerk of Works" means the individual appointed as such by the undertaker.

Detailed design

11.—(1) The authorised development must be designed in detail and carried out so that it is in accordance with—

(a) the preliminary scheme design shown on the works plans, the general arrangement plans, the environmental masterplan and the engineering drawings and sections; and

(b) the design principles set out in the design principles report,

unless otherwise agreed in writing by the relevant planning authority, following consultation with the county planning authority and strategic highway authority on matters related to their functions and provided that the relevant planning authority is satisfied that any amendments to the works plans, the general arrangement plans, the environmental masterplan and the engineering drawings and sections showing departures from the preliminary design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

(2) Where amended details are approved by the relevant planning authority under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans, general arrangement plans, environmental masterplan or engineering drawings and sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.

(3) In this paragraph—

(a) "the general arrangement plans" means the documents of that description listed in Schedule 10 (documents to be certified) and certified by the relevant planning authority as the general arrangement plans (part 1) and the general arrangement plans (part 2) for the purposes of this Order; and

(b) "design principles report" means the document of that description listed in Schedule 10 and certified by the Secretary of State as the design principles report for the purposes of this Order.

Surface water drainage

12.—(1) No part of the authorised development is to commence until written details of the surface water drainage system for that part, in accordance with the mitigation measures in chapter 8 (road drainage and the water environment) of the environmental statement and including means of pollution control, have been submitted to and approved in writing by the relevant planning authority following consultation with the county planning authority, the strategic highway authority and the Environment Agency.

(2) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the relevant planning authority following consultation with the county planning authority, strategic highway authority and the Environment Agency.

Flood compensation and flood storage

13.—(1) No part of the authorised development within the existing floodplain is to commence until a detailed scheme for the flood compensation areas or flood storage area relevant to that part of the authorised development within the existing floodplain has been submitted to and approved in writing by the relevant planning authority following consultation with the county planning

authority, the strategic highway authority and the Environment Agency on matters related to their functions.

(2) The scheme prepared under sub-paragraph (1) must provide suitable flood storage for any flood waters that would be displaced by the authorised development in the 1 in 100 year plus 53% climate change allowance event.

(3) The scheme must be fully implemented as approved and subsequently maintained.

Flood risk assessment

14.—(1) The undertaker is required to consider the Flood and Coastal Erosion Risk Data published quarterly by the Environment Agency in the flood risk assessment, in consultation with the Environment Agency and the county planning authority.

(2) The undertaker is required to carry out the authorised development in accordance with the flood risk assessment.

Noise Mitigation

15.—(1) No part of the authorised development is to commence until written details of proposed noise mitigation in respect of the use and operation of that part of the authorised development, including noise barriers and any very low noise surfacing, have been submitted to and approved in writing by the relevant planning authority following consultation with the county planning authority and the strategic highway authority on matters related to their functions.

(2) The written details referred to in sub-paragraph (1) must either—

(a) reflect the mitigation measures included in chapter 6 (noise and vibration) of the environmental statement and the noise and vibration management plan approved as part of the EMP (2nd iteration) pursuant to paragraph 3 of this Schedule; or

(b) where the mitigation proposed materially differs from the mitigation identified in the environmental statement and the noise and vibration management plan, the undertaker must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the mitigation identified in it.

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

Highway lighting

16.—(1) No part of the authorised development is to be brought into use until a written scheme of the proposed highway lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the relevant planning authority following consultation with the county planning authority and the strategic highway authority on matters related to their functions.

(2) The standard of the highway lighting to be provided for the highway lighting scheme referred to in sub-paragraph (1) must either be in accordance with the standard of the highway lighting included in chapter 9 (landscape and visual) of the environmental statement or, where the standard of the highway lighting proposed materially differs from the standard of the highway lighting identified in the environmental statement, the undertaker must provide evidence with the written scheme submitted for approval that the standard of the highway lighting proposed would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement taking into account the lighting identified in it. The highway lighting scheme must encompass the specification, level of provision, light spillage, intensity and brightness of the highway lighting.

(3) The highway lighting must be provided in accordance with the scheme approved under sub-paragraph (1).

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

Building and construction materials – highways

17.—(1) No part of the authorised development is to commence until written details of the materials to be used for the surfacing of the new highway and the adjacent cycleway and footway have been submitted to and approved in writing by the relevant planning authority following consultation with the county planning authority.

(2) The details submitted under sub-paragraph (1) must include provision for the use of low noise road surfacing materials on the highway.

(3) The authorised development must be carried out using the materials approved under sub-paragraph (1).

Building and construction materials – structures

18.—(1) No part of the authorised development is to commence until written details of the building materials to be used for the external facings of all structures, including bridges, retaining walls and culvert sides and headwalls, have been submitted to and approved in writing by the relevant planning authority following consultation with the county planning authority.

(2) The authorised development must be carried out using the materials approved under sub-paragraph (1).

Approvals and amendments to approved details

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

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

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

(a) the day immediately following that on which the application is received by the relevant planning authority;

(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 21; or

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

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

(3) Where—

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

(b) the relevant planning authority does not determine such application within the period set out in sub-paragraph (1); and

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

the application is taken to have been refused by the relevant planning authority at the end of that period.

Further information

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

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

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 20 and in this paragraph.

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

Register of requirements

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

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

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

Anticipatory steps towards compliance with any requirement

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

(**a**) 1971 c. 80.

SCHEDULE 3

Article 14

CLASSIFICATION OF ROADS, ETC.

PART 1

SPECIAL ROADS

(1) *Area*	*(2)* *Length of road*
Boddington Civil Parish, Tewkesbury	869 metres of new M5 northbound diverge slip road between point 7/1 on sheet 7 and point 5/1 on sheet 5 of the classification of roads plans
Elmstone Hardwicke Civil Parish, Tewkesbury	815 metres of new M5 northbound merge slip road between point 5/2 on sheet 5 and point 4/1 on sheet 4 of the classification of roads plans
Elmstone Hardwicke Civil Parish, Tewkesbury	814 metres of new M5 southbound diverge slip road between point 4/2 on sheet 4 and point 5/3 on sheet 5 of the classification of roads plans
Boddington Civil Parish, Tewkesbury	741 metres of new M5 southbound merge slip road between point 5/4 on sheet 5 and point 6/1 on sheet 6 of the classification of roads plans

PART 2

CLASSIFIED ROADS

(1) *Area*	*(2)* *Length of road*
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	For the entire extent of the new M5 Junction 10 circulatory carriageway (A4019), as shown between points 5/5 and 5/6 on sheet 5 of the classification of roads plans, comprising 620 metres
Boddington Civil Parish, Tewkesbury	New length of classified road (A4019) between the new M5 northbound diverge slip road and the new M5 Junction 10 circulatory carriageway (A4019), as shown between points 5/1 and 5/7 on sheet 5 of the classification of roads plans, comprising 32 metres
Elmstone Hardwicke Civil Parish, Tewkesbury	New length of classified road (A4019) between the new M5 Junction 10 circulatory carriageway (A4019) and the new M5 northbound merge slip road, as shown between points 5/8 and 5/2 on sheet 5 of the classification of roads plans, comprising 38 metres
Elmstone Hardwicke Civil Parish, Tewkesbury	New length of classified road (A4019) between the new M5 southbound diverge slip road and the new M5 Junction 10 circulatory carriageway (A4019), as shown between points 5/3 and 5/9 on sheet 5 of the classification of roads plans, comprising 57 metres
Boddington Civil Parish, Tewkesbury	New length of classified road (A4019) between the new M5 Junction 10 circulatory carriageway (A4019) and the new M5 southbound merge slip road, as shown between points 5/10 and 5/4 on sheet 5 of the classification of roads plans, comprising 29 metres
Elmstone Hardwicke and Uckington Civil Parishes, Tewkesbury and Swindon Civil Parish, Cheltenham	For the entire extent of the new and improved A4019 eastbound carriageway to the east of M5 Junction 10, from its tie in with the new M5 Junction 10 circulatory carriageway to its tie in with the existing A4019 eastbound carriageway, as shown between point 5/11 on sheet 5 and point 14/1 on sheet 14 of the classification of roads plans, comprising 2637 metres
Boddington, Elmstone Hardwicke and	For the entire extent of the new and improved A4019 westbound carriageway to the east of M5 Junction 10, from its tie in to the

(1) *Area*	*(2)* *Length of road*
Uckington Civil Parishes, Tewkesbury and Swindon Civil Parish, Cheltenham	existing A4019 westbound carriageway to its tie in with the new M5 Junction 10 circulatory carriageway, as shown between point 14/2 on sheet 14 and point 5/12 on sheet 5 of the classification of roads plans, comprising 2617 metres
Boddington Civil Parish, Tewkesbury	New and improved A4019 westbound carriageway to the west of M5 Junction 10, from its tie in with the new M5 Junction 10 circulatory carriageway to the end of the proposed splitter island, as shown between points 5/13 and 5/14 on sheet 5 of the classification of roads plans, comprising 207 metres
Boddington Civil Parish, Tewkesbury	New and improved A4019 eastbound carriageway to the west of M5 Junction 10, from the start of the proposed splitter island to its tie in with the new M5 Junction 10 circulatory carriageway, as shown between points 5/14 and 5/15 on sheet 5 of the classification of roads plans, comprising 182 metres
Boddington Civil Parish, Tewkesbury	The re-aligned A4019 to the west of the proposed splitter island west of M5 Junction 10, as shown between point 5/14 on sheet 5 and point 11/1 on sheet 11 of the classification of roads plans, comprising 362 metres
Boddington and Uckington Civil Parishes, Tewkesbury	For the entire extent of the new West Cheltenham Link Road, from its junction with the A4019 to its junction with the B4634, as shown between point 12/1 on sheet 12 and point 16/1 on sheet 16 of the classification of roads plans, comprising 1419 metres
Uckington Civil Parish, Tewkesbury	The re-aligned B4634 carriageway as shown between points 14/3 and 14/4 on sheet 14 of the classification of roads plans, comprising 115 metres
Boddington Civil Parish, Tewkesbury	The re-aligned B4634 carriageway as shown between points 16/2 and 16/3 on sheet 16 of the classification of roads plans, comprising 488 metres

PART 3

UNCLASSIFIED ROADS

(1) *Area*	*(2)* *Length of road*
Elmstone Hardwicke Civil Parish, Tewkesbury	Altered unclassified road Stanboro Lane / Piffs Elm Lane, as shown between points 5/16, 5/17 and 5/18 on sheet 5 and point 11/2 on sheet 11 of the classification of roads plans, comprising 427 metres
Boddington and Uckington Civil Parishes, Tewkesbury	Altered unclassified road Withybridge Lane, as shown between points 12/2 and 12/3 on sheet 12 of the classification of roads plans, comprising 157 metres
Boddington and Uckington Civil Parishes, Tewkesbury	New unclassified road off the new West Cheltenham Link Road to the altered unclassified road known as Cooks Lane, as shown between points 12/4 and 12/5 on sheet 12 of the classification of roads plans, comprising 492 metres
Uckington Civil Parish, Tewkesbury	Altered unclassified road Cooks Lane, as shown between points 12/6 and 12/7 on sheet 12 of the classification of roads plans, comprising 40 metres
Uckington Civil Parish, Tewkesbury	New unclassified road on the northern arm of the A4019 junction with the new West Cheltenham Link Road, as shown between points 12/8, 12/9 and 12/10 on sheet 12 of the classification of roads plans, comprising 128 metres
Uckington Civil Parish,	Altered unclassified road Moat Lane, as shown between points 13/1

(1) *Area*	*(2)* *Length of road*
Tewkesbury	and 13/2 on sheet 13 of the classification of roads plans, comprising 70 metres
Uckington Civil Parish, Tewkesbury	Altered unclassified road The Green, as shown between points 13/3 and 13/4 on sheet 13 of the classification of roads plans, comprising 48 metres
Uckington Civil Parish, Tewkesbury	New unclassified road to the west of The Green, as shown between points 13/5 and 13/6 on sheet 13 of the classification of roads plans, comprising 67 metres
Uckington Civil Parish, Tewkesbury	New unclassified road to the east of The Green, as shown between points 13/7 and 13/8 on sheet 13 of the classification of roads plans, comprising 236 metres
Uckington Civil Parish, Tewkesbury	New unclassified road on the northern arm of the new Site Access A signalised junction, as shown between points 13/9 and 13/10 on sheet 13 of the classification of roads plans, comprising 35 metres
Uckington Civil Parish, Tewkesbury	Altered unclassified road Homecroft Drive, as shown between points 13/12 and 13/13 on sheet 13 of the classification of roads plans, comprising 41 metres
Uckington Civil Parish, Tewkesbury	New unclassified road on the southern arm of the A4019 Site Access B junction serving Homecroft Drive and the Cheltenham West Community Fire Station, as shown between points 14/7 and 14/8 on sheet 14 and point 13/11 on sheet 13 of the classification of roads plans, comprising 445 metres
Uckington Civil Parish, Tewkesbury	New unclassified road on the northern arm of the new Site Access B signalised junction, as shown between points 14/5 and 14/6 on sheet 14 of the classification of roads plans, comprising 33 metres
Uckington Civil Parish, Tewkesbury	Altered unclassified road on the northern arm of the Gallagher Junction serving Gallagher Retail Park, as shown between points 14/9 and 14/10 on sheet 14 of the classification of roads plans, comprising 78 metres
Boddington Civil Parish, Tewkesbury	New unclassified road to the proposed West Cheltenham Golden Valley Development at the new signalised junction between the West Cheltenham Link Road and the B4634, as shown between points 16/4 and 16/5 on sheet 16 of the classification of roads plans, comprising 30 metres

PART 4

SPEED LIMITS

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
Elmstone Hardwicke Civil Parish, Tewkesbury	M5 Junction 10 Southbound Diverge Slip Road From point 4/2 on sheet 4 to point 5/3 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 814 metres	National speed limit for motorways
Boddington Civil Parish, Tewkesbury	The new classified road from M5 Junction 10 Northbound Diverge Slip Road to the M5 Junction 10 Roundabout	50mph

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
	(A4019) From point 5/1 to point 5/7 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 32 metres	
Elmstone Hardwicke Civil Parish, Tewkesbury	M5 Junction 10 Northbound Merge Slip Road From point 5/2 on sheet 5 to point 4/1 on sheet 4 of the speed limits and traffic regulations plans, for a total distance of 815 metres	National speed limit for motorways
Elmstone Hardwicke Civil Parish, Tewkesbury	The new classified road from the M5 Junction 10 Southbound Diverge Slip Road to the M5 Junction 10 Roundabout (A4019) From point 5/3 to point 5/9 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 57 metres	50mph
Boddington Civil Parish, Tewkesbury	M5 Junction 10 Southbound Merge Slip Road From point 5/4 on sheet 5 to point 6/1 on sheet 6 of the speed limits and traffic regulations plans, for a total distance of 741 metres	National speed limit for motorways
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	The new M5 Junction 10 roundabout (A4019) From point 5/5 to point 5/6 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 620 metres	50mph
Elmstone Hardwicke Civil Parish, Tewkesbury	The new classified road from the M5 Junction 10 Roundabout (A4019) to the M5 Junction 10 Northbound Merge Slip Road From point 5/8 to point 5/2 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 38 metres	50mph
Boddington Civil Parish, Tewkesbury	The new classified road from the M5 Junction 10 Roundabout (A4019) to the M5 Junction 10 Southbound Merge Slip Road From point 5/10 to point 5/4 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 29 metres	50mph

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
Boddington Civil Parish, Tewkesbury	Unclassified road Stanboro Lane / Piffs Elm Lane From point 5/11 to point 5/12 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 14 metres	50mph
Boddington, Elmstone Hardwicke Civil Parishes, Tewkesbury	Unclassified road Stanboro Lane / Piffs Elm Lane From point 5/12 to points 5/13 and 5/14 on sheet 5 of the speed limits and traffic regulations plans, and to point 11/2 on sheet 11 of the speed limits and traffic regulations plans, for a total distance of 440 metres	30mph
Boddington, Elmstone Hardwicke and Uckington Civil Parishes, Tewkesbury	A4019 (east of M5 Junction 10) From point 5/16 on sheet 5 to point 12/2 on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 567 metres	50mph
Boddington Civil Parish, Tewkesbury	M5 Junction 10 Northbound Diverge Slip Road From point 7/1 on sheet 7 to point 5/1 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 869 metres	National speed limit for motorways
Boddington and Uckington Civil Parishes, Tewkesbury	The new classified road West Cheltenham Link Road From point 12/1 on sheet 12 to point 16/4 on sheet 16 of the speed limits and traffic regulations plans, for a total distance of 1336 metres	50mph
Boddington Civil Parish, Tewkesbury	A4019 (west of M5 Junction 10) From point 11/1 on sheet 11 to point 5/15 on sheet 5 of the speed limits and traffic regulations plans, for a total distance of 567 metres	50mph
Uckington Civil Parish, Tewkesbury	The new access road to the north of the A4019 West Cheltenham Link Road junction From point 12/3 to point 12/4 on sheet 12 of the speed limits and traffic regulations plans,	50mph

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
	for a total distance of 19 metres	
Uckington Civil Parish, Tewkesbury	The new access road to the north of the A4019 West Cheltenham Link Road junction From point 12/4 to point 12/5 and point 12/6 on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 110 metres	30mph
Uckington Civil Parish, Tewkesbury	Unclassified road off the new West Cheltenham Link Road to the altered unclassified road known as Cooks Lane From point 12/7 to point 12/8 on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 12 metres	50mph
Uckington Civil Parish, Tewkesbury	Unclassified road off the new West Cheltenham Link Road to the altered unclassified road known as Cooks Lane From point 12/8 to point 12/9 on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 480 metres	30mph
Uckington Civil Parish, Tewkesbury and Swindon Civil Parish, Cheltenham	A4019 From point 12/2 on sheet 12 to point 14/1 on sheet 14 of the speed limits and traffic regulations plans, for a total distance of 1705 metres	40mph
Uckington Civil Parish, Tewkesbury	Unclassified road 3/84 known as The Green From point 13/1 to point 13/2 on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 24 metres	40mph
Uckington Civil Parish, Tewkesbury	Unclassified service road to the west of The Green From point 13/3 to point 13/4 on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 67 metres	40mph
Uckington Civil Parish, Tewkesbury	Unclassified service road to the east of The Green From point 13/5 to point 13/6	40mph

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
	on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 236 metres	
Uckington Civil Parish, Tewkesbury	Unclassified road known as Moat Lane From point 13/7 to point 13/8 on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 34 metres	40mph
Uckington Civil Parish, Tewkesbury	New unclassified road on the northern arm of the new Site Access A signalised junction From point 13/9 to point 13/10 on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 35 metres	40mph
Uckington Civil Parish, Tewkesbury	New unclassified road on the northern arm of the new Site Access B signalised junction From point 14/2 to point 14/3 on sheet 14 of the speed limits and traffic regulations plans, for a total distance of 33 metres	40mph
Uckington Civil Parish, Tewkesbury	Unclassified service road to the south of the A4019 serving Homecroft Drive and the Cheltenham West Community Fire Station From point 14/4 to points 14/5 and 14/6 on sheet 14 of the speed limits and traffic regulations plans, for a total distance of 58 metres	40mph
Uckington Civil Parish, Tewkesbury	Unclassified service road to the south of the A4019 serving Homecroft Drive and the Cheltenham West Community Fire Station From point 14/6 on sheet 14 to point 13/11 on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 389 metres	30mph
Uckington Civil Parish, Tewkesbury	Unclassified road on the northern arm of the Gallagher Junction serving Gallagher Retail Park From point 14/7 to point 14/8 on sheet 14 of the speed limits	40mph

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Speed limit*
	and traffic regulations plans, for a total distance of 46 metres	
Uckington Civil Parish, Tewkesbury	B4634 Hayden Road From point 14/9 to point 14/10 on sheet 14 of the speed limits and traffic regulations plans, for a total distance of 125 metres	40mph
Boddington Civil Parish, Tewkesbury	B4634 Old Gloucester Road From point 16/1 to point 16/2 on sheet 16 of the speed limits and traffic regulations plans, for a total distance of 977 metres	40mph
Boddington Civil Parish, Tewkesbury	The new classified road West Cheltenham Link Road From point 16/3 to point 16/4 on sheet 16 of the speed limits and traffic regulations plans, for a total distance of 80 metres	40mph
Boddington Civil Parish, Tewkesbury	The new access road to the proposed West Cheltenham Golden Valley Development at the new signalised junction between the West Cheltenham Link Road and the B4634 From point 16/5 to point 16/6 on sheet 16 of the speed limits and traffic regulations plans, for a total distance of 30 metres	40mph

PART 5

TRAFFIC REGULATION MEASURES

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Measures*
Uckington and Boddington Civil Parishes, Tewkesbury and Swindon Civil Parish, Cheltenham	A4019 eastbound carriageway From a point 217 metres west of the centre point of the A4019 junction with the new West Cheltenham Link Road (point a on sheet 12 of the speed limits and traffic regulations plans) to a point 224 metres east of the centre point of the A4019 junction with the B4634 Hayden Road	Prohibition of U-turns

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Measures*
	(point c on sheet 14 of the speed limits and traffic regulations plans). For a total distance of 2272 metres	
Uckington Civil Parish, Tewkesbury and Swindon Civil Parish, Cheltenham	A4019 westbound carriageway From a point 224 metres east of the centre point of the A4019 junction with the B4634 Hayden Road (point d on sheet 14 of the speed limits and traffic regulations plans) to a point 197 metres west of the centre point of the A4019 junction with the new West Cheltenham Link Road (point b on sheet 12 of the speed limits and traffic regulations plans). For a total distance of 2246 metres	Prohibition of U-turns
Uckington Civil Parish, Cheltenham	A4019 eastbound carriageway From a point 33 metres west of the centre point of the new A4019 junction with Site Access A to a point 11 metres west of the centre point of the new A4019 junction with Site Access A, as shown between point e and point f on sheet 13 of the speed limits and traffic regulations plans, comprising 22 metres. From a point 16 metres east of the centre point of the new A4019 junction with Site Access A to a point 121 metres west of the centre point of the new A4019 junction with Site Access B, as shown between point g on sheet 13 and point h on sheet 14 of the speed limits and traffic regulations plans, comprising 187 metres. From a point 28 metres west of the centre point of the new A4019 junction with Site Access B to a point 10 metres west of the centre point of the new A4019 junction with Site Access B, as shown between point i and point j on sheet 14 of the speed limits and traffic	Bus Lane (with specified exemptions for authorised vehicles)

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Measures*
	regulations plans, comprising 18 metres. From a point 19 metres east of the centre point of the new A4019 junction with Site Access B to a point 83 metres east of the centre point of the new A4019 junction with Site Access B, as shown between point k and point l on sheet 14 of the speed limits and traffic regulations plans, comprising 64 metres. From a point 34 metres west of the centre point of the A4019 Gallagher junction to a point 13 metres west of the centre point of the A4019 Gallagher junction, as shown between point m and point n on sheet 14 of the speed limits and traffic regulations plans, comprising 21 metres.	
Uckington Civil Parish, Cheltenham	A4019 westbound carriageway From a point 96 metres east of the centre point of the new A4019 junction with Site Access B to a point 10 metres east of the centre point of the new A4019 junction with Site Access B, as shown between point o and point p on sheet 14 of the speed limits and traffic regulations plans, comprising 86 metres.	Bus Lane (with specified exemptions for authorised vehicles)

PART 6

REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Title of Order*	*(4)* *Revocations or variations*
Uckington Civil Parish, Tewkesbury and Swindon Civil Parish, Cheltenham	A4019 Tewkesbury Road	The Gloucestershire County Council (Various Speed Limits) (Various Parishes within the Tewkesbury Borough) Order 2006	Order to be varied to amend the length of A4019 Tewkesbury Road subject to a 50mph speed limit. Start point to be varied from the existing point 584

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Title of Order*	*(4)* *Revocations or variations*
			metres west of its junction with the centreline of Manor Road (3/85), point A on sheet 14 of the speed limits and traffic regulations plans, to a point 389 metres west of its junction with the centreline of The Green, point B on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 1275 metres
Uckington Civil Parish, Tewkesbury and Swindon Civil Parish, Cheltenham	A4019 Tewkesbury Road	The Gloucestershire County Council (A4019 Tewkesbury Road, Cheltenham) (40mph Speed Limit Order) 1993	Order to be varied to amend the length of A4019 Tewkesbury Road subject to a 40mph speed limit. End point to be varied from the existing point 584 metres west of its junction with the centreline of Manor Road (3/85), point A on sheet 14 of the speed limits and traffic regulations plans, to a point 389 metres west of its junction with the centreline of The Green, point B on sheet 12 of the speed limits and traffic regulations plans, for a total distance of 1275 metres
Boddington Civil Parish, Tewkesbury	B4634 Old Gloucester Road	The Gloucestershire County Council (Various Speed Limits) (Various Parishes within the Tewkesbury Borough) Order 2006	Order to be varied from 50mph to 40mph between a point 850 metres west of its junction with the centreline of Pilgrove Way (40219) and a point 230 metres south-west of its junction with the centreline of Hayden Lane (40427), as shown between points

(1) *Area*	*(2)* *Road name, number and length*	*(3)* *Title of Order*	*(4)* *Revocations or variations*
			C and D on sheet 16 of the speed limits and traffic regulations plans, for a total distance of 978 metres
Uckington Civil Parish, Tewkesbury	The Green (3/84)	The Gloucestershire County Council (Various Speed Limits) (Bishops Cleeve; Stoke Orchard; Tredington; Hardwicke and Uckington) Order 2005	Order to be varied from 30mph to 40mph from its junction with the proposed kerbline on the northern side of Tewkesbury Road (A4019) to a point 24 metres north of this point, as shown by point E on sheet 13 of the speed limits and traffic regulations plans, for a total distance of 24 metres

PART 7

PUBLIC RIGHTS OF WAY

(1) *Area*	*(2)* *Status and length of public right of way*
Uckington Civil Parish, Tewkesbury	PR49 309 metres of footpath to the north of the River Chelt, rerouting the existing footpath ref. AUC11 under the new River Chelt Bridge, as shown on sheet 15 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	PR50 104 metres of footpath to the south of the River Chelt, rerouting the existing footpath ref. ABO24 under the new River Chelt Bridge, as shown on sheet 15 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	PR12 275 metres of footpath to the west of M5 Junction 10 and to the south of the A4019, rerouting the existing footpath ref. ABO14, as shown on sheets 5 and 11 of the streets, rights of way and access plans
Boddington, Elmstone Hardwicke and Uckington Civil Parishes	PR9 800 metres of bridleway from the existing bridleway ref. AUC1 to Withybridge Lane via the new A4019 underpass, as shown on sheets 5, 6 and 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	PR14 167 metres of footpath to the east of the existing bridleway ref. AUC1, as shown on sheet 12 of the streets, rights of way and access plans

SCHEDULE 4

Articles 16 and 25

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

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

(a) Existing highways to be stopped up, as described in column (2) of Part 1 and Part 2 of this Schedule, are shown by thick black diagonal hatching (as shown in the key on the streets, rights of way and access plans) over the extent of the area to be stopped up, which is described in column (3) of Part 1 and Part 2 of this Schedule.

(b) New highways which are to be substituted for a highway to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 2 of this Schedule, are shown by red honeycomb hatching (for motorways and trunk roads), blue honeycomb hatching (for other classified roads and highways), dashed green lines (for bridleways) and dashed red lines (for footpaths) (as shown in the key on the streets, rights of way and access plans) and are given a reference label (a reference number in a circle or for public rights of way, a reference label beginning PR in a circle) and will be a road unless otherwise stated beneath its reference in column (4) of Part 2 of this Schedule.

(c) Private means of access to be stopped up, as described in column (2) of Parts 3 and 4 of this Schedule, are shown by thick brown diagonal hatching (as shown in the key on the streets, rights of way and access plans) over the extent of stopping up described in column (3) of Parts 3 and 4 of this Schedule, and are given a reference label (an upper case letter in a circle).

(d) New private means of access to be substituted for a private means of access to be stopped up (or which are otherwise to be provided), as are included in column (4) of Part 4 of this Schedule, are shown by orange honeycomb hatching (as shown in the key on the streets, rights of way and access plans) and are given a reference label (a lower case letter in a circle).

PART 1

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

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*
Boddington Civil Parish, Tewkesbury	Withybridge Gardens	For a distance of 420 metres, as shown between point 5/1 on sheet 5 of the streets, rights of way and access plans and point 12/1 on sheet 12 of the streets, rights of way and access plans
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	Stanboro Lane / Piffs Elm Lane	For a distance of 127 metres as shown between points 5/2 and 5/3 on sheet 5 of the streets, rights of way and access plans

PART 2

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

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
Uckington Civil Parish, Tewkesbury	FP AUC11	For a distance of 103 metres, as shown between points 15/1 and 15/2 on sheet 15 of the streets, rights of way and access plans	Reference PR49 309 metres of new footpath to the north of the River Chelt, rerouting the existing footpath ref. AUC11 under the new River Chelt Bridge, as shown on sheet 15 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	FP ABO24	For a distance of 103 metres, as shown between points 15/3 and 15/4 on sheet 15 of the streets, rights of way and access plans	Reference PR50 104 metres of new footpath to the south of the River Chelt, rerouting the existing footpath ref. ABO24 under the new River Chelt Bridge, as shown on sheet 15 of the streets, rights of way and access plans
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	A4019 at M5 Junction 10	For a distance of 203 metres, as shown between points 5/4 and 5/5 on sheet 5 of the streets, rights of way and access plans	Reference 5/6 to 5/7 The new M5 Junction 10 circulatory carriageway (A4019) for a length of 620 metres, as shown between points 5/6 and 5/7 on sheet 5 of the streets, rights of way and access plans, including 240 metres of new cycle track (reference PR5) and 248 metres of new footway (reference PR6)
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	M5 Junction 10 Northbound Merge Slip Road	For a distance of 604 metres, as shown between points 5/8 and 5/9 on sheet 5 of the streets, rights of way and access plans	Reference 5/10 to 4/1 The new M5 northbound merge slip road for a length of 815 metres between point 5/10 on sheet 5 and point 4/1 on sheet 4 of the streets, rights of way and access plans

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
Elmstone Hardwicke Civil Parish, Tewkesbury	M5 Junction 10 Southbound Diverge Slip Road	For a distance of 256 metres, as shown between points 5/11 and 5/12 on sheet 5 of the streets, rights of way and access plans	Reference 4/2 to 5/13 The new M5 southbound diverge slip road for a length of 814 metres between point 4/2 on sheet 4 and point 5/13 on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	FP ABO14	For a distance of 75 metres as shown between points 5/14 and 5/15 on sheet 5 of the streets, rights of way and access plans	Reference PR12 275 metres of new footpath to the west of M5 Junction 10 and to the south of the A4019, rerouting the existing footpath ref. ABO14, as shown on sheets 5 and 11 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	BR AUC1	For a distance of 32 metres as shown between points 12/2 and 12/3 on sheet 12 of the streets, rights of way and access plans	Reference PR9 800 metres of new bridleway from the existing bridleway ref. AUC1 to Withybridge Lane via the new A4019 underpass, as shown on sheets 5, 6 and 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	FP AUC8	For a distance of 28 metres as shown between points 13/1 and 13/2 on sheet 13 of the streets, rights of way and access plans	Reference PR30 12 metres of new footway connecting existing footpath FP AUC8 to the new footway provision on the northern side of the A4019, as shown on sheet 13 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	FP ABO26	For a distance of 24 metres as shown between points 16/1 and 16/2 on sheet 16 of the streets, rights of way and access plans	Reference PR56 55 metres of new footway connecting existing footpath FP ABO26 to the new footway provision on the western side of the new unclassified road to the proposed West Cheltenham Golden

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			Valley Development, as shown on sheet 16 of the streets, rights of way and access plans
Elmstone Hardwicke Civil Parish, Tewkesbury			Reference 5/13 to 5/20 New classified road (A4019) between the new M5 southbound diverge slip road and the new M5 Junction 10 circulatory carriageway (A4019) for a length of 57 metres, as shown between points 5/13 and 5/20 on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 5/16 to 5/18 New classified road (A4019) between the new M5 northbound diverge slip road and the new M5 Junction 10 circulatory carriageway (A4019) for a length of 32 metres, as shown between points 5/16 and 5/18 on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 5/17 to 6/1 The new M5 southbound merge slip road for a length of 741 metres between point 5/17 on sheet 5 and point 6/1 on sheet 6 of the streets, rights of way and access plans
Elmstone Hardwicke Civil Parish, Tewkesbury			Reference 5/19 to 5/10 New classified road (A4019) between the new M5 Junction 10 circulatory carriageway (A4019) and the new M5 northbound merge slip

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			road for a length of 38 metres, as shown between points 5/19 and 5/10 on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 5/21 to 5/17 New classified road (A4019) between the new M5 Junction 10 circulatory carriageway (A4019) and the new M5 southbound merge slip road for a length of 29 metres, as shown between points 5/21 and 5/17 on sheet 5 of the streets, rights of way and access plans
Elmstone Hardwicke and Uckington Civil Parishes, Tewkesbury and Swindon Civil Parish, Cheltenham			Reference 5/22 to 14/5 New and improved A4019 eastbound carriageway to the east of M5 Junction 10, from its tie in with the new M5 Junction 10 circulatory carriageway to its tie in with the existing A4019 eastbound carriageway for a length of 2637 metres, as shown between point 5/22 on sheet 5 and point 14/5 on sheet 14 of the streets, rights of way and access plans, including a lane with sections of bus lane, bus gates and left turn lane comprising a total length of 760 metres, 2348 metres of new cycle track (reference PR7), 1254 metres of new footway (reference PR8), 60 metres of new footway

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			(reference PR28), 791 metres of new footway (reference PR29), 7 metres of new non-segregated footway/cycle track (reference PR33) and 228 metres of new non-segregated footway/cycle track (reference PR42) as shown on sheets 5, 12, 13 and 14 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 5/24 to 5/25 New and improved A4019 westbound carriageway to the west of M5 Junction 10, from its tie in with the new M5 Junction 10 circulatory carriageway to the end of the proposed splitter island for a length of 207 metres, as shown between points 5/24 and 5/25 on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 5/25 to 5/26 New and improved A4019 eastbound carriageway to the west of M5 Junction 10, from the start of the proposed splitter island to its tie in with the new M5 Junction 10 circulatory carriageway for a length of 182 metres, as shown between points 5/25 and 5/26 on sheet 5 of the streets, rights of way and access plans, including 183 metres of new cycle track

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			(reference PR3) and 177 metres of new footway (reference PR4)
Boddington Civil Parish, Tewkesbury			Reference 5/25 to 11/1 The re-aligned A4019 to the west of the proposed splitter island west of M5 Junction 10 for a length of 362 metres, as shown between point 5/25 on sheet 5 and point 11/1 on sheet 11 of the streets, rights of way and access plans, including 53 metres of new cycle track (reference PR1), 40 metres of new footway (reference PR2), 408 metres of new non-segregated footway/cycle track (reference PR10) on the northern side of the A4019, and 65 metres of new cycle track (reference PR13) on the southern side of the A4019, as shown on sheets 5 and 11 of the streets, rights of way and access plans
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury			Reference 5/27 to 5/28, 5/29 and 11/2 The re-aligned unclassified road Stanboro Lane / Piffs Elm Lane for a length of 427 metres, as shown between points 5/27, 5/28 and 5/29 on sheet 5 and point 11/2 on sheet 11 of the streets, rights of way and access plans, including 40 metres of new footway (reference PR11) as shown on sheet 5 of

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference 7/1 to 5/16 The new M5 northbound diverge slip road for a length of 869 metres between point 7/1 on sheet 7 and point 5/16 on sheet 5 of the streets, rights of way and access plans
Boddington and Uckington Civil Parishes, Tewkesbury			Reference 12/4 to 16/3 New classified road (West Cheltenham Link Road), from its junction with the A4019 to its junction with the B4634 for a length of 1419 metres, as shown between point 12/4 on sheet 12 and point 16/3 on sheet 16 of the streets, rights of way and access plans, including 1445 metres of new cycle track (reference PR18) and 1438 metres of new footway (reference PR19), as shown on sheets 12, 15 and 16 of the streets, rights of way and access plans
Boddington and Uckington Civil Parishes, Tewkesbury			Reference 12/5 to 12/6 New unclassified road serving Cooks Lane for a length of 492 metres, as shown between points 12/5 and 12/6 on sheet 12 of the streets, rights of way and access plans, including 32 metres of new footway (reference PR20)
Uckington Civil Parish, Tewkesbury			Reference 12/7 to 12/8 and 12/9 New unclassified road on the northern arm of

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			the A4019 junction with the new West Cheltenham Link Road for a length of 128 metres, as shown between points 12/7, 12/8 and 12/9 on sheet 12 of the streets, rights of way and access plans, including 42 metres of new footway (reference PR15)
Uckington Civil Parish, Tewkesbury			Reference 12/10 to 12/11 The re-aligned unclassified road Cooks Lane for a length of 40 metres, as shown between points 12/10 and 12/11 on sheet 12 of the streets, rights of way and access plans
Boddington and Uckington Civil Parishes, Tewkesbury			Reference 12/12 to 12/13 Altered unclassified road Withybridge Lane for a length of 157 metres, as shown between points 12/12 and 12/13 on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference PR14 167 metres of new footpath to the east of the existing bridleway ref. AUC1, as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference 13/3 to 13/4 New unclassified road west of The Green for a length of 67 metres, as shown between points 13/3 and 13/4 on sheet 13 of the streets, rights of way and access plans, including 74 metres of

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			altered footway (reference PR24)
Uckington Civil Parish, Tewkesbury			Reference 13/5 to 13/6 New unclassified road east of The Green for a length of 236 metres, as shown between points 13/5 and 13/6 on sheet 13 of the streets, rights of way and access plans, including 241 metres of altered footway (reference PR27)
Uckington Civil Parish, Tewkesbury			Reference 13/7 to 13/8 New unclassified road on the northern arm of the new A4019 Site Access A junction for a length of 35 metres, as shown between points 13/7 and 13/8 on sheet 13 of the streets, rights of way and access plans, including 27 metres of new cycle track (reference PR31) and 20 metres of new footway (reference PR32)
Uckington Civil Parish, Tewkesbury			Reference 13/10 to 13/11 The re-aligned unclassified road Moat Lane for a length of 70 metres, as shown between points 13/10 and 13/11 on sheet 13 of the streets, rights of way and access plans, including 30 metres of new footway (reference PR22) on the western side of Moat Lane and 24 metres of new footway (reference PR23) on the eastern side of Moat Lane

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
Uckington Civil Parish, Tewkesbury			Reference 13/12 to 13/13 The re-aligned unclassified road The Green for a length of 48 metres, as shown between points 13/12 and 13/13 on sheet 13 of the streets, rights of way and access plans, including 25 metres of footway (reference PR25) on the western side of The Green and 25 metres of footway (reference PR26) on the eastern side of The Green
Uckington Civil Parish, Tewkesbury			Reference 13/14 to 13/15 Altered unclassified road Homecroft Drive for a length of 41 metres, as shown between points 13/14 and 13/15 on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference 14/1 to 14/2 New unclassified road on the northern arm of the new A4019 Site Access B junction for a length of 33 metres, as shown between points 14/1 and 14/2 on sheet 14 of the streets, rights of way and access plans, including 26 metres of new cycle track (reference PR37) and 18 metres of new footway (reference PR38)
Uckington Civil Parish, Tewkesbury			Reference 14/3 to 14/4 and 13/9 New unclassified road on the southern arm of the A4019 Site Access B junction serving Homecroft Drive and

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			the Cheltenham West Community Fire Station for a length of 445 metres, as shown between points 14/3 and 14/4 on sheet 14 and point 13/9 on sheet 13 of the streets, rights of way and access plans, including 444 metres of improved footway (reference PR36) as shown on sheets 13 and 14 of the streets, rights of way and access plans
Boddington, Elmstone Hardwicke and Uckington Civil Parishes, Tewkesbury and Swindon Civil Parish, Cheltenham			Reference 14/6 to 5/23 New and improved A4019 westbound carriageway to the east of M5 Junction 10, from its tie in to the existing A4019 westbound carriageway to its tie in with the new M5 Junction 10 circulatory carriageway for a length of 2617 metres, as shown between point 14/6 on sheet 14 and point 5/23 on sheet 5 of the streets, rights of way and access plans, including 202 metres of new cycle track (reference PR16), 202 metres of new footway (reference PR17), 395 metres of new footway (reference PR21), 4 metres of new non-segregated footway/cycle track (reference PR34), 113 metres of new footway (reference PR35), 400 metres of new non-segregated

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			footway/cycle track (reference PR43) and 12 metres of new cycle track (reference PR48) as shown on sheets 12, 13 and 14 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference 14/7 to 14/8 The re-aligned B4634 carriageway for a length of 115 metres, as shown between points 14/7 and 14/8 on sheet 14 of the streets, rights of way and access plans, including 110 metres of new non-segregated footway/cycle track (reference PR44) on the western side of the B4634, 10 metres of new cycle track (reference PR45) connecting the B4634 carriageway with the new non-segregated footway/cycle track on the western side of the B4634, 95 metres of altered footway (reference PR46) on the eastern side of the B4634 and 13 metres of new cycle track (reference PR47) connecting the new non-segregated footway/cycle track on the southern side of the A4019 at Gallagher Junction to the B4634 carriageway
Uckington Civil Parish, Tewkesbury			Reference 14/9 to 14/10 Altered unclassified road on the northern arm of the Gallagher Junction serving Gallagher Retail Park

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			for a length of 78 metres, as shown between points 14/9 and 14/10 on sheet 14 of the streets, rights of way and access plans, including 69 metres of new cycle track (reference PR39), 61 metres of new footway (reference PR40) and 69 metres of new non-segregated footway/cycle track (reference PR41)
Boddington Civil Parish, Tewkesbury			Reference 16/4 to 16/5 New unclassified road to the proposed West Cheltenham Golden Valley Development at the new signalised junction between the new West Cheltenham Link Road and B4634 for a length of 30 metres, as shown between points 16/4 and 16/5 on sheet 16 of the streets, rights of way and access plans, including 20 metres of new cycle track (reference PR52), 30 metres of new cycle track (reference PR54), 20 metres of new footway (reference PR53) and 30 metres of new footway (reference PR55)
Boddington Civil Parish, Tewkesbury			Reference 16/6 to 16/7 The re-aligned B4634 carriageway for a length of 488 metres, as shown between points 16/6 and 16/7 on sheet 16 of the streets, rights of way and access plans, including 273 metres

(1) *Area*	*(2)* *Highway to be stopped up*	*(3)* *Extent of stopping up*	*(4)* *New Highway to be substituted/provided*
			of new non-segregated footway/cycle track (reference PR51) on the northern side of the B4634

PART 3

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

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
Boddington Civil Parish, Tewkesbury	Reference B Access to Wayside from the existing unclassified road Stanboro Lane / Piffs Elm Lane as shown on sheet 5 of the streets, rights of way and access plans	From the existing unclassified road Stanboro Lane / Piffs Elm Lane for a length of 3 metres as shown on sheet 5 of the streets, rights of way and access plans
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	Reference C Access to Bridge House and Sheldon Nurseries from the existing unclassified road Stanboro Lane / Piffs Elm Lane as shown on sheet 5 of the streets, rights of way and access plans	From the existing unclassified road Stanboro Lane / Piffs Elm Lane for a length of 15 metres as shown on sheet 5 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference E Access to field north of the existing A4019 as shown on sheet 5 of the streets, rights of way and access plans	From the existing A4019 for a length of 3 metres as shown on sheet 5 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference H Access to Laburnum north of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	From the existing A4019 for a length of 3 metres as shown on sheet 12 of the streets, rights of way and access plans
Boddington and Uckington Civil Parishes, Tewkesbury	Reference I Access to Withy Bridge north of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	From the existing A4019 for a length of 3 metres as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference T Access to No 1 The Row from the existing unclassified road Moat Lane as shown on sheet 13 of the streets, rights of way and	From the existing unclassified road Moat Lane for a length of 3 metres as shown on sheet 13 of the streets, rights of way and access plans

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
	access plans	
Uckington Civil Parish, Tewkesbury	Reference U Access to No 2 The Row from the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 6 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference V Access to No 3 The Row from the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 5 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference Y Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 9 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference Z Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference AA Access to No. 3 Tewkesbury Road from the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 6 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference BB Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 9 metres as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference FF Access to field north of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a length of 9 metres as shown on sheet 14 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference GG Access to field north of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a length of 9 metres as shown on sheet 14 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference HH Access to field north of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a length of 10 metres as shown on sheet 14 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference II Access to field north of the existing A4019 as shown on	From the existing A4019 for a length of 9 metres as shown on sheet 14 of the streets, rights of way and access plans

(1) *Area*	*(2)* *Private means of access to be stopped up*	*(3)* *Extent of stopping up*
	sheet 14 of the streets, rights of way and access plans	
Uckington Civil Parish, Tewkesbury	Reference JJ Access to field north of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a length of 9 metres as shown on sheet 14 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference LL Access to field north of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a length of 5 metres as shown on sheet 14 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	Reference OO Access to field north of the existing B4634 as shown on sheet 16 of the streets, rights of way and access plans	From the existing B4634 for a length of 2 metres as shown on sheet 16 of the streets, rights of way and access plans

PART 4

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

(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*
Boddington and Elmstone Hardwicke Civil Parishes, Tewkesbury	Reference A Access to Sheldon Cottages and Sheldon Nurseries from the existing unclassified road Stanboro Lane / Piffs Elm Lane as shown on sheet 5 of the streets, rights of way and access plans	From the existing unclassified road Stanboro Lane / Piffs Elm Lane for a length of 10 metres as shown on sheet 5 of the streets, rights of way and access plans	Reference a A new private means of access to the north-east of Stanboro Lane / Piffs Elm Lane for a length of 333 metres providing access to Sheldon Cottages, Barn Farm and the new drainage attenuation basin (2), as shown on sheet 5 of the streets, rights of way and access plans
Elmstone Hardwicke Civil Parish, Tewkesbury	Reference D Access to Barn Farm and Barn Farm Cottage from the existing unclassified road Stanboro Lane / Piffs Elm Lane as shown on sheet 5 of the streets, rights of way and access plans	From the existing unclassified road Stanboro Lane / Piffs Elm Lane for a length of 300 metres as shown on sheet 5 of the streets, rights of way and access plans	Reference a A new private means of access to the north-east of Stanboro Lane / Piffs Elm Lane for a length of 333 metres providing access to Sheldon Cottages, Barn Farm and the new drainage

(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*
			attenuation basin (2), as shown on sheet 5 of the streets, rights of way and access plans
Elmstone Hardwicke Civil Parish, Tewkesbury	Reference F Access to fields to the east of the M5 and north of the existing A4019 as shown on sheet 5 of the streets, rights of way and access plans	From the existing A4019 for a length of 612 metres as shown on sheet 5 of the streets, rights of way and access plans	Reference b A new private means of access from the northern arm of the new junction between the A4019 and the West Cheltenham Link Road for a length of 934 metres providing access to fields and maintenance access for highway authorities, as shown on sheets 5 and 12 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	Reference G Access to field south of the existing A4019 as shown on sheet 11 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 11 of the streets, rights of way and access plans	Reference d A new private means of access from the re-aligned A4019 for a length of 725 metres providing access to field and new drainage attenuation basin (3), as shown on sheets 5, 6 and 11 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference J Access to field north of the existing A4019 as shown as sheet 12 of the streets, rights of way and access plans	From the existing A4019 for a length of 28 metres as shown on sheet 12 of the streets, rights of way and access plans	Reference b A new private means of access from the northern arm of the new junction between the A4019 and the West Cheltenham Link Road for a length of 934 metres providing access to fields and maintenance access for highway authorities, as shown on sheets 5 and 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference K Access to field north	From the existing A4019 for a length of	Reference b A 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*
	of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	8 metres as shown on sheet 12 of the streets, rights of way and access plans	of access from the northern arm of the new junction between the A4019 and the West Cheltenham Link Road for a length of 934 metres providing access to fields and maintenance access for highway authorities, as shown on sheets 5 and 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference L Access to fields north of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 12 of the streets, rights of way and access plans	Reference b Field north-west of existing access to be accessed from new private means of access reference b as shown on sheet 12 of the streets, rights of way and access plans Reference k and l Fields north and north-east of the existing access to be accessed via the northern arm of the new junction between the A4019 and the West Cheltenham Link Road which is to be classified as public highway with new field gate positions at references k and l, as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference M Access to field north of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	From the existing A4019 for a length of 4 metres as shown on sheet 12 of the streets, rights of way and access plans	Reference m A new private means of access from the new A4019 eastbound carriageway for a length of 9 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference N Access to field north	From the existing A4019 for a length of	Reference m A 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*
	of the existing A4019 as shown on sheet 12 of the streets, rights of way and access plans	11 metres as shown on sheet 12 of the streets, rights of way and access plans	of access from the new A4019 eastbound carriageway for a length of 9 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference O Access to Manor Farm south of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference n An altered private means of access from the new A4019 westbound carriageway for a length of 13 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference P Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing footway north of the existing A4019 for a length of 3 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference o A new private means of access from the new service road west of The Green for a length of 10 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference Q Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 2 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference o A new private means of access from the new service road west of The Green for a length of 10 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference R Access to No. 2 Holly Bank north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 2 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference p An altered private means of access from the new service road west of The Green for a length of 4 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference S Access to Manor Farm west of the existing unclassified road Moat Lane as shown on sheet 13 of the streets, rights of way and access plans	From the existing unclassified road Moat Lane for a length of 6 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference r A new private means of access to the west of the realigned Moat Lane for a length of 93 metres, as shown on sheet 13 of the streets, rights of way

(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*
			and access plans
Uckington Civil Parish, Tewkesbury	Reference W Access to field south of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference y A new private means of access to the south of the new A4019 westbound carriageway for a length of 13 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference X Access to field north of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 4 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference x Field to be accessed via the new service road east of The Green which is to be classified as public highway with new field gate position at reference x, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference CC Access to Cheltenham West Community Fire Station south of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 8 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference bb An altered private means of access from the new service road south of the A4019 for a length of 9 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury	Reference DD Access to Maple Lodge south of the existing A4019 as shown on sheet 13 of the streets, rights of way and access plans	From the existing A4019 for a length of 5 metres as shown on sheet 13 of the streets, rights of way and access plans	Reference cc Existing access to remain in same location at edge of highway boundary, as shown on sheet 13 of the streets, rights of way and access plans, but access arrangement to be altered so that it is accessed directly from the new service road south of the A4019 rather than from the existing A4019
Uckington Civil Parish, Tewkesbury	Reference EE Access to Karinya south of the existing A4019 as shown on	From the existing A4019 for a distance of 5 metres as shown on sheet 13 of the	Reference dd Existing access to remain in same location at edge of

(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 13 of the streets, rights of way and access plans	streets, rights of way and access plans	highway boundary, as shown on sheet 13 of the streets, rights of way and access plans, but access arrangement to be altered so that it is accessed directly from the new service road south of the A4019 rather than from the existing A4019
Uckington Civil Parish, Tewkesbury	Reference KK Access to The Fosse and The Willows south of the existing A4019 as shown on sheet 14 of the streets, rights of way and access plans	From the existing A4019 for a distance of 2 metres as shown on sheet 14 of the streets, rights of way and access plans	Reference ff Existing access to remain in same location at edge of highway boundary, as shown on sheet 14 of the streets, rights of way and access plans, but access arrangement to be altered so that it is accessed directly from the new service road south of the A4019 rather than from the existing A4019
Boddington Civil Parish, Tewkesbury	Reference MM Access to field south of the existing B4634 as shown on sheet 16 of the streets, rights of way and access plans	From the existing B4634 for a length of 4 metres as shown on sheet 16 of the streets, rights of way and access plans	Reference ii An altered private means of access from the re-aligned B4634 for a length of 6 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	Reference NN Access to field south of the existing B4634 as shown on sheet 16 of the streets, rights of way and access plans	From the existing B4634 for a length of 5 metres as shown on sheet 16 of the streets, rights of way and access plans	Reference jj An altered private means of access from the re-aligned B4634 for a length of 16 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury	Reference PP Access to field south of the existing B4634 as shown on sheet 16 of the streets, rights of way and access plans	From the existing B4634 for a length of 8 metres as shown on sheet 16 of the streets, rights of way and access plans	Reference kk An altered private means of access from the re-aligned B4634 for a length of 14 metres, as shown on

(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 16 of the streets, rights of way and access plans
Elmstone Hardwicke Civil Parish, Tewkesbury			Reference c An altered private means of access from the unclassified road Stanboro Lane / Piffs Elm Lane to field and new drainage attenuation basin (1) for a length of 41 metres, as shown on sheet 5 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference e An altered private means of access from the unclassified road Stanboro Lane / Piffs Elm Lane to Stanboro for a length of 7 metres, as shown on sheet 11 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference f A new private means of access from the re-aligned unclassified road Withybridge Lane to the new drainage attenuation basin (4) for a length of 15 metres, as shown on sheet 12 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference g A new private means of access from the re-aligned unclassified road Withybridge Lane to the flood storage area for a length of 14 metres, as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference h A 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*
			of access from the new service road east of the new West Cheltenham Link Road to a field and maintenance access for a highway authority for a length of 420 metres, as shown on sheets 12 and 15 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference i An altered private means of access from the new service road east of the new West Cheltenham Link Road to a field for a length of 16 metres, as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference j An altered private means of access from the new service road east of the new West Cheltenham Link Road to a field for a length of 20 metres, as shown on sheet 12 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference q Field west of The Green to be accessed from the unclassified road The Green which is classified as public highway with new field gate position at reference q, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference s An altered private means of access from the unclassified road Moat Lane to

(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*
			Newhouse Farm for a length of 4 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference t An altered private means of access from the new service road east of the unclassified road The Green to Cremyll for a length of 8 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference u An altered private means of access from the new service road east of the unclassified road The Green to Cherry Orchard and a field for a length of 12 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference v An altered private means of access from the new service road east of the unclassified road The Green to Post Box Cottage and Landean for a length of 10 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference w An altered private means of access from the new service road east of the unclassified road The Green to Elton Lawn for a length of 10 metres, as shown on sheet 13 of the streets,

(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*
			rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference z A new private means of access from the new A4019 westbound carriageway to the new drainage attenuation basin (6) for a length of 8 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference aa An altered private means of access from the Cheltenham West Community Fire Station to the new A4019 dual carriageway for a length of 13 metres, as shown on sheet 13 of the streets, rights of way and access plans
Uckington Civil Parish, Tewkesbury			Reference ee An altered private means of access from the new service road south of the A4019 to the Cotswold Area Civil Service Sports Association for a length of 6 metres, as shown on sheet 14 of the streets, rights of way and access plans
Swindon Civil Parish, Cheltenham			Reference gg An altered private means of access from the re-aligned A4019 westbound carriageway to Mill Way for a length of 5 metres, as shown on sheet 14 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference hh A 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*
			of access from the West Cheltenham Link Road to a field east of the Link Road for a length of 58 metres, as shown on sheet 15 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference ll A new private means of access from the West Cheltenham Link Road to the new drainage attenuation basin (5) for a length of 14 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference mm An altered private means of access from the re-aligned B4634 to Elm Cottage for a length of 8 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference nn An altered private means of access from the re-aligned B4634 to field north of the B4634 for a length of 8 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference oo An altered private means of access from the re-aligned B4634 to field north of the B4634 for a length of 6 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference pp An altered private means of access from

(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*
			the re-aligned B4634 to Hayden Hill Farm for a length of 7 metres, as shown on sheet 16 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference qq An altered private means of access from the unclassified road Stanboro Lane / Piffs Elm Lane to Stanboro Lodge for a length of 5 metres, as shown on sheet 11 of the streets, rights of way and access plans
Boddington Civil Parish, Tewkesbury			Reference rr An altered private means of access from the unclassified road Moat Lane to field east of Moat Lane for a length of 8 metres, as shown on sheet 13 of the streets, rights of way and access plans

SCHEDULE 5

Article 24

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*	*(3)* *Relevant part of the authorised development*
Land Plans -Sheet 3		
3/2b	New right for temporary access for the construction of motorway signage and associated cabling and ducting works	1a
Land Plans -Sheet 4		
4/1c	New right for the construction of motorway signage and associated cabling and ducting works New right for the construction of a new southbound exit slip from the M5 to the A4019	1a, 1c, 1e, 1n

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	New right for the construction of a new northbound entry slip from the A4019 to the M5 New right for the construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5	
4/1d	New right for the construction of a new southbound exit slip from the M5 to the A4019 New right for the construction of a new northbound entry slip from the A4019 to the M5 New right for an extension of the Leigh Brook culvert (also known as the Barn Farm culvert) New right for the construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5 New right for the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5 New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	1c, 1e, 1m, 1n, 1o, 20
4/3a	New right for the construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5 New right for the diversion, use, maintenance and protection of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	1n, 20
4/3b	New right for the construction, use, protection, inspection and maintenance of an environmental barrier	1n, 20

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	adjacent to Barn Farm north of Junction 10 and west of the M5 New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	
4/3d	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	1c
4/3e	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	1c
4/3h	New right for the use of land northwest of Junction 10 as a construction compound New right to provide, protect, inspect and maintain landscaping northwest of Junction 10	1j, 2b
4/4b	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	1c
Land Plans -Sheets 5 and 5A		
5/1a(i)	New right for the construction of new or altered private means of access New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and	3d, 27

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	equipment	
5/2d	New right for the construction of motorway signage and associated cabling and ducting works New right for the construction of a new southbound exit slip from the M5 to the A4019 New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south) New right for the demolition of the existing A4019 bridge over the M5 New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment New right for the demolition of the existing NRTS Transmission Station and associated infrastructure	1a, 1c, 2, 2a, 2d, 15, 16, 27, 36a
5/2h	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the realignment of the unclassified road known as Stanboro Lane New right for the diversion,	3, 3a, 10

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	use, protection and maintenance of telecommunication cable and associated apparatus and equipment	
5/2h(i)	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the realignment of the unclassified road known as Stanboro Lane New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	3, 3a, 27
5/2i	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	3, 10
5/2j	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the realignment of the unclassified road known as Stanboro Lane	3, 3a
5/2k	New right for the realignment of the unclassified road known as Stanboro Lane	3a
5/2l	New right for the realignment and widening of the A4019 (Tewkesbury Road)	3, 3a

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the realignment of the unclassified road known as Stanboro Lane	
5/2n	New right for the construction of a new northbound exit slip from the M5 to the A4019 New right for the construction of a new southbound entry slip from the A4019 to the M5 New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south) New right for the extension of the Piffs Elm culvert New right for the demolition of the existing A4019 bridge over the M5 New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the diversion of telecommunication cable and associated apparatus and equipment New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Distribution Limited PLC New right for the demolition of the existing NRTS Transmission Station and associated infrastructure	1b, 1d, 2, 2a, 2c, 2d, 3, 10, 19, 36a

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
5/2o	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5 New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Distribution Limited PLC	2, 2d, 3, 19
5/2p	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5 New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Distribution Limited PLC	2, 2d, 19
5/2r	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the realignment of the unclassified road known as Stanboro Lane New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Distribution Limited PLC	2, 3a, 19
5/2y	New right for the construction of a new grade separated roundabout junction and	2, 2d

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	maintenance bays New right for the demolition of the existing A4019 bridge over the M5	
5/2z	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2aa	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2cc	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2ee	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5 New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the construction of an underpass west of Withybridge Lane New right for the diversion and construction of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and	2, 2d, 4, 4b, 4c, 10

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	equipment	
5/2gg	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5 New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	2, 2d, 4, 10
5/2jj	New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the construction of an underpass west of Withybridge Lane New right for the diversion and construction of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	4, 4b, 4c, 10
5/2kk	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm	2, 2a, 10, 36a

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	interchange bridges (north and south) New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment New right for the demolition of the existing NRTS Transmission Station and associated infrastructure	
5/2mm	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	2, 10
5/2ss	New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	4, 10
5/2uu	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south) New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	2, 2a, 10

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
5/3b	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	1c
5/3c	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019 and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	1c
5/4b	New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	4g, 15, 16, 27
5/4b(i)	New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of	4g, 15, 16, 27

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	telecommunication cable and associated apparatus and equipment	
5/4b(ii)	New right for the diversion and construction of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	4c, 4g, 15, 16, 27
5/4b(iii)	New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	4g, 15, 16, 27
5/4d(iv)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/4d(v)	New right for construction	1k, 4j

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	
5/4d(vi)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/4d(vii)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/4d(viii)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/5a	New right for the demolition of Sheldon Nursery northwest of Junction 10 New right for the construction of new or altered private means of access New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	2f, 3d, 19
5/5b	New right for the construction compound no. 2 northwest of Junction 10 New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	1j, 19
5/5g	New right for the realignment of the unclassified road known as Stanboro Lane	3a

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
5/6f	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5	2, 2d
5/6g	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5 New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	2, 2d, 10
5/6h	New right for the construction of a new grade separated roundabout junction and maintenance bays New right for the demolition of the existing A4019 bridge over the M5	2, 2d
5/10d	New right for the provision, protection, inspection and maintenance of a flood compensation area at the location shown on sheets 5 and 11 of the works plans	3e
5/11b	New right for the diversion, construction, use and maintenance of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection	4c, 4g, 15, 16, 27

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	and maintenance of telecommunication cable and associated apparatus and equipment	
5/31a(i)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/31b(i)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/31c(i)	New right for construction compound no. 3 northeast of Junction 10 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	1k, 4j
5/31d	New right for the diversion, construction, use and maintenance of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	4c, 4g, 15, 16, 27
5/33c	New right for the temporary access for the construction of a new southbound exit slip from the M5 to the A4019	1c

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	and new permanent right of access to provide, protect, inspect and maintain environmental and ecological mitigation	
Land Plans -Sheet 6		
6/1e	New right for the use of land southwest of Junction 10 at the location shown on sheets 5 and 6 of the works plans as construction compound no. 1	1i
6/1g	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3a	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3a(i)	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3a(ii)	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3a(iii)	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
6/10a	New right to construct, use, protect, inspect and maintain a flood compensation area	5n
6/11a	New right to construct, use, protect, inspect and maintain a flood compensation area	5n

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
Land Plans -Sheet 7		
7/1e	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new northbound exit slip from the M5 to the A4019	1b
7/3b	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new southbound entry slip from the A4019 to the M5	1d
7/3b(i)	New right to construct, use, protect, inspect and maintain the environmental mitigation associated with the construction of a new southbound entry slip from the A4019 to the M5	1d
7/3c	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/4a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/4b	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/4b(i)	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/4c(i)	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/4d	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/5a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/6a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/6b	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
7/7a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
Land Plans - Sheet 10		
10/3b	New right for the construction of motorway signage and associated cabling and ducting works	1a
10/3b(i)	New right for the construction of motorway signage and associated cabling and ducting works	1a
10/3b(ii)	New right for the construction of motorway signage and associated cabling and ducting works	1a
Land Plans – Sheet 11		
11/1a	New right to construct, use, protect, inspect and maintain a flood compensation area	3e
11/1b	New right to construct, use, protect, inspect and maintain a flood compensation area	3e
11/1c	New right to construct, use, protect, inspect and maintain a flood compensation area New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	3e, 28
11/3a	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the diversion of a public right of way FP ABO14 to the south side of the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment New right for the diversion,	3, 3c, 3d, 10, 28

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	use, protection and maintenance of telecommunication cable and associated apparatus and equipment	
11/3b	New right for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting New right for the realignment of the unclassified road known as Stanboro Lane New right for the diversion of telecommunication cable and associated apparatus and equipment	3, 3a, 10
Land Plans - Sheets 12 and 12A		
12/1b	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4i, 4j
12/1b(i)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4i, 4j
12/1b(ii)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4i, 4j
12/1b(iii)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4i, 4j

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
12/1e	New right for the diversion, construction, use and maintenance of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	4c, 4g, 15, 16, 27
12/2b	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4	4i
12/2b(i)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4	4i
12/2c	New right for the diversion, construction, use and maintenance of bridleway BR AUC1 under the A4019 (Tewkesbury Road) New right for the construction of new or altered private means of access New right for the construction of a public right of way (footpath) to link to diverted bridleway BR AUC1 New right for the diversion, use, protection, inspection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales &	4c, 4g, 4z, 15, 16, 27

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	West Utilities Limited New right for the diversion, use, protection, inspection and maintenance of telecommunication cable and associated apparatus and equipment	
12/2k	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of Withybridge Lane and west of new West Cheltenham Link Road as construction compound no. 5	5, 5b
12/2k(i)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of Withybridge Lane and west of the new West Cheltenham Link Road as construction compound no. 5 New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	5, 5b, 21
12/2v	New right of temporary access for the construction of a new West Cheltenham Link	5, 5k, 5n, 21

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction and use of a private means of access track to the east of the West Cheltenham Link Road New right to construct, use, protect, inspect and maintain a flood compensation area New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	
12/2w	New right to construct, use, protect, inspect and maintain a flood compensation area New right to construct, use, protect, inspect and maintain a flood compensation area	5n, 5o
12/2x	New right to construct, use, protect, inspect and maintain a flood compensation area New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	5n, 21
12/6a	New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the diversion, use, protection and maintenance of telecommunication cable and	4, 10

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	associated apparatus and equipment	
12/7a	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4	4i
12/7b	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no, 4 New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4i, 4j
12/7b(i)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4	4i
12/7b(ii)	New right for the use of land north of the A4019 (Tewkesbury Road) as construction compound no. 4	4i
12/7g	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
12/8b	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
12/9a	New right to construct, use, protect, inspect and maintain a flood compensation area	5n
12/9b	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
12/10a	New right to construct, use, protect, inspect and maintain a flood compensation area	5n
12/16a	New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of	4, 29

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the diversion, use, provision and maintenance of telecommunication cable and associated apparatus and equipment	
12/16b	New right for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	4, 29
Land Plans – Sheets 13 and 13A		
13/1a	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/1a(i)	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/1e	New right for temporary access for the realignment and dualling for the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallegher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4, 4j
13/1e(i)	New right for temporary access for the realignment and dualling for the A4019 (Tewkesbury Road) southeast	4, 4j

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	of Junction 10, M5 to east of Gallegher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting New right to construct, use, protect, inspect and maintain mitigation planting for dormice	
13/1h	New right for the construction of new or altered private means of access New right for the diversion, use, protection and maintenance of water pipeline for the benefit of Severn Trent Water Limited	4g, 15
13/2b	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/2d	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/3o	New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	23
13/3w	New right to construct, use, protect, inspect and maintain mitigation planting for dormice New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	4j, 23
13/3w(i)	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/3z	New right to cleanse, widen, deepen and maintain the existing ditch outfall from the proposed attenuation pond	4q
13/6a	New right for the construction	4n, 17, 22

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	of service roads running east and west of The Green New right for the diversion, use, protection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC	
13/11a	New right for the construction of new or altered private means of access New right for the construction of service roads running east and west of The Green New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4g, 4n,4j
13/11b	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/12a	New right to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/14a	New right for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station New right for the diversion, use, protection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection and maintenance of gas main for the benefit of Wales & West Utilities Limited New right for the diversion, use, protection and	4v, 15, 18, 24, 27, 32

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	
13/15a	New right for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive; and the West Cheltenham Community Fire Station	4v
13/16a	New right for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station New right for the diversion, use, protection and maintenance of water pipeline for the benefit of Severn Trent Water Limited New right for the diversion, use, protection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution PLC New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and	4v, 15, 24, 32

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	equipment	
13/17a	New right for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	4v, 32
13A/1a	New right to cleanse, widen, deepen and maintain the existing ditch outfall from the proposed attenuation pond	4q
13A/2a	New right to cleanse, widen, deepen and maintain the existing ditch outfall from the proposed attenuation pond	4q
Land Plans – Sheet 14		
14/6a	New right for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay New right for the diversion, use, protection and maintenance of gas main for the benefit of Wales & West Utilities	4x, 18
Land Plans – Sheet 15		
15/3c	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction of new or altered private means of access	5, 5k, 5e

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	New right for the diversion, construction, use and maintenance of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge	
15/3d	New right to construct, use, protect, inspect and maintain a flood compensation area New right to construct, use, protect, inspect and maintain a flood compensation area	5n, 5o
15/4a	New right to construct, use, protect, inspect and maintain a flood compensation area	5n
15/4b	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge	5, 5d, 5e
15/4e	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5, 5d, 5e

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge	
15/4f	New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge	5d, 5e
15/5b	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP AUC11 to the north of the River Chelt under the new River Chelt Bridge	5, 5d, 5e
15/5b(i)	New right for the construction, use, protection and maintenance of a new bridge over the River Chelt	5d

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	and associated environmental mitigation	
15/6a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
15/7a	New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation	5d
15/8a	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP ABO24 to the south of the River Chelt under the new River Chelt Bridge	5, 5d, 5f
15/8a(i)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales &	5, 35

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	West Utilities Limited	
15/8b	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation New right for the diversion, construction, use and maintenance of public right of way FP ABO24 to the south of the River Chelt under the new River Chelt Bridge	5, 5d, 5f
15/8c	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environment mitigation New right for the diversion, construction, use and maintenance of public right of way FP ABO24 to the south of the River Chelt under the new River Chelt Bridge	5, 5d, 5f
15/8c(i)	New right of temporary access for the construction of	5, 5g

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7	
15/8c(ii)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7 New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited	5, 5g, 35
15/8c(iii)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of the new West Cheltenham Link Road as	5, 5g

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	construction compound no. 7	
15/8c(iv)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7	5, 5g
15/8c(v)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for the construction of new or altered private means of access	5, 5k
15/8k	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
15/8k(i)	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
15/8l	New right for the diversion, use, protection, inspection and maintenance of 170 metres of gas main for the benefit of Wales & West Utilities Limited	35
15/8m	New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7 New right for the diversion, use, protection, inspection and maintenance of gas main	5g, 35

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	for the benefit of Wales & West Utilities Limited	
15/8n	New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7 New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited	5g, 35
15/8p	New right for the use of land east of the new West Cheltenham Link Road as construction compound no. 7 New right for the diversion, use, protection, inspection and maintenance of gas main for the benefit of Wales & West Utilities Limited	5g, 35
15/9a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
15/10a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
15/10d	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
15/10e	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
15/10e(i)	New right for the construction	5

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation.	
15/10e(ii)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
Land Plans – Sheets 16 and 16A		
16/1a(i)	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/2a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/2b	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/2c	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/2d	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/2e	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/3a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/3c	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west	5

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	
16/3c(i)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
16/3e	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
16/3e(i)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	5
16/3e(ii)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage	5

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation	
16/3e(iii)	New right of temporary access for the construction of a new West Cheltenham Link Road south of the A4019 (Tewkesbury Road) to join with the B4634 with footway and cycle track to the west and private access, signage and ducting, and new permanent rights to provide, protect, inspect, and maintain environmental and ecological mitigation New right for working space for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	5, 6
16/3i	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/3l	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/3o	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/4a	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/4b	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/4c	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/4d	New right to construct, use, protect, inspect and maintain a flood compensation area	6d
16/5d	New right for working space for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/6b	New right for the construction of new or altered private	6c, 8, 34

(1) *Plot reference number shown on land plans*	*(2)* *Purpose for which rights over land may be acquired*	*(3)* *Relevant part of the authorised development*
	means of access New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment New right for the diversion, use, protection and maintenance of telecommunication cable and associated apparatus and equipment	
16/6d	New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	25
16/8a	New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	25
16/10c	New right for the diversion, use, protection, inspection and maintenance of electric cable and associated apparatus and equipment for the benefit of National Grid Electricity Distribution plc	26

SCHEDULE 6

Article 24

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

Compensation enactments

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

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

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

"(5A) If—

(a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965 (as modified by paragraph 5(5) of Schedule 6 to the M5 Junction 10 Development Consent Order 2025 (the "M5 Junction 10 Order"));

(b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the Compulsory Purchase Act 1965 (as substituted by paragraph 5(8) of Schedule 6 to the M5 Junction 10 Order) to acquire an interest in the land; and

(c) the acquiring authority enter on and take possession of that land,

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

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

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

(a) for "land is acquired or taken from" substitute "a right or restrictive covenant over land is purchased from or imposed on"; and

(b) for "acquired or taken from him" substitute "over which the right is exercisable or the restrictive covenant enforceable".

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act (and modified by article 27 (modification of Part 1 of the 1965 Act)) to the acquisition of land under article 21 (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 24(1) (compulsory acquisition of rights and imposition of restrictive covenants)—

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

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

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

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

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

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

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

"**7.** In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive 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."

(**a**) 1973 c. 26.

(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 restriction, as well as the notice of entry required by subsection (1) of that section (as it applies to a compulsory acquisition under article 21), 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), 11B(**c**) (counter-notice requiring possession to be taken on specified date), 12(**d**) (unauthorised entry) and 13(**e**) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(**f**) (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 27(4) is also modified so as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

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

"SCHEDULE 2A

Section 8

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

Introduction

1.—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or a restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of

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

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

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

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

(**e**) Section 13 was amended 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).

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

the 1981 Act as applied by article 28 (application of the 1981 Act) of the M5 Junction 10 Development Consent Order 2025 in respect of the land to which the notice to treat relates.

(2) But see article 29(3) (acquisition of subsoil or airspace only) of the M5 Junction 10 Development Consent Order 2025 which excludes the acquisition of subsoil or airspace only from this Schedule.

(3) 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 decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the authority do not serve notice of a decision within the decision period 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 serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory.

Determination by the Upper Tribunal

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

(a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or

(b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

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

(a) the effect of the acquisition of the right or the imposition of the covenant,

(b) the use to be made of the right or covenant proposed to be acquired or imposed, and

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

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

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

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 withdrawing of the notice.

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

SCHEDULE 7

Article 31

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
Land Plans – Sheet 1		
1/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1/1a(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1/1a(ii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1A/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1A/1a(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated	1a

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	works	
1A/1a(ii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
1A/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
Land Plans – Sheet 2		
2/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/1a(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/1c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/1d	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/1e	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
2/2a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
Land Plans – Sheet 3		
3/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated	1a

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	works	
3/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/1c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/1d	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/1e	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/1f	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/2a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
3/2c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
Land Plans – Sheet 4		
4/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
4/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
4/1c(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
4/1e	Required for the construction of a new southbound exit slip from the M5 to the A4019 Required for the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5	1c, 1o
4/2a	Required for construction of an environmental barrier adjacent to Barn Farm north of Junction 10 and west of the M5	1n
4/3g	Required for construction compound no. 2 northwest of Junction 10	1j
4/3g(i)	Required for temporary working space for the construction of a new northbound entry slip from the A4019 to the M5	1e
4/3i	Required for construction compound no. 2 northwest of Junction 10	1j
4/3k	Required for construction compound no. 2 northwest of Junction 10	1j
4/3l	Required for construction compound no. 2 northwest of Junction 10	1j
4/3m	Required for construction compound no. 2 northwest of Junction 10	1j
Land Plans – Sheets 5 and 5A		
5/1a	Required for construction compound no. 2 northwest of Junction 10	1j
5/1a(ii)	Required for construction compound no.2 northwest of Junction 10	1j
5/1c	Required for construction compound no. 2 northwest of Junction 10	1j
5/2a	Required for the construction of a new southbound exit slip from the M5 to the A4019 Required for the construction of a new northbound entry slip from the A4019 to the M5	1c, 1e
5/2b	Required for the construction	1c, 1m, 1o

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of a new southbound exit slip from the M5 to the A4019 Required for the extension of the Leigh Brook culvert (also known as the Barn Farm culvert) Required for the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5	
5/2c	Required for the construction of a new southbound exit slip from the M5 to the A4019 Required for the extension of the Leigh Brook culvert (also known as the Barn Farm culvert) Required for the construction of an environmental barrier adjacent to land housing a traveller site north of Junction 10 and east of the M5	1c, 1m, 1o
5/2e	Required for the construction of a new northbound entry slip from the A4019 to the M5 Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the construction of a new roundabout over the M5 comprising a circulatory carriageway and the Piffs Elm interchange bridges (north and south) Required for the demolition of the existing NRTS Transmission Station and associated infrastructure	1e, 2, 2a, 36a
5/2f	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2g	Required for the construction of a new grade separated roundabout junction and	2, 2d

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	maintenance bays Required for the demolition of the existing A4019 bridge over the M5	
5/2q	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2s	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2t	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2u	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2v	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2w	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2x	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge	2, 2d

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	over the M5	
5/2bb	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2ff	Required for the construction of a new southbound exit slip from the M5 to the A4019 Required for the demolition of the existing M5 southbound exit slip Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5 Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	1c, 1g, 2, 2d, 4
5/2hh	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2ii	Required for the demolition of the existing M5 southbound exit slip Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of an underpass west of Withybridge Lane Required for the diversion	1g, 4, 4b, 4c

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	and construction of bridleway BR AUC1 under the A4019 (Tewkesbury Road)	
5/2ll	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/2nn	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
5/2qq	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
5/2rr	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
5/2tt	Required for the construction of motorway signage and associated cabling and ducting works Required for the construction of a new northbound exit slip from the M5 to the A4019	1a, 1b
5/4c	Required for construction compound no. 3 northeast of Junction 10	1k
5/4c(i)	Required for construction compound no. 3 northeast of Junction 10	1k
5/4d	Required for construction compound no. 3 northeast of Junction 10	1k

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
5/4d(i)	Required for construction compound no. 3 northeast of Junction 10	1k
5/4d(ii)	Required for construction compound no. 3 northeast of Junction 10	1k
5/4d(iii)	Required for construction compound no. 3 northeast of Junction 10	1k
5/5a(i)	Required for construction compound no. 2 northwest of Junction 10 and protection of existing features	1j
5/5a(ii)	Required for construction compound no. 2 northwest of Junction 10 and protection of existing features	1j
5/5b(i)	Required for construction compound no. 2 northwest of Junction 10	1j
5/6c	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the realignment of the unclassified road known as Stanboro Lane	2, 3a
5/6d	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/6d(i)	Required for the construction of a new grade separated roundabout junction and maintenance bays Required for the demolition of the existing A4019 bridge over the M5	2, 2d
5/10c	Required for temporary working space for the construction of new or altered private means of access	3d
5/10e	Required for construction compound no. 1 southwest of Junction 10	1i
5/10g	Required for construction compound no. 1 southwest of Junction 10	1i

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
5/11a	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road)	1k
5/31a(ii)	Required for construction compound no. 3 northeast of Junction 10	1k
5/31b(ii)	Required for construction compound no. 3 northeast of Junction 10	1k
5/31c(ii)	Required for construction compound no. 3 northeast of Junction 10	1k
5/33d	Required for construction compound no. 3 northeast of Junction 10	1k
Land Plans – Sheet 6		
6/1a	Required for construction compound no. 1 southwest of Junction 10	1i
6/1b	Required for construction compound no. 1 southwest of Junction 10	1i
6/1f	Required for construction compound no. 1 southwest of Junction 10	1i
61f(i)	Required for construction compound no. 1 southwest of Junction 10	1i
6/1h	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
6/2a	Required for the construction of a new northbound exit slip from the M5 to the A4019 Required for the construction of a new southbound entry slip from the A4019 to the M5	1b, 1d
6/2b	Required for the construction of a new northbound exit slip from the M5 to the A4019 Required for the construction of a new southbound entry slip from the A4019 to the M5	1b, 1d
6/3c	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3c(i)	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
6/3c(ii)	Required for the construction	1b

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of a new northbound exit slip from the M5 to the A4019	
6/3c(iii)	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
6/4d	Required for construction compound no. 9 south of Junction 10	1p
6/6a	Required for construction compound no. 9 south of Junction 10	1p
6/6b	Required for construction compound no. 9 south of Junction 10	1p
6/7a	Required for the realignment of Withybridge Lane connecting to the realigned and dualled A4019 (Tewkesbury Road)	4bb
6/9a	Required for the realignment of Withybridge Lane connecting to the realigned and dualled A4019 (Tewkesbury Road)	4bb
Land Plans – Sheet 7		
7/1a	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
7/1a(i)	Required for the construction of a new northbound exit slip from the M5 to the A4019	1b
7/2a	Required for the construction of motorway signage and associated cabling and ducting works and associated works Required for the construction of a new northbound exit slip from the M5 to the A4019	1a, 1b
7/2a(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works Required for the construction of a new northbound exit slip from the M5 to the A4019	1a, 1b
7/2a(ii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a, 1b

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Required for the construction of a new northbound exit slip from the M5 to the A4019	
7/2b	Required for the construction of motorway signage and associated cabling and ducting works	1a
7/2c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
7/3d	Required for the construction of a new southbound entry slip from the A4019 to the M5	1d
7/3d(i)	Required for the construction of a new southbound entry slip from the A4019 to the M5	1d
Land Plans – Sheet 8		
8/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
8/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works Required for the demolition of the existing NRTS Transmission Station and associated infrastructure	1a, 36b
Land Plans – Sheet 9		
9/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1d	Required for the construction	1a

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of motorway signage and associated cabling and ducting works and associated works	
9/1e	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1e(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1e(ii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
9/1f	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
Land Plans – Sheet 10		
10/1a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1b	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1c	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1c(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1d	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1e	Required for the construction of motorway signage and	1a

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	associated cabling and ducting works and associated works	
10/1e(i)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1e(ii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/1e(iii)	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/2a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
10/3a	Required for the construction of motorway signage and associated cabling and ducting works and associated works	1a
Land Plans – Sheet 11		
11/1f	Required for the construction of new or altered private means of access	3d
11/3c	Required for the realignment and widening of the A4019 (Tewkesbury Road) northwest of Junction 10 with associated footway, cycleway, shared use path, private access points, signage and ducting	3
Land Plans – Sheets 12 and 12A		
12/1a	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road)	4i
12/1d	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road)	4i
12/2a	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road) Required for mitigation planting for dormice	4i, 4j

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
12/2f	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the realignment of Withybridge Lane connecting to the realigned and dualled A4019 (Tewkesbury Road) Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 4bb, 10, 29
12/2g	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 10
12/2h	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 10
12/2j	Required for construction compound no. 5 east of Withybridge Lane and west of the new West Cheltenham Link Road	5b

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
12/2l	Required for construction compound no. 5 east of Withybridge Lane and west of the new West Cheltenham Link Road	5b
12/2m	Required for construction compound no. 5 east of Withybridge Lane and west of the new West Cheltenham Link Road	5b
12/2n	Required for the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane Required for the diversion of telecommunication cable and associated apparatus and equipment	5a, 30
12/2o	Required for the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane	5a
12/2o(i)	Required for construction compound no. 6 east of the new West Cheltenham Link Road and south of the A4019 (Tewkesbury Road)	5c
12/2q	Required for the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane	5a
12/2r	Required for the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane	5a
12/2s	Required for construction compound no. 6 east of the new West Cheltenham Link Road and south of the A4019 (Tewkesbury Road) Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	5c, 21
12/2t	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of	4, 4h, 4k, 5a, 10, 15, 30

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the removal of an existing layby south of the A4019 (Tewkesbury Road) Required for the construction of an environmental barrier south of the A4019 (Tewkesbury Road) west of Cooks Lane Junction Required for the construction of a service road linking properties south of the A4019 (Tewkesbury Road) and Cooks Lane Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of telecommunication cable and associated apparatus and equipment	
12/2u	Required for the construction of new or altered private means of access Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	5k, 21
12/2y	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 10
12/2aa	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast	4

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	
12/7c	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road)	4i
12/7e	Required for construction compound no. 4 north of the A4019 (Tewkesbury Road)	4i
12/7e(i)	Required for realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
12/7f	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
12/7h	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
12/8a	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
12/14a	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
12/15a	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
12/17a	Required for the realignment and dualling of the A4019	4

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	(Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	
Land Plans – Sheets 13 and 13A		
13/1b	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/1c	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
13/1f	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
13/2a	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/2c	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j
13/3a	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
13/3c	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway,	4, 4n, 4o, 11, 15, 27, 31

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	cycleway, shared use paths, private means of access, signage and ducting Required for the construction of environmental barriers west and east of The Green, north of the A4019 (Tewkesbury Road) Required for the construction of a service road running east and west of The Green Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	
13/3e	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of new or altered private means of access Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 4g, 11
13/3f	Required for the construction of new or altered private means of access Required for the diversion of telecommunication cable and associated apparatus and equipment	4g, 31
13/3g	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of	4, 4g, 4m, 4n, 4o, 11, 15, 17, 22, 27, 31

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of new or altered private means of access Required for the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay Required for the construction of a service road running east and west of The Green Required for the construction of environmental barriers west and east of The Green, north of the A4019 (Tewkesbury Road) Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	
13/3g(i)	Required for the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay Required for the diversion of Severn Trent Water Limited	4m, 15

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	water pipeline	
13/3g(ii)	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of new or altered private means of access Required for the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	4, 4g, 4m, 11, 17, 22
13/3i	Required for the construction of new or altered private means of access Required for the demolition of buildings at Manor Farm west and southwest of Uckington Junction	4g, 4l
13/3j	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay	4, 4m, 15, 17, 27

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of telecommunication cable and associated apparatus and equipment	
13/3k	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of a signalised junction serving Moat Lane and The Green with pedestrian and cycle crossing points and maintenance bay Required for the diversion of Wales & West Utilities Limited gas main	4, 4m, 17
13/3m	Required for the construction of a signalised junction serving Moat Lane and the Green with pedestrian and cycle crossing points and maintenance bay Required for the diversion of telecommunication cable and associated apparatus and equipment	4m, 31
13/3p	Required for the diversion of National Grid Electricity Distribution plc electric cable and associated apparatus and equipment	23
13/3r	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction	4, 4n, 4o, 15, 27

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of a service road running east and west of The Green Required for the construction of environmental barriers west and east of The Green, north of the A4019 (Tewkesbury Road) Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of telecommunication cable and associated apparatus and equipment	
13/3s	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of new or altered private means of access Required for the construction of a service road running east and west of The Green Required for the construction of an environmental barrier south of the A4019 (Tewkesbury Road) between West Cheltenham Community Fire Station and the entrance to the Cotswold Area Civil Service Sports Association Required for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of	4, 4g, 4n, 4t, 4v, 13, 15, 18, 23, 24, 27, 32

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Severn Trent Water Limited water pipeline Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment Required for the diversion telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	
13/3y	Required for the construction of drainage attenuation basin (6) with associated drainage facilities, access and landscaping south of the A4109 (Tewkesbury Road)	4q
13/3bb	Required for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment Required for the diversion of 258 metres of telecommunication cable and associated apparatus and equipment	4v, 18, 24, 32
13/3cc	Required for the construction	4g

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of new or altered private means of access	
13/3dd	Required for the construction of new or altered private means of access	4g
13/3ff	Required for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	4v, 18, 24, 32
13/3gg	Required for the construction of a signalised junction to access development (site access A) to the north of the A4019 (Tewkesbury Road) with pedestrian and cycle crossing points	4s
13/3hh	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
13/3ii	Required for the construction of new or altered private means of access Required for the construction of service roads running east and west of The Green	4g, 4n
13/4a	Required to construct, use, protect, inspect and maintain mitigation planting for dormice	4j

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
13/10a	Required for the construction of new or altered private means of access Required for the construction of service roads running east and west of The Green	4g, 4n
Land Plans – Sheet 14		
14/1a	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
14/1a(i)	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the demolition of buildings forming part of Baileys Nursery, west of Gallagher Retail Park access Required for the diversion of electric cable and associated apparatus and equipment	4, 4y, 24
14/1a(ii)	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of electric cable and associated apparatus and equipment	4, 24
14/1c	Realignment and dualling of the A4019 (Tewkesbury Road) with associated footway; cycleway; shared use paths; private means of access; and signage and ducting southeast of Junction 10 for 2.7 kilometres to a	4, 4g, 4t, 4v, 4x, 4aa, 15, 18, 27, 32, 33

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	point east of the Gallagher Junction Required for the construction of new or altered private means of access Required for the construction of an environmental barrier south of the A4019 (Tewkesbury Road) between West Cheltenham Community Fire Station and the entrance to the Cotswold Area Civil Service Sports Association Required for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay Required for the construction of a lane on the eastbound carriageway and associated works Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment Required for the diversion of telecommunication cable and associated apparatus and equipment	
14/1c(i)	Required for the realignment	4, 4x, 15, 18

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of Wales & West Utilities Limited gas main	
14/1c(ii)	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay Required for the construction of a lane on the eastbound carriageway and associated works Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 4x, 4aa, 27
14/1c(iii)	Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of the A4019 (Tewkesbury Road) with maintenance bay Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of	4x, 15, 18

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Wales & West Utilities gas main	
14/1d	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the construction of a service road to the south of the A4019 (Tewkesbury Road) serving properties including the Cotswold Area Civil Service Sports Association; Homecroft Drive and the West Cheltenham Community Fire Station Required for the diversion of Severn Trent Water Limited water pipeline for the benefit of Severn Trent Water Limited Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 4v, 15, 18, 33
14/1h	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 18, 27
14/1i	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of	4, 27

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of telecommunication cable and associated apparatus and equipment	
14/1j	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of Wales & West Utilities Limited gas main Required for the diversion of telecommunication cable and associated apparatus and equipment	4, 18, 27
14/1k	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
14/1l	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting	4
14/2a	Required for the construction of new or altered private means of access	4g
14/2b	Required for the construction of new or altered private means of access	4g
14/4a	Required for the alteration of the signalised junction serving Gallagher Retail Park and the B4634 to the south of	4x

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	the A4019 (Tewkesbury Road) with maintenance bay	
14/8d	Required for the realignment and dualling of the A4019 (Tewkesbury Road) southeast of Junction 10, M5 to east of Gallagher Junction with associated footway, cycleway, shared use paths, private means of access, signage and ducting Required for the diversion of Wales & West Utilities Limited gas main	4, 18
Land Plans – Sheet 15		
15/1a	Required for construction compound no. 9 south of Junction 10	1p
15/1b	Required for construction compound no. 9 south of Junction 10	1p
15/2a	Required for the realignment of Withybridge Lane connecting to the realigned and dualled A4019 (Tewkesbury Road)	4bb
15/4d	Required for the construction of a new West Cheltenham Link Road	5
15/4g	Required for the construction of a new West Cheltenham Link Road	5
15/5c	Required for the construction of a new West Cheltenham Link Road	5
15/5d	Required for the construction of a new West Cheltenham Link Road	5
15/5d(i)	Required for the construction of a new West Cheltenham Link Road	5
15/7b	Required for the construction of a new West Cheltenham Link Road	5
15/8e	Required for working space for construction compound no. 7 east of the new West Cheltenham Link Road	5g
15/8e(i)	Required for working space for construction compound no. 7 east of the new West Cheltenham Link Road	5g

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
15/8f	Required for construction compound no. 7 east of the new West Cheltenham Link Road	5g
15/8g	Required for the construction of a new West Cheltenham Link Road	5
15/8g(i)	Required for the construction of a new West Cheltenham Link Road	5
15/8h	Required for construction compound no. 7 east of the new West Cheltenham Link Road	5g
15/8i	Required for the diversion, use, protection, inspection and maintenance of 170 metres of gas main for the benefit of Wales & West Utilities Limited	35
15/8j	Required for the construction of a new West Cheltenham Link Road	5
15/8o	Required for the diversion, use, protection, inspection and maintenance of 170 metres of gas main for the benefit of Wales & West Utilities Limited	35
15/8q	Required for the construction of a new West Cheltenham Link Road	5
15/8r	Required for construction compound no. 7 east of the new West Cheltenham Link Road Required for the construction of new or altered private means of access	5g, 5k
15/8s	Required for construction compound no. 7 east of the new West Cheltenham Link Road	5g
15/8t	Required for the construction of a new West Cheltenham Link Road Required for the construction, use, protection and maintenance of a new bridge over the River Chelt and associated environmental mitigation	5, 5d, 5f

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Required for the diversion, construction, use and maintenance of public right of way FP ABO24 to the south of the River Chelt under the new River Chelt bridge	
15/10b	Required for the construction of a new West Cheltenham Link Road	5
15/10c	Required for the construction of a new West Cheltenham Link Road	5
15/10c(i)	Required for the construction of a new West Cheltenham Link Road	5
15/10c(ii)	Required for the construction of a new West Cheltenham Link Road	5
Land Plans – Sheets 16 and 16A		
16/3b	Required for construction compound no. 8 west of the new West Cheltenham Link Road	5h
16/3b(i)	Required for the construction of a new West Cheltenham Link Road	5
16/3f	Required for the construction of a new West Cheltenham Link Road	5
16/3f(i)	Required for the construction of a new West Cheltenham Link Road	5
16/3f(ii)	Required for the construction of a new West Cheltenham Link Road	5
16/3g	Required for the provision of a flood compensation area	6d
16/3h	Required for construction compound no. 8 west of the new West Cheltenham Link Road	5h
16/3j	Required for construction compound no. 8 west of the new West Cheltenham Link Road	5h
16/3m	Required for the construction of a new West Cheltenham Link Road	5
16/3n	Required for the realignment of the B4634 connecting to the new West Cheltenham	6

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	Link Road with shared use path, private access, signage and ducting	
16/3n(i)	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/3p	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/3p(i)	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/5b	Required for working space for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	25
16/5e	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage, and ducting Required for the diversion of Severn Trent Water Limited water pipeline Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	6, 14, 25
16/6c	Required for the diversion of National Grid Electricity Distribution PLC electric cable and associated apparatus and equipment	25
16/9b	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting Required for the construction	6, 6a, 6b, 6c

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	of flood culverts (group 1) under the B4634 Required for the construction of flood culverts (group 2) under the B4634 Required for the construction of new or altered private means of access	
16/10b	Required for diversion of electric cable and associated apparatus and equipment	26
16/10d	Required for the construction of a signalised junction serving the new West Cheltenham Link Road, the B4634, and the West Cheltenham Golden Valley Development land Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting Required for the construction of flood culverts (group 1) under the B4634 Required for the construction of flood culverts (group 2) under the B4634	5j, 6, 6a, 6b
16/11b	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/11b(i)	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/11b(ii)	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage and ducting	6
16/12a	Required for the realignment of the B4634 connecting to the new West Cheltenham Link Road with shared use path, private access, signage	6

(1) *Plot Reference Number shown on land plans*	*(2)* *Purpose for which temporary possession may be taken*	*(3)* *Relevant part of the authorised development*
	and ducting	

SCHEDULE 8

Article 37

TREES SUBJECT TO TREE PRESERVATION ORDERS

(1) *Name of Order/Type of tree*	*(2)* *Work to be carried out*	*(3)* *Relevant part of the authorised development*
The Tewkesbury Borough Council (NO.325) (NORTH WEST CHELTENHAM, UCKINGTON) Tree Preservation Order 2010 / Poplar	Part of group to be felled, remaining trees to be protected using temporary barriers to define construction exclusion zone	4

SCHEDULE 9

Articles 33 and 42

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER, AND SEWERAGE UNDERTAKERS

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

2. In this Part of this Schedule—

"alternative apparatus" means alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory 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 utility 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 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 utility undertaker for the purposes of water supply; and

(d) in the case of a sewerage undertaker—

(i) any drain or works vested in the utility undertaker under the Water Industry Act 1991(**c**); and

(**a**) 1989 c. 29. The definition of "electrical plant" (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c. 27).
(**b**) 1986 c. 44.
(**c**) 1991 c. 56.

(ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(**a**) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104(**b**) (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act,

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

"functions" includes powers and duties;

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

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

"utility undertaker" means—

(e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;

(f) a gas transporter within the meaning of Part 1 of the Gas Act 1986;

(g) a water undertaker within the meaning of the Water Industry Act 1991; and

(h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

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

On street apparatus

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

Apparatus in stopped up streets

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

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

(**a**) 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).

(**b**) Section 104 was amended by section 96(4) of the Water Act 2003 (c. 37), section 42(3) of the Flood and Water Management Act 2010 (c. 29) and section 11(2) of the Water Act 2014 (c. 21).

Protective works to buildings

5. The undertaker, in the case of the powers conferred by article 19 (protective works 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 (7).

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

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 46 (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 46 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

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

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

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

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

Retained apparatus

9.—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 7(2), the undertaker must submit to the utility undertaker in question a plan of the works to be executed.

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

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

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

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

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

Expenses and costs

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

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

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

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

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

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 46 (arbitration) to be necessary then, if such placing involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

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

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

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

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

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

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

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

(2) The fact that any act or thing may have been done by a utility undertaker on behalf of the undertaker or in accordance with a plan approved by a utility undertaker or in accordance with any requirement of a utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

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

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

Cooperation

12. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or a utility undertaker requires the removal of apparatus under paragraph 7(2) or a utility undertaker makes requirements for the protection or alteration of

apparatus under paragraph 9, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and each utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

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

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

15. In this Part of this Schedule—

"the 2003 Act" means the Communications Act 2003(**a**);

"electronic communications apparatus" has the same meaning as in the electronic communications code;

"the electronic communications code" has the same meaning as in section 106(**b**) (application of the electronic communications code) of the 2003 Act;

"electronic communications code network" means—

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

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

"operator" means the operator of an electronic communications code network.

16. The exercise of the powers conferred by article 33 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) of the electronic communications code.

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

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

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

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(**a**) 2003 c. 21.
(**b**) Section 106 was amended by section 4 of the Digital Economy Act 2017.

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

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

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

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 46 (arbitration).

(5) This Part of this Schedule does not apply to—

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

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

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

PART 3

FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED

Application etc.

18.—(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 this 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, or Town and Country Planning (General Permitted Development) (England) Order 2015 which shall continue to apply in respect of the exercise of all National Highways' statutory functions.

Interpretation

19.—(1) Where the terms defined in article 2 (interpretation) of this Order are inconsistent with subparagraph (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 Interim Advice Note 184 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;

"commuted sum" means such sum calculated as provided for in paragraph 33 (commuted sums) 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 CS551 Drainage surveys – standards for Highways;

(e) earthworks including supporting geotechnical assessments required by DMRB CD622 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 GD304 Designing health and safety into maintenance or any replacement or modification of it;

(u) health and safety information including any asbestos survey required by GG105 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 31 (final certificate);

"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 24 (prior approvals and security) 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 GG119 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 undertaken 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 New Roads and Street Works Act 1991; and

"winter maintenance" means maintenance of the road surface to deal with snow and ice.

General

20. 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.

21. Notwithstanding the limits of deviation permitted pursuant to article 8 (limits of deviation) of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road unless such works are agreed in writing with National Highways at the discretion of National Highways.

22. 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

23. 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

24.—(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; and

(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 GG142 – Designing for walking, cycling and horse riding;

(d) a scheme of traffic management has been submitted by the undertaker and approved by National Highways, as may be amended 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 6 (maintenance of authorised development);

(b) article 11 (street works)

(c) article 15 (temporary stopping up and restriction of use of streets);

(d) article 16 (permanent stopping up and restriction of use of streets and private means of access);

(e) article 17 (access to works);

(f) article 18 (discharge of water);

(g) article 19 (protective works to buildings);

(h) article 20 (authority to survey and investigate the land);

(i) article 21 (compulsory acquisition of land);

(j) article 24 (compulsory acquisition of rights and imposition of restrictive covenants);

(k) article 26 (private rights over land)

(l) article 29 (acquisition of subsoil or airspace only)

(m) article 31 (temporary use of land for carrying out the authorised development);

(n) article 32 temporary use of land for maintaining the authorised development); or

(o) article 36 (felling or lopping trees and removal of hedgerows) 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 paragraph 24(1) of this Part of this Schedule.

Construction of the specified works

25.—(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 of 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 24(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, but not limited to; 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 a Specified Work.

(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

(**a**) S.I. 2016/362.
(**b**) S.I. 2015/51.

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.

(8) If, within 28 days 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 of 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 24(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 24(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

26.—(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, including—

(a) the checking and approval of the information required under paragraph 24(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)-(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 that 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) above within 91 days of the issue of the provisional certificate issued pursuant to paragraph 27(4) (provisional certificate).

(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;

(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

27.—(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 audits 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

28. 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

29.—(1) The undertaker must, as soon as reasonably practicable after making its application for a provisional certificate pursuant to paragraph 27(2) (provisional certificate), 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 CD622 if the specified works include any works beneath the strategic road network.

(2) If the re-surveys carried out pursuant to sub-paragraph (1) indicates 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

30.—(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 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 5 years by and at the expense of the undertaker.

Final Certificate

31.—(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 shall 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

32.—(1) 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 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; 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 26 (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%.

(2) In this paragraph, "the cash surety" means the sum agreed between the undertaker and National Highways.

Commuted sums

33.—(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

34. 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

35. 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

36.—(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 28 (opening) shall apply to the opening of any part of the strategic road network following occupation of any road space under this paragraph.

Land

37.—(1) Following the issue of the final certificate pursuant to paragraph 31(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 21 (compulsory acquisition of land) and article 24 (compulsory acquisition of rights and imposition of restrictive covenants) as applied by articles 28 (application of the 1981 Act) of this Order to directly vest in National Highways any such land or interest.

Expert Determination

38.—(1) Article 46 (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 46 (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.

PART 4

FOR THE PROTECTION OF SEVERN TRENT WATER LIMITED

39. For the protection of Severn Trent Water Limited the following provisions have effect, unless otherwise agreed in writing between the undertaker and Severn Trent Water Limited.

40. In this Part of this Schedule—

"abandoned apparatus" means apparatus which the utility undertaker has confirmed is abandoned by the utility undertaker and no longer used in the exercise of its statutory functions;

"alternative apparatus" means alternative apparatus adequate to enable the utility undertaker to fulfil its statutory functions in a manner no less effective and efficient than previously;

"apparatus" means—

(a) mains, pipes or other apparatus belonging to or maintained by the utility undertaker for the purposes of water supply;

(b) any drain or works vested in the utility undertaker under the Water Industry Act 1991(**a**);

(c) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4)(**b**) (adoption of sewers and disposal works) of that Act or an agreement to adopt made under section 104(**c**) (agreements to adopt sewer, drain or sewage disposal works, at future date) of that Act, and includes a sludge main, disposal main (within the

(**a**) 1991 c. 56.
(**b**) Section 102(4) was amended by section 96(1)(c) of the Water Act 2003 (c. 37) and by paragraph 90 of Schedule 7 to the Water Act 2014 (c. 21).
(**c**) 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).

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; and

(d) any alternative 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

"specified works" means any of the authorised 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 47(2) of this Part of this Schedule and for the avoidance of doubt includes all authorised works which are situated within the following distances measured in any direction from the medial line of apparatus which is a pipe, namely—

(a) 2.25 metres where the diameter of the pipe is less than or equal to 150 millimetres;

(b) 3 metres where the diameter of the pipe is greater than 150 millimetres and less than or equal to 450 millimetres;

(c) 4.5 metres where the diameter of the pipe is greater than 450millimetres and less than or equal to 750 millimetres; and

(d) 6 metres where the diameter of the pipe exceeds 750 millimetres.

"utility undertaker" means Severn Trent Water Limited (company number 02366686), being the water undertaker (within the meaning of the Water Industry Act 1991) and the sewerage undertaker (within the meaning of Part 1 of the Water Industry Act 1991) for the area of the authorised development.

On street apparatus

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

Apparatus in stopped up streets

42.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access) and the utility undertaker has apparatus in that street, the utility undertaker shall have the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to the utility undertaker legal easements reasonably satisfactory to the utility undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the utility undertaker to require the removal of that apparatus under paragraph 45 (removal of apparatus) or the power of the undertaker to carry out works under paragraph 47 (retained apparatus).

(2) Regardless of any temporary stopping up or diversion of any highway under article 15 (temporary stopping up and restriction of use of streets), the utility undertaker may at all times, and upon giving at least 48 hours written notice in advance to the undertaker (except in cases of emergency) to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

43. The undertaker, in the case of the powers conferred by article 19 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

Acquisition of land

44. 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

45.—(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 the 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 accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to the utility undertaker not less than 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 the 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 provided that nothing in this sub-paragraph shall require the utility undertaker to exercise powers of compulsory purchase available to it under the Water Industry Act 1991 or otherwise.

(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 and the undertaker or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

(5) The utility undertaker must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 46 (arbitration), and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and, subject to the right of the utility undertaker under sub-paragraph (8) to require the undertaker to itself carry out any such removal, 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 the utility undertaker 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 or to the extent that the utility undertaker fails to proceed with that work in accordance with sub-paragraph (5), provided that the utility undertaker gives its consent in writing (which shall not be unreasonably withheld or delayed and shall be deemed if no response is received by the undertaker within 28 days of the undertaker's consent request), that work, instead of being executed by the utility undertaker, may be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the

utility undertaker and provided that the utility undertaker has been granted the necessary facilities and rights for the construction of alternative apparatus pursuant to sub-paragraph (2) or (3) above (as appropriate).

(7) If the undertaker gives notice in writing to the utility undertaker in accordance with sub-paragraph (6) to execute any work, or part of any work solely in connection with the removal of abandoned apparatus, that work, instead of being executed by the utility undertaker, may be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(8) If the utility undertaker on receipt of written notice pursuant to sub-paragraph (2) requires the undertaker to carry out any such removal it shall serve counter-notice on the undertaker within 14 days of receipt of the written notice and the undertaker following receipt of that counter-notice shall execute the intended works without unnecessary delay under the superintendence, if given, and to the satisfaction of the utility undertaker.

(9) The undertaker shall seek wherever reasonably practicable to allow the apparatus of the utility undertaker to remain in situ rather than remove and/or reposition it.

Facilities and rights for alternative apparatus

46.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to the utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker 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 the utility undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

47.—(1) Not less than 28 days before starting the execution of any specified works, the undertaker shall consult the utility undertaker and submit to the utility undertaker a plan of the specified works to be executed.

(2) Specified 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 the 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 the utility undertaker, in accordance with sub-paragraph (3) and in consequence of the specified works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 39 to 41 and 44 to 46 apply as if the removal of the apparatus had been required by the undertaker under paragraph 45(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 specified works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) Where the undertaker submits a revised plan of specified works pursuant to a reasonable requirement of the utility undertaker under sub-paragraph (3), the revised plan must be submitted no less than 14 days before commencing the execution of the specified works.

(7) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case, it must give to the utility undertaker 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 (2) in so far as is reasonably practicable in the circumstances.

Expenses and costs

48.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the utility undertaker all expenses reasonably incurred by the 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 45(2) including time spent in consultation regarding or in supervision of such works and including all costs incurred by the utility undertaker in obtaining the necessary facilities and rights for the construction of alternative apparatus pursuant to paragraph 45(2) or 45(3) above (as appropriate).

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

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

(a) apparatus of better type, greater capacity or greater dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or 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, capacity or 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 46 (arbitration) to be necessary then, if such placing involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the utility undertaker by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

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

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

(5) An amount which apart from this sub-paragraph would be payable to the 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.

Liability

49.—(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 43, 45 or 47 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 the utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by the utility undertaker, the undertaker must—

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

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

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

(2) The fact that any act or thing may have been done by the utility undertaker on behalf of the undertaker or in accordance with a plan approved by the utility undertaker or in accordance with any requirement of the utility undertaker or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

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

(4) The utility undertaker must use reasonable endeavours to mitigate in whole or in part any costs, expenses, loss, demands and penalties which the undertaker is liable for under sub-paragraph (1) save for in the event of an emergency or where it is not reasonably practicable to do so (at the undertaker's absolute discretion).

(5) The utility undertaker must give the undertaker reasonable notice of any third party claim or demand against the utility undertaker by reason or in consequence of any damage or interruption to the utility undertaker's service and no settlement or compromise is to be made, unless payment is required in connection with a statutory compensation scheme, unless payment is required in connection with a statutory compensation scheme, without first consulting the undertaker and considering its representations (save where required by law or by order of the court).

Cooperation

50. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or the utility undertaker requires the removal of apparatus under paragraph 45(2) or the utility undertaker makes requirements for the protection or alteration of apparatus under paragraph 47, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the utility undertaker's undertaking and the utility undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

51. 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 as reasonably practicable is caused to the undertaking of the utility undertaker.

52. The undertaker shall use its reasonable endeavours during the exercise of the powers conferred by this Order to ensure that such works do not cause any interruption to the exercise by the utility undertaker of its statutory functions.

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

PART 5

FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY DISTRIBUTION (WEST MIDLANDS) PLC

Application

54. For the protection of National Grid Electricity Distribution (West Midlands) plc the following provisions, unless otherwise agreed in writing between the undertaker and National Grid Electricity Distribution (West Midlands) plc, have effect.

Interpretation

55. In this Part of this Schedule—

"alternative apparatus" means alternative apparatus adequate to enable NGED to fulfil its statutory functions in a manner not less efficient than previously and, where the context requires, includes any part of such alternative apparatus;

"alternative rights" means all and any necessary legal easements, leases, consents, or permissions required by NGED in order to permit or authorise a diversion and to permit or authorise NGED to lay, keep, operate, maintain, adjust, repair, alter, relay, renew, supplement, inspect, examine, test and remove the alternative apparatus;

"apparatus" means electric lines or electrical plant as defined in the Electricity Act 1989(**a**), belonging to or maintained by NGED;

"diversion" means an alteration to the NGED Network in order to enable or facilitate the authorised development;

"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;

"NGED" means National Grid Electricity Distribution (West Midlands) plc (company number 03600574) whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB;

"NGED Network" means NGED's distribution network operated pursuant to its distribution licence issued pursuant to section 6 (licences authorising supply, etc.) of the Electricity Act 1989;

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

"specified work" means so much of any of the authorised development that is carried out within 6 metres of any apparatus;

"undertaker" means Gloucestershire County Council or such other person as has the benefit of the Order.

On street apparatus

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

(**a**) 1989 c. 29. The definition of "electricity plant" (in section 64) was amended by paragraphs 24 and 38(1) and (3) of Schedule 6 to the Utilities Act 2000 (c. 27).

No acquisition except by agreement

57. Regardless of any provision in this Order, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

58.—(1) If, in the exercise of the powers conferred by this Order, the undertaker requires that apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule and any right of NGED to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, alternative rights acquired or granted for the alternative apparatus and the alternative apparatus is in operation and access to it has been provided if necessary to the reasonable satisfaction of NGED in accordance with sub-paragraphs (2) to (10) or with such alternative or supplementary provisions as the undertaker and NGED may agree between them.

(2) If, for the purpose of executing any works for the authorised development in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to NGED 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.

(3) If, as a direct consequence of the exercise of any of the powers conferred by this Order, NGED reasonably needs to remove or divert any of its apparatus and the removal of that apparatus has not been required by the undertaker under sub-paragraph (2) then NGED must give to the undertaker 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 this Part of this Schedule has effect as if the removal or diversion of such apparatus had been required by the undertaker under sub-paragraph (2).

(4) If, as a direct consequence of the removal or diversion of apparatus under sub-paragraph (2) or (3), alternative apparatus is to be constructed in land owned or controlled by the undertaker then the undertaker must afford to NGED the necessary facilities alternative rights and any necessary third party consent or approvals for the construction of alternative apparatus in the other land owned or controlled by the undertaker.

(5) If the undertaker or NGED requires to remove or divert any apparatus placed within the Order land and alternative apparatus is to be constructed in land not owned or controlled by the undertaker as a consequence of the removal or diversion of apparatus then NGED shall use its reasonable endeavours to obtain alternative rights in the land in which the alternative apparatus is to be constructed.

(6) If alternative apparatus is to be constructed in land not owned or controlled by the undertaker and NGED is unable to obtain such alternative rights as are mentioned in sub-paragraph (5), the undertaker and NGED shall consider whether there is an alternative engineering solution that can achieve the diversion without the need for the use of compulsory powers. Should such an alternative engineering solution not be practicable and deliverable in a reasonable timescale and at a reasonable cost (which shall be determined by the undertaker acting reasonably), NGED may, on but shall not be compelled to use the powers of compulsory acquisition set out in this Order or the Electricity Act 1989 to obtain the necessary facilities and rights in the land outside the Order limits in which the alternative apparatus is to be constructed in accordance with a timetable agreed between NGED and the undertaker.

(7) Any alternative apparatus required pursuant to sub-paragraphs (2) or (3) must be constructed in such manner and in such line or situation as may be agreed between NGED and the undertaker or in default of agreement settled in accordance with paragraph 63 (expert determination).

(8) NGED must, after the alternative apparatus to be provided or constructed has been agreed or settled pursuant to paragraph 63, and after the acquisition by or grant to NGED of any such facilities and alternative rights as are referred to in sub-paragraphs (2) to (6), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required to be removed under the provisions of this Part of this Schedule.

(9) Regardless of anything in sub-paragraph (8), if the undertaker gives notice in writing to NGED that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land controlled by the undertaker, that work, instead of being executed by NGED, must be executed by the undertaker—

(a) in accordance with plans and specifications and in such line or situation agreed between the undertaker and NGED, or, in default of agreement, determined in accordance with paragraph 63; and

(b) without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of NGED.

(10) Nothing in sub-paragraph (9) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or alternative apparatus, or execute any filling around the apparatus or alternative apparatus (where the apparatus or alternative apparatus is laid in a trench) within 600 millimetres of the point of connection or disconnection of such apparatus or alternative apparatus.

Facilities and rights for alternative apparatus

59.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to NGED facilities and alternative rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and alternative rights must be granted upon such terms and conditions as may be agreed between the undertaker and NGED or in default of agreement settled in accordance with paragraph 63.

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in the land of the undertaker, the expert must—

(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 adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker;

(b) have regard to the terms and conditions, if any, applicable to the apparatus for which the alternative apparatus is to be substituted;

(c) have regard to NGED's ability to fulfil its service obligations and comply with its licence conditions; and

(d) have regard to the standard form rights NGED ordinarily secures for the type of alternative apparatus to be constructed in the circumstances similar to the authorised development.

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

Retained apparatus

60.—(1) Not less than 60 days before the undertaker intends to start the execution of any specified work where the removal of the apparatus in question has not been required under paragraph 58 (removal of apparatus), the undertaker shall submit to NGED a plan of the specified works to be executed. Any submission must note the time limits imposed on NGED under sub-paragraph (3).

(2) Subject to sub-paragraph (3), the undertaker shall not commence any works to which sub-paragraph (1) applies until NGED has identified any reasonable requirements it has for the alteration or protection of the apparatus, or for securing access to it.

(3) If by the expiry of 60 days beginning with the date on which a plan under sub-paragraph (1) is submitted NGED has not advised the undertaker in writing of any reasonable requirements for the alteration or protection of the apparatus, or for securing access to it, it shall be deemed not to have any such requirements and the undertaker shall be at liberty to proceed with the specified works.

(4) The specified works referred to in sub-paragraph (1) must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with any reasonable requirements as may be notified in accordance with sub-paragraphs (2) and (3) by NGED and NGED shall be entitled to watch and inspect the execution of those works.

(5) At all times when carrying out the authorised development the undertaker shall comply with NGED's Avoidance of Danger from Electricity Overhead Lines and Underground Cables (2014), the Energy Network Association's A Guide to the Safe Use of Mechanical Plant in the Vicinity of Electricity Overhead Lines (undated), the Health and Safety Executive's GS6 Avoiding Danger from Overhead Power Lines and the Health and Safety Executive's HSG47 Avoiding Danger from Underground Services (Third Addition) (2014) as the same may be replaced from time to time.

(6) If NGED, in accordance with sub–paragraphs (2) and (3) and in consequence of the specified works proposed by the undertaker, reasonably requires the removal or diversion of any apparatus and gives written notice to the undertaker of that requirement, this Part of this Schedule applies as if the removal or diversion of the apparatus had been required by the undertaker under paragraph 58(3).

(7) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 60 days before commencing the execution of any specified works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(8) The undertaker is not required to comply with sub–paragraph (1) in a case of emergency but in that case it must give to NGED notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with any reasonable requirements stipulated by NGED under sub-paragraph (2) and with sub–paragraphs (4) and (5) in so far as is reasonably practicable in the circumstances. Nothing in this sub-paragraph prevents NGED from exercising its rights under sub-paragraph (6).

Expenses and costs

61.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to NGED the proper and reasonable expenses reasonably incurred by NGED in, or in connection with, the inspection, removal, diversion, alteration or protection of any apparatus, the construction of any alternative apparatus and the acquisition or grant of alternative rights for the alternative apparatus, arising as a result of the powers conferred upon the undertaker pursuant to this Order.

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

(3) If in accordance with the provisions of this Part of this Schedule NGED requires that alternative apparatus of better type, greater capacity or dimensions or at a greater depth is necessary in substitution for existing apparatus which for NGED's network requirements is over and above what is necessary as a consequence of and for the purpose of the authorised development, NGED shall reduce the cost of such additional requirements from the amount payable by the undertaker pursuant to sub-paragraph (1).

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

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

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

(5) An amount which apart from this sub-paragraph would be payable to a 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.

Liability

62.—(1) Subject to sub-paragraph (2), if by reason or in consequence of the construction of any specified work or any subsidence resulting from any of those 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 NGED the undertaker is to—

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

(b) reimburse NGED for any other expenses, loss, damages, penalty or costs reasonably and properly incurred by NGED, 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 NGED, its officers, servants, contractors or agents.

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

(4) NGED must act reasonably in relation to any claim or demand served under sub-paragraph (1) and use its reasonable endeavours to mitigate and minimise any costs, expenses, loss, demands, proceedings and penalties to which a claim or demand under sub-paragraph (1) applies.

(5) NGED's liability to the undertaker for negligence or breach of contract, in respect of each diversion, shall be limited to the value of that diversion and NGED shall not otherwise be liable to the undertaker for any losses or costs incurred by the undertaker resulting from delays to the authorised development as a result of its failure to undertake works to deliver any alternative apparatus.

Expert determination

63.—(1) Article 46 (arbitration) shall apply to any difference as to the legal interpretation of this Part of this Schedule and as provided for in sub–paragraph (7).

(2) Save as provided for in sub–paragraph (1) or sub–paragraph (7), any difference under this Part of this Schedule must 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 or the President of the Institution of RICS or the President of the Institution of Engineering and Technology (as relevant and agreed between NGED and the undertaker, both acting reasonably and without delay).

(3) All parties involved in settling any difference must use best endeavours to do so within 14 days from the date of a dispute first being notified in writing by one party to the other and in the absence of the difference being settled within that period the expert must be appointed within 21 days of the notification of the dispute.

(4) The costs and fees of the expert and the costs of NGED and the undertaker are payable by the parties in such proportions as the expert may determine. In the absence of such determination the costs and fees of the expert are payable equally by the parties who shall each bear their own costs.

(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 14 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 14 days of receipt of the submissions under sub-paragraph (b); and

(d) give reasons for the decision.

(6) The expert must consider where relevant—

(a) the development outcome sought by the undertaker;

(b) the ability of the undertaker to achieve its outcome in a timely and cost-effective manner;

(c) the nature of the power sought to be exercised by the undertaker;

(d) the effectiveness, cost and reasonableness of proposals for mitigation arising from any party;

(e) NGED's service obligations and licence conditions; and

(f) any other important and relevant consideration.

(7) 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 46.

Cooperation

64. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or NGED requires apparatus to be removed, relocated or diverted under paragraph 58 (removal of apparatus) or NGED makes requirements for the protection or alteration of apparatus under paragraph 60 (retained apparatus), 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 NGED's undertaking and NGED must use its best endeavours to co-operate with the undertaker for that purpose.

PART 6

FOR THE PROTECTION OF WALES & WEST UTILITIES

65. For the protection of Wales & West Utilities the following provisions have effect, unless otherwise agreed in writing between the undertaker and Wales & West Utilities.

66. In this Part of this Schedule—

"alternative apparatus" means alternative apparatus adequate to enable Wales & West Utilities to fulfil its statutory functions in a manner no less efficient than previously;

"apparatus" means any mains, pipes or other apparatus belonging to or maintained by Wales & West Utilities for the purposes of carrying out its statutory undertaking and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

"authorised development" has the same meaning as in article 2 (interpretation) of this Order and (unless otherwise specified) for the purposes of this Part of this Schedule shall include associated development and the construction, use, maintenance and decommissioning of the authorised development;

"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;

"security infrastructure" includes cameras, perimeter fencing, fencing and gates and any other security measures which are permanent in nature and reasonably required in order to ensure an appropriate level of security in respect of any apparatus;

"specified work" means so much of any of the works comprised in the authorised development or activities undertaken in association with the authorised development which—

(a) are in, on or under any land purchased, leased, held, appropriated or used under this Order that are not in compliance with safe digging practice and WWU Guidance and are near to, or will or may affect any apparatus the removal of which is not required under this part of this Schedule; or

(b) will or may be situated within 4 metres measured in any direction of any security infrastructure belonging to or maintained by Wales & WestWales & West Utilities;

"Wales & West Utilities" means Wales & West Utilities Limited (Company No. 05046791) whose registered office is at Wales & West House, Spooner Close Coedkernew, Newport, South Wales, NP10 8FZ and includes any successor in title in respect of the apparatus or any successor as a gas transporter (within the meaning of Part 1 of the Gas Act 1986(**a**)) within the area of the authorised development; and

"WWU Guidance" means WW/SP/SSW/22 in relation to intermediate pressure pipelines and high pressure pipelines and the Medium Pressure General Conditions covering medium pressure pipelines or such replacement guidance issued by Wales & West Utilities.

On street apparatus

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

Apparatus in stopped up streets

68.—(1) Where any street is stopped up under article 16 (permanent stopping up and restriction of use of streets and private means of access) and Wales & West Utilities has apparatus in the street, Wales & West Utilities shall have the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to Wales & West Utilities legal easements reasonably satisfactory to Wales & West Utilities in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of Wales & West Utilities to require the removal of that apparatus under paragraph 71 (removal of apparatus) or the power of the undertaker to carry out works under paragraph 73 (retained apparatus).

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

(**a**) 1986 c. 44.

Protective works to buildings

69. The undertaker, in the case of the powers conferred by article 19 (protective works to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

No acquisition except by agreement

70. Regardless of any provision in this Order, the undertaker must not acquire any apparatus otherwise than by agreement.

Removal of apparatus

71.—(1) If, in the exercise of the powers conferred by this Order the undertaker acquires any interest in, on or under any land in which any apparatus is placed or over which access is enjoyed by Wales & West Utilities or which requires that Wales & West Utilities' apparatus is relocated or diverted, that apparatus must not be decommissioned or removed under this Part of this Schedule, and any right of Wales & West Utilities to maintain that apparatus in that land or to gain access over it must not be extinguished or interfered with until alternative apparatus has been constructed and is in operation with the facilities and rights referred to in sub-paragraph (2) to the reasonable satisfaction of Wales & West Utilities in accordance with sub-paragraphs (2) to (5).

(2) If, for the purpose of executing any works in, on or under any land purchased, leased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to Wales & West Utilities at least 28 days' written notice of that requirement, together with a plan, description 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 Wales & West Utilities reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to Wales & West Utilities the necessary facilities and rights for the construction of and access to alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus along with any appropriate working areas.

(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, Wales & West Utilities must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its reasonable 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 Wales & West Utilities and the undertaker or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

(5) Wales & West Utilities must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 46 (arbitration), and after the grant to Wales & West Utilities of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

72.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to Wales & West Utilities facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed or decommissioned, those facilities and rights are to be granted upon such terms and conditions as

may be agreed between the undertaker and Wales & West Utilities or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to Wales & West Utilities than the facilities and rights enjoyed by it in respect of the apparatus to be removed or decommissioned 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 Wales & West Utilities as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus

73.—(1) Not less than 42 days before starting the execution of any specified works, the undertaker must submit to Wales & West Utilities a plan, section and description of the specified works to be executed.

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

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

(4) If Wales & West Utilities, in accordance with sub-paragraph (3) and in consequence of the specified works proposed by the undertaker, reasonably requires the removal or decommissioning of any apparatus or any protective works and gives written notice to the undertaker of that requirement, paragraphs 65 to 67 and 70 to 72 apply as if the removal or decommissioning of the apparatus or the protective works had been required by the undertaker under paragraph 71(2) (removal of apparatus).

(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 specified works, a new plan section or description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) Where the undertaker submits a revised plan of specified works pursuant to a reasonable requirement of Wales & West Utilities under this paragraph the revised plan must be submitted no less than 21 days before commencing the execution of the specified works.

(7) Subject to sub-paragraph (8), the undertaker shall not commence any specified works to which sub-paragraph (7) applies until Wales & West Utilities has identified any reasonable requirements it has for the alteration or protection of the apparatus, or for securing access to it (such reasonable requirements to be identified by Wales & West Utilities without unreasonable delay).

(8) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to Wales & West Utilities notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances.

Expenses and costs

74.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to Wales & West Utilities on demand all expenses reasonably incurred by Wales & West Utilities in, or in connection with, the inspection, relaying, replacing, removal, decommissioning, alteration or protection of any apparatus or security infrastructure or the construction of any new apparatus or

security infrastructure which may be required in consequence of the execution of any such works as are referred to in paragraph 71(2) (removal of apparatus).

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

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

(a) apparatus of better type, greater capacity or dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or 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 46 (arbitration) to be necessary then, if such placing involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Wales & West Utilities in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

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

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

(5) An amount which apart from this sub-paragraph would be payable to Wales & West Utilities 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 Wales & West Utilities 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

75.—(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 69 (protective works to buildings) or 71(2) (removal of apparatus) or any specified 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 Wales & West Utilities, or there is any interruption in any service provided, or in the supply of any goods, by Wales & West Utilities, the undertaker must—

(a) bear and pay the cost reasonably incurred by Wales & West Utilities Limited in making good such damage or restoring the supply; and

(b) make reasonable compensation to Wales & West Utilities for any other expenses, loss, damages, penalty or costs incurred by Wales & West Utilities,

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

(2) The fact that any act or thing may have been done by Wales & West Utilities on behalf of the undertaker or in accordance with a plan, section or description approved by Wales & West Utilities or in accordance with any requirement of Wales & West Utilities or under its supervision does not, subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of sub-paragraph (1).

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

(4) Wales & West Utilities must act reasonably in relation to any claim or demand served under sub-paragraph (1) and use reasonable endeavours to mitigate and minimise any costs, expenses, loss, demands, proceedings and penalties to which a claim or demand under sub-paragraph (1) applies.

(5) Wales & West Utilities must give the undertaker reasonable notice of any such- claim or demand against Wales & West Utilities and no settlement or compromise is to be made without the consent of the undertaker and, if such consent is withheld, the undertaker has the sole conduct of any settlement or compromise of any proceedings necessary to resist the claim or demand unless payment is required in connection with a statutory compensation scheme.

(6) In respect of any claim under paragraphs 74(1) (expenses and costs) or 75(1) (indemnity), Wales & West Utilities shall on reasonable request from the undertaker provide written evidence of how the claimed expenses, loss, damages, penalties or costs have reasonably and properly been incurred. Any dispute between the Parties as to the reasonableness of the costs, charges and expenses shall be resolved in accordance with article 46 (arbitration).

Cooperation

76. Where in consequence of the proposed construction of any part of the authorised development, the undertaker or Wales & West Utilities requires the removal or decommissioning of apparatus under paragraph 71(2) (removal of apparatus) or Wales & West Utilities makes requirements for the protection or alteration of apparatus under paragraph 73 (retained apparatus), the undertaker must use best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Wales & West Utilities' undertaking and Wales & West Utilities must use best endeavours to co-operate with the undertaker for that purpose.

77. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Wales & West Utilities in respect of any apparatus in land belonging to the undertaker on the date on which this Order is made.

PART 7

FOR THE PROTECTION OF BT OPENREACH LIMITED

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

79. 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 section 106(**b**) (application of the electronic communications code) of the 2003 Act;

"electronic communications code network" means—

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

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

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

(**a**) 2003 c. 21.
(**b**) Section 106 was amended by section 4 of the Digital Economy Act 2017.

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

"operator" means the operator of an electronic communications code network.

80. The exercise of the powers conferred by article 33 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) of the electronic communications code.

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

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

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

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

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

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

(4) Any difference arising between the undertaker and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 46 (arbitration).

82. 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.

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

HVDC Installation

84.—(1) High Voltage – DC Construction - The Communications Code 2003, Part 10 provides for the protection of Code Operator Networks from potential damage which may be caused as a result of a new construction introduced by other undertakers.

(2) Where a proposed new HV/DC construction is likely to come close to existing BT Network, Infrastructure or Exchange building, it is for the undertaker to carry out the necessary evaluation, to determine whether, as a result of that proposed construction, if there is a likelihood of physical damage, electrical interference or interruption to BT's Network.

(3) Where the evaluation identifies potential for such damage or interference, it is for the undertaker to decide the level and nature of mitigation required to eliminate that risk. In order to support the evaluation, the operator will provide a full list of Network Cable types, building diagrams and policy requirements for the Telecommunications apparatus. If the undertaker

requires more specific information, a more detailed site study can be provided by the operator. The latter is a significant undertaking and one which would be chargeable.

(4) The undertaker's evaluation must cover all aspects of any potential interference both physical and safety during any proposed alterations and the potential impact once the undertaker's apparatus is operational, that is potential impact from outages or maintenance routines after installation is complete. Any alterations must be within the operator's planning policy tolerance and agreed at each stage and for any alterations during build that are altered from the original specification.

(5) Where the mitigation proposed by the undertaker involves shifting or re-arrangement of the operator's Network or infrastructure, that can be arranged and agreed though the operator's Network Re-Arrangement Team, who can provide an estimate of costs for the work required and will work with the undertaker to arrive at an agreed solution to protect the operator's assets.

(6) Whilst the operator may carry out mitigation works as requested by the undertaker; it bears no responsibility for the effectiveness of that solution. Such responsibility lies with the undertaker.

SCHEDULE 10

Article 44

DOCUMENTS TO BE CERTIFIED

(1) *Document*	*(2)* *Document Reference*	*(3)* *Revision*
Book of reference	Volume 4, Document 4.3	5
Works plans (part 1)	Volume 2, Document 2.4	3
Works plans (part 2)	Volume 2, Document 2.4	3
Land plans	Volume 2, Document 2.2	6
Crown land plans	Volume 2, Document 2.7	2
Streets, rights of way and access plans (part 1)	Volume 2, Document 2.5	3
Streets, rights of way and access plans (part 2)	Volume 2, Document 2.5	2
Classification of roads plans (part 1)	Volume 2, Document 2.8	1
Classification of roads plans (part 2)	Volume 2, Document 2.8	1
Speed limits and traffic regulations plans (part 1)	Volume 2, Document 2.14	1
Speed limits and traffic regulations plans (part 2)	Volume 2, Document 2.14	1
Environmental masterplan (part 1)	Volume 2, Document 2.13	3
Environmental masterplan (part 2)	Volume 2, Document 2.13	3
General arrangement plans (part 1)	Volume 2, Document 2.9	3
General arrangement plans (part 2)	Volume 2, Document 2.9	3
Engineering drawings and sections (part 1)	Volume 2, Document 2.10	1
Engineering drawings and sections (part 2)	Volume 2, Document 2.10	1
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Gloucestershire County Council to carry out alteration works to Junction 10 of the M5 motorway, in summary comprising the demolition of the existing A4019 overbridge and the construction of a new grade separated junction with four slip roads to and from the M5 motorway; to dual sections of the A4019; to construct the West Cheltenham Link Road; and to carry out all associated works.

This Order permits Gloucestershire County Council to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also makes provision in connection with the maintenance of the authorised development.

A copy of the plans, engineering drawings and sections, book of reference and environmental statement mentioned in this Order and certified in accordance with article 44 (certification of plans etc.) may be inspected free of charge during working hours at Shire Hall, Westgate Street, Gloucester GL1 2TG; Tewkesbury Borough Council, Gloucester Road, Tewkesbury, Gloucestershire GL20 5TT; and Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

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