

# **High Speed Rail (Crewe - Manchester) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as Bill 228-EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Grant Shapps has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the High Speed Rail (Crewe - Manchester) Bill are compatible with the Convention rights.

# High Speed Rail (Crewe - Manchester) Bill

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**B I L L**

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Make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Works***1 Power to construct and maintain works for Phase 2b (Crewe - Manchester) of High Speed 2**

- (1) The nominated undertaker may construct and maintain the works specified in Schedule 1, being—
- (a) works for the construction of a railway between—
    - (i) a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire, and
    - (ii) Manchester Piccadilly Station,
  - (b) works for the construction of a railway between—
    - (i) Hoo Green in Cheshire, and
    - (ii) a junction with the West Coast Main Line at Bamfurlong, south of Wigan,
  - (c) other railway works which are required for the purposes of—
    - (i) the railways mentioned in paragraphs (a) and (b), or
    - (ii) a high speed railway transport system of which those railways form or are to form part,
  - (d) works for the relocation and construction of street tramways and tramroads in the vicinity of Manchester Piccadilly station which are consequent on, or which can conveniently be carried out at the same time as, works within any of paragraphs (a) to (c), and
  - (e) works consequent on, or incidental to, works within any of paragraphs (a) to (d).

- (2) In this Act –  
     “scheduled works” means the works specified in Schedule 1;  
     “Manchester tram works” means Work Nos. 2/39, 2/45, 2/45A, 2/46, 2/47 and 2/52 specified in Schedule 1.
- (3) References in this Act to “Phase 2b (Crewe - Manchester) of High Speed 2” are to the railways mentioned in subsection (1)(a) and (b). 5
- (4) In subsection (1)(a) “Phase 2a of High Speed 2” has the same meaning as in the High Speed Rail (West Midlands - Crewe) Act 2021 (see section 1(3) of that Act).

## **2 Further provision about works** 10

- (1) The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for Phase 2b (Crewe - Manchester) purposes, do any of the following within the Act limits –
- (a) carry out and maintain railway electrification and signalling works;
  - (b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, buildings, apparatus, plant and machinery as may be necessary or expedient; 15
  - (c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or expedient; 20
  - (d) demolish the whole or part of any building or structure;
  - (e) alter or remove any structure erected upon any highway or adjoining land;
  - (f) alter, or alter the position of, railway track and any apparatus associated with railway track; 25
  - (g) install or alter, or alter the position of, other apparatus, including mains, sewers, drains and cables;
  - (h) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses; 30
  - (i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.
- (2) Subsection (1) does not authorise the making of any cut for drainage purposes which is more than 3.4 metres wide at the bottom.
- (3) The nominated undertaker may within the Act limits – 35
- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, and
  - (b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Act. 40
- (4) Schedule 2 contains further and supplementary provision about works.
- (5) Without prejudice to subsection (1)(g), the nominated undertaker may, for the purposes of or in connection with the works authorised by this Act, undertake the electric line diversions and other works specified in the table in Schedule 3.
- (6) Schedule 4 contains further and supplementary provision about the Manchester tram works. 45

### 3 Highways

- (1) The powers conferred on the nominated undertaker under this Act with respect to works may not be exercised in relation to a highway for which a strategic highways company is the highway authority unless the company consents. 5
- (2) Schedule 5 contains provision about—
- (a) highway access;
  - (b) power to stop up and interfere with highways;
  - (c) construction and maintenance of highways.

*Compulsory acquisition of land* 10

### 4 Power to acquire land compulsorily

- (1) The Secretary of State may acquire compulsorily so much of the land within the Act limits as may be required for Phase 2b (Crewe - Manchester) purposes.
- (2) Schedule 6 contains provision about the particular purposes for which land within the limits of land to be acquired or used may be acquired under subsection (1). 15
- (3) Part 1 of the Compulsory Purchase Act 1965, so far as not inconsistent with this Act, applies to an acquisition of land under subsection (1)—
- (a) as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981 applies, and 20
  - (b) as if this Act were a compulsory purchase order under that Act.
- (4) The Compulsory Purchase (Vesting Declarations) Act 1981 applies as if this Act were a compulsory purchase order.
- (5) Schedule 7 contains further provision about the application of compulsory purchase legislation. 25

### 5 Acquisition of rights and imposition of restrictive covenants

- (1) The power under section 4(1) includes power—
- (a) to acquire such easements or other rights over land to which the power relates as may be required for Phase 2b (Crewe - Manchester) purposes, by— 30
    - (i) creating new easements or other rights, or
    - (ii) acquiring easements or other rights already in existence;
  - (b) to impose such restrictive covenants over land to which the power relates as may be required for Phase 2b (Crewe - Manchester) purposes.
- (2) In the case of land specified in the table in Schedule 8, the power under section 4(1) may be exercised only in either or both of the following ways— 35
- (a) so as to acquire easements or other rights for purposes specified in relation to the land in column (3) of the table;
  - (b) so as to impose restrictive covenants for such specified purposes.
- (3) The power under section 4(1), so far as relating to compulsory acquisition by virtue of subsection (1), includes power to acquire easements or other rights or 40

- to impose restrictive covenants for the benefit of a person other than the Secretary of State.
- (4) The Secretary of State may by order provide that section 4(1), so far as relating to compulsory acquisition by virtue of subsection (1), is to be treated as also authorising acquisition of easements or other rights or imposition of restrictive covenants by such person as may be specified in the order. 5
- (5) The power to make an order under subsection (4) includes power to make an order varying or revoking any order previously made under that subsection.
- (6) Subsection (7) applies in a case where –
- (a) the power under section 4(1) is exercised so as to acquire easements or other rights or to impose restrictive covenants over land for the benefit of a utility undertaker or the owner of a relevant pipe-line, 10
  - (b) the easements or other rights acquired or covenants imposed are required for Phase 2b (Crewe - Manchester) purposes in relation to –
    - (i) the removal of existing apparatus or pipe-line, and 15
    - (ii) the provision of replacement apparatus or pipe-line, and
  - (c) immediately before the removal of the existing apparatus or pipe-line, the utility undertaker or owner of the pipeline had the benefit of easements or other rights or covenants over land in relation to the existing apparatus or pipe-line that contained commercial or other terms. 20
- (7) The power under section 4(1) may be exercised so that the easements or other rights acquired or covenants imposed as mentioned in subsection (6)(a) and (b) contain any of the terms mentioned in subsection (6)(c).
- (8) Subsection (7) does not prevent those easements or other rights or covenants from containing any terms not mentioned in subsection (6)(c). 25
- (9) In this section, “relevant pipe-line” means –
- (a) a cross-country pipe-line (within the meaning of the Pipe-lines Act 1962), or
  - (b) a local pipe-line (within the meaning of that Act) in relation to the construction of which a direction under section 6 of that Act has or had effect. 30
- (10) Schedules 9 and 10 contain provision about the application of compulsory purchase legislation to a compulsory acquisition where easements or other rights are acquired or restrictive covenants imposed. 35

## 6 Acquisition of airspace

- (1) The power under section 4(1) in relation to land may be exercised in relation to the airspace over the land only.
- (2) The following do not apply in connection with the exercise of the power under section 4(1) in relation to airspace only – 40
- (a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
  - (b) section 53 of the Land Compensation Act 1973 (notice to treat in respect of part of agricultural land);
  - (c) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration); 45

- (d) section 153(4A) of TCPA 1990 (blighted land: proposed acquisition of part interest; material detriment test).

## 7 Acquisition of subsoil or under-surface

- (1) The power under section 4(1) in relation to land may be exercised in relation to the subsoil or under-surface of the land only. 5
- (2) The following do not apply in connection with the exercise of the power under section 4(1) in relation to subsoil or under-surface only –
- (a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
  - (b) section 53 of the Land Compensation Act 1973 (notice to treat in respect of part of agricultural land); 10
  - (c) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);
  - (d) section 153(4A) of TCPA 1990 (blighted land: proposed acquisition of part interest; material detriment test). 15
- (3) Subsection (2) is to be disregarded where the power under section 4(1) is exercised in relation to a cellar, vault, arch or other construction forming part of a house, building or factory.
- (4) Schedule 11 contains provision which in certain cases restricts the power under section 4(1) – 20
- (a) to the subsoil or under-surface of land, or
  - (b) to the subsoil or under-surface of land and rights of passage.

## 8 Highway subsoil

- (1) The nominated undertaker may enter upon, take and use for the purposes of the works authorised by this Act so much of the subsoil of any highway within the Act limits as is required for the purposes of the construction or maintenance of those works, without being required to acquire that subsoil or any interest in it. 25
- (2) Subsection (1) does not apply in relation to any cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway. 30
- (3) In the case of land specified in the table in Schedule 12 –
- (a) the power under subsection (1) is not exercisable in relation to the subsoil of a highway comprised in the land, and
  - (b) the power under section 4(1) is not exercisable in relation to the land so far as the surface of the land is comprised in a highway. 35
- (4) Subsection (3)(b) does not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where –
- (a) the building is within the Act limits, and
  - (b) the power under section 4(1) is exercisable in relation to the building. 40
- (5) In the case of a highway comprised in land specified in a table in paragraph 1, 2, 3 or 4 of Schedule 11, the power under subsection (1) is exercisable only in relation to so much of the subsoil of the highway as lies –

- (a) in relation to land specified in the table in paragraph 1 of that Schedule, more than 9 metres beneath the level of the surface of the highway;
- (b) in relation to land specified in the table in paragraph 2 of that Schedule, more than 7.5 metres beneath the level of the surface of the highway;
- (c) in relation to land specified in the table in paragraph 3 of that Schedule, more than 6 metres beneath the level of the surface of the highway; 5
- (d) in relation to land specified in the table in paragraph 4 of that Schedule, more than 4.5 metres beneath the level of the surface of the highway.
- (6) The restrictions imposed by subsections (3) and (5) on the power under subsection (1) do not affect the power under paragraph 9(1) of Schedule 5 (power of nominated undertaker to enter upon highway to carry out certain street works). 10
- (7) The nominated undertaker must compensate any person who –
- (a) is an owner or occupier of land in respect of which the power under subsection (1) is exercised, and 15
- (b) suffers loss by the exercise of that power.
- (8) Any dispute as to a person’s entitlement to compensation under subsection (7), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (9) Compensation is not payable under subsection (7) to any person who is an undertaker to whom section 85 of the New Roads and Street Works Act 1991 applies (sharing of cost of necessary measures) in respect of measures of which the allowable costs are to be borne in accordance with that section. 20
- 9 Termination of power to acquire land**
- (1) After the end of the period of 8 years beginning with the day on which this Act is passed – 25
- (a) no notice to treat may be served under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and
- (b) no declaration may be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1). 30
- (2) The Secretary of State may by order extend the period under subsection (1) in relation to any land, but may only do so –
- (a) once, and 35
- (b) by not more than 2 years.
- (3) An order under subsection (2) is subject to special parliamentary procedure (as to which, see the Statutory Orders (Special Procedure) Act 1945). This is subject to subsections (4) to (6).
- (4) As soon as practicable after making an order in relation to land under subsection (2), the Secretary of State must – 40
- (a) give a notice containing the information specified in subsection (5) to any person who would, if the provisions of the order were contained in a Bill for an Act of Parliament, be entitled to receive notice in writing of the proposals for the Bill in accordance with – 45

- (i) Standing Order 13 of the Standing Orders of the House of Commons relating to private business, or
    - (ii) any provision replacing that Standing Order, and
  - (b) publish a notice containing that information in—
    - (i) at least one newspaper circulating in the area in which the land is situated, and
    - (ii) the London Gazette or, in relation to land in Scotland, the Edinburgh Gazette.
- (5) The information referred to in subsection (4)(a) is—
  - (a) the purpose of the order; 10
  - (b) the date on which the order will be laid before Parliament;
  - (c) a statement that a petition may be presented against the order under section 3 of the Statutory Orders (Special Procedure) Act 1945 before the end of the period of 28 days beginning with the date referred to in paragraph (b); 15
  - (d) a statement that information regarding the presentation of such a petition is available from the office of the Clerk of the Parliaments, the Private Bill Office of the House of Commons and the parliamentary agent for the Secretary of State;
  - (e) contact details for the offices or persons mentioned in paragraph (d). 20
- (6) The Statutory Orders (Special Procedure) Act 1945 has effect in relation to an order under subsection (2) as if—
  - (a) for section 2 (preliminary proceedings) there were substituted—
    - “2 Preliminary proceedings**
    - (1) An order under section 9(2) of the High Speed Rail (Crewe - Manchester) Act 2022 may not be laid before Parliament until the requirements of section 9(4) of that Act have been complied with. 25
    - (2) When an order under section 9(2) of that Act is laid before Parliament there must, together with it, be laid before Parliament a certificate by the Minister— 30
      - (a) specifying the requirements of section 9(4) of that Act, and
      - (b) certifying that they have been complied with.”;
  - (b) in section 3 (petitions)— 35
    - (i) in subsection (1), for “twenty-one days” there were substituted “twenty-eight days”;
    - (ii) in subsection (3), for “twenty-one days” there were substituted “twenty-eight days”;
  - (c) in section 9(a) (Standing Orders for the purposes of this Act), for “twenty-one days” there were substituted “twenty-eight days”; 40
  - (d) section 10 (application to orders extending to Scotland only) were omitted.
- (7) Schedule 13 contains provision about a right to require acquisition.

*Extinction and exclusion of rights over land*

**10 Extinction of rights over land**

Schedule 14 contains provision about the extinction of private and other rights over land.

**11 Extinction of rights of statutory undertakers**

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- (1) Sections 271 to 273 of TCPA 1990 (extinguishment of rights of statutory undertakers etc) apply in relation to land held by the Secretary of State as being land which is required for or in connection with the works authorised by this Act as they apply in relation to land acquired or appropriated as mentioned in section 271(1) of that Act. 10
- (2) In their application by virtue of subsection (1) –
- (a) sections 271 to 273 of TCPA 1990 have effect as if references to the acquiring or appropriating authority were to the nominated undertaker, and
- (b) sections 271 and 272 of that Act also have effect as if – 15
- (i) in subsection (2), for the words from “with” to “appropriated” there were substituted “authorised by the High Speed Rail (Crewe - Manchester) Act 2022”, and
- (ii) in subsection (5), for the words from “local” to “or undertakers” there were substituted “a person other than a Minister, the Minister”. 20
- (3) Any reference in TCPA 1990 to section 271, 272 or 273 (including a reference to a provision of any of those sections) includes a reference to that section (or provision) as applied by subsection (1).
- (4) In their application by virtue of subsection (3) – 25
- (a) section 274(3) of TCPA 1990 has effect as if for “local authority or statutory undertakers” there were substituted “person”, and
- (b) sections 274(5), 279(2) to (4) and 280(6) of that Act have effect as if references to the acquiring or appropriating authority were to the nominated undertaker. 30

**12 Exclusion of new rights of way**

- (1) No right of way may be acquired by prescription or user over land which –
- (a) forms an access or approach to any railway infrastructure, and
- (b) falls within subsection (2).
- (2) Land falls within this subsection if it is within the Act limits and – 35
- (a) the land, or a right of way over the land, has been acquired under this Act,
- (b) the land, or a right of way over the land, is acquired by the Secretary of State for Phase 2b (Crewe - Manchester) purposes otherwise than under this Act on or after the commencement day, or 40
- (c) the land, or a right of way over the land, was held by the Secretary of State for Phase 2b (Crewe - Manchester) purposes immediately before that day.

- (3) In subsection (1) “railway infrastructure” means any building, structure, railway track or other work used, or intended to be used, for Phase 2b (Crewe - Manchester) purposes.

*Temporary possession and use of land*

- 13 Temporary possession and use of land** 5
- Schedules 15 and 16 contain provisions about temporary possession and use of land in connection with the works authorised by this Act.
- 14 Use of roads**
- (1) The nominated undertaker may use any road situated on land specified in the table in Schedule 8 for the passage of persons or vehicles (with or without materials, plant or machinery) for Phase 2b (Crewe - Manchester) purposes. 10
- (2) The power under subsection (1) is exercisable on giving at least 7 days’ notice (or, where access is urgently required, such notice as is reasonably practicable) to the owners and occupiers of the land.
- (3) But subsection (2) does not require notice to be given in relation to a road where notice under that subsection has already been given in relation to the road. 15
- (4) The power under subsection (1) may not be exercised after the end of 5 years beginning with—
- (a) where the exercise of the power relates to the railway mentioned in section 1(1)(a), the date on which that railway is brought into general use; 20
- (b) where the exercise of the power relates to the railway mentioned in section 1(1)(b), the date on which that railway is brought into general use. 25
- (5) The nominated undertaker must compensate the person having the management of a road to which subsection (1) applies for any loss which the person may suffer by reason of the exercise of the power under that subsection.
- (6) Any dispute as to a person’s entitlement to compensation under subsection (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 30
- 15 Cranes**
- (1) The nominated undertaker may enter upon and use airspace over any land within the Act limits for the oversailing of cranes for Phase 2b (Crewe - Manchester) purposes. 35
- (2) The power under subsection (1) is exercisable on giving at least 7 days’ notice to the owners and occupiers of the land.
- (3) The nominated undertaker may not, without the agreement of the owners of the land, use airspace over the land as mentioned in subsection (1) after the end of 7 days beginning with the date of completion of the activities for which the crane has been used. 40

- (4) The nominated undertaker must pay compensation to the owners and occupiers of land above which the power under subsection (1) is exercised for any loss which they may suffer by reason of the exercise of that power.
- (5) Any dispute as to a person's entitlement to compensation under subsection (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 5
- (6) Nothing in this section affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) or under any other enactment, otherwise than for loss for which compensation is payable under subsection (4). 10
- (7) Subsection (1) does not apply in relation to airspace above a highway (and where airspace is above a highway see also paragraph 8 of Schedule 5).

## 16 Enforcement of restrictions on land use

- (1) This section applies where –
- (a) a prohibition or restriction relating to the use of land is imposed by a covenant or agreement between a person interested in the land (“the promisor”) and the Secretary of State, and 15
  - (b) the covenant or agreement is made for Phase 2b (Crewe - Manchester) purposes.
- (2) The Secretary of State may enforce the prohibition or restriction against persons deriving title from or under the promisor in respect of land to which it relates as if – 20
- (a) the Secretary of State were possessed of adjacent land, and
  - (b) the covenant or agreement had been expressed to be made for the benefit of such land. 25
- (3) Section 2(c) of the Local Land Charges Act 1975 (under which a prohibition or restriction enforceable by a Minister of the Crown under a covenant or agreement is not a local land charge if binding on successive owners because made for the benefit of land of the Minister) does not apply to the prohibition or restriction. 30

## 17 Compensation for injurious affection

Section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of works under this Act by the nominated undertaker, as if for “acquiring authority have” there were substituted “nominated undertaker has”. 35

### *Planning*

## 18 Deemed planning permission

- (1) Planning permission is deemed to be granted under Part 3 of TCPA 1990 for the carrying out of development authorised by this Act. 40  
This is subject to the other provisions of this Act.

- (2) Where development authorised by this Act consists of the carrying out of a work which is not a scheduled work, subsection (1) does not apply if—
- (a) the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
  - (b) the development is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
  - (c) the development is not covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill.
- (3) Schedule 17 imposes conditions on deemed planning permission under subsection (1). 5
- (4) Deemed planning permission under subsection (1) is specific planning permission for the purposes of section 264(3)(a) of TCPA 1990 (specific planning permission for development of statutory undertakers' land relevant to whether the land is operational land). 10
- (5) Development which has deemed planning permission under subsection (1) is not development of a class for which planning permission is granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (or any instrument replacing that order). 15

## 19 Time limit on deemed planning permission

- (1) In relation to development consisting of the construction of a scheduled work, it is a condition of the deemed planning permission under section 18(1) that the development must be begun not later than the end of 10 years beginning with the day on which this Act is passed. 20
- (2) The Secretary of State may, in relation to any such development, by regulations extend the period within which the development must be begun by virtue of this section. 25
- (3) Regulations under subsection (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Section 91 of TCPA 1990 (limit on duration of planning permission) does not apply to deemed planning permission under section 18(1). 30

## 20 Power to disapply deemed planning permission

- (1) The Secretary of State may by regulations provide, in relation to any work constructed in exercise of the powers conferred by this Act, that section 18(1) is not to apply to development consisting of operations for the maintenance or alteration of the work which are begun on or after a day specified in the regulations. 35
- (2) The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (or any instrument replacing that order) has effect in relation to any development excepted from section 18(1) by subsection (1) as if this Act were a local Act. 40
- (3) Regulations under subsection (1) may make different provision for different cases.

- (4) Regulations under subsection (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made.

## 21 Development consent

The works authorised by this Act do not require consent under the Planning Act 2008 (development consent). 5

### *Deregulation*

## 22 Listed buildings and ancient monuments

- (1) Schedule 18 contains provision for the disapplication or modification of controls relating to listed buildings. 10
- (2) Schedule 19 contains provision for the disapplication or modification of controls relating to ancient monuments.

## 23 Burial grounds

- (1) Nothing in any enactment relating to burial grounds and no obligation or restriction imposed under ecclesiastical law or otherwise has effect to prohibit, restrict or impose any condition on the use of any land comprised in a burial ground for the purpose of constructing any of the works authorised by this Act. 15
- (2) Subsection (1) does not apply where the use of the land for that purpose would involve disturbing human remains which are buried in it, unless the remains and any monument to the deceased have been dealt with in accordance with Schedule 20. 20
- (3) In this section and Schedule 20 –
- “burial ground” means –
- (a) a churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of burial, and 25
- (b) any other place of burial;
- “monument” includes a tombstone or other memorial; and references to a monument to a person are to a monument commemorating that person, whether alone or with any other person. 30

## 24 Consecrated land

- (1) No obligation or restriction imposed under ecclesiastical law or otherwise in relation to consecrated land has effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Act with respect to works. 35
- (2) Subsection (1) does not apply in relation to the use of land comprised in a burial ground for the purpose of constructing any of the works authorised by this Act.
- (3) “Burial ground” has the same meaning in this section as in section 23.

**25 Commons and open spaces**

No enactment regulating the use of commons, town or village greens, open spaces or allotments, and no enactment specially regulating any land of any of those kinds, prevents or restricts –

- (a) the doing of anything for Phase 2b (Crewe - Manchester) purposes on land held by the Secretary of State or the nominated undertaker for those purposes, 5
- (b) the exercise of any right of entry under this Act (or the doing of anything pursuant to such a right of entry), or
- (c) the doing of anything in exercise of any other power under this Act. 10

**26 Trees**

- (1) The enactments specified in subsection (2) do not apply to –
  - (a) tree works which are carried out in relation to a tree growing on land within the Act limits for the purposes of or in connection with the construction of the works authorised by this Act, or 15
  - (b) tree works which are carried out in relation to a tree growing on land used for Phase 2b (Crewe - Manchester) purposes and are necessary –
    - (i) to enable works authorised by this Act to be maintained, or
    - (ii) for reasons of safety in connection with such works or the operation of Phase 2b (Crewe - Manchester) of High Speed 2. 20
- (2) The enactments referred to in subsection (1) are –
  - (a) an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act (tree preservation orders), and
  - (b) section 211(1) and (5) of that Act (preservation of trees in conservation areas). 25
- (3) In this section, “tree works” means works consisting of the removal, topping or lopping of a tree or the cutting back of the roots of a tree.

**27 Overhead lines**

- (1) Section 37(1) of the Electricity Act 1989 (which requires the consent of the Secretary of State in relation to overhead lines) does not apply in relation to an electric line where –
  - (a) the line is installed above land within the Act limits, and
  - (b) the installation of the line –
    - (i) is a work authorised by this Act, and
    - (ii) has deemed planning permission under section 18(1). 35
- (2) Where section 37(1) of the Electricity Act 1989 applies in relation to an electric line –
  - (a) the installation of which is a work authorised by this Act, or
  - (b) which is installed, or is to be installed, for the purposes of, in connection with or in consequence of the construction of any work authorised by this Act, 40

Schedule 8 to that Act (procedure for obtaining consent) has effect as if paragraph 2(2) (public inquiry to be held where planning authority object to consent application) were omitted.

- (3) The installation of an electric line by a person other than the nominated undertaker is to be treated for the purposes of subsection (1) –
- (a) as a work authorised by this Act, and
  - (b) as having deemed planning permission under section 18(1),
- if, were it carried out by the nominated undertaker, it would be a work authorised by this Act and would have such permission. 5
- (4) The installation of an electric line for the purposes of, in connection with or in consequence of the construction of any work authorised by this Act does not require consent under the Planning Act 2008 (development consent).
- 28 Water** 10
- Schedule 21 contains provision about water abstraction and impounding and other matters related to water and drainage.
- 29 Buildings**
- (1) Schedule 22 contains provision about the application of various provisions of the Building Act 1984 and building regulations. 15
- (2) Schedule 23 contains provision about the application of the Party Wall etc. Act 1996.
- 30 Street works**
- Schedule 24 disapplies various controls relating to works in or near streets and highways. 20
- 31 Lorries**
- Schedule 25 contains provision about the use of heavy commercial vehicles.
- 32 Noise**
- Schedule 26 contains provision about –
- (a) noise on construction sites, and
  - (b) noise which constitutes a statutory nuisance. 25
- 33 Local Acts**
- Schedule 27 disapplies various controls under local Acts relating to Cheshire and Greater Manchester.
- 34 Community Infrastructure Levy** 30
- Liability to –
- (a) Community Infrastructure Levy under Part 11 of the Planning Act 2008, or
  - (b) infrastructure levy under any regulations made under section 54 of the Planning (Scotland) Act 2019 (asp 13),
- does not arise in relation to development authorised by this Act. 35

*Railway matters***35 Objectives of Office of Rail and Road**

- (1) The list of objectives in section 4(1) of the Railways Act 1993 (objectives of Office of Rail and Road and Secretary of State) is to be treated, in relation to the Office of Rail and Road only, as including the objective of facilitating the construction of Phase 2b (Crewe - Manchester) of High Speed 2 and the railway works referred to in section 1(1)(c). 5
- (2) The Office of Rail and Road must consult the Secretary of State about the discharge of its duty under section 4(1) of the Railways Act 1993 so far as relating to that objective. 10
- (3) Subsections (1) and (2) cease to have effect on such day as the Secretary of State may specify by regulations.
- (4) Regulations under subsection (3) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made. 15

**36 Disapplication of licensing requirement in pre-operational phase**

- (1) Section 6(1) of the Railways Act 1993 (which prohibits any person from acting as the operator of a railway asset unless authorised by a licence under section 8 of that Act) does not apply in relation to— 20
- (a) a railway asset, other than a train, which is constructed in exercise of the powers conferred under this Act but which is not yet ready for commercial use, or
- (b) a train being used on a network where the network is a railway asset falling within paragraph (a).
- (2) For the purposes of subsection (1), a railway asset is to be taken to be ready for commercial use only if the Secretary of State has laid before Parliament notice of the Secretary of State's determination that it is ready for such use. 25
- (3) The exemption granted by subsection (1) is an appropriate licence exemption for the purposes of section 122 of the Railways Act 1993 (which provides a defence to actions in nuisance etc to persons who hold a licence under section 8 of that Act or have an appropriate licence exemption). 30
- (4) In this section, “network”, “railway asset” and “train” have the same meaning as in Part 1 of the Railways Act 1993.

**37 Disapplication of statutory closure provisions**

- (1) The Secretary of State may at any time before a railway mentioned in section 1(1)(a) or (b) is ready for commercial use direct that the statutory closure provisions (so far as otherwise relevant) are not to apply to any discontinuance which the Secretary of State considers necessary or expedient because of— 35
- (a) the carrying out or proposed carrying out of works authorised by this Act in relation to the railway, or 40
- (b) the proposed operation of the railway.
- (2) In subsection (1), “statutory closure provisions” means the following provisions of the Railways Act 2005—

	sections 22 to 25 (discontinuance of railway passenger services), sections 26 to 28 (discontinuance of operation of passenger networks), sections 29 to 31 (discontinuance of use or operation of stations), and section 37 (discontinuance of experimental passenger services).	
(3)	For the purposes of this section, a railway mentioned in section 1(1)(a) or (b) is to be taken to be ready for commercial use only if the Secretary of State has laid before Parliament notice of the Secretary of State's determination that it is ready for such use.	5
<b>38</b>	<b>Other railway legislation etc</b>	
	Schedule 28 contains provision about the application of railway legislation.	10
<b>39</b>	<b>Co-operation</b>	
(1)	Where the nominated undertaker considers that a matter affects –	
	(a) the construction, maintenance or operation of Phase 2b (Crewe - Manchester) of High Speed 2, and	
	(b) the construction, maintenance or operation of a railway asset, or other railway facility, which is not a Phase 2b (Crewe - Manchester) asset or facility,	15
	the nominated undertaker may by notice require a controller of the asset or facility to enter into an agreement with the nominated undertaker about how the matter is to be dealt with.	20
(2)	Where a controller of a railway asset, or other railway facility, that is not a Phase 2b (Crewe - Manchester) asset or facility considers that a matter affects –	
	(a) the construction, maintenance or operation of the asset or facility, and	
	(b) the construction, maintenance or operation of Phase 2b (Crewe - Manchester) of High Speed 2,	25
	the controller may by notice require the nominated undertaker to enter into an agreement with the controller about how the matter is to be dealt with.	
(3)	The terms of an agreement under subsection (1) or (2) are to be such as the nominated undertaker and the controller may agree or, in default of agreement, as may be determined by arbitration.	30
(4)	Schedule 29 contains provision about arbitration under subsection (3) (which is in addition to the general provision about arbitration in section 58).	
(5)	For the purposes of this section, a railway asset or other railway facility is a "Phase 2b (Crewe - Manchester) asset or facility" if –	
	(a) in the case of a railway asset consisting of any train being used on a network, the network is comprised in Phase 2b (Crewe - Manchester) of High Speed 2, and	35
	(b) in any other case, if the railway asset or other railway facility is used, or intended for use, for Phase 2b (Crewe - Manchester) purposes.	
(6)	Subsections (1) and (2) do not apply in relation to –	40
	(a) a matter which pursuant to any enactment must or may be dealt with by the Office of Rail and Road, or	
	(b) a matter relating to an agreement which pursuant to any provision of that or any other agreement must or may be dealt with by the Office of Rail and Road.	45

- (7) In this section—
- “controller”, in relation to a railway asset or facility, means—
- (a) the person having the management of the asset or facility for the time being, or
  - (b) a person who owns, or has rights in relation to, the asset or facility;
- “network”, “railway asset” and “train” have the same meaning as in Part 1 of the Railways Act 1993;
- “railway facility” includes a maintenance depot, electrical supply facility or stabling facility.

#### **40 Transfer of functions relating to works**

- (1) If for the purposes of this Act the Secretary of State acquires any land from a railway operator on which works authorised by any enactment are situated, the Secretary of State may by order provide for the transfer to the Secretary of State or the nominated undertaker of any power or duty which—
- (a) was previously exercisable by the railway operator, and
  - (b) was conferred under an enactment.
- (2) The Secretary of State may by order provide for the further transfer, to the Secretary of State or the nominated undertaker, of a power or duty transferred under subsection (1) or this subsection.
- (3) If a railway operator acquires any land from the Secretary of State on which works authorised by this Act are situated, the Secretary of State may, with the consent of the railway operator, by order provide for the transfer to the railway operator of any duty under this Act relating to the works.
- (4) An order under this section may contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the Secretary of State considers necessary or expedient in connection with the order.
- (5) In subsections (1) and (3), references to a railway operator are to a person who has the management for the time being of any network, station or light maintenance depot.
- (6) In this section, “light maintenance depot”, “network” and “station” have the same meaning as in Part 1 of the Railways Act 1993.

#### *Traffic*

#### **41 Traffic**

- Schedule 30 contains provision relating to traffic regulation.

#### *Nominated undertaker*

#### **42 Nominated undertaker**

- (1) The Secretary of State may by regulations—
- (a) appoint a person specified in the regulations as the nominated undertaker for such purposes of such provisions of this Act as may be so specified;

- (b) provide that an appointment under paragraph (a) ceases to have effect in such circumstances as may be specified in the regulations.
- (2) Where, in the case of any provision of this Act which refers to the nominated undertaker, there is any purpose of the provision for which no one has been appointed as the nominated undertaker under subsection (1), any reference in the provision to the nominated undertaker is to be read, in relation to that purpose, as a reference to the Secretary of State. 5
- (3) The Secretary of State may fetter the exercise of the Secretary of State's discretion under subsection (1) by agreement with a person who is, or is proposed to be, specified in regulations under that subsection. 10
- (4) The Secretary of State may by regulations make such modifications of any provision of this Act referring to the Secretary of State, so far as applying for a purpose in relation to which subsection (2) has effect, as appear to the Secretary of State to be necessary or expedient in consequence of the Secretary of State's having functions by virtue of that subsection. 15
- (5) Regulations under this section may contain such supplementary, incidental, consequential, transitional, transitory or saving provision as the Secretary of State considers necessary or expedient.
- (6) Regulations under this section must be made by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament. 20

*Statutory undertakers etc*

**43 Extension of planning permission for statutory undertakers**

Schedule 31 contains provision about certain works carried out by statutory undertakers, including provision extending the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) for works covered by an environmental assessment. 25

**44 Protective provisions**

Schedule 32 contains provision protecting the interests of certain persons who may be affected by provisions of this Act. 30

**45 Existing agreements**

- (1) The agreements listed in subsection (2) apply in relation to the exercise of the powers conferred by this Act as they apply in relation to the exercise of the powers conferred by the High Speed Rail (London - West Midlands) Act 2017. 35
- (2) The agreements are –
- (a) the undertaking given on 25 February 2015 by the Secretary of State for Transport to the Commonwealth War Graves Commission;
  - (b) the undertaking given on 1 April 2015 by the Secretary of State for Transport to the Archbishops' Council of Church House. 40
- (3) For the purposes of this section –

- (a) references in the agreements listed in subsection (2) to a provision of the Bill for the High Speed Rail (London - West Midlands) Act 2017 are to be read as references to the corresponding provision of this Act;
- (b) references in those agreements to the promoter are to be read as references to the nominated undertaker; 5
- (c) in the agreement referred to in subsection (2)(b), references to the Heritage Memorandum are to be read as references to the draft Heritage Memorandum prepared in connection with the High Speed Rail (Crewe - Manchester) Bill or to any memorandum superseding that draft. 10

*Reinstatement and environmental works*

#### **46 Compulsory acquisition of land for relocation of an undertaking**

- (1) If the whole or part of any undertaking is displaced, or is likely to be displaced, as a result of the exercise of any power under this Act, the Secretary of State may acquire land compulsorily – 15
  - (a) for the relocation of the undertaking, or
  - (b) in a case relating to part of an undertaking –
    - (i) for the relocation of the displaced part, or
    - (ii) for the purpose of providing land in substitution for the site of the displaced part. 20
- (2) For the purposes of subsection (1), the whole or part of an undertaking is displaced if the site on which it has previously been carried on is no longer reasonably capable of being used for the purposes of the undertaking.
- (3) The Acquisition of Land Act 1981 (which makes provision about a compulsory purchase to which that Act applies, including provision about the authorisation of a purchase and the assessment of compensation) applies to the compulsory acquisition of land under this section. 25
- (4) In relation to a compulsory acquisition under this section –
  - (a) section 234 of TCPA 1990 (disposal of land) and section 236 of that Act (extinguishment of rights) apply as they apply where land is acquired as mentioned in those sections, 30
  - (b) sections 238, 239 and 241 of TCPA 1990 (use and development of consecrated land, burial grounds and open spaces) apply as if, in subsection (1)(a) of each of those sections, for “for any purpose for which he acquired the land” there were substituted “, or by any other person, for any purpose for which the land was acquired”, and 35
  - (c) section 245 of TCPA 1990 (modified application of Acquisition of Land Act 1981 and Compulsory Purchase Act 1965) applies as it applies where land is proposed to be acquired as mentioned in that section.
- (5) Sections 238, 239 and 241 of TCPA 1990 also apply as mentioned in subsection (4)(b) where land is acquired by the Secretary of State, otherwise than under this section, for a purpose for which land may be acquired under this section. 40
- (6) The power to acquire land compulsorily under this section includes power to acquire an easement or other right over land by creating a new easement or right. 45

- (7) The power under this section, so far as relating to compulsory acquisition by virtue of subsection (6), includes power to acquire a right for the benefit of a person other than the Secretary of State.
- (8) Section 13(2), (3) and (5) of, and Part 2 of Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1976 (application of compulsory purchase legislation) apply to a compulsory acquisition by virtue of subsection (6) as they apply to an acquisition of rights by virtue of section 13(1) of that Act. 5
- (9) In this section, “undertaking” includes a business or facility.

#### **47 Power to carry out reinstatement works**

- (1) The nominated undertaker may, where the operation or use of the whole or part of an undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act, carry out reinstatement works within the Act limits. 10
- (2) For the purposes of this section, “reinstatement works” means works for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of the undertaking in question. 15
- (3) Where the power under subsection (1) is exercised for the purpose of carrying out temporary reinstatement works, it may be further exercised for the purpose of carrying out permanent reinstatement works.
- (4) In this section, “undertaking” includes a business or facility. 20

#### **48 Planning permission: works involving reinstatement of undertaking**

- (1) The Secretary of State may direct that section 18(1) (deemed planning permission for development authorised by this Act) does not apply in relation to development consisting of – 25
- (a) particular reinstatement works, or
  - (b) a particular scheduled work, where the construction of the work is for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of a relevant undertaking.
- (2) An undertaking is a “relevant undertaking” if the operation or use of the whole or part of the undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act. 30
- (3) Where a direction under subsection (1) has effect in relation to development, the Secretary of State may direct – 35
- (a) that planning permission for the development is deemed to be granted under Part 3 of TCPA 1990, subject to such conditions as may be specified in the direction (but see subsection (6));
  - (b) that, where the works have deemed planning permission under paragraph (a), such person as may be specified in the direction is to be treated as also being authorised to carry out the development.
- (4) The provisions of TCPA 1990 (other than section 92 and Part 12) apply in relation to deemed planning permission under subsection (3)(a) as if it had been granted by the Secretary of State on an application referred to the Secretary of State under section 77 of that Act. 40

- (5) Where development authorised by subsection (3)(a) consists of the carrying out of reinstatement works, section 19 (time limit on deemed planning permission) applies in relation to the development as it applies in relation to development consisting of the construction of a scheduled work.
- (6) The power in subsection (3)(a) does not apply in relation to development which—
- (a) is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
  - (b) is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
  - (c) is not covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill.
- (7) The Secretary of State must—
- (a) publish any direction under subsection (3)(a) in such manner as the Secretary of State thinks appropriate, and
  - (b) give copies of any such direction to—
    - (i) the owners and occupiers of the land to which the deemed planning permission relates, and
    - (ii) the unitary authority or, in a non-unitary area, the district council in whose area the development to which the direction relates is or is to be carried out.
- (8) Where development in relation to which a direction under subsection (1) has effect is carried out by a person other than the nominated undertaker—
- (a) section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of the works, as if for “acquiring authority have” there were substituted “person carrying out the works has”;
  - (b) section 6 of the Railways Clauses Consolidation Act 1845 (as applied by paragraph 4(1) of Schedule 28) has effect as if references to “the company” were to the person carrying out the works.
- (9) Directions given under this section may revoke or vary previous directions under this section.
- (10) In this section, “reinstatement works” and “undertaking” have the same meaning as in section 47.
- 49 Enforcement of environmental covenants**
- (1) This section applies where—
- (a) a covenant relating to land in England is made between a person interested in the land (the “promisor”) and the Secretary of State,
  - (b) the covenant imposes on the promisor—
    - (i) an obligation (which may be an obligation to make payments) relating to the carrying out, maintenance, protection or enhancement of relevant environmental works in respect of the land, or
    - (ii) a prohibition or restriction relating to the use of the land, for the purposes of the maintenance, protection or enhancement of relevant environmental works which have been carried out in respect of the land, and

- (c) the covenant is made by an agreement (whether entered into before or after the day on which this Act is passed) which satisfies the requirements mentioned in subsection (7).
- (2) In this section –
- (a) a covenant to which this section applies is referred to as an “environmental covenant”; 5
- (b) an obligation, prohibition or restriction of a kind mentioned in subsection (1)(b) is referred to as a “qualifying provision” of an environmental covenant;
- (c) “relevant environmental works” means – 10
- (i) landscaping or other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act,
- (ii) works for the restoration of land affected by any of the works authorised by this Act, or 15
- (iii) works for the enhancement of the environment in connection with or in consequence of the works authorised by this Act, and may include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals.
- (3) Part 7 of the Environment Act 2021 does not apply to an environmental covenant. 20
- (4) The Secretary of State or an authorised person may enforce –
- (a) a qualifying provision of an environmental covenant, and
- (b) any ancillary obligation, prohibition or restriction imposed by the covenant on the promisor, 25
- against the promisor or persons deriving title from or under the promisor in respect of land (including Crown land) to which the covenant relates.
- (5) In subsection (4), “authorised person” means a person authorised by the Secretary of State (whether generally or in specified circumstances) to exercise the power under that subsection. 30
- (6) The reference in subsection (4)(b) to an ancillary obligation, prohibition or restriction imposed by an environmental covenant is a reference to an obligation, prohibition or restriction (other than one within subsection (1)(b)) which –
- (a) relates to land or relevant environmental works to which the covenant relates, and 35
- (b) is imposed –
- (i) to enable works authorised by this Act or relevant environmental works to be maintained, or
- (ii) for reasons of safety in connection with such works or the operation of Phase 2b (Crewe - Manchester) of High Speed 2. 40
- (7) The agreement by which an environmental covenant is made must –
- (a) describe the qualifying provision or provisions of the covenant and the relevant environmental works to which the covenant relates,
- (b) identify the land to which the covenant relates, 45
- (c) indicate that the parties intend to create an environmental covenant, and
- (d) be entered into by an instrument executed as a deed.

- (8) Where, in the case of an environmental covenant, the Secretary of State authorises a person for the purposes of subsection (4), the Secretary of State must give notice of that to the person or persons against whom a qualifying provision of the covenant is enforceable at the time of the authorisation.
- (9) An environmental covenant is a local land charge. 5
- (10) Subsection (11) applies in the case of a breach of a qualifying provision of an environmental covenant by a person against whom the provision is enforceable.
- (11) A court may award exemplary damages against the person if the court thinks it appropriate to do so in the circumstances. 10
- (12) Exemplary damages may be awarded under subsection (11) whether or not another remedy is granted.

*Further high speed rail works*

**50 Power to apply Act to further high speed rail works**

- (1) A TWA order which relates to a relevant Phase 2b (Crewe - Manchester) matter may apply any provision of this Act, with or without modification, to anything authorised by the order, so far as relating to that matter. 15
- (2) The following are “relevant Phase 2b (Crewe - Manchester) matters” –
- (a) a power exercisable or to be exercisable in connection with the works authorised by this Act, 20
  - (b) an extension of Phase 2b (Crewe - Manchester) of High Speed 2, and
  - (c) any other works carried out or to be carried out for Phase 2b (Crewe - Manchester) purposes.
- (3) A TWA order which relates to an extension or works referred to in subsection (2)(b) and (c) may also provide for any provision of this Act to have effect as if Phase 2b (Crewe - Manchester) of High Speed 2 included the extension or works. 25
- (4) Section 13(2) of the Transport and Works Act 1992 (power of Secretary of State to refuse application on ground that objects of order sought could be achieved by other means) does not apply where, for purposes relating to the diversion of apparatus belonging to a utility undertaker, an application is made under section 6 of that Act for a TWA order in relation to a relevant Phase 2b (Crewe - Manchester) matter. 30
- (5) Subsection (1) does not confer power to apply either or both of the following – section 9(2) and Schedule 13 (right to require acquisition); 35  
Schedules 18 and 19 (listed buildings and ancient monuments).
- (6) In this section, “TWA order” means an order under section 1 of the Transport and Works Act 1992.

*The Crown***51 Application of powers to Crown land**

- (1) The powers conferred on the nominated undertaker under this Act may be exercised in relation to Crown land with the consent of the Crown authority.
- (2) The Crown authority may give consent— 5
- (a) subject to conditions, and
  - (b) notwithstanding anything in any lease or other grant granted by or to that authority.
- (3) The consent of the Crown authority is deemed to be given for the purposes of this section where the powers conferred on the nominated undertaker by Schedule 2 or 15 are exercised in relation to Crown land falling within subsection (5). 10
- (4) In this Act, “Crown land” means land—
- (a) in which there is an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department, 15
  - (b) in which there is an interest belonging to Her Majesty in right of the Crown,
  - (c) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster, or 20
  - (d) in which there is an interest belonging to the Duchy of Cornwall.
- (5) Crown land falls within this subsection if—
- (a) the land is Crown land by virtue of subsection (4)(b), (c) or (d), and
  - (b) the interest mentioned in subsection (4)(b), (c) or (d) was created by the land vesting in Her Majesty in right of the Crown or of the Duchy of Lancaster, or in the Duchy of Cornwall, as bona vacantia. 25
- (6) In this Act, “Crown authority”, in relation to any Crown land, means—
- (a) in a subsection (4)(a) case, the government department in question;
  - (b) in a subsection (4)(b) case— 30
    - (i) if the land forms part of the Crown Estate, the Crown Estate Commissioners, and
    - (ii) in any other case, the government department having management of the land;
  - (c) in a subsection (4)(c) case, the Chancellor of the Duchy of Lancaster;
  - (d) in a subsection (4)(d) case, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints. 35
- (7) If for the purposes of this section a question arises as to which authority is the Crown authority for any land—
- (a) the question is to be decided by the Treasury, and
  - (b) the Treasury’s decision is final. 40
- (8) Where the consent of the Crown authority is deemed to have been given under subsection (3) in relation to Crown land, the consent does not constitute—
- (a) the Crown authority taking possession or control of the land, or entering into occupation of the land;

- (b) a waiver by the Crown authority under section 1013(2) of the Companies Act 2006 (Crown disclaimer of property vesting as bona vacantia) of the right to execute a notice of disclaimer in relation to the land;
- (c) notice to the Crown authority for the purposes of section 1013(3)(a) of that Act that the land may have vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, or in the Duchy of Cornwall, under section 1012 of that Act. 5
- (9) Nothing in this section affects the ability of the nominated undertaker to exercise its powers under this Act in relation to land which becomes subject to escheat on the determination of an estate in fee simple absolute in possession in the land. 10
- (10) In section 57 of the High Speed Rail (London - West Midlands) Act 2017 (application of powers to Crown land) –
- (a) after subsection (3) insert – 15
- “(3A) The consent of the Crown authority is deemed to be given for the purposes of subsection (1) where the powers conferred on the nominated undertaker by Schedule 2 or 16 are exercised in relation to Crown land falling within subsection (4A).”;
- (b) after subsection (4) insert – 20
- “(4A) Crown land falls within this subsection if –
- (a) the land is Crown land by virtue of subsection (4)(c) or (d), and
- (b) the interest mentioned in subsection (4)(c) or (d) was created by the land vesting in Her Majesty in right of the Crown or of the Duchy of Lancaster as bona vacantia.”; 25
- (c) after subsection (6) insert –
- “(6A) Where the consent of the Crown authority is deemed to have been given under subsection (3A) in relation to Crown land, the consent does not constitute – 30
- (a) the Crown authority taking possession or control of the land, or entering into occupation of the land;
- (b) a waiver by the Crown authority under section 1013(2) of the Companies Act 2006 (Crown disclaimer of property vesting as bona vacantia) of the right to execute a notice of disclaimer in relation to the land; 35
- (c) notice to the Crown authority for the purposes of section 1013(3)(a) of that Act that the land may have vested in Her Majesty in right of the Crown or of the Duchy of Lancaster under section 1012 of that Act.”; 40
- (d) after subsection (6A) (as inserted by paragraph (c)) insert –
- “(6B) Nothing in this section affects the ability of the nominated undertaker to exercise its powers under this Act in relation to land which becomes subject to escheat on the determination of an estate in fee simple absolute in possession in the land.” 45
- (11) In section 50 of the High Speed Rail (West Midlands - Crewe) Act 2021 (application of powers to Crown land) –

- (a) after subsection (2) insert –
- “(2A) The consent of the Crown authority is deemed to be given for the purposes of this section where the powers conferred on the nominated undertaker by Schedule 2 or 15 are exercised in relation to Crown land falling within subsection (3A).”;
- (b) after subsection (3) insert –
- “(3A) Crown land falls within this subsection if –
- (a) the land is Crown land by virtue of subsection (3)(b) or (c), and
- (b) the interest mentioned in subsection (3)(b) or (c) was created by the land vesting in Her Majesty in right of the Crown or of the Duchy of Lancaster as bona vacantia.”;
- (c) after subsection (5) insert –
- “(6) Where the consent of the Crown authority is deemed to have been given under subsection (2A) in relation to Crown land, the consent does not constitute –
- (a) the Crown authority taking possession or control of the land, or entering into occupation of the land;
- (b) a waiver by the Crown authority under section 1013(2) of the Companies Act 2006 (Crown disclaimer of property vesting as bona vacantia) of the right to execute a notice of disclaimer in relation to the land;
- (c) notice to the Crown authority for the purposes of section 1013(3)(a) of that Act that the land may have vested in Her Majesty in right of the Crown or of the Duchy of Lancaster under section 1012 of that Act.”;
- (d) after subsection (6) (as inserted by paragraph (c)) insert –
- “(7) Nothing in this section affects the ability of the nominated undertaker to exercise its powers under this Act in relation to land which becomes subject to escheat on the determination of an estate in fee simple absolute in possession in the land.”
- (12) The amendments made by subsection (10)(a) to (c) apply only in relation to the exercise of a power referred to in section 57(3A) of the High Speed Rail (London - West Midlands) Act 2017 on or after the commencement day.
- (13) The amendments made by subsection (11)(a) to (c) apply only in relation to the exercise of a power referred to in section 50(2A) of the High Speed Rail (West Midlands - Crewe) Act 2021 on or after the commencement day.

## 52 Highways for which Secretary of State is highway authority

- (1) The powers conferred on the nominated undertaker under this Act with respect to works may be exercised in relation to a highway for which the Secretary of State is the highway authority with the Secretary of State’s consent.
- (2) The Secretary of State may give consent subject to conditions.

**53 Crown Estate**

Section 3(1) and (2) of the Crown Estate Act 1961 (limitations on Crown Estate Commissioners' powers of disposal in relation to land under their management) do not apply in relation to land within the Act limits which appears to the Crown Estate Commissioners to be required for Phase 2b (Crewe - Manchester) purposes. 5

*Deposited plans and sections***54 “Deposited plans” and “deposited sections”**

- (1) In this Act “deposited plans” and “deposited sections” mean, respectively, the plans and sections deposited in January 2022 in connection with the High Speed Rail (Crewe - Manchester) Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons. 10
- (2) A copy of the deposited plans or deposited sections, or any extract from those plans or sections, certified as such by the Secretary of State is admissible in any proceedings as evidence of its contents. 15

**55 Correction of deposited plans**

- (1) If the deposited plans are inaccurate in their description of any land, the Secretary of State, after giving not less than 10 days' notice to the owners and occupiers of the land in question, may apply to two justices of the peace having jurisdiction in the place where the land is situated for the correction of the plans. 20
- (2) If on such an application it appears to the justices that the wrong description arose from mistake or inadvertence, the justices—
- (a) must certify accordingly, and
  - (b) must in their certificate state in what respect a matter is wrongly described. 25
- (3) A certificate under subsection (2) must be deposited in the office of the Clerk of the Parliaments, and a copy of it must be deposited—
- (a) in the Private Bill Office of the House of Commons, and
  - (b) with the proper officer of each local authority in whose area the land to which the certificate relates is situated. 30
- (4) Upon deposit of the certificate—
- (a) the deposited plans are deemed to be corrected according to the certificate, and
  - (b) it is lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans had always been in the corrected form. 35
- (5) A copy certificate deposited under subsection (3) must be kept with the documents to which it relates.
- (6) A justice of the peace may act under this section in relation to land which is partly in one area and partly in another if the justice may act in respect of land in either area. 40
- (7) In this section—

“local authority” means a unitary authority or, in a non-unitary area, a county council;

“proper officer”, in relation to a local authority, means an officer appointed for the purposes of this section by the authority.

*Miscellaneous and general*

5

**56 Obstruction of construction of works**

- (1) A person commits an offence if, without reasonable excuse, the person—
- (a) obstructs the relevant undertaker or a person acting under the authority of the relevant undertaker—
    - (i) in setting out the lines of any relevant works, 10
    - (ii) in constructing any relevant works, or
    - (iii) in taking any steps that are reasonably necessary for the purposes of facilitating, or in connection with, the construction of any relevant works, or
  - (b) interferes with, moves or removes any apparatus which— 15
    - (i) relates to the construction of any relevant works, and
    - (ii) belongs to a person within subsection (3).
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) The following persons are within this subsection— 20
- (a) the relevant undertaker;
  - (b) a person acting under the authority of the relevant undertaker;
  - (c) a statutory undertaker;
  - (d) a person acting under the authority of a statutory undertaker.
- (4) In this section “relevant works” means any works authorised by— 25
- (a) the High Speed Rail (London - West Midlands) Act 2017 (the “2017 Act”),
  - (b) the High Speed Rail (West Midlands - Crewe) Act 2021 (the “2021 Act”), or
  - (c) this Act. 30
- (5) In this section “relevant undertaker”—
- (a) in relation to works authorised by the 2017 Act, means the nominated undertaker within the meaning of that Act (see section 45 of that Act);
  - (b) in relation to works authorised by the 2021 Act, means the nominated undertaker within the meaning of that Act (see section 41 of that Act); 35
  - (c) in relation to works authorised by this Act, means the nominated undertaker.
- (6) In this section “statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990. 40
- (7) In paragraph 4(1) of Schedule 29 to the 2017 Act (application of the Railway Clauses Consolidation Act 1845), omit “24,”.
- (8) In paragraph 4(1) of Schedule 28 to the 2021 Act (application of the Railway Clauses Consolidation Act 1845), omit “24,”.

**57 Environmental Impact Assessment Regulations: miscellaneous**

- (1) The Environmental Impact Assessment Regulations have effect as if the definition of “EIA development” in regulation 2(1) included any development not included in paragraph (a) or (b) of the definition which—
- (a) consists of the construction of a building in place of a building demolished, or substantially demolished, in exercise of the powers conferred by this Act, 5
  - (b) does not have deemed planning permission under section 18(1),
  - (c) is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and 10
  - (d) would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- (2) In regulation 9 of the Environmental Impact Assessment Regulations (subsequent applications where environmental information previously provided)— 15
- (a) in paragraph (1A), omit “or” at the end of sub-paragraph (b);
  - (b) in that paragraph, after sub-paragraph (c) insert “, or
  - (d) section 18(1) or 48(3)(a) of the High Speed Rail (Crewe - Manchester) Act 2022.”

**58 Arbitration** 20

- (1) Where under this Act any difference is to be referred to arbitration, the difference is to be referred to, and settled by, a single arbitrator who is—
- (a) to be agreed between the parties, or
  - (b) in default of agreement, to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers. 25
- (2) Subsection (3) applies where—
- (a) a party has under subsection (1) applied for the arbitrator to be appointed by the President of the Institution of Civil Engineers, and
  - (b) the President notifies either of the parties that the President is not going to appoint an arbitrator under subsection (1). 30
- (3) In default of agreement between the parties as to who in the circumstances should be the arbitrator, the arbitrator is to be appointed on the application of either party, after notice to the other, by the Office of Rail and Road.
- (4) The Office of Rail and Road may under subsection (3) appoint a member or employee of that Office as the arbitrator. 35
- (5) The Secretary of State for Levelling Up, Housing and Communities and the Secretary of State for Transport acting jointly may by rules make provision about procedure in relation to arbitration under this Act (except where the arbitration is seated in Scotland for the purposes of the Arbitration (Scotland) Act 2010). 40
- (6) The Secretary of State for Transport may by rules make provision about procedure in relation to arbitration under this Act where the arbitration is seated in Scotland for the purposes of the Arbitration (Scotland) Act 2010.
- (7) Before making rules under subsection (6), the Secretary of State for Transport must consult the Scottish Ministers. 45

- (8) Rules under subsections (5) and (6) must be made by statutory instrument; and a statutory instrument containing such rules is subject to annulment in pursuance of a resolution of either House of Parliament.

## 59 Notices and other documents

- (1) A notice or other document required or authorised to be given to a person for the purposes of this Act may be given by – 5
- (a) transmitting the text of the notice or document to the person by agreed electronic means (for example, by email to an agreed address),
  - (b) delivering it to the person or sending it by post to the person at the person’s last known address, 10
  - (c) if the person is a body corporate, delivering it to the secretary of the body corporate or sending it by post to the secretary of the body corporate at its registered or principal office within the United Kingdom, or
  - (d) if the person is a partnership, delivering it to a partner of the partnership or a person having control or management of the partnership business, or sending it by post to such a partner or person at the principal office of the partnership. 15
- (2) For the purposes of subsection (1), any person to whom a notice or other document is to be given may specify a different address within the United Kingdom as the one to which the notice or document must be sent. 20
- (3) Where a notice or document is given to a person in accordance with subsection (1)(a) and, within 7 days of receiving it, the person requests a copy of the notice or document in printed form, the sender must provide such a copy as soon as reasonably practicable. 25
- (4) Subsection (5) applies where –
- (a) a document is required or authorised to be given to a person for the purposes of this Act as the owner of an interest in, or occupier of, any land, and
  - (b) the person’s name or address cannot be ascertained after reasonable enquiry. 30
- (5) The document may be given to the person by addressing it to the person by name or by the description of “owner” or “occupier” (as the case may be) of the land and –
- (a) leaving it with a person who is, or appears to be, resident or employed on the land, or
  - (b) leaving it conspicuously affixed to some building or object on or near the land. 35
- (6) Any notice given for the purposes of this Act must be in writing.
- (7) In this section – 40
- “secretary”, in relation to a local authority within the meaning of the Local Government Act 1972, means the proper officer within the meaning of that Act;
  - references to giving a document include similar expressions (such as serving). 45

**60 Vocational qualifications**

- (1) In section 66(2) of the High Speed Rail (London - West Midlands) Act 2017 (vocational qualifications), for “network referred to in section 1(1)” substitute “high speed railway transport network referred to in section 1(1) of the High Speed Rail (Preparation) Act 2013”. 5
- (2) In section 2 of the High Speed Rail (Preparation) Act 2013 (financial reports), omit subsection (3).

**61 Resumption of previous use of land**

- (1) This section applies where the nominated undertaker discontinues development of land in accordance with deemed planning permission under section 18(1) or 48(3)(a). 10
- (2) Planning permission is not required for the resumption, at the relevant time, of the use of the land for the purpose for which it was normally used immediately before the land started to be developed in accordance with the deemed planning permission. 15
- (3) For the purposes of subsection (2), “the relevant time” is the time when the nominated undertaker discontinues development of the land in accordance with the deemed planning permission.
- (4) Section 57(2) of TCPA 1990 (which also makes provision disapplying the requirement for planning permission where a previous use is resumed) does not apply in a case where subsection (2) has effect. 20

*Interpretation***62 “Phase 2b (Crewe - Manchester) purposes”**

- References in this Act to anything being done or required for “Phase 2b (Crewe - Manchester) purposes” are to the thing being done or required— 25
- (a) for the purposes of or in connection with the works authorised by this Act,
- (b) for the purposes of or in connection with trains all or part of whose journey is on Phase 2b (Crewe - Manchester) of High Speed 2, or
- (c) otherwise for the purposes of or in connection with Phase 2b (Crewe - Manchester) of High Speed 2 or any high speed railway transport system of which Phase 2b (Crewe - Manchester) of High Speed 2 forms or is to form part. 30

**63 Interpretation**

- (1) In this Act— 35
- “Act limits” is to be construed in accordance with subsection (2);
- “allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
- “bridleway” and “carriageway” have the same meanings as in the Highways Act 1980; 40
- “the commencement day” means the day on which this Act is passed;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882;	
“covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill” is to be construed in accordance with subsection (3);	5
“Crown authority” has the meaning given by section 51(6);	
“Crown land” has the meaning given by section 51(4);	
“deposited plans” and “deposited sections” have the meanings given by section 54;	
“deposited statement” has the meaning given by subsection (5);	10
“development” has the same meaning as in TCPA 1990;	
“electric line” has the meaning given by section 64(1) of the Electricity Act 1989;	
“enactment” includes an enactment comprised in –	
(a) a local or private Act, or	15
(b) subordinate legislation within the meaning of the Interpretation Act 1978;	
“Environmental Impact Assessment Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) (or any regulations replacing them);	20
“Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154);	
“footpath” has the same meaning as in the Highways Act 1980;	
“highway” and “highway authority” have the same meanings as in the Highways Act 1980;	25
“limits of deviation” means the limits of deviation for the scheduled works, as shown on the deposited plans;	
“limits of land to be acquired or used” means the limits of land to be acquired or used which are shown on the deposited plans;	
“Manchester tram works” has the meaning given by section 1(2);	30
“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;	
“nominated undertaker” is to be construed in accordance with section 42;	
“non-unitary area” means an area for which there is both a district and a county council;	35
“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;	
“owner”, in relation to any land, has the same meaning as in Part 1 of the Acquisition of Land Act 1981 (but this does not apply to Schedule 13, which has its own definition);	40
“Phase 2b (Crewe - Manchester) of High Speed 2” has the meaning given by section 1(3);	
“Phase 2b (Crewe - Manchester) purposes” is to be construed in accordance with section 62;	
“scheduled works” has the meaning given by section 1(2);	45
“special road” has the same meaning as in the Highways Act 1980;	
“strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;	
“street tramway” has the meaning given in paragraph 16(1) of Schedule 4;	
“TCPA 1990” means the Town and Country Planning Act 1990;	50

- “tramroad” has the meaning given in paragraph 16(1) of Schedule 4;  
“trunk road” has the same meaning as in the Highways Act 1980;  
“unitary authority” means –
- (a) a county council, so far as its area is not part of the area of a district council, or 5
  - (b) a district council whose area is not part of the area of a county council;
- “utility undertaker” means –
- (a) a gas transporter within the meaning of Part 1 of the Gas Act 1986, 10
  - (b) the holder of a licence under Part 1 of the Electricity Act 1989,
  - (c) a water undertaker or sewerage undertaker,
  - (d) a local authority (within the meaning of the Water Industry Act 1991) which is a relevant authority for the purposes of section 97 of that Act, or 15
  - (e) the operator of an electronic communications code network (within the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003).
- (2) For the purposes of this Act, land or any other thing is within the Act limits if it is – 20
- (a) within the limits of deviation, or
  - (b) within the limits of land to be acquired or used,
- and references to the doing of anything within the Act limits are to be construed accordingly.
- (3) For the purposes of this Act, development is covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill if it is development in relation to which information contained in a deposited statement constituted, at the time of the statement’s deposit, an environmental statement within the meaning of the Environmental Impact Assessment Regulations. 25 30
- (4) References in this Act to land or a building held by the nominated undertaker include references to land or a building in the nominated undertaker’s temporary possession.
- (5) “Deposited statement” means –
- (a) the statement deposited in January 2022 in connection with the High Speed Rail (Crewe - Manchester) Bill, in pursuance of the relevant Standing Order, in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, and 35
  - (b) any subsequent statement containing additional environmental information in connection with that Bill, where the statement is deposited, in pursuance of the relevant Standing Order, in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons. 40
- “The relevant Standing Order” is Standing Order 27A of the Standing Orders of the House of Commons or of the House of Lords (as the case may be) relating to private business (environmental assessment). 45
- (6) In this Act –

- (a) a reference to a highway or any other place identified by letters and numbers is a reference to the highway or place shown as such on the deposited plans;
  - (b) a reference to a work identified by numbers (or numbers and a letter) is a reference to the scheduled work of those numbers (or those numbers and letter); 5
  - (c) a reference to a sheet identified by numbers is a reference to the sheet of those numbers contained in the deposited plans;
  - (d) a reference in any description of works, powers or land to area, distance, length or direction, or to a particular location, is to be read as if qualified by the words “or thereabouts”; 10
  - (e) a reference to distance, in relation to points on a road or railway, is to distance measured along the centre line of the road or railway.
- (7) For the purposes of this Act, the level of the surface of land is to be taken –
- (a) in the case of land on which a building is erected, to be the level of the surface of the ground adjoining the building, and 15
  - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

*Final*

**64 Scotland** 20

Schedule 33 contains provision about the application of this Act in relation to land and works in Scotland.

**65 Financial provision**

*There is to be paid out of money provided by Parliament –*

- (a) *any expenditure incurred by the Secretary of State in consequence of this Act, and* 25
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.*

**66 Commencement and short title**

- (1) Except as provided by subsection (2), this Act comes into force on the day on which it is passed. 30
- (2) Section 56 and paragraph 28 of Schedule 33 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the High Speed Rail (Crewe - Manchester) Act 2022.

## SCHEDULES

### SCHEDULE 1

Section 1

#### SCHEDULED WORKS

##### PART 1

#### CONSTRUCTION REQUIREMENTS

5

- 1 (1) The scheduled works must be constructed –
- (a) in the lines or situations shown on the deposited plans,
  - (b) in accordance with the levels shown on the deposited sections, and
  - (c) in the case of any station, depot or shaft for which an upper limit is shown on the deposited sections, within the limit so shown. 10
- This is subject to sub-paragraphs (2) and (3).
- (2) In constructing or maintaining any of the scheduled works, the nominated undertaker may deviate –
- (a) laterally to any extent from the lines or situations shown on the deposited plans, within the limits of deviation so shown, 15
  - (b) vertically downwards to any extent from the level shown for that work on the deposited sections, and
  - (c) vertically upwards to any extent not exceeding 3 metres from the level shown for that work on the deposited sections, but doing so in a case mentioned in sub-paragraph (1)(c) does not increase the limit referred to in that sub-paragraph. 20
- (3) In constructing any of the scheduled works, the nominated undertaker may substitute an engineering work that is not –
- (a) shown on the deposited plans or deposited sections, or
  - (b) specified in this Schedule, 25
- for an engineering work which is so shown or specified.
- (4) In sub-paragraph (3), “engineering work” includes a bridge, tunnel, viaduct, cutting or embankment.

##### PART 2

#### DESCRIPTION OF SCHEDULED WORKS

30

#### *Description of works (other than the Manchester tram works)*

County of Cheshire, Borough of Cheshire East, Parish of Basford and Town of Crewe –

- Work No. 1/1 - A railway (3.17km in length) in tunnel commencing by a junction with the termination of Work No. 105 authorised by the 35

High Speed Rail (West Midlands - Crewe) Act 2021 beneath a point 260 metres south of the bridge carrying Casey Lane over the West Coast Main Line and terminating beneath a point 440 metres north-east of the junction of Bedford Street with Gresty Road. Work No. 1/1 includes a shaft at Cowley Way.	5
Town of Crewe and Parishes of Warmingham and Minshull Vernon –	
Work No. 1/1A - A railway (5.81km in length), partly in tunnel, commencing by a junction with the termination of Work No. 1/1 at a point 135 metres south-east of the bridge carrying the A534 Nantwich Road over the West Coast Main Line and terminating at a point 695 metres north of the bridge carrying Unnamed Road over the West Coast Main Line. Work No. 1/1A includes a shaft at Middlewich Street and the Warmingham Moss Southbound Box Structure No.2, under Work No. 1/6.	10
Town of Crewe –	15
Work No. 1/2 - An access road commencing at a point 440 metres east of the junction of Cloughton Avenue with Gresty Road and terminating at a point 460 metres east of that junction;	
Work No. 1/3 - An access road commencing at a point 495 metres east of the junction of Cloughton Avenue with Gresty Road and terminating at a point 470 metres east of that junction;	20
Work No. 1/4 - An access road commencing at a point 50 metres north of the junction of Audley Street with Middlewich Street and terminating at a point 70 metres north-west of that junction;	
Work No. 1/5 - An access road commencing at a point 155 metres north-east of the junction of North Street, Bradfield Road and Broughton Road and terminating at a point 175 metres north of the bridge carrying Parkers Road over the West Coast Main Line.	25
Town of Crewe, Parishes of Warmingham and Minshull Vernon –	
Work No. 1/6 - A railway (2.81km in length) partly on viaduct, commencing by a junction with the West Coast Main Line at a point 350 metres south-west of the junction of Maplins Moss Place with Broughton Road and terminating by a junction with Work No. 1/6A at a point 695 metres north of the bridge carrying Unnamed Road over the West Coast Main Line. Work No. 1/6 includes the Warmingham Moss Southbound Box Structure No. 1, over Works Nos. 1/14 and 1/9 and the Warmingham Moss Southbound Box Structure No. 2, over Work No. 1/1A.	30
Borough of Cheshire East, Parish of Minshull Vernon, Borough of Cheshire West & Chester, Parishes of Stanthorne and Wimboldsley, Winsford and Bostock –	40
Work No. 1/6A - A railway (7.49km in length) partly on viaducts commencing by a junction with Work No. 1/6 at a point 540 metres south-east of the junction of Footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating by a junction with Work No. 1/21 at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road. Work No. 1/6A includes viaducts over the Shropshire Union Canal (Middlewich Branch) and Works Nos. 1/40 and 1/42 and the Middlewich Box Structure, over Work No. 1/32.	45
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Borough of Cheshire East, Town of Crewe and Parishes of Leighton, Warmingham and Minshull Vernon –	
Work No. 1/7 - A railway (2.67km in length) being a realignment of the West Coast Main Line, commencing by a junction with the West Coast Main Line at a point 290 metres south-west of the junction of Maplins Moss Place with Broughton Road and terminating by a junction with the West Coast Main Line at a point 670 metres north-west of the bridge carrying Unnamed Road over the West Coast Main Line.	5
Town of Crewe and Parish of Warmingham –	10
Work No. 1/8 - A railway (1.38km in length) commencing by a junction with the West Coast Main Line at a point 275 metres south-east of the junction of Bexington Drive with Hythe Avenue and terminating by a junction with the West Coast Main Line at a point 35 metres north-east of the junction of Footpath Warmingham 16/2 with Footpath Minshull Vernon 2/1.	15
Town of Crewe and Parishes of Warmingham and Minshull Vernon –	
Work No. 1/9 - A railway (2.63km in length) commencing by a junction with the West Coast Main Line at a point 265 metres south-east of the junction of Bexington Drive with Hythe Avenue and terminating by a junction with the commencement of Work No. 1/22 at a point 690 metres north of the bridge carrying Unnamed Road over the West Coast Main Line. Work No. 1/9 includes the Warmingham Moss Southbound Box Structure No.1, under Work No. 1/6 and the Warmingham Moss Southbound Box, under Work No. 1/17;	20
Work No. 1/10 - A conveyor commencing at a point 150 metres south east of the bridge carrying Parkers Road over the West Coast Main Line and terminating by a junction with the commencement of Work No. 1/10A at a point 700 metres north of the bridge carrying Unnamed Road over the West Coast Main Line.	25
Borough of Cheshire East, Parish of Minshull Vernon, Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley –	
Work No. 1/10A - A conveyor commencing by a junction with the termination of Work No. 1/10 at a point 560 metres south-east of the junction of footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating at a point 840 metres west of the junction of Lea Drive with School Lane.	30
Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley –	
Work No. 1/10B - A conveyor commencing by a junction with Work No. 1/10A at a point 490 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating at a point 360 metres north-east of its commencement.	35
Borough of Cheshire East, Town of Crewe –	
Work No. 1/11 - A temporary footbridge over the West Coast Main Line and Works Nos. 1/5, 1/10 and 1/1A commencing at a point 100 metres south of the bridge carrying Parkers Road over the West Coast Main Line and terminating at a point 175 metres east of that bridge;	40
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Work No. 1/12 - A road commencing at a point 25 metres north-east of the bridge carrying Parkers Road over the West Coast Main Line and terminating at a point 60 metres north-east of its commencement. Work No. 1/12 includes a bridge over Works Nos. 1/5 and 1/1A;	5
Work No. 1/13 - A realignment of Warmingham Road and Groby Road commencing at a point 120 metres south-west of the junction of those roads and terminating at a point 210 metres east of its commencement.	5
Town of Crewe, Parishes of Warmingham and Minshull Vernon –	
Work No. 1/14 - A railway (1.45km in length), being a realignment of the West Coast Main Line, commencing by a junction with Work No. 1/9 at a point 140 metres north-east of the junction of Buttermere Drive with Bleasedale Road and terminating by a junction with the West Coast Main Line at a point 160 metres north of the bridge carrying Unnamed Road over the West Coast Main Line. Work No. 1/14 includes the Warmingham Moss Southbound Box Structure No.1, under Work No. 1/6 and the Warmingham Moss Southbound Box Structure, under Work No. 1/17.	10
Parishes of Leighton, Minshull Vernon and Warmingham –	
Work No. 1/15 - A diversion of a watercourse commencing at a point 180 metres north-west of the junction of Aysgarth Avenue with Bleasedale Road and terminating at a point 575 metres north-east of the bridge carrying Unnamed Road over the West Coast Main Line.	20
Town of Crewe and Parish of Leighton –	
Work No. 1/16 - A footbridge over Work Nos. 1/6, 1/7, 1/8, 1/9, 1/14, 1/1A and the West Coast Main Line, commencing at a point 185 metres north of the junction of Aysgarth Avenue and Bleasedale Road and terminating at a point 135 metres east of its commencement.	25
Town of Crewe, Parishes of Warmingham and Minshull Vernon –	
Work No. 1/17 - A railway (1.75km in length) partly on viaducts commencing by a junction with Work No. 1/8 at a point 295 metres north of the junction of Buttermere Drive with Bleasedale Road and terminating by a junction with Work No. 1/17A at a point 695 metres north-west of the bridge carrying Unnamed Road over the West Coast Main Line. Work No. 1/17 includes a viaduct over Work No. 1/15 and the Warmingham Moss Southbound Box Structure over Works Nos. 1/14 and 1/9.	30
Borough of Cheshire East, Parish of Minshull Vernon, Borough of Cheshire West and Chester, Parishes of Stanthorne and Wimboldsley, Winsford and Bostock –	
Work No. 1/17A - A railway (7.49km in length) partly on viaduct commencing by a junction with the termination of Work No. 1/17 at a point 260 metres south-east of the junction of Footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating by a junction with Work No. 1/21 at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road. Work No. 1/17A includes viaducts over the Shropshire Union Canal (Middlewich Branch) and Works Nos. 1/40 and 1/42 and the Middlewich Box Structure, over Work No. 1/32.	40
Work No. 1/21 - A railway (1.12km in length) commencing by a junction with Work No. 1/17A at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road and terminating by a junction with Work No. 1/40 at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road.	45
Work No. 1/40 - A railway (1.12km in length) commencing by a junction with Work No. 1/21 at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road and terminating by a junction with Work No. 1/42 at a point 1120 metres south-east of the junction of the A553 Bostock Road with the A533 Bostock Road.	50

Borough of Cheshire East, Parishes of Leighton and Minshull Vernon – Work No. 1/18 - An access road commencing at a point 280 metres north-west of the junction of Fox Covert Way with Thornfields and terminating at a point 400 metres north of the junction of Aysgarth Avenue and Bleasedale Road.	5
Parish of Warmingham – Work No. 1/19 - An access road commencing at a point 815 metres north-west of the junction of Groby Road with Warmingham Road and terminating at a point 460 metres north of that junction.	
Parish of Minshull Vernon – Work No. 1/20 - A diversion of a gas main commencing beneath a point 530 metres north-west of the bridge carrying Unnamed Road over the West Coast Main Line and terminating at a point 540 metres north of that bridge.	10
Borough of Cheshire East, Parishes of Minshull Vernon, Plumley, Tabley Inferior, Pickmere, Tabley Superior and Mere, Borough of Cheshire West and Chester, Parishes of Stanthorne and Wimboldsley, Winsford, Bostock, Davenham, Lach Dennis, Rudheath and Lostock Gralam – Work No. 1/21 - A railway (21.35km in length) partly on viaducts commencing by a junction with termination of Work No. 1/1A at a point 530 metres south-east of the junction of footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating by a junction with the commencement of Works Nos. 1/21A and 1/98 at a point 210 metres east of the junction of Bridleway Mere 1/2, Restricted Byway Mere 2/1 and Bridleway Mere 1/1. Work No. 1/21 includes the Middlewich Box Structure, over Work No. 1/32, viaducts over the Shropshire Union Canal (Middlewich Branch), the River Dane, the Trent and Mersey Canal, Puddinglake Brook, Whatcroft Hall Lane, the Sandbach to Northwich Line, Davenham Road, Gad Brook, Wade Brook, the Mid Cheshire Line, the A556 Chester Road, the A556 Manchester Road, Peover Eye, Linnards Lane, Smoker Brook, Waterless Brook, Works Nos. 1/40, 1/42, 1/44, 1/47, 1/51A, 1/60, 1/62A, 1/62, 1/63A, 1/84, 1/93 and bridges over Works Nos. 1/78, 1/92, 1/97.	15 20 25 30
Borough of Cheshire East, Parishes of Mere, High Legh and Agden – Work No. 1/21A a railway (5.63km in length) partly on viaduct commencing by a junction with the termination of Work No. 1/21 and commencement of Work No. 1/98 at a point 210 metres east of the junctions of Bridleway Mere 1/2, Restricted Byway Mere 2/1 and Bridleway Mere 1/1 and terminating by a junction with Work No. 2/55 at a point 300 metres west of the junction of Warrington Lane and the A56 Lymm Road. Work No. 1/21A includes the Hoo Green Box Structure, under Work No. 1/95, a viaduct over the A56 Lymm Road and a bridge over Work No. 1/122.	35 40
Borough of Cheshire East, Parish of Minshull Vernon, Borough of Cheshire West and Chester, Parishes of Stanthorne and Wimboldsley and Winsford – Work No. 1/22 - A railway (5.87km in length) partly on viaduct commencing by a junction with the termination of Work No. 1/9 at a point 510 metres south-east of the junction of Footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating by a junction with Work No. 1/17A at a point 455 metres north-west of the junction of	45 50

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Footpath Stanthorne 3/2 with Coal Pit Lane. Work No. 1/22 includes a viaduct over the Shropshire Union Canal (Middlewich Branch) and Work No. 1/40.	5
Borough of Cheshire East, Parish of Minshull Vernon –	
Work No. 1/23 - An access road commencing at a point 250 metres north-east of the junction of Footpaths Minshull Vernon 8/1, 12/2 and 12/3 and terminating at a point 630 metres north-east of that junction. Work No. 1/23 includes bridges over the West Coast Main Line and Works Nos. 1/22, 1/17A, 1/21 and 1/6A;	5
Work No. 1/24 - An access road commencing at a point 385 metres north-west of the junction of Footpaths Minshull Vernon 8/1, 12/2 and 12/3 and terminating at a point 230 metres east of that junction;	10
Work No. 1/25 - An access road commencing at a point 760 metres north-east of the junction of Footpaths Minshull Vernon 8/1, 12/2 and 12/3 and terminating at a point 170 metres north-west of its commencement.	15
Borough of Cheshire East, Parish of Minshull Vernon, Borough of Cheshire West & Chester, Parish of Stanthorne and Wimboldsley –	
Work No. 1/26 - A railway (1.45km in length) commencing at a point 900 metres north of the junction of Footpaths Minshull Vernon 12/3, 12/1 and 13/1 and terminating by a junction with Work No. 1/22 at a point 530 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line;	20
Work No. 1/27 - A realignment of the A530 Nantwich Road commencing at a point 195 metres north of the junction of Brookhouse Lane and the A530 Middlewich Road with that road and terminating at a point 590 metres north-east of the bridge carrying the A530 Nantwich Road over the West Coast Main Line. Work No. 1/27 includes a bridge over the west Coast Main Line and Works Nos. 1/22, 1/26, 1/17A, 1/21 and 1/6A.	25
Borough of Cheshire East, Parish of Minshull Vernon –	
Work No. 1/27A - An access road commencing by a junction with Work No.1/27 at a point 330 metres south-west of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating at a point 240 metres south-west of that bridge.	35
Borough of Cheshire East, Parish of Minshull Vernon and Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley –	
Work No. 1/27B - An access road commencing by a junction with Work No.1/27 at a point 330 metres south-west of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating at a point 455 metres north-east of the bridge carrying Footpath Wimboldsley 5/2 over the Shropshire Union Canal.	40
Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley –	
Work No. 1/27C - An access road commencing at a point 300 metres south-east of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating by a junction with Work No.1/27 at a point 490 metres north-east of that bridge;	45
Work No. 1/27D - An access road commencing by a junction with Work No.1/27 at a point 490 metres north-east of the bridge carrying	50

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the A530 Nantwich Road over the West Coast Main Line and terminating at a point 220 metres north-east of that bridge;	
Work No. 1/27E - An access road commencing by a junction with Work No.1/27 at a point 560 metres north-east of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating at a point 65 metres north-west of its commencement;	5
Work No. 1/28 - A bridge commencing at a point 20 metres north-east of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating at a point 15 metres north-east of its commencement.	10
Work No. 1/29 - A railway siding (1.45km in length) commencing by a junction with the West Coast Main Line at a point 25 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating by a junction with the West Coast Main Line at a point 910 metres west of the junction of Lea Drive with School Lane;	15
Work No. 1/30 - A railway (0.55km in length) commencing at a point 60 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating by a junction with Work No. 1/29 at a point 460 metres north-east of the bridge carrying Footpath Wimboldsley 5/2 over the Shropshire Union Canal (Middlewich Branch);	20
Work No. 1/31 - A railway, being a maintenance access line for the Crewe North Rolling Stock Depot, (0.46km in length) commencing at a point 300 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating by a junction with Work No. 1/32 at a point 670 metres north-east of the bridge carrying Footpath Wimboldsley 5/2 over the Shropshire Union Canal (Middlewich Branch). Work No. 1/31 includes a depot.	25
Parishes of Stanthorne and Wimboldsley and Winsford –	30
Work No. 1/32 - A railway (4.44km in length) partly on viaducts commencing by a junction with Work No. 1/22 at a point 440 metres north of the bridge carrying the A530 Nantwich Road over the West Coast Main Line and terminating by a junction with Work No. 1/21 at a point 440 metres north-west of the junction of Bell Lane with the A54 Middlewich Road. Work No. 1/32 includes the Middlewich Box Structure under Works Nos. 1/17A, 1/21 and 1/6A, viaducts over the Shropshire Union Canal (Middlewich Branch) and Works No. 1/40 and 1/42 and depot buildings.	35
Parish of Stanthorne and Wimboldsley –	40
Work No. 1/33 - A railway siding (0.67km in length) commencing by a junction with Work No. 1/29 at a point 460 metres north-east of the bridge carrying Footpath Wimboldsley 5/2 over the Shropshire Union Canal (Middlewich Branch) and terminating at a point 840 metres west of the junction of Lea Drive with School Lane;	45
Work No. 1/34 - A road commencing at a point 810 metres west of the junction of Lea Drive with School Lane and terminating at a point 560 metres west of the junction of Coalpit Lane with Clive Green Lane;	
Work No. 1/34A - An access road commencing at a point 1040 metres north-west of the junction of Lea Drive with School Lane and	50

terminating by a junction with Work No. 1/34, at a point 900 metres north-west of that junction;	
Work No. 1/34B - An access road commencing by a junction with Work No. 1/34A at a point 1000 metres north-west of the junction of Lea Drive with School Lane and terminating at a point 250 metres north-east of its commencement;	5
Work No. 1/34C - An access road commencing at a point 440 metres west of the junction of Coalpit Lane with Clive Green Lane and terminating by a junction with Work No. 1/34 at a point 390 metres west of that junction;	10
Work No. 1/34D - A road commencing by a junction with Work No. 1/34 at a point 400 metres west of the junction of Coalpit Lane and Clive Green Lane and terminating at a point 430 metres west of that junction;	
Work No. 1/35 - A diversion of a gas main commencing beneath a point 1040 metres south of the bridge carrying the West Coast Main Line over the Shropshire Union Canal and terminating at a point 200 metres south-west of the junction of Lea Drive with School Lane;	15
Work No. 1/36 - An access road commencing at a point 1030 metres north-west of the junction of Lea Drive with School Lane and terminating at a point 260 metres south of the junction of Clive Green Lane with the A530 Nantwich Road;	20
Work No. 1/37 - A realignment of the A530 Nantwich Road and Coal Pit Lane commencing at a point 220 metres south of the junction of Clive Green Lane with the A530 Nantwich Road and terminating at a point 195 metres north of the junction of Coal Pit Lane with Clive Green Lane;	25
Work No. 1/37A - A temporary realignment of the A530 Nantwich Road commencing at a point 25 metres south of the junction of Clive Green Lane with the A530 Nantwich Road and terminating at a point 90 metres north-east of that junction.	30
 Parishes of Stanthorne and Wimboldsley and Winsford –	
Work No. 1/38 - A realignment of Clive Green Lane commencing at a point 10 metres east of the junction of Clive Back Lane with that Lane and terminating at a point 260 metres north-east of the junction of Clive Green Lane with the A530 Nantwich Lane.	35
 Parish of Stanthorne and Wimboldsley –	
Work No. 1/38A - An access road commencing at a point 140 metres north-east of the junction of Clive Green Lane with the A530 Nantwich Road and terminating by a junction with Work No. 1/38 at a point 185 metres north-east of the junction of Clive Green Lane with the A530 Nantwich Road.	40
 Parish of Winsford –	
Work No. 1/38B - An access road commencing by a junction with Work No. 1/38 at a point 205 metres west of the bridge carrying Clive Green Lane over the Shropshire Union Canal (Middlewich Branch) and terminating at a point 185 metres north-west of that bridge;	45
Work No. 1/38C - A temporary realignment of Clive Green Lane commencing at a point 20 metres north-west of the junction of Clive Back Lane and Clive Green Lane and terminating at a point 10 metres	50

west of the bridge carrying Clive Green Lane over the Shropshire Union Canal (Middlewich Branch).

Parishes of Stanthorne and Wimboldsley and Winsford –

Work No. 1/39 - A temporary bridge over the Shropshire Union Canal (Middlewich Branch) commencing at a point 530 metres south-west of the bridge carrying Coal Pit Lane over the Shropshire Union Canal (Middlewich Branch) and terminating at a point 25 metres north-west of its commencement; 5

Work No. 1/40 - An access road commencing at a point 780 metres south-west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating at a point 130 metres north of the bridge carrying Coal Pit Lane over the Shropshire Union Canal (Middlewich Branch); 10

Work No. 1/41 - A road, being a diversion of the A54 Middlewich Road and the A533 Northwich Road commencing at a point 520 metres south-west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating at a point 840 metres north-west of that junction. 15

Parish of Stanthorne and Wimboldsley –

Work No. 1/41A - An access road commencing at a point 420 metres west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating by a junction with Work No. 1/41 at a point 65 metres west of its commencement; 20

Work No. 1/42 - A realignment of the A54 Middlewich Road commencing at a point 370 metres west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating at a point 210 metres east of that junction; 25

Work No. 1/42A - A realignment of Birch Lane commencing at a point 40 metres south-east of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating by a junction with Work No. 1/42 at a point 90 metres north-west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road; 30

Work No. 1/42B - An access road commencing at a point 95 metres north-west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating at a point 105 metres north-east of that junction; 35

Work No. 1/43 - An access road commencing at a point 270 metres north-west of the junction of Birch Lane, Bell Lane and the A54 Middlewich Road and terminating at a point 240 metres north of its commencement. 40

Parish of Bostock –

Work No. 1/44 - An access road commencing at a point 1160 metres south-east of the junction of the the A553 Bostock Road with London Road and terminating at a point 165 metres north-east of its commencement. 45

Parishes of Bostock and Byley –

Work No. 1/45 - A temporary bridge over the River Dane commencing at a point 1000 metres east of the junction of the A533 Bostock Road with London Road and terminating at a point 95 metres north of its commencement. 50

Parishes of Bostock and Davenham –

Work No. 1/46 - A temporary bridge over the River Dane commencing at a point 1170 metres north-east of the junction of the A533 Bostock Road with London Road and terminating at a point 30 metres north of its commencement. 5

Parish of Davenham –

Work No. 1/47 - An access road commencing at a point 1360 metres north-east of the junction of the A533 Bostock Road with London Road and terminating at a point 210 metres north-east of the junction of Manor Lane with Whatcroft Hall Lane; 10

Work No. 1/47A - An access road commencing at a point 100 metres east of the junction of Manor Lane with Whatcroft Hall Lane and terminating by a junction with Work No. 1/47 at a point 205 metres north-east of the junction of Manor Lane with Whatcroft Hall Lane;

Work No. 1/48 - An access road commencing at a point 620 metres south-east of the junction of Manor Lane with Whatcroft Hall Lane and terminating at a point 335 metres south-east of that junction; 15

Work No. 1/49 - A temporary realignment of Whatcroft Hall Lane commencing at a point 200 metres north-east of the junction of Manor Lane with Whatcroft Hall Lane and terminating at a point 240 metres south-west of the bridge carrying the Sandbach to Northwich Line over Whatcroft Hall Lane; 20

Work No. 1/50 - A temporary bridge over Whatcroft Hall Lane and the Trent and Mersey Canal commencing at a point 340 metres north-east of the junction of Manor Lane with Whatcroft Hall Lane and terminating at a point 30 metres north of its commencement; 25

Work No. 1/51 - An access road commencing at a point 790 metres south-west of the bridge carrying Davenham Road over the Trent and Mersey Canal and terminating at a point 350 metres north-east of the junction of Manor Lane with Whatcroft Hall Lane; 30

Work No. 1/51A - An access road commencing by a junction with Work No. 1/51 at a point 530 metres north of the junction of Manor Lane with Whatcroft Hall Lane and terminating at a point 280 metres north-west of the bridge carrying the Sandbach to Northwich Line over Whatcroft Hall Lane. 35

Parish of Byley –

Work No. 1/52 - An access road commencing at a point 1180 metres south-west of the bridge carrying Kings Lane over the M6 Motorway and terminating at a point 345 metres north-west of its commencement. 40

Parish of Davenham –

Work No. 1/53 - A temporary bridge over the Trent and Mersey Canal commencing at a point 550 metres south of bridge carrying Davenham Road over the Trent and Mersey Canal and terminating at a point 30 metres north-east of its commencement. 45

Parishes of Davenham and Lach Dennis –

Work No. 1/54 - A realignment of Davenham Road and its junction with the A530 Kings Street commencing at a point 80 metres west of the junction of Crowders Lane with the A530 King Street and terminating at a point 40 metres north of that junction. 50

Parish of Lach Dennis –	
Work No. 1/55 - A widening of the northern side of Crowders Lane commencing at a point 330 metres east of the junction of Crowders Lane with the A530 King Street and terminating at a point 60 metres east of its commencement;	5
Work No. 1/56 - A realignment of Crowders Lane and Marsh Lane commencing at a point 30 metres south-west of the junction of Marsh Lane with Crowders Lane and terminating at a point 90 metres north-east of that junction.	
Parishes of Lach Dennis and Rudheath –	10
Work No. 1/57 - A temporary realignment of the A530 King Street commencing at a point 385 metres north-west of the junction of Crowders Lane with that street and terminating at a point 585 metres south of the junction of Pennys Lane with the A556 Shurlach Road.	
Parish of Lach Dennis –	15
Work No. 1/58 - A diversion of a gas main commencing beneath a point 370 metres north of the junction of Crowders Lane with the A530 King Street and terminating beneath a point 450 metres east of the junction of Pennys Lane with the A556 Shurlach Road.	
Parishes of Lach Dennis and Rudheath –	20
Work No. 1/59 - A diversion of a gas main commencing beneath a point 70 metres south of the junction of Pennys Lane with the A556 Shurlach Road and terminating beneath a point 510 metres north-west of the junction of Crowders Lane with the A530 King Street;	
Work No. 1/60 - A road, being a realignment of the A530 King Street, commencing at a point 775 metres south of the junction of Pennys Lane with the A556 Shurlach Road and terminating at a point 590 metres south of that junction.	25
Parish of Lach Dennis –	
Work No. 1/61 - A road commencing at a point 40 metres west of the junction of Pennys Lane, Crowders Lane and Holmes Chapel Road and terminating at a point 40 metres south-west of that junction;	30
Work No. 1/62 - A diversion of Pennys Lane commencing at a point 545 metres south of the junction of that Lane with the A556 Shurlach Road and terminating at a point 630 metres south-east of that junction;	35
Work No. 1/62A - An access road commencing at a point 585 metres south of the junction of Pennys Lane with the A556 Shurlach Road and terminating by a junction with Work No. 1/62 at a point 500 metres south of the junction of Pennys Lane with the A556 Shurlach Road;	40
Work No. 1/62B - An access road commencing by a junction with Work No. 1/62 at a point 445 metres south-east of the junction of Pennys Lane and the A556 Shurlach Road and terminating at a point 295 metres south-east of that junction.	45
Parishes of Lach Dennis, Rudheath and Lostock Gralam –	
Work No. 1/63 - A realignment of the A556 Shurlach Road commencing at a point 160 metres south-west of the junction of Pennys Lane with that road and terminating at a point 35 metres north of the bridge carrying that road over the Mid Cheshire Line.	50

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Work No. 1/63 includes bridges over Wade Brook and the Mid Cheshire Line.	
Parish of Lach Dennis –	
Work No. 1/63A - A diversion of Birches Lane commencing at a point 50 metres south of the junction of Restricted Byway Lostock Gralam 11 with that lane and terminating by a junction with Work No. 1/63 at a point 180 metres south-west of the bridge carrying the A556 Shurlach Road over Wade Brook;	5
Work No. 1/63B - An access road commencing by a junction with Work No. 1/63A at a point 170 metres north-east of the junction of Restricted Byway Lostock Gralam 11 with Birches Lane and terminating at a point 230 metres north-east of the bridge carrying the A556 Shurlach Road over Wade Brook;	10
Work No. 1/63C - An access road commencing at a point 170 metres south of the bridge carrying the A556 Shurlach Road over Wade Brook and terminating by a junction with Work No. 1/63B at a point 145 metres south-east of that bridge;	15
Work No. 1/63D - An access road commencing at a point 185 metres north-west of the junction of Restricted Byway Lostock Gralam 11 with Birches Lane and terminating at a point 370 metres north of its commencement.	20
Borough of Cheshire West & Chester, Parish of Lach Dennis and Borough of Cheshire East, Parish of Plumley –	
Work No. 1/64 - A diversion of a gas main commencing beneath a point 50 metres east of the junction of Pennys Lane with the A556 Shurlach Road and terminating beneath a point 365 metres south-west of the bridge carrying the A556 Chester Road over Peover Eye.	25
Borough of Cheshire West & Chester, Parishes of Lach Dennis and Rudheath –	
Work No. 1/65 - An access road commencing at a point 450 metres north-east of the junction of Pennys Lane with Cookes Lane and terminating at a point 380 metres south-west of the junction of Cinder Lane with Village Close.	30
Parish of Lach Dennis –	
Work No. 1/66 - A diversion of a gas main commencing beneath a point 670 metres north-east of the junction of Pennys Lane with Cookes Lane and terminating beneath a point 335 metres west of the junction of Cinder Lane with Village Close;	35
Work No. 1/67 - A diversion of a gas main commencing beneath a point 180 metres north-east of the junction of Village Close with Birches Lane and terminating beneath a point 395 metres north-west of the bridge carrying Footpath Lostock Gralam 8/3 over the Mid Cheshire Line;	40
Work No. 1/68 - A diversion of a gas main commencing beneath a point 300 metres south-east of the bridge carrying the A556 Shurlach Road over Wade Brook and terminating beneath a point 670 metres south-west of the bridge carrying the A556 Chester Road over Peover Eye;	45
Work No. 1/69 - A temporary bridge over Wade Brook commencing at a point 165 metres west of the bridge carrying the A556 Shurlach Road over that Brook and terminating at a point 20 metres north-east of its commencement;	50

Work No. 1/70 - A temporary bridge over Wade Brook commencing at a point 75 metres east of the bridge carrying the A556 Shurlach Road over that Brook and terminating at a point 20 metres north of its commencement.	
Borough of Cheshire West & Chester, Parish of Lach Dennis and Borough of Cheshire East, Parish of Plumley –	5
Work No. 1/71 - A diversion of a gas main commencing beneath a point 680 metres south-west of the bridge carrying the A556 Chester Road over Peover Eye and terminating beneath a point 460 metres south of that bridge.	10
Borough of Cheshire West & Chester, Parish of Lostock Gralam and Borough of Cheshire East, Parish of Plumley –	
Work No. 1/72 - A temporary realignment of the A556 Chester Road commencing at a point 500 metres south-west of the bridge carrying that Road over Peover Eye and terminating at a point 270 metres south-west of that bridge;	15
Work No. 1/73 - A temporary realignment of the A559 Manchester Road commencing at a point 540 metres south-west of the bridge carrying the A556 Chester Road over Peover Eye and terminating at a point 215 metres south-west of that bridge.	20
Borough of Cheshire West & Chester, Parishes of Lach Dennis and Lostock Gralam –	
Work No. 1/74 - A diversion of a fuel pipeline commencing beneath a point 560 metres south-west of the bridge carrying the A556 Chester Road over Peover Eye and terminating beneath a point 400 metres south-west of that bridge.	25
Borough of Cheshire East, Parish of Plumley –	
Work No. 1/75 - A temporary bridge over Peover Eye commencing at a point 175 metres north-west of the junction of the A559 Manchester Road, the A556 Chester Road and Ascol Drive and terminating at a point 20 metres north of its commencement.	30
Parishes of Plumley and Tabley Inferior –	
Work No. 1/76 - A temporary bridge over Smoker Brook commencing at a point 45 metres east of the bridge carrying Linnards Lane over that Brook and terminating at a point 25 metres north of its commencement.	35
Parishes of Pickmere and Tabley Inferior –	
Work No. 1/77 - A diversion of a gas main commencing beneath a point 580 metres north-west of the bridge carrying the A556 Chester Road over Smoker Brook and terminating beneath a point 575 metres south-east of the junction of Flittogate Lane with Pickmere Lane.	40
Parish of Tabley Inferior –	
Work No. 1/78 - An access road commencing at a point 885 metres north-west of the bridge carrying the A556 Chester Road over Smoker Brook and terminating at a point 200 metres north-east of that bridge;	45
Work No. 1/79 - An access road commencing at a point 715 metres south of the junction Flittogate Lane with Pickmere Lane and terminating at a point 150 metres north of its commencement.	

Parishes of Pickmere and Tabley Inferior –	
Work No. 1/80 - An access road commencing at a point 630 metres south of the junction of Flittogate Lane with Pickmere Lane and terminating at a point 165 metres south of that junction.	5
Parish of Tabley Inferior –	
Work No. 1/81 - An access road commencing at a point 480 metres south-east of the junction of Flittogate Lane with Pickmere Lane and terminating at a point 105 metres north east of its commencement.	10
Parishes of Pickmere and Tabley Inferior –	
Work No. 1/82 - A diversion of a gas main commencing beneath a point 165 metres south-west of the junction of Flittogate Lane with Pickmere Lane and terminating beneath a point 435 metres south-east of that junction;	15
Work No. 1/83 - A diversion of Flittogate Lane commencing at a point 365 metres south east of the junction of that Lane with Pickmere Lane and terminating at a point 110 metres south-west of the bridge carrying Pickmere Lane over Waterless Brook.	20
Parish of Pickmere –	
Work No. 1/83A - An access road commencing by a junction with Work No. 1/83 at a point 125 metres south-west of the bridge carrying Pickmere Lane over Waterless Brook and terminating at a point 75 metres north-east of its commencement.	25
Parishes of Pickmere and Tabley Inferior –	
Work No. 1/83B - A temporary diversion of Flittogate Lane commencing at a point 20 metres south-east of the junction of that Lane with Pickmere Lane and terminating at a point 210 metres south-east of that junction.	30
Parish of Pickmere –	
Work No. 1/84 - A realignment of Pickmere Lane commencing at a point 65 metres south-west of the junction of Flittogate Lane with that Lane and terminating at a point 25 metres south-west of the bridge carrying Pickmere Lane over Waterless Brook.	35
Parishes of Pickmere and Aston by Budworth –	
Work No. 1/85 - A realignment of School Lane and Frog Lane commencing at a point 75 metres north-west of the junction of Frog Lane with Budworth Road and terminating at a point 90 metres south-west of the junction of Flittogate Lane with Pickmere Lane;	40
Work No. 1/86 - A temporary bridge over Waterless Brook commencing at a point 155 metres north-west of the bridge carrying Pickmere Lane over Waterless Brook and terminating at a point 25 metres north of its commencement.	45
Parish of Aston by Budworth –	
Work No. 1/87 - A temporary bridge over Tabley Brook commencing at a point 310 metres north of the bridge carrying Pickmere Lane over Waterless Brook and terminating at a point 30 metres east of its commencement.	50
Parish of Tabley Superior –	

Work No. 1/88 - An access road commencing at a point 1035 metres south of the junction of Footpath Tabley Superior 10/1 with Restricted Byway Tabley Superior 4/1 and terminating at a point 210 metres east of its commencement;	
Work No. 1/89 - A widening of the northern side of Restricted Byway Tabley Superior 4/1 commencing at a point 225 metres north-west of the junction that restricted byway with Old Hall Lane and terminating at a point 25 metres east of its commencement;	5
Work No. 1/92 - An access road commencing at a point 295 metres south of the junction of Footpath Tabley Superior 10/1 with Restricted Byway Tabley Superior 4/1 and terminating at a point 440 metres south-east of that junction;	10
Work No. 1/93 - A realignment of the M6 Motorway commencing at a point 85 metres north-west of the junction of Footpath Tabley Superior 10/1 with Restricted Byway Tabley Superior 4/1 and terminating at a point 420 metres south-east of its commencement point.	15
Parishes of Mere and High Legh –	
Work No. 1/94 - A railway (3.17km in length) commencing by a junction with Work No. 1/21 at a point 430 metres south-east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating at a point 525 metres south-west of the junction of Back Lane with Peacock Lane. Work No. 1/94 includes a bridge over Work No. 1/97.	20
Parish of Mere –	
Work No. 1/95 - A railway (2.14km in length) commencing by a junction with Work No. 1/21 at a point 430 metres south-east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating by a junction with Work No. 1/94 at a point 175 metres south-west of the junction of Bowden View Lane with the A50 Knutsford Road. Work No. 1/95 includes the Hoo Green Box Structure, over Works Nos. 1/101, 1/21A and 1/98 and a bridge over Work No. 1/97.	25
Parishes of Mere, Millington and Agden –	
Work No. 1/96 - A diversion of a gas main commencing beneath a point 390 metres south-east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating beneath a point 380 metres south-west of the bridge carrying the M56 Motorway over Reddy Lane.	35
Parish of Mere –	
Work No. 1/97 - An access road commencing at a point 95 metres north-west of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating at a point 130 metres south-west of the bridge carrying Bentleyhurst Lane over the A556;	40
Work No. 1/97A - An access road commencing by a junction with Work No. 1/97 at a point 55 metres south-east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating by a junction with Work No. 1/97 at a point 350 metres south-east of that junction;	45
Work No. 1/97B - A road commencing at a point 175 metres north-west of the junction of Restricted Byway Mere 2/1 and Bridleways Mere	50

1/1 and 1/2 and terminating at a point 80 metres south-east of its commencement.

Parishes of Mere, High Legh, Millington, Rostherne and Ashley –

Work No. 1/98 - A railway (10.52km in length) partly on viaduct commencing by a junction with the termination of Work No. 1/21 and commencement of Work No. 1/21A at a point 210 metres east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating by a junction with the commencement of Work No. 2/1 at a point 920 metres south-east of the junction of Tanyard Lane and Castle Mill Lane. Work No. 1/98 includes the Hoo Green Box Structure, beneath Work Nos. 1/95 and 1/21A, the Rostherne East Box Structure, beneath Work No. 1/131 and viaducts over the Mid Cheshire Line, Agden Brook, Blackburn's Brook, Birkin Brook and Works Nos. 1/111 and 1/144. 5  
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Parish of Mere –

Work No. 1/99 - A widening of the southern side of Bentleyhurst Lane commencing at a point 280 metres north-east of the bridge carrying that Lane over the A556 and terminating at a point 25 metres east of its commencement; 15

Work No. 1/100 - A widening of the northern side of Bentleyhurst Lane commencing at a point 440 metres north-east of the bridge carrying that Lane over the A556 and terminating at a point 25 metres east of its commencement; 20

Work No. 1/101 - A railway (1.45km in length) commencing by a junction with Work No. 1/21A at a point 730 metres north-east of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating by a junction with Work No. 1/98 at a point 250 metres north of the junction of Bowden View Lane with the A50 Knutsford Road. Work No. 1/101 includes the Hoo Green Box Structure, beneath Work No. 1/95; 25  
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Work No. 1/102 - A widening of the eastern side of Winterbottom Lane commencing at a point 810 metres north of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating at a point 25 metres north of its commencement; 35

Work No. 1/103 - A widening of the eastern side of Winterbottom Lane at a point commencing 1025 metres north of the junction of Restricted Byway Mere 2/1 and Bridleways Mere 1/1 and 1/2 and terminating at a point 25 metres north of its commencement; 40

Work No. 1/104 - A diversion of Hoo Green Lane commencing at a point 25 metres north-east of the junction of Winterbottom Lane with that lane and terminating by a junction with Work No. 1/106 at a point 195 metres north-west of the junction of Bowden View Lane with the A50 Knutsford Road; 45

Work No. 1/105 - An access road commencing at a point 285 metres north-east of the junction of Winterbottom Lane with Hoo Green Lane and terminating at a point 345 metres south of the junction of Bowden View Lane with the A50 Knutsford Road; 50

Work No. 1/106 - A realignment of the A50 Knutsford Road commencing at a point 380 metres north-west of the junction of Bowden View Lane and that road and terminating at a point 110 metres north-west of the junction of Bucklow Hill Lane, Hoo Green

Lane and the A50 Knutsford Road. Work No. 1/106 includes bridges over Works Nos. 1/94, 1/21A, 1/98 and 1/101;	
Work No. 1/106A - A temporary realignment of the A50 Knutsford Road commencing at a point 340 metres north-west of the junction of Bowden View Lane with that road and terminating at a point 25 metres west of the junction of Bucklow Hill Lane with that road.	5
Parishes of Mere, Millington and Agden—	
Work No. 1/107 - A diversion of a gas main commencing beneath a point 245 metres north-east of the junction of Bowden View Lane with the A50 Knutsford Road and terminating beneath a point 700 metres east of the bridge carrying Agden Lane over the M56 Motorway.	10
Parish of Mere—	
Work No. 1/108 - An access road commencing at a point 490 metres south-west of the bridge carrying Chapel Lane over the A556 and terminating at a point 100 metres south-east of that junction;	15
Work No. 1/109 - An access road commencing at a point 405 metres south-west of the bridge carrying Chapel Lane over the A556 and terminating at a point 105 metres north-west of that junction.	
Parishes of Mere, Millington, Agden and Little Bollington—	20
Work No. 1/110 - A diversion of a gas main commencing beneath a point 510 metres north of the junction of Bucklow Hill Lane with the A50 Knutsford Road and terminating beneath a point 50 metres north of the junction of Footpath Agden 5/1 with Footpath Little Bollington 5/1.	25
Parishes of High Legh, Millington and Mere—	
Work No. 1/111 - A realignment of Peacock Lane commencing at a point 110 metres south-east of the junction of Hulseheath Lane with Chapel Lane and terminating at a point 235 metres south-east of the junction of Moss Lane with Peacock Lane. Work No. 1/111 includes a bridge over Work No. 1/21A.	30
Parish of High Legh—	
Work No. 1/111A - An access road commencing at a point 360 metres south-east of the junction of Back Lane with Peacock Lane and terminating by a junction with Work No. 1/111 at a point 120 metres north-east of its commencement.	35
Parishes of Mere and Millington—	
Work No. 1/111B - An access road commencing by a junction with Work No. 1/111 at a point 255 metres north-west of the junction of Chapel Lane with Hulseheath Lane and terminating at a point 65 metres north-east of its commencement.	40
Parish of High Legh—	
Work No. 1/111C - A road commencing at a point 190 metres east of the junction of Back Lane with Peacock Lane and terminating at a point 70 metres north of its commencement;	45
Work No. 1/111D - An access road commencing at a point 250 metres east of the junction of Back Lane with Peacock Lane and terminating by a junction with Work No. 1/111C at a point 60 metres west of its commencement.	

Parishes of High Legh and Millington –	
Work No. 1/112 - An access road commencing at a point 415 metres north-west of the junction of Hulseheath Lane with Chapel Lane and terminating at a point 725 metres south of the junction of Boothbank Lane and Millington Lane;	5
Work No. 1/113 - A temporary bridge over Millington Clough commencing at a point 515 metres north-west of the junction of Hulseheath Lane with Chapel Lane and terminating at a point 25 metres north-east of its commencement;	
Work No. 1/114 - A temporary bridge over Millington Clough commencing at a point 445 metres north-west of the junction of Hulseheath Lane with Chapel Lane and terminating at a point 20 metres north-east of its commencement;	10
Work No. 1/115 - A temporary bridge over Millington Clough commencing at a point 340 metres north-west of the junction of Hulseheath Lane with Chapel Lane and terminating at a point 20 metres north-west of its commencement.	15
Parish of High Legh –	
Work No. 1/116 - An aqueduct, over Work No. 1/21A, commencing at a point 295 metres south-west of the junction of Agden Lane with Thowler Lane and terminating at a point 80 metres east of its commencement;	20
Work No. 1/117 - A bridge, over Work No. 1/21A, commencing at a point 165 metres south of the junction of Moss Lane and Agden Lane and termination at a point 190 metres south-east of that junction.	25
Parishes of High Legh and Agden –	
Work No. 1/118 - A realignment of Moss Lane and Agden Lane commencing at a point 35 metres south-west of the junction of those roads and terminating at a point 20 metres north-west of that junction.	30
Parish of Agden –	
Work No. 1/119 - A bridge over Work No. 1/21A commencing at a point 255 metres east of the bridge carrying Agden Lane over the M56 Motorway and terminating at a point 495 metres east of that bridge.	35
Parishes of High Legh and Agden –	
Work No. 1/119A - A temporary realignment of the M56 Motorway commencing at a point 95 metres west of the bridge carrying Agden Lane over that Motorway and terminating at a point 390 metres west of the bridge carrying that Motorway over Reddy Lane;	40
Work No. 1/120 - An access road commencing at a point 60 metres north-west of the bridge carrying Agden Lane over the M56 Motorway and terminating at a point 285 metres north-east of its commencement.	
Parish of Agden –	
Work No. 1/121 - A diversion of a gas main commencing beneath a point 330 metres south-east of the junction of Agden Lane with the A56 Lymm Road and terminating beneath a point 210 metres south of the junction of Warrington Lane with the A56 Lymm Road;	45

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Work No. 1/122 - An access road commencing at a point 295 metres south-east of the junction of Agden Lane with the A56 Lymm Road and terminating at a point 335 metres south of the junction of Warrington Lane with the A56 Lymm Road;	
Work No. 1/123 - A temporary diversion of the A56 Lymm Road commencing at a point 15 metres south of the junction of Agden Lane with that Road and terminating at a point 20 metres west of the junction of Warrington Lane with that Road.	5
Parish of Millington –	
Work No. 1/124 - An access road commencing at a point 420 metres south-west of the junction of Boothbank Lane and Millington Lane and terminating at a point 465 metres south-east of its commencement;	10
Work No. 1/125 - A widening of the south-eastern side of Boothbank Lane commencing at a point 230 metres south-west of the junction of Boothbank Lane and Millington Lane and terminating at a point 15 metres north-east of its commencement;	15
Work No. 1/126 - A temporary bridge over Agden Brook commencing at a point 420 metres west of the junction of Millington Hall Lane with Millington Lane and terminating at a point 20 metres north-east of its commencement;	20
Work No. 1/127 - A temporary bridge over Agden Brook commencing at a point 465 metres west of the junction of Millington Hall Lane with Millington Lane and terminating at a point 20 metres north-east of its commencement;	25
Work No. 1/128 - A diversion of a fuel pipeline commencing beneath a point 120 metres south of the junction of Boothbank Lane and Millington Lane and terminating beneath a point 590 metres north-east of the junction of Chapel Lane with Hulseheath Lane;	
Work No. 1/129 - A widening of the western side of Millington Lane commencing at a point 180 metres south-east of the junction of Boothbank Lane and Millington Lane and terminating at a point 15 metres south-east of its commencement;	30
Work No. 1/130 - A realignment of Millington Lane commencing at a point 145 metres north-west of the junction of Millington Hall Lane and that lane and terminating at a point 325 metres north-west of its commencement. Work No. 1/130 includes a bridge over Work No. 1/98;	35
Work No. 1/130A - An access road commencing at a point 370 metres south-east of the junction of Boothbank Lane and Millington Lane and terminating at a point 375 metres north of the junction of Millington Hall Lane with Millington Lane.	40
Parishes of Millington and Rostherne –	
Work No. 1/131 - A railway (2.35km in length) commencing at a point 420 metres south-west of the junction of Footpaths Millington 7/1, 11/1 and 7/2 and terminating at a point 500 metres north of the junction of Footpath Rostherne 5/1 with Birkinheath Lane. Work No. 1/131 includes the Rostherne East Box Structure, over Work No. 1/98;	45
Work No. 1/131A - A railway (1.66km in length) commencing by a junction with Work No. 1/131 at a point 480 metres south-west of the bridge carrying the A556 over the M56 Motorway and terminating at	50

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a point 640 metres north-west of the junction of Footpath Rostherne 5/1 with Birkinheath Lane. Work No. 1/131 includes the Rostherne East Box Structure.	
Parish of Millington –	
Work No. 1/132 - An access road commencing at a point 210 metres south-east of the junction of Footpaths Millington 7/1, 11/1 and 7/2 and terminating at a point 30 metres north-east of the junction of Footpath Millington 14/1 with Millington Lane. Work No. 1/132 includes bridges over Work Nos. 1/131 and 1/98;	5
Work No. 1/132A - An access road commencing by a junction with Work No. 1/132 at a point 550 metres south-west of the bridge carrying the A556 over the M56 Motorway and terminating at a point 125 metres north-east of its commencement.	10
Parish of Rostherne –	
Work No. 1/133 - A realignment of the A556 commencing at a point 95 metres south of the bridge carrying that road over the M56 Motorway and terminating at a point 295 metres south-west of its commencement. Work No. 1/133 includes bridges over Works Nos. 1/131, 1/131A and 1/98.	15
Parishes of Millington and Rostherne –	20
Work No. 1/133A - An access road commencing at a point 170 metres south-west of the bridge carrying the A556 over the M56 Motorway and terminating by a junction with Work No. 1/133 at a point 185 south-east of that bridge;	
Work No. 1/133B - A temporary diversion of the A556 commencing at a point 25 metres south-west of the bridge carrying that road over the M56 Motorway and terminating at a point 470 metres south-west of its commencement.	25
Parish of Rostherne –	
Work No. 1/134 - An access road commencing at a point 35 metres south of the bridge carrying Yarwood Heath Lane over the M56 Motorway and terminating at a point 45 metres north of the junction of Tom Lane with Cherry Tree Lane. Work No. 1/134 includes a bridge over Work Nos. 1/131, 1/131A and 1/98;	30
Work No. 1/134A - An access road commencing at a point 10 metres south of the junction of Yarwood Heath Lane with the A556 and terminating at a point 260 metres north of the junction of Tom Lane with Cherry Tree Lane. Work No. 1/134A includes a bridge over the M56 Motorway;	35
Work No. 1/134B - An access road commencing at a point 260 metres north of the junction of Tom Lane with Cherry Tree Lane and terminating at a point 970 metres north-west of the junction of Footpath Rostherne 5/1 with Birkinheath Lane;	40
Work No. 1/135 - A temporary bridge over Blackburn's Brook commencing at a point 525 metres north of the junction of Footpath Rostherne 5/1 with Birkinheath Lane and terminating at a point 30 metres east of its commencement;	45
Work No. 1/136 - A temporary bridge over Blackburn's Brook commencing at a point 425 metres north of the junction of Footpath Rostherne 5/1 with Birkinheath Lane and terminating at a point 25 metres east of its commencement.	50

Parishes of Rostherne and Ashley –

- Work No. 1/137 - A temporary bridge over Birkin Brook commencing at a point 470 metres north-east of the junction of Footpath Rostherne 5/1 with Birkinheath Lane and terminating at a point 25 metres north-east of its commencement; 5
- Work No. 1/138 - A temporary bridge over Birkin Brook commencing at a point 400 metres north-east of the junction of Footpath Rostherne 5/1 with Birkinheath Lane and terminating at a point 20 metres south-east of its commencement;
- Work No. 1/138A - A footbridge over Birkin Brook commencing at a point 410 metres north-east of the junction of Footpath Rostherne 5/1 with Birkinheath Lane and terminating at a point 20 metres south-east of its commencement. 10

Parish of Ashley –

- Work No. 1/139 - A railway (0.64km in length) commencing at a point 270 metres south-east of the bridge carrying Footpath Ashley 2/1 over the M56 Motorway and terminating by a junction with Work No. 1/98 at a point 270 metres west of the junction of Lamb Lane with Ashley Road; 15
- Work No. 1/140 - A railway (0.97km in length) commencing at a point 265 metres south-east of the bridge carrying Footpath Ashley 2/1 over the M56 Motorway and terminating at a point 90 metres south-east of the junction of Lamb Lane with Ashley Road; 20
- Work No. 1/140A - A railway (0.22km in length) commencing by a junction with Work No. 1/98 at a point 560 metres west of the junction of Lamb Lane with Ashley Road and terminating by a junction with Work No. 1/140 at a point 335 metres west of that junction; 25
- Work No. 1/140B - A railway (0.20km in length) commencing by a junction with Work No. 1/140 at a point 520 metres west of the junction of Lamb Lane with Ashley Road and terminating by a junction with Work No. 1/98 at a point 320 metres west of that junction; 30
- Work No. 1/140C - A railway siding (0.26km in length) commencing by a junction with Work No. 1/140 at a point 315 metres west of the junction of Lamb Lane with Ashley Road and terminating at a point 55 metres west of that junction. 35

Parishes of Ashley and Mobberley –

- Work No. 1/141 - A railway (2.85km in length) commencing by a junction with Work No. 1/98 at a point 270 metres south-east of the bridge carrying Footpath Ashley 2/1 over the M56 Motorway and terminating by a junction with the Mid Cheshire Line at a point 20 metres north of the bridge carrying that Line over Breach House Lane. 40

Parish of Ashley –

- Work No. 1/141A - A railway (0.74km in length) commencing by a junction with Work No. 1/141 at a point 105 metres west of the junction of Lamb Lane with Ashley Road and terminating at a point 205 metres west of the bridge carrying Mobberley Road over the Mid Cheshire Line. Work No. 1/141A includes a depot; 45
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Work No. 1/141B - A railway (1.06km in length) commencing by a junction with Work No. 1/141 at a point 460 metres south of the bridge carrying Ashley Road over the Mid Cheshire Line and terminating at a point 410 metres north-west of the junction of Breach House Lane with Mobberley Road and Pepper Street;	5
Work No. 1/141C - A railway (0.17km in length) being a realignment of the Mid Cheshire Line commencing at a point 25 metres north-west of the bridge carrying Ashley Road over that Line and terminating at a point 175 metres south of its commencement;	
Work No. 1/141D - A railway (0.20km in length) being a realignment of the Mid Cheshire Line commencing by a junction with the Mid Cheshire Line at a point 10 metres north of the bridge carrying Mobberley Road over that Line and terminating by a junction with Work No. 1/141 at a point 200 metres south of its commencement;	10
Work No. 1/142 - A diversion of Ashley Road commencing at a point 150 metres south-west of the junction of Lamb Lane with Ashley Road and terminating by a junction with Work No. 1/144 at a point 290 metres south-west of the bridge carrying Mobberley Road over the Mid Cheshire Line;	15
Work No. 1/142A - An access road commencing at a point 195 metres west of the junction of Lamb Lane with Ashley Road and terminating by a junction with Work No. 1/142 at a point 120 metres south-west of that junction;	20
Work No. 1/142B - An access road commencing by a junction with Work No. 1/142 at a point 185 metres south-west of the bridge carrying Mobberley Road over the Mid Cheshire Line and terminating at a point 80 metres north-east of its commencement;	25
Work No. 1/142C - A temporary diversion of Ashley Road commencing at a point 195 metres south-west of the junction of Lamb Lane with that Road and terminating at a point 25 metres south-west of that junction;	30
Work No. 1/143 - A diversion of a watercourse commencing at a point 220 metres south-west of the bridge carrying Mobberley Road over the Mid Cheshire Line and terminating at a point 915 metres south of the junction of Tanyard Lane with Back Lane;	35
Work No. 1/144 - A realignment of Mobberley Road commencing at a point 50 metres north-west of the junction of Footpath Ashley 20/1 with that Road and terminating at a point 910 metres north-west of the junction of Breach House Lane with Mobberley Road and Pepper Street. Work No. 1/144 includes a bridge over Works Nos. 1/141B, 1/141D, 1/141 and the Mid Cheshire Line;	40
Work No. 1/144A - A road commencing by a junction with Work No. 1/144 and the termination of Work No. 1/144B at a point 215 metres south of the junction of Footpath Ashley 20/1 with Mobberley Road and terminating at a point 240 metres south-east of its commencement;	45
Work No. 1/144B - An access road commencing at a point 20 metres south-east of the bridge carrying Mobberley Road over the Mid Cheshire Line and terminating by a junction with Work No. 1/144 and the commencement of Work No. 1/144A at a point 215 metres south of the junction of Footpath Ashley 20/1 with Mobberley Road;	50
Work No. 1/145 - An access road commencing at a point 440 metres south-east of the junction of Tanyard Lane with Back Lane and	

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terminating at a point 370 metres south of its commencement. Work No. 1/145 includes a bridge over Work No. 1/98.	
County of Cheshire, Borough of Cheshire East, Parish of Ashley, Greater Manchester, City of Manchester, Parish of Ringway, Metropolitan Borough of Trafford –	5
Work No. 2/1 - A railway (3.73 kilometres in length) partly on viaduct and partly in tunnel commencing by a junction with the termination of Work 1/98 at a point 120 metres south-west of the junction of Brickhill Lane with Back Lane and terminating by a junction with Work No. 2/1A beneath a point 610 metres north-east of the junction of Brooks Drive with Thorley Lane. Work No. 2/1 includes a viaduct over the River Bollin and a new station (Manchester Airport).	10
Greater Manchester, City of Manchester –	
Work No. 2/1A - A railway (10.47 kilometres in length) in tunnel commencing by a junction with the termination of Work No. 2/1 beneath a point 85 metres south-west of the junction of Shepton Drive with Rowarth Road and terminating by a junction with the commencement of Work No. 2/1B beneath a point 65 metres north-west of the junction of Driscoll Street with Clitheroe Road. Work No. 2/1A includes shafts at Altrincham Road, Palatine Road, Wilmslow Road and Birchfield Road;	15
Work No. 2/1B - A railway (3.72 kilometres in length), partly in tunnel and partly on viaduct, commencing by a junction with Work No. 2/1A beneath a point 65 metres north-west of the junction of Driscoll Street with Clitheroe Road and terminating at a point 120 metres south-west of the junction of Jutland Street with Store Street. Work No. 2/1B includes a viaduct over Work Nos. 2/31, 2/33, 2/36, a station (Manchester Piccadilly) and the Ardwick Box Structure.	25
County of Cheshire, Borough of Cheshire East, Parish of Ashley –	
Work No. 2/2 - An access road commencing at a point 115 metres north of the junction of Back Lane with Castle Mill Lane and terminating at a point 105 metres south of its commencement;	30
Work No. 2/3 - A realignment of Castle Mill Lane commencing at a point 55 metres east of the junction of Back Lane with Castle Mill Lane and terminating at a point 360 metres south-east of its commencement. Work No. 2/3 includes a bridge over Work No. 2/1;	35
Work No. 2/3A - A diversion of Brickhill Lane commencing at a point 175 metres south of the junction of Back Lane with that lane and terminating by a junction with Work No. 2/3 at a point 320 metres south-east of the junction of Back Lane with Castle Mill Lane;	40
Work No. 2/3B - An access road commencing by a junction with Work No. 2/3 at a point 330 metres south-east of the junction of Back Lane with Castle Mill Lane and terminating at a point 50 metres north-east of its commencement.	45
County of Cheshire, Borough of Cheshire East, Parish of Ashley, Greater Manchester, City of Manchester, Parish of Ringway –	
Work No. 2/4 - A temporary bridge over the River Bollin commencing at a point 440 metres south of the bridge carrying Sunbank Lane over the M56 Motorway and terminating at a point 30 metres north-east of its commencement.	50

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<b>Greater Manchester, City of Manchester, Parish of Ringway –</b>	
Work No. 2/5 - A temporary realignment of the M56 Motorway commencing at a point 330 metres west of the bridge carrying Sunbank Lane over that Motorway and terminating at a point 365 metres south-east of the junction of Burnside with Marlfield Road;	5
Work No. 2/6 - A realignment of Sunbank Lane commencing at a point 30 metres south-east of the bridge carrying that lane over the M56 Motorway and terminating at a point 290 metres south-east of its commencement. Work No. 2/6 includes a bridge over Work No. 2/1;	
Work No. 2/6A - An access road commencing at a point 380 metres south of the bridge carrying Sunbank Lane over the M56 Motorway and terminating by a junction with Work No. 2/6 at a point 70 metres north of its commencement;	10
Work No. 2/6B - An access road commencing at a point 285 metres south of the bridge carrying Sunbank Lane over the M56 Motorway and terminating by a junction with Work No. 2/6 at a point 25 metres north-east of its commencement;	15
Work No. 2/6C - An access road commencing at a point 150 metres south of the bridge carrying Sunbank Lane over the M56 Motorway and terminating by a junction with Work No. 2/6 at a point 100 metres south of that bridge;	20
Work No. 2/7 - A realignment of Sunbank Lane commencing at a point 120 metres south-east of the junction of Footpath 6 (RINGWAY) with that lane and terminating at a point 160 metres south-west of the junction of Wilmslow Old Road, Sunbank Lane and Pinfold Lane;	25
Work No. 2/8 - A realignment of Sunbank Lane commencing at a point 220 metres north-west of the junction of Footpath 6 (RINGWAY) with that Lane and terminating at a point 260 metres north-west of that junction.	
<b>City of Manchester, Parish of Ringway, Metropolitan Borough of Trafford –</b>	
Work No. 2/9 - A realignment of the A538 Hale Road and the A538 Wilmslow Road commencing at a point 115 metres north-west of the junction of Hasty Lane with the A538 Hale Road and terminating at a point 140 metres south-west of the junction of Wilmslow Old Road, Sunbank Lane and Pinfold Lane. Work No. 2/9 includes a bridge over Work No. 2/1.	35
<b>Metropolitan Borough of Trafford –</b>	
Work No. 2/9A - An access road commencing at a point 240 metres south-east of the junction of Warburton Drive with Greengate and terminating by a junction with Work No. 2/9 at a point 105 metres north-west of the junction of Hasty Lane with the A538 Hale Road;	40
Work No. 2/9B - An access road commencing by a junction with Work No. 2/9 at a point 90 metres north-west of the junction of Hasty Lane with the A538 Hale Road and terminating at a point 30 metres north-east of that junction;	45
Work No. 2/9C - A realignment of the M56 J6 Northbound Off slip commencing at a point 200 metres south-west of the bridge carrying the M56 Motorway over the A538 Wilmslow Road and terminating by a junction with Work No. 2/9 at a point 160 metres north-west of that bridge.	50

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City of Manchester, Parish of Ringway and Metropolitan Borough of Trafford –	
Work No. 2/9D - A road commencing at a point 155 metres west of the bridge carrying the M56 Motorway over the A538 Wilmslow Road and terminating at a point 210 metres north-west of the junction of Wilmslow Old Road, Sunbank Lane and Pinfold Lane;	5
Work No. 2/9E - A realignment of the M56 J6 Northbound On slip commencing at a point 180 metres south-west of the bridge carrying the M56 Motorway over the A538 Wilmslow Road and terminating at a point 20 metres north-west of that bridge.	10
City of Manchester, Parish of Ringway –	
Work No. 2/9F - A realignment of the M56 J6 Southbound Off slip commencing at a point 345 metres south-west of the junction of Avro Way with Runger Lane and terminating at a point 210 metres south-west of that junction;	15
Work No. 2/9G - A realignment of the M56 J6 Southbound On slip and Runger Lane commencing at a point 340 metres south-west of the junction of Avro Way with Runger Lane and terminating at a point 25 metres south-west of that junction.	
Metropolitan Borough of Trafford –	20
Work No. 2/9H - A temporary realignment of the A538 Hale Road and M56 J6 Northbound Offslip commencing at a point 195 metres south west of the bridge carrying the M56 Motorway over the A538 Wilmslow Road and terminating by a junction with the A538 Hale Road at a point 85 metres north west of the junction of Hasty Lane with the A538 Hale Road.	25
City of Manchester, Parish of Ringway and Metropolitan Borough of Trafford –	
Work No. 2/10 - A road commencing by a junction with Work No. 2/9 at a point 105 metres north-west of the bridge carrying the M56 Motorway over the A538 Wilmslow Road and terminating by a junction with Work No. 2/18 at a point 100 metres north-west of the bridge carrying Thorley Lane over the M56 Motorway.	30
Metropolitan Borough of Trafford –	
Work No. 2/11 - A road commencing at a point 10 metres south-west of the junction of Hasty Lane with the A538 Hale Road and terminating by a junction with Work No. 2/18 and the commencement of Work No. 2/18A at a point 225 metres south-east of the junction of Roaring Gate Lane, Shay Lane and Thorley Lane;	35
Work No. 2/12 - A road commencing by a junction with Work No. 2/11 at a point 210 metres north-east of the junction of Hasty Lane with the A538 Hale Road and terminating by a junction with Work No. 2/10 at a point 210 metres south-east of its commencement. Work No. 2/12 includes a bridge over Work No. 2/1;	40
Work No. 2/14 - A realignment of Timperley Brook commencing at a point 690 metres south-west of the junction of Roaring Gate Lane, Shay Lane and Thorley Lane and terminating at a point 405 metres south-west of that junction.	45
City of Manchester, Parish of Ringway and Metropolitan Borough of Trafford –	50

Work No. 2/15 - A realignment of Timperley Brook commencing at a point 340 metres south-west of the bridge carrying Thorley Lane over the M56 Motorway and terminating at a point 225 metres south-east of its commencement;	
Work No. 2/16 - A bridge over Works Nos. 2/1, 2/10 and 2/11 commencing at a point 300 metres west of the bridge carrying Thorley Lane over the M56 Motorway and terminating at a point 185 metres south-west of that bridge.	5
 Metropolitan Borough of Trafford –	
Work No. 2/17 - A conveyor commencing at a point 180 metres south-east of the junction of Roaring Gate Lane, Shay Lane and Thorley Lane and terminating at a point 315 metres east of that junction;	10
Work No. 2/18 - A realignment of Thorley Lane commencing at a point 30 metres south-east of the bridge carrying that Lane over the M56 Motorway and terminating at a point 50 metres south-east of the junction of Roaring Gate Lane, Shay Lane and Thorley Lane. Work No. 2/18 includes a bridge over Work No. 2/1;	15
Work No. 2/18A - An access road commencing by a junction with Work No. 2/18 at a point 225 metres south-east of the junction of Roaring Gate Lane, Shay Lane and Thorley Lane and terminating at a point 430 metres north-east of that junction.	20
 City of Manchester –	
Work No. 2/18B - An access road commencing at a point 80 metres north-west of the junction of Royalthorn Road with Greenwood Road and terminating at a point 25 metres south-east of the bridge carrying the A560 Altrincham Road over the Mid Cheshire Line;	25
Work No. 2/18C - A diversion of a sewer commencing beneath a point 60 metres south-east of the bridge carrying the M56 Motorway over the Mid Cheshire Line and terminating beneath a point 80 metres north-west of the junction of Royalthorn Road with Greenwood Road;	30
Work No. 2/19 - An access road commencing at a point 190 metres north-east of the bridge carrying Palatine Road over the River Mersey and terminating at a point 50 metres east of its commencement;	35
Work No. 2/19A - A temporary footbridge commencing at a point 440 metres north-east of the bridge carrying Palatine Road over the River Mersey and terminating at a point 10 metres north of its commencement;	
Work No. 2/20 - A railway (0.72 kilometres in length) commencing by a junction with the Ashburys Line at a point 155 metres south-east of the junction of Tuley Street with Gorton Road and terminating at a point 45 metres north of the junction of Rondin Close with Rondin Road;	40
Work No. 2/21 - A conveyor commencing at a point 250 metres south-east of the junction of Rondin Close with Rondin Road and terminating at a point 335 metres south-east of that junction;	45
Work No. 2/22 - A railway (0.32 kilometres in length) commencing at a point 125 metres south of the junction of Rondin Close with Rondin Road and terminating by a junction with Work 2/1B at a point 55 metres south-west of the junction of Hooper Street with the A665 Midland Street. Work No. 2/22 includes the Ardwick Box Structure;	50

- Work No. 2/23 - A temporary realignment of Rondin Road commencing at a point 30 metres south of the junction of Rondin Close with that road and terminating at a point 20 metres west of the junction of that road with the A635 Ashton Old Road;
- Work No. 2/24 - A road, being a diversion of the A665 Chancellor Lane and Fairfield Street, commencing at a point 20 metres south of the bridge carrying the Crewe to Manchester Line over the A665 Chancellor Lane and terminating at a point 95 metres west of the junction of St Andrews Street with Fairfield Street. Work No. 2/24 includes a bridge over the River Medlock;
- Work No. 2/25 - A railway (0.31 kilometres in length) partly on viaduct commencing at a point 75 metres south-west of the junction of Hooper Street with the A665 Midland Street and terminating by a junction with Work No. 2/1B at a point 90 metres north-east of the junction of Mill Green Street with Dark Lane. Work No. 2/25 includes a viaduct over Work No. 2/31;
- Work No. 2/26 - A diversion of the A665 Midland Street commencing by a junction with Work No. 2/24 at a point 65 metres north of the bridge carrying the Crewe to Manchester Line over the A665 Chancellor Lane and terminating at a point 160 metres west of the junction of Hooper Street with the A665 Midland Street;
- Work No. 2/26A - A temporary realignment of the A665 Chancellor Lane commencing at a point 70 metres north of the bridge carrying the Crewe to Manchester Line over the A665 Chancellor Lane and terminating at a point 150 metres west of the junction of Hooper Street with the A665 Midland Street;
- Work No. 2/26B - A temporary road commencing by a junction with Work No. 2/26A at a point 125 metres north of the bridge carrying the Crewe to Manchester Line over the A665 Chancellor Lane and terminating at a point 95 metres south-west of the junction of Hooper Street with the A665 Midland Street;
- Work No. 2/27 - A diversion of a sewer commencing beneath a point 75 metres north-west of the bridge carrying the Crewe to Manchester Line over the A665 Chancellor Lane and terminating beneath a point 60 metres west of the junction of Mill Green Street with Dark Lane;
- Work No. 2/28 - A diversion of a sewer commencing beneath a point 30 metres west of the junction of the A665 Midland Street with the A635 Ashton Old Road and terminating by a junction with the termination of Work No. 2/30 beneath a point 60 metres north-west of the junction of Mill Green Street with Dark Lane;
- Work No. 2/29 - A realignment of the A635 Ashton Old Road and the A665 Pin Mill Brow commencing at a point 70 metres west of the junction of the A665 Midland Street with the A635 Ashton Old Road and terminating at a point 215 metres east of the junction of Great Street with Giddings Road;
- Work No. 2/30 - A diversion of a sewer commencing beneath a point 95 metres south-east of the junction of the A635 Mancunian Way with the A665 Pin Mill Brow and terminating by a junction with the termination of Work No. 2/28 beneath a point 60 metres north-west of the junction of Mill Green Street with Dark Lane;
- Work No. 2/31 - A diversion of the A635 Fairfield Street and Fairfield Street commencing by a junction with Work No. 2/24 at a point 20 metres south of the junction of Mill Green Street with Dark Lane and

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terminating by a junction with Work No. 2/29 at a point 205 metres north-east of its commencement;	
Work No. 2/32 - A diversion of a sewer commencing by a junction with Work No. 2/28 beneath a point 55 metres north of the junction of Mill Green Street with Dark Lane and terminating beneath a point 40 metres south of the junction of Crane Street with Fairfield Street;	5
Work No. 2/33 - A realignment of the A635 Mancunian Way commencing at a point 120 metres west of the junction of Mill Green Street with Dark Lane and terminating by a junction with Work No. 2/29 at a point 15 metres north-east of the junction of the A635 Mancunian Way with the A665 Pin Mill Brow;	10
Work No. 2/33A - A temporary diversion of the A635 Mancunian Way and the A665 Pin Mill Brow commencing at a point 75 metres west of the junction of Crane Street with Fairfield Street and terminating at a point 40 metres south-east of the junction of the A635 Mancunian Way with the A665 Pin Mill Brow;	15
Work No. 2/34 - A realignment of Hoyle Street and Chapelfield Road, commencing at a point 65 metres south of the junction of Rachel Street with Hoyle Street and terminating by a junction with the commencement of Work No.2/34A at a point 100 metres north-east of that junction;	20
Work No. 2/34A - An access road commencing by a junction with the termination of Work No. 2/34 at a point 100 metres north-east of the junction Rachel Street with Hoyle Street and terminating at a point 30 metres south of the junction of St Andrews Street with Fairfield Street;	25
Work No. 2/35 - A diversion of the River Medlock commencing at a point 50 metres north of the junction of Coronation Square with Fairfield Street and terminating at a point 70 metres north-east of its commencement;	30
Work No. 2/36 - A road commencing by a junction with Work No. 2/24 at a point 20 metres south-east of the junction of St Andrews Street with Fairfield Street and terminating by a junction with Work No. 2/54 at a point 75 metres south of the junction of Lena Street with Dale Street;	35
Work No. 2/37 - A road, being a realignment of Helmet Street, commencing by a junction with Work No. 2/36 at a point 105 metres north of the junction of Coronation Square with Fairfield Street and terminating by a junction with Work No. 2/29 at a point 225 metres south-east of the junction of Great Street with Giddings Road;	40
Work No. 2/38 - A diversion of a sewer commencing beneath a point 40 metres south-west of the junction of St Andrews Street with Fairfield Street and terminating beneath a point 150 metres north of the junction of Coronation Square with Fairfield Street;	
Work No. 2/40 - A realignment of Travis Street and North Western Street commencing at a point 100 metres south of the junction of St Andrews Square with St Andrews Street and terminating at a point 45 metres south-west of the junction of Sheffield Street with Travis Street;	45
Work No. 2/41 - A realignment of St Andrews Square commencing by a junction with Work No. 2/36 at a point 25 metres north-east of the junction of St Andrews Square with St Andrews Street and	50

terminating by a junction with Work No. 2/43 at a point 65 metres south-west of the junction of Giddings Road with Adair Street;	
Work No. 2/42 - A diversion of a sewer commencing beneath a point 30 metres south-west of the junction of Grosvenor Street with the A6 Downing Street and terminating beneath a point 85 metres north-west of the junction of Store Street with the A665 Great Ancoats Street;	5
Work No. 2/43 - A realignment of Travis Street and Adair Street commencing by a junction with Work No. 2/36 at a point 155 metres south-west of the junction of Giddings Road with Adair Street and terminating by a junction with Work No. 2/44 at a point 75 metres north-east of the junction of Norton Street with Adair Street;	10
Work No. 2/44 - A realignment of the A665 Great Ancoats Street commencing at a point 65 metres north-west of the junction of Great Street with that Street and terminating at a point 120 metres north-west of its commencement;	15
Work No. 2/48 - A realignment of Chapeltown Street commencing by a junction with Work No. 2/36 at a point 70 metres north of the junction of Baird Street with Sheffield Street and terminating at a point 80 metres north-east of its commencement;	20
Work No. 2/49 - A diversion of a sewer commencing beneath a point 70 metres east of the junction of Baird Street with Sheffield Street and terminating beneath a point 275 metres south-east of the junction of Jutland Street with Ducie Street;	
Work No. 2/50 - A diversion of a watercourse commencing beneath a point 100 metres south-west of the junction of Jutland Street with Store Street and terminating beneath a point 290 metres south-east of the junction of Jutland Street with Ducie Street;	25
Work No. 2/51 - A realignment of Store Street commencing by a junction with Work No. 2/36 at a point 100 metres south-west of the junction of Jutland Street with Store Street and terminating at a point 145 metres north-east of its commencement;	30
Work No. 2/53 - A footbridge over the A6 London Road commencing at a point 175 metres south-east of the junction of Lena Street with the A6 Piccadilly and terminating at a point 25 metres north-west of its commencement;	35
Work No. 2/54 - A realignment of Ducie Street commencing at a point 75 metres south of the junction of Lena Street with the A6 Piccadilly and terminating at a point 105 metres north-east of its commencement.	40
County of Cheshire, Borough of Warrington, Parishes of Lymm, Rixton-with-Glazebrook, Culcheth and Glazebury and Croft, Town of Birchwood, Greater Manchester, Metropolitan Borough of Trafford, Parishes of Warburton and Partington, Metropolitan Borough of Wigan—	
Work No. 2/55 - A railway (19.70 kilometres in length) partly on viaducts commencing by a junction with the termination of Work No. 1/21A at a point 160 metres south-west of the bridge carrying Spring Lane over the Bridgewater Canal and terminating by a junction with Work 2/110 at a point 335 metres east of the junction of Furlong Close with Epsom Drive. Work No. 2/55 includes viaducts over the Bridgewater Canal, the River Bollin, Red Brook, the Liverpool to Manchester Line (via Warrington Central), the Manchester Ship Canal/River Mersey, the A57 Manchester Road,	45
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Manchester Road, the Liverpool to Manchester Line (Chat Moss) and Works Nos. 2/56, 2/86, 2/106, 2/108 and bridges over Works Nos. 2/59, 2/88, 2/89A, 2/90, 2/91, 2/103, 2/107, 2/113 and 2/117.

County of Cheshire, Borough of Warrington, Parish of Lymm –

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| Work No. 2/56 - A realignment of Warrington Lane commencing at a point 130 metres north-west of the bridge carrying Spring Lane over the Bridgewater Canal, and terminating at a point 210 metres north-west of its commencement;           | 5  |
| Work No. 2/57 - A diversion of a gas main commencing beneath a point 210 metres north-west of the bridge carrying Spring Lane over the Bridgewater Canal and terminating beneath a point 570 metres north-west of that bridge;              | 10 |
| Work No. 2/58 - A temporary bridge over the Bridgewater Canal commencing at a point 380 metres north-west of the bridge carrying Spring Lane over that Canal, and terminating at a point 45 metres north-east of its commencement;          | 15 |
| Work No. 2/59 - A realignment of Spring Lane commencing at a point 295 metres south-east of the junction of Wet Gate Lane with Bradshaw Lane and Spring Lane and terminating at a point 95 metres south-east of that junction;              | 20 |
| Work No. 2/59A - An access road commencing at a point 235 metres south-east of the junction of Wet Gate Lane with Bradshaw Lane and Spring Lane and terminating at a point 260 metres to the north-east of that junction;                   |    |
| Work No. 2/59B - A temporary diversion of Spring Lane commencing at a point 295 metres south-east of the junction of Wet Gate Lane with Bradshaw Lane and Spring Lane and terminating at a point 45 metres south-east of that junction;     | 25 |
| Work No. 2/60 - A diversion of a fuel pipeline commencing beneath a point 105 metres south-west of the junction of Wet Gate Lane with Bradshaw Lane and Spring Lane and terminating beneath a point 465 metres north-east of that junction; | 30 |
| Work No. 2/61 - A realignment of Wet Gate Lane commencing at a point 30 metres north-east of the junction of Wet Gate Lane with Bradshaw Lane and Spring Lane and terminating at a point 485 metres north of that junction.                 | 35 |

County of Cheshire, Borough of Warrington, Parish of Lymm, Greater Manchester, Metropolitan Borough of Trafford, Parish of Warburton –

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| Work No. 2/62 - A temporary bridge over the River Bollin commencing at a point 630 metres north-east of the junction of Wet Gate Lane with the A6144 Mill Lane, and terminating at a point 30 metres north-west of its commencement; | 40 |
| Work No. 2/62A - A temporary footbridge over the River Bollin commencing at a point 610 metres north-east of the junction of Wet Gate Lane with the A6144 Mill Lane, and terminating at a point 25 metres north of its commencement. | 45 |

Greater Manchester, Metropolitan Borough of Trafford, Parish of Warburton –

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| Work No. 2/64 - A diversion of a gas main commencing beneath a point 480 metres east of the junction of Townfield Lane with the A6144 Bent Lane and terminating at a point 760 metres east of that junction; | 50 |
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- Work No. 2/65 - A diversion of a gas main commencing beneath a point 430 metres south-east of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 975 metres south-east of that junction;
- Work No. 2/66 - An access road commencing by a junction with the termination of Work No. 2/66B at a point 470 metres south-east of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 705 metres south-east of that junction; 5
- Work No. 2/66A - An access road commencing by a junction with Work No. 2/66 at a point 490 metres south-east of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 250 metres east of that junction; 10
- Work No. 2/66B - An access road commencing by a at a point 610 metres south-east of the junction of the A6144 Bent Lane with Paddock Lane and terminating by a junction with the commencement of Work No. 2/66 at a point 470 metres south-east of that junction; 15
- Work No. 2/67 - A realignment of the A6144 Paddock Lane and the A6144 Warburton Lane commencing at a point 425 metres east of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 500 metres east of that junction; 20
- Work No. 2/68 - A diversion of the A6144 Paddock Lane and A6144 Warburton Lane commencing at a point 75 metres south of the junction of the A6144 Bent Lane with Paddock Lane, and terminating at a point 220 metres to south of the junction of Footpath Warburton 11 with the A6144 Warburton Lane. Work No. 2/68 includes a bridge over Work No. 2/55; 25
- Work No. 2/68A - A realignment of the A6144 Warburton Lane commencing at a point 580 metres north-east of the junction of the A6144 Bent Lane with Paddock Lane, and terminating by a junction with Work No. 2/68 at a point 290 metres south of the junction of Footpath Warburton 11 with the A6144 Warburton Lane; 30
- Work No. 2/68B - An access road commencing by a junction with Work No. 2/68 at a point 230 metres south of the junction of Footpath Warburton 11 with the A6144 Warburton Lane and terminating at a point 230 metres south-west of that junction; 35
- Work No. 2/69 - A realignment of the A6144 Paddock Lane and Paddock Lane commencing at a point 100 metres south-east of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 170 metres north-west of that junction; 40
- Work No. 2/69A - An access road commencing by a junction with Work No. 2/69 at a point 70 metres north-west of the junction of the A6144 Bent Lane with Paddock Lane and terminating at a point 95 metres north-west of that junction;
- Work No. 2/70 - A diversion of a gas main commencing beneath a point 640 metres south-west of the junction of Footpath Warburton 11 with the A6144 Warburton Lane and terminating beneath a point 475 metres north-east of the junction of the A6144 Bent Lane with Paddock Lane; 45
- Work No. 2/71 - A diversion of a gas main commencing beneath a point 215 metres south-west of the bridge carrying Bridleway Warburton 2 over Red Brook and terminating beneath a point 275 metres east of that bridge. 50

Greater Manchester, Metropolitan Borough of Trafford, Parishes of Warburton and Partington –	
Work No. 2/72 - A temporary bridge over Red Brook commencing at a point 100 metres east of the bridge carrying Bridleway Warburton 2 over that Brook and terminating at a point 90 metres north-east of that bridge;	5
Work No. 2/73 - A temporary bridge over Red Brook commencing at a point 150 metres north-east of the bridge carrying Bridleway Warburton 2 over that Brook and terminating at a point 145 metres north-east of that bridge;	10
Work No. 2/73A - A temporary footbridge over Red Brook commencing at a point 155 metres north-east of the bridge carrying Bridleway Warburton 2 over that Brook and terminating at a point 155 metres north-east of that bridge.	
Greater Manchester, Metropolitan Borough of Trafford, Parish of Partington –	
Work No. 2/74 - A narrowing of the Manchester Ship Canal / River Mersey commencing at a point 360 metres south-east of the junction of The Weint with Manchester Road and terminating at a point 390 metres south-east of that junction.	15 20
County of Cheshire, Borough of Warrington, Parish of Rixton-with-Glazebrook –	
Work No. 2/75 - A narrowing of the Manchester Ship Canal / River Mersey commencing at a point 290 metres south-east of the junction of The Weint with Manchester Road and terminating at a point 360 metres east of that junction;	25
Work No. 2/76 - A temporary diversion of the A57 Manchester Road commencing at a point 100 metres south-east of the junction of The Weint with Manchester Road, and terminating at a point 295 metres north-east of that junction.	30
Borough of Warrington, Parishes of Rixton-with-Glazebrook and Culcheth and Glazebury –	
Work No. 2/77 - A diversion of a gas main commencing beneath a point 235 metres north of the junction of School Lane with Dam Lane and terminating beneath a point 1150 metres north-west of the bridge carrying Dam Head Lane over the Liverpool to Manchester Line (via Warrington Central).	35
County of Cheshire, Borough of Warrington, Parish of Rixton-with-Glazebrook –	
Work No. 2/78 - A realignment of Dam Lane and Dam Head Lane commencing at a point 780 metres south-west of the junction of Vetch Close with Bank Street and terminating at a point 600 metres south-west of the junction of Bank Street with Dam Head Lane;	40
Work No. 2/79 - A realignment of Dam Head Lane commencing at a point 330 metres south-west of the junction of Bank Street with Dam Head Lane and terminating at a point 300 metres south-west of that junction;	45
Work No. 2/80 - A realignment of Bank Street and Dam Head Lane commencing at a point 15 metres south-east of the junction of Bank Street with Dam Head Lane and terminating at a point 70 metres north-east of that junction;	50

Work No. 2/81 - A temporary bridge over the Liverpool to Manchester Line (via Warrington Central) Line commencing at a point 60 metres south-west of the bridge carrying Dam Head Lane over that Line and terminating at a point 60 metres west of that bridge;	
Work No. 2/82 - An access road commencing at a point 210 metres west of the junction of Bank Street with Dam Head Lane and terminating by a junction with Work No. 2/80 at a point 10 metres north-east of that junction;	5
Work No. 2/83 - A diversion of a gas main commencing beneath a point 350 metres south-west of the bridge carrying Dam Head Lane over the Liverpool to Manchester Line (via Warrington Central) and terminating beneath a point 105 metres north-east of the junction of Bank Street with Dam Head Lane;	10
Work No. 2/84 - A diversion of a gas main commencing beneath a point 290 metres south-west of the bridge carrying Dam Head Lane over the Liverpool to Manchester Line (via Warrington Central), and terminating beneath a point 80 metres north-east of the junction of Bank Street with Dam Head Lane;	15
Work No. 2/85 - A diversion of a gas main commencing beneath a point 230 metres west of the bridge carrying Dam Head Lane over the Liverpool to Manchester Line (via Warrington Central), and terminating at a point 655 metres north-west of the junction of Bank Street with Dam Head Lane.	20
Borough of Warrington, Parishes of Culcheth and Glazebury and Croft, Town of Birchwood –	25
Work No. 2/86 - A realignment of the M62 Motorway commencing at a point 20 metres west of the bridge carrying the access road to Franks Farm over the M62 Motorway and terminating at a point 620 metres east of its commencement.	
Borough of Warrington, Town of Birchwood –	30
Work No. 2/87 - An access road commencing at a point 60 metres south of the bridge carrying Birchwood Way over the M62 Motorway and terminating at a point 400 metres south-west of the bridge carrying the access road to Franks Farm over the M62 Motorway.	
Borough of Warrington, Parish of Croft –	35
Work No. 2/88 - An access road commencing at a point 690 metres west of the bridge carrying the access road to Franks Farm over the M62 Motorway and terminating at a point 610 metres north-west of that bridge;	
Work No. 2/89 - A diversion of a gas main commencing beneath a point 710 metres north-west of the bridge carrying the access road to Franks Farm over the M62 Motorway and terminating beneath a point 770 metres south east of the junction of Bentham Road with Howard Road;	40
Work No. 2/89A - An access road commencing at a point 700 metres north- west of the bridge carrying the access road to Franks Farm over the M62 Motorway and terminating at a point 650 metres south-east of the junction of Bentham Road with Howard Road;	45
Work No. 2/90 - A watercourse realignment commencing at a point 425 metres south of the junction of Footpath Culcheth and Glazebury 148	50

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and Footpath Croft 13 and terminating at a point 150 metres south-west of that junction;	
Work No. 2/91 - A watercourse realignment commencing at a point 285 metres south-west of the junction of Footpath Culcheth and Glazebury 148 and Footpath Croft 13 and terminating at a point 350 metres north-east of the junction of Footpath Croft 14a and Footpath Croft 28;	5
Work No. 2/92 - A realignment of the A574 Warrington Road commencing at a point 455 metres south of the junction of Glaziers Lane with the A574 Warrington Road and terminating at a point 425 metres north east of that junction. Work No. 2/92 includes a bridge over Work No. 2/55;	10
Work No. 2/92A - An access road commencing at a point 120 metres north-west of the junction of Footpath Croft 28 with Footpath Croft 14a and terminating by a junction with Work No. 2/92 at a point 345 metres west of that junction;	15
Work No. 2/92B - An access road commencing at a point 495 metres north-west of the junction of Footpath Croft 28 with Footpath Croft 14a and terminating by a junction with Work No. 2/92 at a point 215 metres north-east of the junction of Glaziers Lane with the A574 Warrington Road;	20
Work No. 2/92C - A road commencing by a junction with Work No. 2/92 at a point 400 metres south of the junction of Glaziers Lane with the A574 Warrington Road and terminating at a point 290 metres south of that junction;	25
Work No. 2/92D - An access road commencing at a point 430 metres north-east of the junction of Glaziers Lane with the A574 Warrington Road and terminating by a junction with Work No. 2/92 at a point 350 metres north east of that junction;	
Work No. 2/93 - A realignment of Glaziers Lane commencing at a point 40 metres south of the junction of that Lane with the A574 Warrington Road and terminating at a point 125 metres south of the junction of that Lane with Wigshaw Lane;	30
Work No. 2/94 - A diversion of Wigshaw Lane commencing by a junction with Work No. 2/92 at a point 400 metres north-east of the junction of Glaziers Lane with the A574 Warrington Road and terminating at a point 420 metres south-west of the junction of Glaziers Lane with Wigshaw Lane. Work No. 2/94 includes a bridge over Work No. 2/55;	35
Work No. 2/94A - An access road commencing by a junction with Work No. 2/94 at a point 175 metres north-west of the junction of Glaziers Lane with Wigshaw Lane and terminating at a point 240 metres north-west of that junction;	40
Work No. 2/94B - An access road commencing by a junction with Work No. 2/94 at a point 360 metres south-west of the junction of Glaziers Lane with Wigshaw Lane and terminating at a point 60 metres north of its commencement;	45
Work No. 2/95 - A footbridge over Work 2/55 commencing at a point 300 metres south-east of the junction of Footpath Croft 108 with Footpath Culcheth and Glazebury 108 and terminating at a point 60 metres south-west of its commencement.	50

Greater Manchester, Metropolitan Borough of Wigan, County of Cheshire,  
 Borough of Warrington, Parish of Culcheth and Glazebury –

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Work No. 2/96 - A realignment of Wilton Lane commencing at a point 5 metres east of the junction of Wilton Lane with Kenyon Lane and terminating at a point 710 metres north-west of the bridge carrying Broseley Lane over the Liverpool to Manchester Line (Chat Moss). Work No. 2/96 includes a bridge over Work No. 2/55.	5
County of Cheshire, Borough of Warrington, Parish of Culcheth and Glazebury –	
Work No. 2/96A - An access road commencing by a junction with Work No. 2/96 at a point 715 metres north-west of the bridge carrying Broseley Lane over the Liverpool to Manchester Line (Chat Moss) and terminating at a point 50 metres north-west of its commencement;	10
Work No. 2/96B - An access road commencing at a point 285 metres west of the bridge carrying Broseley Lane over the Liverpool to Manchester Line (Chat Moss) and terminating at a point 410 metres west of that bridge.	15
Greater Manchester, Metropolitan Borough of Wigan, County of Cheshire, Borough of Warrington, Parish of Culcheth and Glazebury –	
Work No. 2/97 - A diversion of a water main commencing beneath a point 390 metres south-east of the junction of Footpaths Golborne 77/10, 78/10 and 76/10 and terminating beneath a point 865 metres north-west of the bridge carrying Broseley Lane over the Liverpool to Manchester Line (Chat Moss);	20
Work No. 2/97A - A diversion of a water main commencing by a junction with Work No. 2/97 beneath a point 420 metres south-east of the junction of Footpaths Golborne 77/10, 78/10 and 76/10 and terminating by a junction with Work No. 2/97 at a point 620 metres south-east of the junction of Footpaths Golborne 77/10, 78/10 and 76/10.	25
Greater Manchester, Metropolitan Borough of Wigan –	30
Work No. 2/98 - A bridge carrying the A580 East Lancashire Road over Work No. 2/55 commencing at a point 270 metres south-east of the junction of Footpaths Golborne 77/10, 78/10 and 76/10 and terminating at a point 470 metres south-east of that junction.	
Greater Manchester, Metropolitan Borough of Wigan, County of Cheshire, Borough of Warrington, Parish of Culcheth and Glazebury –	35
Work No. 2/98A - A temporary realignment of the A580 East Lancashire Road commencing at a point 245 metres south-west of the junction of Maple Avenue with Beech Avenue and terminating at a point 860 metres north-west of the bridge carrying Broseley Lane over the Liverpool to Manchester Line (Chat Moss).	40
Greater Manchester, Metropolitan Borough of Wigan –	
Work No. 2/99 - An access road commencing at a point 400 metres east of the junction of Footpaths Golborne 77/10, 78/10 and 76/10 and terminating at a point 205 metres south-east of the junction of Pocket Nook Lane with the A572 Newton Road;	45
Work No. 2/100- A realignment of Carr Brook commencing at a point 185 metres north-east of the junction of Kings Avenue with Beech Avenue and terminating at a point 330 metres south-east of the	

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junction of Pocket Nook Lane with the A572 Newton Road. Work No. 2/100 includes an aqueduct over Work No. 2/55;	
Work No. 2/101 - An access road commencing at a point 135 metres south of the junction of Enterprise Way with the A572 Newton Road and terminating at a point 35 metres south-west of that junction;	5
Work No. 2/102 - A bridge carrying the A572 Newton Road over Work No. 2/55 commencing at a point 10 metres north-east of the junction of Enterprise Way with the A572 Newton Road and terminating at a point 150 metres north-east of that junction;	
Work No. 2/102A - A temporary realignment of the A572 Newton Road commencing at a point 60 metres south-west of the junction of Enterprise Way with that Road and terminating at a point 230 metres north-east of that junction;	10
Work No. 2/103 - A diversion of Small Brook commencing at a point 635 metres west of the junction of Sandy Lane with the A572 Newton Road and terminating at a point 540 metres north-west of that junction;	15
Work No. 2/104 - A realignment of Sandy Lane and Byrom Lane commencing at a point 85 metres north-west of the junction of Green Lane with Sandy Lane and terminating at a point 40 metres north of that junction;	20
Work No. 2/105 - A diversion of a gas main commencing beneath a point 275 metres south-east of the junction of Byrom Lane with Slag Lane and terminating at a point 450 metres west of that junction;	
Work No. 2/106 - A realignment of Slag Lane commencing at a point 545 metres south-west of the junction of Byrom Lane with Slag Lane and terminating at a point 85 metres north-west of that junction;	25
Work No. 2/106A - An access road commencing at a point 445 metres south of the junction of Byrom Lane with Slag Lane and terminating by a junction with Work No. 2/106 at a point 480 metres south-west of the junction of Byrom Lane with Slag Lane;	30
Work No. 2/106B - A road commencing at a point 90 metres south of the junction of Byrom Lane with Slag Lane and terminating by a junction with Work No. 2/106 at a point 85 metres south-east of the junction of Byrom Lane with Slag Lane;	35
Work No. 2/107 - An access road commencing at a point 590 metres west of the junction of Byrom Lane with Slag Lane and terminating at a point 60 metres south of that junction;	
Work No. 2/107A - An access road commencing by a junction with Work No. 2/107 at a point 385 metres west of the junction of Byrom Lane with Slag Lane and terminating at a point 410 metres west of that junction;	40
Work No. 2/108 - A realignment of the A573 Wigan Road and A573 Aye Bridge Road commencing at a point 570 metres south of the junction of Lightshaw Lane with the A573 Wigan Road and terminating at a point 485 metres north of the junction of Footpath Ashton-in-Makerfield 25/20 with the A573 Aye Bridge Road;	45
Work No. 2/108A - A realignment of the A573 Wigan Road commencing by a junction with Work No. 2/108 at a point 410 metres south of the junction of Lightshaw Lane with that Road and terminating at a point 325 metres south of that junction;	50
Work No. 2/108B - An access road commencing at a point 210 metres south-west of the junction of Lightshaw Lane with the A573 Wigan	

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Road and terminating by a junction with Work No. 2/108 at a point 490 metres south-east of the bridge carrying the West Coast Main Line over Nan Holes Brook;	
Work No. 2/108C - An access road commencing at a point 130 metres north-east of the bridge carrying the West Coast Main Line over Nan Holes Brook and terminating by a junction with Work No. 2/108 at a point 140 metres north of that bridge;	5
Work No. 2/108D - An access road commencing at a point 335 metres north-west of the junction of Footpath Ashton-in-Makerfield 25/20 with the A573 Aye Bridge Road and terminating by a junction with Work No. 2/108 at a point 425 metres north-west of that junction;	10
Work No. 2/108E - An access road commencing by a junction with Work No. 2/108 at a point 400 metres north-west of the junction of Footpath Ashton-in-Makerfield 25/20 with the A573 Aye Bridge Road and terminating at a point 370 metres north-west of that junction;	15
Work No. 2/108F - A realignment of the A573 Aye Bridge Road commencing at a point 300 metres north of the junction of Footpath Ashton-in-Makerfield 25/20 with that Road, and terminating by a junction with Work No. 2/108 at a point 355 metres north of that junction;	20
Work No. 2/109 - An access road commencing at a point 235 metres east of the junction of Lightshaw Lane with the A573 Wigan Road and terminating at a point 320 metres south-west of the junction of Footpath Ashton-in-Makerfield 25/20 with the A573 Aye Bridge Road;	25
Work No. 2/110 - A railway (2.33 kilometres in length) commencing by a junction with the West Coast Main Line at a point 480 metres south of the bridge carrying that Line over Nan Holes Brook and terminating by a junction with the commencement of Work No. 2/118 at a point 95 metres north of the bridge carrying the A58 Lily Lane over the West Coast Main Line. Work No. 2/110 includes the West Coast Main Line box structure, under Work No. 2/114 and a bridge over Work No. 2/117;	30
Work No. 2/110A - A railway (1.27 kilometres in length) commencing by a junction with the West Coast Main Line at a point 440 metres north of the bridge carrying the West Coast Main Line over Nan Holes Brook and terminating by a junction with Work No. 2/110 at a point 40 metres south-east of the bridge carrying the A58 Lily Lane over the West Coast Main Line;	35
Work No. 2/111 - A diversion of a gas main commencing beneath a point 510 metres south-east of the bridge carrying the West Coast Main Line over Nan Holes Brook and terminating at a point 115 metres west of that bridge;	40
Work No. 2/112 - An access road commencing at a point 435 metres south-east of the bridge carrying the West Coast Main Line over Nan Holes Brook and terminating at a point 390 metres north-west of that bridge;	45
Work No. 2/113 - A realignment of Nan Holes Brook commencing at a point 220 metres north-east of the bridge carrying the West Coast Main Line over that Brook and terminating at a point 160 metres north-east of that bridge;	50

<p>Work No. 2/114 - A railway (1.44 kilometres in length) partly on viaduct commencing by a junction with Work No. 2/55 at a point 210 metres north-east of the bridge carrying the West Coast Main Line over Nan Holes Brook and terminating by a junction with Work No. 2/110A at a point 195 metres south-east of the bridge carrying the A58 Lily Lane over the West Coast Main Line. Work No. 2/114 includes a viaduct over Work No. 2/108, the West Coast Main Line box structure, over Work No. 2/110 and a bridge over Work No. 2/117;</p>	5
<p>Work No. 2/115 - A realignment of Hey Brook commencing at a point 230 metres north-west of the junction of Footpath Ashton-in-Makerfield 25/20 with the A573 Aye Bridge Road and terminating at a point 350 metres north-west of that junction;</p>	10
<p>Work No. 2/116 - A temporary bridge over Coffin Lane Brook commencing at a point 130 metres east of the bridge carrying the West Coast Main Line over Footpath Ashton-in-Makerfield 22/30 and terminating at a point 125 metres east of that bridge;</p>	15
<p>Work No. 2/116A - A footbridge over Coffin Lane Brook commencing at a point 105 metres east of the bridge carrying the West Coast Main Line over Footpath Ashton-in-Makerfield 22/30 and terminating at a point 105 metres east of that bridge;</p>	20
<p>Work No. 2/117 - An access road, commencing at a point 15 metres west of the bridge carrying the West Coast Main Line over Footpath Ashton-in-Makerfield 22/30 and terminating at a point 100 metres east of that bridge;</p>	25
<p>Work No. 2/118 - A railway (0.2 kilometres in length) commencing by a junction with the termination of Work No. 2/110 at a point 100 metres north of the bridge carrying the A58 Lily Lane over the West Coast Main Line and terminating by a junction with the West Coast Main Line at a point 190 metres south of the bridge carrying that Line over the Leeds and Liverpool Canal;</p>	30
<p>Work No. 2/119 - A realignment of the A58 Lilly Lane, the A58 Warrington Road and the A573 Warrington Road, commencing at a point 40 metres north-east of the junction of Wigan Street with the A58 Lilly Lane and terminating at a point 75 metres east of that junction.</p>	35
<p>County of Lancashire, Borough of South Ribble, Town of Penwortham, City of Preston –</p>	
<p>Work No. 2/120 - A railway (1.06 kilometres in length), being a realignment of the West Coast Main Line commencing by a junction with the West Coast Main Line at a point 100 metres south-east of the junction of Riverside with South Meadow Lane and terminating by a junction with the West Coast Main Line at a point 140 metres south-east of the bridge carrying the West Coast Main Line over the A59 Ring Way. Work 2/120 includes an extension and reconfiguration of Preston Station.</p>	40
<p>County of Cumbria, City of Carlisle –</p>	
<p>Work No. 2/121 - A railway (0.98 kilometres in length) commencing by a junction with the West Coast Main Line at a point 60 metres north-west of the bridge carrying St Nicholas Bridges over the West Coast Main Line and terminating at a point 175 metres north-west of the</p>	50

junction of James Street with Nelson Bridge. Work 2/121 includes an extension and reconfiguration of Carlisle Station.

Dumfries and Galloway –

- Work No. 2/122 - An access road commencing at a point 100 metres south of the bridge carrying the C65A over the West Coast Main Line and terminating at a point 270 metres west of that bridge; 5
- Work No. 2/123 - A railway (3.00 kilometres in length) commencing by a junction with the West Coast Main Line at a point 10 metres west of the bridge carrying the C65A over that Line and terminating at a point 340 metres east of the bridge carrying the B7076 over the A74(M) Motorway; 10
- Work No. 2/124 - An access road commencing at a point 1255 metres east of the bridge carrying the B7076 over Ewes Burn and terminating at a point 260 metres south-west of its commencement. Work No. 2/124 includes a bridge over Work No. 2/123; 15
- Work No. 2/125 - An access road commencing by a junction with Work No. 2/124 at a point 1240 metres east of the bridge carrying the B7076 over Ewes Burn and terminating at a point 560 metres north-west of its commencement; 20
- Work No. 2/126 - An access road commencing at a point 1365 metres north-east of the bridge carrying the B7076 over Ewes Burn and terminating at a point 750 metres north-east of that junction; 25
- Work No. 2/127 - A watercourse realignment commencing at a point 1170 metres east of the bridge carrying the B7076 over Ewes Burn and terminating at a point 280 metres north-east of that junction; 25
- Work No. 2/127A - A diversion of Ewes Burn commencing at a point 110 metres north-east of the bridge carrying the B7076 over Ewes Burn and terminating at a point 890 metres east of the bridge carrying the B7076 over the A74(M) Motorway; 30
- Work No. 2/128 - A railway (2.13 kilometres in length) commencing by a junction with Work No. 2/123 at a point 1170 metres east of the bridge carrying the B7076 over Ewes Burn and terminating by a junction with the West Coast Main Line at a point 420 metres east of the bridge carrying the A74(M) Motorway over the West Coast Main Line; 35
- Work No. 2/129 - A railway (1.4 kilometres in length) commencing by a junction with Work No. 2/123 at a point 890 metres north-east of the bridge carrying the B7076 over Ewes Burn and terminating by a junction with Work 2/123 at a point 600 metres east of the bridge carrying the A74(M) Motorway over the B7076. Work No. 2/129 includes a depot; 40
- Work No. 2/130 - A realignment of the B7076 commencing at a point 50 metres north-west of the bridge carrying that road over Ewes Burn and terminating at a point 590 metres south-east of the bridge carrying the B7076 over the A74(M) Motorway; 45
- Work No. 2/131 - An access road commencing at a point 475 metres north east of the junction of the bridge carrying the B7076 over the A74(M) Motorway and terminating at a point 245 metres north of that junction.

*Description of the Manchester tram works*

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City of Manchester –

Work No. 2/39 - A tramroad (0.65km in length) commencing at a point 90 metres north of the junction of St Andrews Street with Fairfield Street and terminating by a junction with Work No. 2/46 at a point 180 metres south-west of the junction of Jutland Street with Store Street;	5
Work No. 2/45 - A tramroad (0.33km in length) being a realignment and turnback of the Manchester Metrolink commencing at a point 125 metres north-east of the junction of Malta Street and Providence Street and terminating at a point 225 metres south west of that junction;	10
Work No. 2/45A - A tramroad (0.23km in length) being a turnback of the Manchester Metrolink commencing at a point 95 metres north of the junction of Malta Street and Providence Street and terminating at a point 230 metres south west of its commencement;	15
Work No. 2/46 - A tramroad (0.65km in length), being a realignment of the Manchester Metrolink, commencing at a point 70 metres south of the bridge carrying the A665 Great Ancoats Street over the Ashton Canal and terminating by a junction with the commencement of Work No. 2/52 at a point 180 metres south-east of the junction of Lena Street with the A6 Piccadilly;	20
Work No. 2/47 - A tramroad (0.03km in length) commencing at a point 75 metres south-west of the junction of Baird Street with Sheffield Street and terminating at a point 30 metres south-west of its commencement;	25
Work No. 2/52 - A tramway (0.09km in length) (multiple lines) commencing by a junction with the termination of Work No. 2/46 at a point 265 metres south-west of the junction of Jutland Street with Ducie Street, passing across the A6 London Road and along Piccadilly Place and terminating at a point 90 metres north-west of its commencement.	30

## SCHEDULE 2

Section 2(4)

### WORKS

#### *Authority to survey and investigate land and protect and remove flora and fauna*

- |   |    |
|---|----|
| 1 (1) The nominated undertaker may for the purposes of this Act—  |    |
| (a) survey or investigate land which is within the Act limits or which may be affected by the works authorised by this Act; | 35 |
| (b) take steps to protect or remove any flora or fauna which may be affected by the works authorised by this Act.           |    |
| (2) The nominated undertaker may, in connection with the exercise of the powers under sub-paragraph (1), enter—             | 40 |
| (a) land within the Act limits,   |    |
| (b) land which may be affected by the works authorised by this Act, or  |    |
| (c) land on which there are flora or fauna which may be affected by the works authorised by this Act.                       |    |

- (3) The land referred to in sub-paragraph (2)(a), (b) or (c) need not be the same as the land in relation to which the powers under sub-paragraph (1) are being or are to be exercised.
- (4) The power under sub-paragraph (1)(a) includes power to monitor the effectiveness of landscaping or other measures which have been taken to mitigate the adverse effects of the construction, maintenance or operation of the works authorised by this Act. 5
- (5) The following provisions of Part 7 of the Housing and Planning Act 2016 apply in relation to the exercise of the powers conferred by sub-paragraphs (1) and (2) as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land – 10
- section 172(2), (3) and (5) (right to enter and survey land);
  - section 173 (warrant authorising use of force to enter and survey land);
  - section 174 (notice of survey and copy of warrant);
  - section 175 (enhanced authorisation procedures etc for certain surveys); 15
  - section 176 (right to compensation after entry on or survey of land);
  - section 177 (offences in connection with powers to enter land).
- (6) In the application of the provisions specified in sub-paragraph (5) –
- (a) references to the acquiring authority are to be read as references to the nominated undertaker; 20
  - (b) references to –
    - (i) a person authorised in writing by the acquiring authority, or
    - (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016, 25are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise any of the powers conferred by sub-paragraphs (1) and (2) on the nominated undertaker’s behalf; 30
  - (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to exercise the power in question.
- Support of buildings and apparatus etc* 35
- 2 (1) The nominated undertaker may support or strengthen a building within the relevant distance of any of the works authorised by this Act if –
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the work, for the building to be supported or strengthened, and 40
  - (b) the nominated undertaker gives at least 8 weeks’ notice to the owners and occupiers of the building of its intention to support or strengthen it.
- (2) If, within 21 days of the giving of a notice under sub-paragraph (1)(b), the person to whom the notice has been given gives to the nominated undertaker notice disputing that the condition in sub-paragraph (1)(a) is met, the dispute must be referred to arbitration. 45

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- (3) If—
- (a) on a referral under sub-paragraph (2) the arbitrator decides that the condition in sub-paragraph (1)(a) is met, and
  - (b) one of the parties to the dispute so requires,
- the arbitrator must prescribe how the supporting or strengthening is to be carried out. 5
- (4) Where the supporting or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work. 10
- (5) In case of emergency, the power under sub-paragraph (1) or (4) is exercisable without notice.
- (6) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey— 15
- (a) any building within the relevant distance of any of the works authorised by this Act, or
  - (b) any land adjacent to such a building (but not any building on any such land).
- (7) Before exercising the power under sub-paragraph (6), the nominated undertaker must give at least 14 days' notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land. 20
- (8) The nominated undertaker may, in connection with the exercise of the power under this paragraph to support or strengthen a building, place and leave (temporarily or permanently) any equipment or material in, next to or under the building or on or under land in the vicinity of the building. 25
- 3 (1) The nominated undertaker may, at any time within the permitted period, further support or strengthen a building which has been supported or strengthened under paragraph 2 if—
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of any of the works authorised by this Act, for the building to be further supported or strengthened, and 30
  - (b) the nominated undertaker gives at least 8 weeks' notice to the owners and occupiers of the building of its intention further to support or strengthen it. 35
- (2) In sub-paragraph (1), “the permitted period” is the period beginning with the completion of the supporting or strengthening under paragraph 2 and ending 5 years after the date on which the work which necessitated the supporting or strengthening was brought into general use. 40
- (3) If, within 21 days of the giving of a notice under sub-paragraph (1)(b), the person to whom the notice has been given gives to the nominated undertaker notice disputing that the condition in sub-paragraph (1)(a) is met, the dispute must be referred to arbitration.
- (4) If— 45
- (a) on a referral under sub-paragraph (3), the arbitrator decides that the condition in sub-paragraph (1)(a) is met, and
  - (b) one of the parties to the dispute so requires,

- the arbitrator must prescribe how the supporting or strengthening is to be carried out.
- (5) Where the supporting or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work. 5
- (6) In case of emergency, the power under sub-paragraph (1) or (5) is exercisable without notice.
- (7) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey – 10
- (a) any building which has been supported or strengthened under paragraph 2, or
  - (b) any land adjacent to such a building (but not any building on any such land). 15
- (8) Before exercising the power under sub-paragraph (7), the nominated undertaker must give at least 14 days' notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land.
- (9) Paragraph 2(8) (power to place and leave equipment or material) applies for the purposes of this paragraph. 20
- 4 (1) The nominated undertaker may, for a purpose mentioned in sub-paragraph (2), affix movement-measuring apparatus to a building within the relevant distance of any of the works authorised by this Act on giving at least 8 weeks' notice to the owners and occupiers of the building of its intention to do so. 25
- (2) The purposes referred to in sub-paragraph (1) are –
- (a) determining the extent of any movement in the building;
  - (b) determining the effectiveness of support or strengthening work in respect of the building under paragraph 2 or 3.
- (3) In a case where movement-measuring apparatus is to be affixed inside a building, the notice under sub-paragraph (1) must state that fact. 30
- (4) If, within 21 days of the giving of the notice under sub-paragraph (1), the person to whom the notice has been given gives to the nominated undertaker notice objecting to the affixing of movement-measuring apparatus (generally or in relation to how or where it is affixed), the question must be referred to arbitration. 35
- (5) Where, on a referral under sub-paragraph (4), the arbitrator decides that movement-measuring apparatus may be affixed to the building, the arbitrator must, if the nominated undertaker or the person who made the objection so requires, prescribe how or where the affixing of the apparatus is to be carried out. 40
- (6) Where the affixing of movement-measuring apparatus under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the affixing. 45

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- (7) The nominated undertaker may –
- (a) maintain, repair or alter the position of movement-measuring apparatus affixed under sub-paragraph (1);
  - (b) take readings or data from any such apparatus.
- (8) In case of emergency, the power under sub-paragraph (1) or (6) is exercisable without notice. 5
- (9) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey –
- (a) any building within the relevant distance of any of the works authorised by this Act, or 10
  - (b) any land adjacent to such a building (but not any building on any such land).
- (10) In this paragraph, “movement-measuring apparatus” means apparatus for use in measuring any movement in a building or the ground on which a building is erected. 15
- 5 (1) The nominated undertaker may replace, support or strengthen apparatus belonging to a utility undertaker, or relevant pipe-line belonging to a person other than a utility undertaker, where –
- (a) the apparatus or pipe-line is within the relevant distance of any of the works authorised by this Act (“the relevant work”), and 20
  - (b) the conditions specified in sub-paragraph (3) are met.
- (2) Sub-paragraph (1) applies whether the apparatus or pipe-line is in a highway or elsewhere (and where it is in a highway see also paragraph 9(2) of Schedule 5).
- (3) Those conditions are that – 25
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the relevant work, for the apparatus or pipe-line to be replaced, supported or strengthened,
  - (b) the nominated undertaker gives at least 8 weeks’ notice to the owner of the apparatus or pipe-line of its intention to replace, support or strengthen it, and 30
  - (c) where the nominated undertaker proposes to replace the apparatus or pipe-line, the replacement apparatus or pipe-line is likely to operate at least as effectively as the apparatus or pipe-line which is proposed to be replaced. 35
- (4) Paragraphs 2(2) to (8), 3 and 4 apply to the exercise of the power under sub-paragraph (1) as they apply to the exercise of the power under paragraph 2(1), subject to the modifications specified in sub-paragraph (5).
- (5) Those modifications are that –
- (a) references to a building are to be read as references to the apparatus or pipe-line (and references to the support or strengthening of a building are to be read as references to the replacement, support or strengthening of the apparatus or pipe-line); 40
  - (b) references to the owners and occupiers of a building are to be read as references to the owner of the apparatus or pipe-line; 45
  - (c) references to land adjacent to a building are to be read, in the case of apparatus or a pipe-line situated below the surface of the ground, as including land above the site of the apparatus or pipe-line;

- (d) in paragraph 2—
  - (i) the reference in sub-paragraph (2) to a notice under sub-paragraph (1)(b) is to be read as a reference to a notice under sub-paragraph (3)(b) of this paragraph,
  - (ii) references to the condition in sub-paragraph (1)(a) are to be read as references to the conditions in sub-paragraph (3)(a) and (if applicable) (c) of this paragraph, and
  - (iii) in sub-paragraph (8), the reference to placing or leaving equipment or material in, next to or under the building or on or under land in the vicinity of the building were to placing and leaving equipment or material on any land above, next to or below the site of the apparatus or pipe-line, or on or under land in the vicinity of that site.
- (6) In this paragraph, “relevant pipe-line” means—
  - (a) a cross-country pipe-line (within the meaning of the Pipe-lines Act 1962), and
  - (b) a local pipe-line (within the meaning of that Act) in relation to the construction of which a direction under section 6 of that Act has or had effect.
- 6 (1) This paragraph has effect for the purposes of paragraphs 2 to 5.
- (2) “Building” includes any structure.
- (3) “Relevant distance”, in relation to any work, means—
  - (a) 100 metres in a case where the work relates to the making of a shaft;
  - (b) 50 metres in any other case.
- (4) A building (or, in the case of paragraph 5, apparatus or pipe-line) is within the “relevant distance” of a work if all or part of it is within that distance.
- (5) In the case of a work under the surface of the ground, a reference to a building (or, in the case of paragraph 5, apparatus or pipe-line) within the relevant distance of that work includes a reference to a building (or apparatus or pipe-line) all or part of which is within the relevant distance of any point on the surface below which the work is situated.

*Trees on neighbouring land*

- 7 (1) This paragraph applies where—
  - (a) a tree overhangs land used for Phase 2b (Crewe - Manchester) purposes, or
  - (b) the roots of a tree encroach on such land.
- (2) The nominated undertaker may by notice to the occupier of the land on which the tree is growing (a “tree works notice”) require the tree to be removed, topped or lopped, or its roots to be cut back, if it is necessary for that to be done—
  - (a) to enable works authorised by this Act to be constructed or maintained, or
  - (b) for reasons of safety in connection with such works or the operation of Phase 2b (Crewe - Manchester) of High Speed 2.
- (3) The person to whom a tree works notice is given may object to the notice by giving the nominated undertaker a counter-notice to that effect before the

	end of 28 days beginning with the day on which the tree works notice is given.	
(4)	If a counter-notice is given, the tree works notice has no effect unless confirmed by an order of the county court.	
(5)	The nominated undertaker may carry out the works required by a tree works notice if the notice has been in effect for a continuous period of at least 28 days and has not been complied with.	5
(6)	Where the power under sub-paragraph (5) is exercisable, the nominated undertaker may, after giving 7 days' notice to the occupier of the land on which the tree concerned is growing, enter the land for the purpose of exercising the power in relation to it.	10
(7)	If the nominated undertaker tops or lops a tree, or cuts back the roots of a tree, in exercise of the power under sub-paragraph (5), it must do so –	
	(a) in accordance with good arboricultural practice, and	
	(b) in such a way as to cause the minimum of damage to the tree.	15
(8)	The following do not apply to works required by a tree works notice –	
	(a) an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act (tree preservation orders);	
	(b) section 211(1) and (5) of that Act (preservation of trees in conservation areas).	20
(9)	On application by a person who has incurred expenses in complying with a tree works notice, the county court must order the nominated undertaker to pay the person such compensation in respect of the expenses as the court thinks fit.	
	<i>Exercise of powers of entry under paragraphs 2 to 7</i>	25
8	(1) This paragraph applies where the nominated undertaker has a power to enter land under any provision of paragraphs 2 to 7.	
	(2) The following provisions of Part 7 of the Housing and Planning Act 2016 (compulsory purchase etc) apply in relation to the exercise of the power as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land –	30
	section 172(2), (3) and (5) (right to enter and survey land);	
	section 173 (warrant authorising use of force to enter and survey land);	
	section 174(4) (copy of warrant to be given to those to whom notice of entry is given);	35
	section 175 (enhanced authorisation procedures etc for certain surveys);	
	section 176 (right to compensation after entry on or survey of land);	
	section 177 (offences in connection with powers to enter land).	
(3)	The following modifications have effect for the purposes of the application of the provisions of the Housing and Planning Act 2016 specified in sub-paragraph (2) –	40
	(a) references to the acquiring authority are to be read as references to the nominated undertaker;	
	(b) references to –	45
	(i) a person authorised in writing by the acquiring authority, or	

- (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016,  
are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise the power on the nominated undertaker’s behalf; 5
- (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to enter the land; 10
- (d) the reference in section 174(4) to a notice given in accordance with section 174(1) is to be read as a reference to the notice required in relation to the exercise of the power of entry in question (and the reference in section 175(1)(b) to the notice period mentioned in section 174(1) is to be construed accordingly); 15
- (e) references in section 175(3) to a survey are to be read as including references to the activity for the purposes of which the nominated undertaker has the power to enter land.

*Noise mitigation for buildings*

- 9 (1) The nominated undertaker may carry out noise mitigation works in respect of a building if it is necessary or expedient to do so in consequence of, for the purposes of or in connection with the construction or operation of any of the works authorised by this Act. 20
- (2) “Noise mitigation works” means works for the purpose of mitigating the effects of noise caused, or expected to be caused, by the construction or operation of any of the works authorised by this Act. 25
- (3) The nominated undertaker must not exercise the power under subparagraph (1) without the consent of the owners and occupiers of the building.

*Discharge of water* 30

- 10 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water for the purposes of or in connection with the construction or maintenance of the works authorised by this Act and for that purpose –
  - (a) may lay down, take up and alter pipes, and 35
  - (b) on any land within the Act limits, may make connections with the watercourse, sewer or drain.
- (2) The nominated undertaker must not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld. 40
- (3) The nominated 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, such approval not to be unreasonably withheld; 45
  - and

- 
- (b) where that person has been given the opportunity to supervise the making of the opening.
- (4) The nominated undertaker must not, in the exercise of the powers under this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river. 5
- (5) The nominated undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers under this paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension. 10
- (6) Any dispute as to the giving of consent under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- (7) In this paragraph –
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, the Homes and Communities Agency, an internal drainage board, a local authority, a joint planning board, an urban development corporation or a harbour authority within the meaning of the Harbours Act 1964; 15
- (b) “watercourse” includes a river, stream, ditch, drain, cut, culvert, dyke, sluice, sewer or passage through which water flows, other than a public sewer or drain; 20
- (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meaning as in that Act.
- Temporary interference with waterways* 25
- 11 (1) The powers under this paragraph are exercisable in relation to the following waterways for the purposes of or in connection with the works authorised by this Act –
- Shropshire Union Canal;  
Trent and Mersey Canal; 30  
Bridgewater Canal;  
Manchester Ship Canal;  
Pennington Flash;  
Leeds and Liverpool Canal;  
Red Brook; 35  
Rochdale Canal;  
Ashton Canal.
- (2) The nominated undertaker may –
- (a) temporarily interfere with a waterway mentioned in sub-paragraph (1) at any point within the Act limits by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient; 40
- (b) temporarily moor or anchor barges or other vessels or craft in a waterway mentioned in sub-paragraph (1);
- (c) temporarily close a waterway mentioned in sub-paragraph (1), or a part of such a waterway, to navigation. 45

- (3) The power under sub-paragraph (2)(c) must be exercised in a way which secures –
- (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and
  - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it. 5
- (4) The nominated undertaker is not liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference in accordance with this paragraph with a public right of navigation. 10
- (5) The nominated undertaker must compensate any person who suffers loss as a result of any interference in accordance with this paragraph with a private right of navigation. 15
- (6) Any dispute as to a person’s entitlement to compensation under sub-paragraph (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

*Electronic communications apparatus*

- 12 (1) The nominated undertaker may, in installing any electronic communications apparatus in exercise of the powers conferred by this Act – 20
- (a) provide additional capacity for electronic communications apparatus belonging to any other person;
  - (b) construct any extension or other alteration of electronic communications apparatus in connection with providing such additional capacity. 25
- (2) In sub-paragraph (1), “electronic communications apparatus” –
- (a) has the meaning given by paragraph 5(1) of Schedule 3A to the Communications Act 2003, but
  - (b) excludes any radio mast. 30

## SCHEDULE 3

Section 2(5)

## OVERHEAD LINE DIVERSIONS

(1) Area	(2) Overhead line to be taken down	(3) New overhead line to be provided	
County of Cheshire, Borough of Cheshire East, Parishes of Warmingham and Minshull Vernon	Overhead electric line to be taken down between points E1 (on Sheet No. 1-14), E1 (on Sheet No. 1-13), E1 (on Sheet No. 1-16) and E2 (on Sheet No. 1-15)	New permanent overhead electric line to be provided on land within Act limits between points E1 (on Sheet No. 1-14) and E2 (on Sheet No. 1-13), buried underground between points E2 (on Sheet No. 1-13) and E1 (on Sheet No. 1-15) and overhead between points E1 and E2 (on Sheet No 1-15)	5  10  15
Parish of Minshull Vernon	Overhead electric line to be taken down between points E1 (on Sheet No. 1-17), E1, E2 and E3 (on Sheet No. 1-18)	New permanent overhead electric line to be provided on land within Act limits between points E1, E2 (on Sheet No. 1-17) and E4 (on Sheet No. 1-18), buried underground between points E4 and E5 (on Sheet No. 1-18) and overhead between points E5, E6 and E3 (on Sheet No. 1-18)	20  25
Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsey	Overhead electric line to be taken down between points E1, E3, E4 (on Sheet No. 1-21), E1, E2, E3, E4, E5, E6 (on Sheet No. 1-22) and E1 (on Sheet No. 1-25)	New permanent overhead electric line to be provided on land within Act limits between points E1, E2 (on Sheet No. 1-21), E7 and E8 (on Sheet No. 1-22), buried underground between points E8 and E9 (on Sheet No. 1-22) and overhead between points E9 (on Sheet No. 1-22) and E1 (on Sheet No. 1-25)	30  35  40
Parishes of Lach Dennis and Rudheath	Overhead electric line to be taken down between points E1A, E2, E3, E4 (on Sheet No. 1-33), E1 and E2A (on Sheet No. 1-35)	New permanent overhead electric line to be provided on land within Act limits between points E1A, E1, E5 and E6 (on Sheet No. 1-33), buried underground between points E6 (on Sheet No. 1-33) and E2 (on Sheet No. 1-35) and overhead between points E2 and E2A (on Sheet No. 1-35)	45  50

(1) Area	(2) Overhead line to be taken down	(3) New overhead line to be provided	
Borough of Cheshire East, Parishes of Tabley Superior and Mere	Overhead electric line to be taken down between points E1 (on Sheet No. 1-41), E1, E2 and E3 (on Sheet No. 1-43)	Temporary overhead electric line to be provided on land within Act limits between points E1 (on Sheet No. 1-41), E4 and E5 (on Sheet No. 1-43)	5
		New permanent overhead electric line to be provided on land within Act limits between points E1 (on Sheet No. 1-41), E7, E5, E6 and E3 (on Sheet No. 1-43)	10  15
Parishes of Mere, High Legh, Agden and Millington	Overhead electric line to be taken down between points E1A, E2 (on Sheet No. 1-44), E8, E9, E10 and E12 (on Sheet No. 1-43), and between points E9, E11, E12, E13 (on Sheet No. 1-43), E1, E2, E3, E4, E5, E6 (on Sheet No. 1-45), E1, E2, E3, E4 and E5 (on Sheet No. 1-47)	New permanent overhead electric line to be provided on land within Act limits between points E1A, E1, E3, E4 (on Sheet No. 1-44), E1, E2, E3 and E4 (on Sheet No. 1-46) and buried underground between points E4 (on Sheet No. 1-46) and E5 (on Sheet No. 1-47)	20  25
Parishes of Mere and High Legh	Overhead electric line to be taken down between points E7 (on Sheet No. 1-45), E6 and E7 (on Sheet No. 1-47)	Temporary overhead electric line to be provided on land within Act limits between points E7 (on Sheet No. 1-45), E8, E9 and E7 (on Sheet No. 1-47)	30
		New permanent overhead electric line to be provided on land within Act limits between points E7 (on Sheet No. 1-45), E10, E11, E12 and E7 (on Sheet No. 1-47)	35
Parishes of Rostherne, Ashley, Tatton, and Mobberley	Overhead electric line to be taken down between points E1, E2, E3 (on Sheet No. 1-55), E1, E2 (on Sheet No. 1-56) and E1 (on Sheet No. 1-58)	New permanent overhead electric line to be provided on land within Act limits between points E1, E4, E5 (on Sheet No. 1-55), E3, E4, E5 (on Sheet No. 1-56), E2 and E1 (on Sheet No. 1-58)	40  45
Metropolitan Borough of Trafford, Parish of Warburton	Overhead electric line to be taken down between points E1A, E2, E3 and E5 (on Sheet No. 2-28)	New permanent overhead electric line to be provided on land within Act limits between points E1A and E1, buried underground between points E1 and E4 and overhead between points E4 and E5 (on Sheet No. 2-28)	50

(1) Area	(2) Overhead line to be taken down	(3) New overhead line to be provided	
Dumfries and Galloway, Community Council Area of Kirkpatrick Fleming and District	Overhead electric line to be taken down between points E1, E2 and E3 (on Sheet No. 2-49)	Electric line to be buried underground within Act limits between points E1 and E3 (on Sheet No. 2-49)	5

## SCHEDULE 4

Section 2(6)

## MANCHESTER TRAM WORKS

<i>General</i>		10
1	Any powers exercisable by the nominated undertaker under this Schedule are in addition to any other powers exercisable by the nominated undertaker under any other provision of this Act.	
	<i>Further powers in relation to the construction and maintenance of the Manchester tram works</i>	
2	(1) The nominated undertaker may, for the purposes of or in connection with the Manchester tram works, carry out and maintain any of the following works within the Act limits or the boundaries of any street outside the Act limits—	15
	(a) works related to the construction or maintenance of stations, platforms and tram stops;	20
	(b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised transit system;	
	(c) works required for the strengthening, improvement or maintenance of any street;	
	(d) works for the strengthening, alteration or demolition of any building;	25
	(e) works to, including the maintenance of, any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;	
	(f) such other works, of whatever description, as may be necessary or expedient.	30
	(2) The nominated undertaker may within the Act limits or the boundaries of any street outside the Act limits—	
	(a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the Manchester tram works or works authorised by this paragraph;	35
	(b) carry out and maintain works for the benefit or protection of land affected by the Manchester tram works or works authorised by this paragraph.	
	(3) Sub-paragraphs (1) and (2) do not authorise the nominated undertaker to carry out or maintain any works within the boundaries of a street outside the Act limits without the consent of the street authority, but such consent must not be unreasonably withheld.	40

- (4) Sub-paragraph (5) applies where the nominated undertaker lays down conduits for the accommodation of –
- (a) cables, or
  - (b) other apparatus,
- for the purposes of or associated with the Manchester tram works. 5
- (5) The nominated undertaker may provide in, or in connection with, a conduit referred to in sub-paragraph (4) –
- (a) accommodation for the apparatus of any other person, and
  - (b) manholes and other facilities for access to the accommodation, and
- the nominated undertaker may permit the use of the conduit and facilities on such terms and conditions as may be agreed between it and the other person. 10

*Powers in relation to laying down lines of rails*

- 3 (1) In constructing or maintaining the Manchester tram works, the nominated undertaker may lay down – 15
- (a) double lines of rails in place of single lines,
  - (b) single lines of rails in place of double lines,
  - (c) interlacing lines of rails in place of double or single lines, or
  - (d) double or single lines of rails in place of interlacing lines.
- (2) The powers conferred by this paragraph must not be exercised in the case of any authorised street tramway without the consent of the street authority, but such consent must not be unreasonably withheld. 20

*Construction of street tramways and tramroads*

- 4 (1) Regardless of anything in the description of the Manchester tram works in Schedule 1, the whole or any part of the Manchester tram works may be constructed within the limits of deviation for that work either along a street as a street tramway or off-street as a tramroad and so far as it is constructed as a street tramway or tramroad it is to be treated for the purposes of this Act as if it were authorised to be so constructed. 25
- (2) Where, by means of the creation or extinction of rights of way – 30
- (a) any part of the authorised transit system which has been constructed as a tramroad becomes a street tramway, it is to be treated for the purposes of this Act as if it were authorised to be constructed as a street tramway, and
  - (b) any part of the authorised transit system which has been constructed as a street tramway becomes a tramroad, it is to be treated for the purposes of this Act as if it were authorised to be constructed as a tramroad. 35

*Power to alter layout etc of streets*

- 5 (1) The nominated undertaker may alter the layout of, and carry out other ancillary works in, any street specified in column 1 of the table in sub-paragraph (8) in the manner specified in relation to that street in column 2 of that table. 40

- (2) The nominated undertaker may, for the purpose of constructing, maintaining or using the authorised transit system, alter the layout of –
- (a) any street along which the authorised transit system is or is to be laid, and
  - (b) any street having a junction with a street referred to in paragraph (a). 5
- (3) The power conferred by sub-paragraph (2) includes power to –
- (a) increase or reduce the width of the whole or part of any carriageway, kerb, footway, cycle track or verge within the street;
  - (b) alter the level of the whole or part of any such carriageway, kerb, footway, cycle track or verge; 10
  - (c) replace or alter the surface or surface treatment of the street;
  - (d) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
  - (e) carry out works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys; 15
  - (f) carry out traffic calming works which are of a description prescribed in regulations made by the Secretary of State as respects England under section 90H of the Highways Act 1980 and which are carried out in compliance with those regulations; 20
  - (g) carry out works to the street for the purpose of deterring or preventing vehicles other than tramcars from passing along the authorised transit system;
  - (h) make and maintain crossovers, sidings or passing places.
- (4) The power conferred by sub-paragraph (2) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld. 25
- (5) The power conferred on the nominated undertaker by sub-paragraph (2) is without prejudice to any powers conferred on the nominated undertaker by sub-paragraph (1) or paragraph 8. 30
- (6) If, and to the extent that, the nominated undertaker could –
- (a) subject to sub-paragraph (4), carry out works under sub-paragraph (2), or
  - (b) carry out those works under a different provision of this Act (other than a relevant provision), 35
- the works are to be carried out under sub-paragraph (2).
- (7) In this paragraph “relevant provision” means sub-paragraph (1), paragraph 8 or section 1.
- (8) This is the table referred to in sub-paragraph (1) –

(1) <i>Street subject to alteration</i>	(2) <i>Description of alteration</i>	40
London Road	Kerblines alterations within Act limits	
	Verge width increased on Piccadilly side within Act limits	45

(1) <i>Street subject to alteration</i>	(2) <i>Description of alteration</i>	
Munday Street	Alterations to the levels of the footway and kerb within Act limits in association with the proposed tramway	5
Longacre Street	Alterations to the level of the footway within Act limits and a reduction in its width	

*Street works* 10

- 6 (1) The nominated undertaker may, for the purposes of or in connection with the construction, maintenance and use of the authorised transit system, enter upon any street and –
- (a) place, maintain or alter, or change the position of, any work or apparatus (including foundations, platforms, road islands, substations, electric lines and electrical plant) in it, 15
  - (b) remove such work or apparatus from it, and
  - (c) execute any works required for, or incidental to, any work authorised by paragraph (a) or (b).
- (2) The powers conferred by this paragraph must not be exercised within the boundaries of a street outside the Act limits without the consent of the street authority, but such consent must not be unreasonably withheld. 20
- (3) In this paragraph –
- (a) “apparatus” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991 (street works in England and Wales); 25
  - (b) the reference to any work or apparatus in a street includes a reference to any work or apparatus under, over, along or upon the street.

*Restoration of streets if street tramway discontinued*

- 7 If the nominated undertaker abandons the construction of, or permanently ceases to operate any of, the authorised street tramways (“the discontinued tramway”), it must as soon as reasonably practicable and unless otherwise agreed with the street authority –
- (a) remove from any street in which the discontinued tramway is laid the rails and any other works and apparatus which have become redundant, and 35
  - (b) restore, to the reasonable satisfaction of the street authority, the portion of the street along which the discontinued tramway was laid, or redundant works and apparatus were laid, regard being had to –
    - (i) the condition of the street before the tramway was laid, and
    - (ii) the nature of the traffic using the street at the time of the discontinuance. 40

*Level crossings*

- 8 (1) The nominated undertaker may construct and maintain the authorised transit system so as to enable tramcars upon it to cross on the level any highway or other road for the time being crossing the route of the system. 45

- (2) The nominated undertaker may provide, maintain and operate at or near any level crossing such protective equipment as it may determine.
- (3) Any traffic sign placed under this paragraph on or near a highway or other road to which the public has access is to be treated for the purposes of section 64(4) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs) as having been placed as provided by that Act. 5
- (4) The highway authority may enter into agreements with the nominated undertaker with respect to the construction and maintenance of any level crossing; and such an agreement may contain such other terms and conditions as the parties consider appropriate. 10
- (5) In this paragraph –  
     “level crossing” means the place at which the authorised transit system crosses a highway or other road on the level under the powers conferred by this paragraph;  
     “protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984), manual, mechanical, automatic, electrical or telephonic equipment or other devices. 15

*Attachment of apparatus to buildings*

- 9 (1) The nominated undertaker may, for the purpose of operating the authorised transit system, affix brackets, cables, wires and other apparatus required to any building or structure. 20
- (2) Subsections (2), (4) to (6), (8) and (9) of section 45 of the Public Health Act 1961 (affixing apparatus to buildings for street lighting) apply in relation to the exercise of the power in sub-paragraph (1) as if – 25
- (a) the attachments referred to in those subsections included the apparatus referred to in sub-paragraph (1), and
- (b) the references in those subsections to the “street lighting authority” were references to the “nominated undertaker”.

*Mode of construction and operation of transit system* 30

- 10 (1) The authorised transit system must be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.
- (2) The authorised transit system must be constructed to a gauge of 1,435 millimetres. 35
- (3) Where the authorised transit system is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment), the nominated undertaker must take such care as in all the circumstances is reasonable to ensure that the authorised transit system is constructed and maintained so that the street or other place is safe for other users. 40
- (4) When considering what measures are required under sub-paragraph (3) the nominated undertaker must have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it. 45

- (5) Where the authorised transit system has been constructed in a street, works by any person which affect or are likely to affect the nominated undertaker’s obligations under sub-paragraph (3), including works to any street surfaces and works affecting any equipment or apparatus placed in the street under paragraph 6, must not be carried out without the consent of the nominated undertaker, which may be given subject to such reasonable terms and conditions as the nominated undertaker may require but must not be unreasonably withheld. 5

*Application of existing powers*

- 11 (1) The provisions of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996 (S.I. 1996/2714) specified in sub-paragraph (2) apply to the authorised transit system – 10
- (a) as they apply to the transit system authorised by that Order;
  - (b) as if references in the provisions to the “undertaker” were references to the “nominated undertaker”; 15
  - (c) as if, in article 20(3) (power to construct temporary transit systems), the reference to article 38 were a reference to paragraph 12 of this Schedule;
  - (d) as if, in article 35(2) (power to operate and use transit system), the reference to article 44 were omitted. 20
- (2) The specified provisions are –
- (a) article 20 (power to construct temporary transit systems);
  - (b) article 35 (power to operate and use transit system);
  - (c) article 37 (removal of obstructions);
  - (d) article 41 (trespass on tramroads); 25
  - (e) article 42 (power to make byelaws);
  - (f) article 43 (power to contract for police services);
  - (g) article 45 (application of landlord and tenant law);
  - (h) article 46 (jurisdiction of Rail Users’ Consultative Committee);
  - (i) article 47 (tramcars deemed public service vehicles). 30
- (3) Article 5 (liability in respect of repair of streets) of the Greater Manchester (Light Rapid Transit System) Order 2006 (S.I. 2006/405) is amended by the addition at the end of the list in paragraph (1) of – 35
- “paragraph 17 of Schedule 5 to the High Speed Rail (Crewe - Manchester) Act 2022”.
- (4) In the case of conflict between –
- (a) any byelaws made under article 42 of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996 (power to make byelaws), as applied by sub-paragraph (1), that apply within Piccadilly Station and the approaches to that station, and 40
  - (b) any relevant byelaws,
- the relevant byelaws prevail except insofar as provision to a contrary effect is made, with the express consent of Network Rail Infrastructure Limited (such consent not to be unreasonably withheld), in the byelaws of the nominated undertaker. 45
- (5) In this paragraph “relevant byelaws” means –

- (a) any byelaws made by Railtrack PLC (or having effect as so made by virtue of section 129(6) of the Railways Act 1993) which remain in force by virtue of paragraph 5(2) of Schedule 28 to the Transport Act 2000;
- (b) any byelaws made by the Strategic Rail Authority under section 219 of the Transport Act 2000 which remain in force by virtue of section 46(4) of the Railways Act 2005; 5
- (c) any byelaws made by Network Rail.

*Traffic signs*

- 12 (1) The nominated undertaker may, for the purposes of or in connection with the construction or operation of the authorised transit system, place or maintain traffic signs on— 10
- (a) any street in which the authorised transit system is laid;
  - (b) any street which gives access to a street referred to in paragraph (a);
  - (c) any street in connection with any instrument made under paragraph 13; 15
  - (d) any other street as reasonably required for conveying information to traffic.
- (2) The nominated undertaker—
- (a) must consult with the traffic authority in whose area the street is situated as to the placing of signs, and 20
  - (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs), must enter into arrangements with the traffic authority for any such signs other than traffic light signals to be placed and maintained by the traffic authority. 25
- (3) Any power conferred by section 65 of the Road Traffic Regulation Act 1984 to give directions to a traffic authority as to traffic signs includes a power to give directions to the nominated undertaker as to traffic signs under this paragraph; and, accordingly, the powers conferred by sub-paragraph (1) are exercisable subject to and in conformity with any directions given under that section. 30
- (4) A traffic authority having power under or by virtue of the Road Traffic Regulation Act 1984 to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised transit system is laid or which gives access to such a street must consult with the nominated undertaker as to the placing of any traffic sign which would affect the operation of the authorised transit system. 35
- (5) Tramcars are to be taken to be public service vehicles for the purposes of section 122(2)(c) of the Road Traffic Regulation Act 1984 (exercise of functions by strategic highways companies or local authorities). 40
- (6) In this paragraph—
- “traffic authority” has the same meaning as in section 121A of the Road Traffic Regulation Act 1984; 45
  - “traffic sign” has the same meaning as in section 64(1) of that Act.

*Traffic regulation*

- 13 (1) The nominated undertaker may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised transit system –
- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under section 32, 45 or 84 of the Road Traffic Regulation Act 1984 (orders relating to parking places or speed limits), 5
  - (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road, 10
  - (c) authorise the use of any road as a parking place,
  - (d) make provision as to the direction or priority of vehicular traffic on any road,
  - (e) make provision for vehicular speed limits on any road, or
  - (f) permit or prohibit vehicular access to any road, 15
- either at all times or at times, on days or during such periods as may be specified by the nominated undertaker.
- (2) The powers conferred by sub-paragraph (1) must not be exercised without the consent of the traffic authority in whose area the road concerned is situated, but such consent must not be unreasonably withheld. 20
- (3) The powers conferred by sub-paragraph (1) may be exercised at any time prior to the expiry of the period of 12 months beginning with the opening of the authorised transit system for public use but, subject to sub-paragraph (8), any prohibition, restriction or other provision made under sub-paragraph (1) may have effect both before and after the expiry of that period. 25
- (4) The nominated undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of sub-paragraph (5).
- (5) The nominated undertaker must not exercise the powers conferred by sub-paragraph (1) unless it has – 30
- (a) given not less than –
    - (i) 12 weeks’ notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect permanently, or
    - (ii) 4 weeks’ notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily, 35to the chief officer of police and to the traffic authority in whose area the road is situated, and
  - (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the nominated undertaker’s intention in the case of paragraph (a)(i) or within 7 days of its receipt of notice of the nominated undertaker’s intention in the case of paragraph (a)(ii). 40
- (6) Before exercising the powers conferred by sub-paragraph (1) the nominated undertaker must consult such other persons as it considers appropriate and must take into consideration any representations made to it by any such person. 45

- (7) Any prohibition, restriction or other provision made by the nominated undertaker under sub-paragraph (1) –
- (a) has effect as if duly made by, as the case may be –
    - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the Road Traffic Regulation Act 1984 or, in the case of provision for vehicle speed limits, as an order under section 84 of that Act (speed limits on roads other than restricted roads), or 5
    - (ii) the local authority in whose area the road is situated, as an order under section 32 (power of local authorities to provide parking places) or section 45 (designation of paying parking places on highways) of the Road Traffic Regulation Act 1984, and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject, and 10
  - (b) except in the case of provision for vehicle speed limits, is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (road traffic contraventions subject to civil enforcement). 15
- (8) Any prohibition, restriction or other provision made under this paragraph may be suspended, varied or revoked by the nominated undertaker from time to time by subsequent exercise of the powers conferred by sub-paragraph (1). 20
- (9) In this paragraph “traffic authority” has the same meaning as in section 121A of the Road Traffic Regulation Act 1984. 25
- (10) The powers conferred on the nominated undertaker by this paragraph with respect to any road have effect subject to any agreement entered into by the nominated undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

*Power to transfer undertaking* 30

- 14 (1) The nominated undertaker may, with the consent of the Secretary of State, transfer to another person (“the transferee”) –
- (a) its right under this Act to construct, maintain, use or operate the authorised tram works (or any part of them), and
  - (b) such related statutory rights as may be agreed between the nominated undertaker and the transferee. 35
- (2) The nominated undertaker may, with the consent of the Secretary of State, grant to another person (“the lessee”) for a period agreed between the nominated undertaker and the lessee –
- (a) its right under this Act to construct, maintain, use or operate the authorised tram works (or any part of them), and 40
  - (b) such related statutory rights as may be agreed between the nominated undertaker and the lessee.
- (3) Any agreement made under the powers conferred by sub-paragraph (1) or (2) may contain such incidental, consequential or supplementary provisions, including provisions relating to the defraying of, or the making of contributions towards, the costs of such construction, maintenance, use or operation by the nominated undertaker or by any other person. 45

- (4) Where an agreement has been made by virtue of sub-paragraph (1) or (2) references in this Act to the nominated undertaker include, where appropriate, references to the transferee or lessee.
- (5) The exercise of the powers conferred by any enactment by any person in pursuance of any transfer or grant under sub-paragraph (1) or (2) is subject to the same restrictions, liabilities and obligations as would apply under this Act if those powers were exercised by the nominated undertaker. 5
- (6) In this paragraph “the authorised tram works” means the Manchester tram works and any other works authorised by this Schedule.

*Disapplication of other railway legislation* 10

- 15 (1) The following do not apply in relation to the authorised transit system –
- (a) the Highways (Railway Crossings) Act 1839;
  - (b) the Railway Regulation Acts 1840 to 1893;
  - (c) the provisions of the Railway Clauses Consolidation Act 1845 referred to in paragraph 4(1) of Schedule 28; 15
  - (d) sections 55 and 56 of the British Transport Commission Act 1949.
- (2) This paragraph has effect notwithstanding anything in Schedule 28.

*Interpretation*

- 16 (1) In this Schedule –
- “authorised street tramway” means any street tramway authorised by this Act; 20
  - “authorised transit system” means the authorised street tramways and the tramroads authorised by this Act;
  - “building” includes any structure or erection, or any part of a building, structure or erection; 25
  - “cycle track” has the same meaning as in section 329(1) of the Highways Act 1980;
  - “electrical plant” has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64(1) of that Act);
  - “footway” has the same meaning as in the Highways Act 1980; 30
  - “parking place” has the same meaning as in section 34 of the Road Traffic Regulation Act 1984;
  - “street authority”, in relation to a street, has the same meaning as in Part 3 of the New Roads and Street Works Act 1991;
  - “street tramway” means any part of a transit system which is laid along a street (whether or not the section of the street in which its rails are laid may be used by other traffic); 35
  - “tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a transit system; 40
  - “tramroad” means any part of a transit system which is not a street tramway;
  - “transit system” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which – 45
    - (a) provide support and guidance for vehicles carried on flanged wheels, and

- (b) are laid in part along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment).
- (2) For the purposes of this Schedule, in the case of any street in relation to which a pedestrian planning order made under section 249(2) (order extinguishing right to use vehicles on highway) of TCPA 1990 is in force, the kerblines of the street, where there is no kerb, is to be taken to be the edge of the part of the street on which the passage of vehicles is permitted. 5

## SCHEDULE 5

Section 3(2)

## HIGHWAYS 10

## PART 1

## HIGHWAY ACCESS

- 1 (1) The nominated undertaker may, for Phase 2b (Crewe - Manchester) purposes –
- (a) form and lay out means of access, and 15
- (b) improve existing means of access, at any place within the Act limits.
- (2) In the case of works at a place shown on the deposited plans which require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, the power under sub-paragraph (1) is exercisable on giving at least 28 days' notice to the highway authority. 20
- (3) But works which are the subject of a notice under sub-paragraph (2) may not be carried out at the place shown on the deposited plans if, within 28 days of the giving of the notice, the highway authority objects to the works being carried out there by giving the nominated undertaker notice to that effect. 25
- (4) The only ground on which the highway authority may object under sub-paragraph (3) is that works under sub-paragraph (1) should be carried out instead at another place within the Act limits to prevent or reduce –
- (a) injury to local amenity, or
- (b) prejudicial effects on road safety or on the free flow of traffic in the local area, 30
- and are reasonably capable of being carried out there.
- (5) If, in the case of works under sub-paragraph (1) at a place shown on the deposited plans, the works require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, they must be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker. 35
- (6) The only ground on which the highway authority may refuse to approve plans or specifications for the purposes of sub-paragraph (5) is that they ought to be modified to prevent or reduce – 40
- (a) injury to local amenity, or
- (b) prejudicial effects on road safety or on the free flow of traffic in the local area,

and are reasonably capable of being so modified.

- (7) Works under sub-paragraph (1) may only be carried out at a place not shown on the deposited plans if the highway authority consents to the siting of the works; and such consent is not to be unreasonably withheld.
- (8) Works under sub-paragraph (1) at a place not shown on the deposited plans must be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld. 5
- (9) In considering whether to give consent for the purposes of sub-paragraph (7), or approval for the purposes of sub-paragraph (8), in a case where the works require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, the highway authority must have regard in particular to effects on road safety and on the free flow of traffic in the local area. 10
- (10) If, on an application by the nominated undertaker for the approval of plans or specifications under sub-paragraph (5) or (8), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans or specifications as submitted. 15  
20
- (11) If a highway authority which receives an application for consent under sub-paragraph (7) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted it.
- (12) Where an objection under sub-paragraph (3) leads to the carrying out of works under sub-paragraph (1) at a place not shown on the deposited plans, sub-paragraphs (5), (7) and (8) have effect in relation to the works as if the place were shown on the deposited plans. 25
- (13) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 30

## PART 2

### INTERFERENCE WITH HIGHWAYS

#### *Stopping up*

- 2 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up each highway or part of a highway specified in table 1 or 2 in Part 4 of this Schedule. 35
- (2) Where a highway or part of a highway is specified in table 1 in Part 4 of this Schedule, it may not be stopped up under sub-paragraph (1) unless all of the land which abuts on it falls within one or more of the following categories, namely – 40
- (a) land to which there is no right of access directly from the highway or part to be stopped up;
- (b) land to which there is reasonably convenient access otherwise than directly from the highway or part to be stopped up; 45

- 
- (c) land the owners and occupiers of which have agreed to the stopping up of the highway or part;
  - (d) land which is in the possession of the Secretary of State.
- (3) Where a highway or part of a highway is specified in columns (1) and (2) of table 2 in Part 4 of this Schedule – 5
- (a) it may not be stopped up under sub-paragraph (1) until the date on which the new highway to be provided in substitution for the highway or part, as specified in column (3) of table 2, is first open for public use, but
  - (b) the nominated undertaker may, at any time before that date, temporarily stop up so much of the highway or part as is within the Act limits for the purposes of or in connection with the provision of the new highway to be provided in substitution for the highway or part. 10
- (4) Before exercising the power conferred by sub-paragraph (3)(b) in relation to a highway or part of a highway, the nominated undertaker must consult the highway authority. 15
- (5) The purpose of consultation under sub-paragraph (4) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.
- (6) Where a new highway specified in column (3) of table 2 in Part 4 of this Schedule is provided in exercise of the powers conferred by this Act, the date on which the new highway is first open for public use is to be taken for the purposes of sub-paragraph (3) to be – 20
- (a) where a date has been determined in relation to the highway under paragraph 17(6), the date so determined, and 25
  - (b) where it has not, the date certified under paragraph 17(5).
- (7) There is no need to reinstate a highway or part of a highway in relation to which the power conferred by sub-paragraph (3)(b) has been exercised where the exercise of the power comes to an end on the exercise, in relation to the highway or part, of the power under sub-paragraph (1). 30
- 3 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up a bridleway or footpath, or part of a bridleway or footpath, where –
- (a) the bridleway or footpath (or part) is within the Act limits, and
  - (b) there is no power under paragraph 2 to stop up the bridleway or footpath (or part). 35
- (2) The power under sub-paragraph (1) may not be exercised unless the proposed stopping up has been confirmed by the appropriate Ministers on application by the nominated undertaker.
- (3) The appropriate Ministers must grant an application under sub-paragraph (2) if, but only if, they are satisfied – 40
- (a) that an alternative bridleway or footpath has been provided,
  - (b) that an alternative bridleway or footpath will be provided before the proposed stopping up takes place, or
  - (c) that the provision of an alternative bridleway or footpath is not required. 45

- 
- (4) Where the appropriate Ministers grant an application under sub-paragraph (2), they must notify the nominated undertaker of the basis on which the application is granted.
- (5) Where an application under sub-paragraph (2) is granted on the basis that an alternative bridleway or footpath will be provided, the proposed stopping up may not take place until the alternative has been provided. 5
- (6) Before making an application under sub-paragraph (2), the nominated undertaker must publish in at least one local newspaper circulating in the relevant area a notice –
- (a) specifying – 10
    - (i) the bridleway or footpath, or part, proposed to be stopped up,
    - (ii) what, if any, alternative bridleway or footpath is proposed, and
    - (iii) if no alternative is proposed, the reasons why, 15
  - (b) specifying a place in the relevant area where a map or plan illustrating the proposals may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the publication of the notice (“the publication date”),
  - (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) of the proposed stopping up, and 20
  - (d) specifying the manner in which such representations may be made.
- (7) Not later than the publication date, the nominated undertaker must –
- (a) give a copy of the notice, together with any map or plan to which it refers, to every local authority whose area includes any of the land on which the bridleway or footpath, or part, proposed to be stopped up is situated, and 25
  - (b) cause a copy of the notice to be displayed in a prominent position at the ends of the bridleway or footpath, or part, proposed to be stopped up. 30
- (8) Before granting an application under sub-paragraph (2), the appropriate Ministers must consider any representations made to them in accordance with the nominated undertaker’s notice which have not been withdrawn.
- (9) Unless they direct otherwise, the appropriate Ministers’ functions in relation to an application under sub-paragraph (2) must, instead of being carried out by them, be carried out by a person appointed by them for the purpose. 35
- (10) In sub-paragraph (6), references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.
- (11) In sub-paragraph (7)(a), “local authority” means – 40
- (a) the council of a county, district or parish,
  - (b) a joint authority established by Part 4 of the Local Government Act 1985,
  - (c) a housing action trust established under Part 3 of the Housing Act 1988, and 45
  - (d) the parish meeting of a rural parish not having a separate parish council.

- (12) In this paragraph, references to the appropriate Ministers are to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs and, in relation to the carrying out of any functions, are to those Ministers acting jointly.

*Effect of stopping up of highway* 5

- 4 (1) On a highway or part of a highway being stopped up under paragraph 2(1) or 3 –
- (a) all rights of way over or along it are extinguished, and
  - (b) the Secretary of State may appropriate and use, without making any payment, so much of the site of it as is bounded on both sides by land owned by the Secretary of State. 10
- (2) The nominated undertaker must compensate any person who suffers loss by the extinction under this paragraph of a private right of way.
- (3) Any dispute as to a person’s entitlement to compensation under sub-paragraph (2), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 15
- (4) The Secretary of State is not entitled to any mines or minerals under land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b), with the exception of minerals necessarily extracted or used in the construction of the undertaking which the nominated undertaker is authorised to carry on by this Act. 20
- (5) Part 3 of Schedule 2 to the Acquisition of Land Act 1981 (regulation of the working of mines or minerals underlying an authorised undertaking) has effect in relation to the working of any mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) as if – 25
- (a) references to the undertaking were to the undertaking which the nominated undertaker is authorised to carry on by this Act,
  - (b) in paragraphs 3 to 5 and 7 to 9, references to the acquiring authority were to the nominated undertaker, and 30
  - (c) in paragraph 6, the first reference to the acquiring authority were to the nominated undertaker.

*Creation of public rights of way over new footpaths, bridleways etc*

- 5 (1) This paragraph applies where a footpath, bridleway or other kind of way specified in column (3) of table 2 in Part 4 of this Schedule (substitute highways) or in table 3 in that Part of this Schedule (new rights of way) is provided in exercise of the powers conferred by this Act. 35
- (2) A public right of way of the kind specified in column (3) of table 2 or in table 3 in Part 4 of this Schedule (as the case may be) is created on the date on which the footpath, bridleway or other way is first open for public use. 40
- (3) Section 28 of the Highways Act 1980 (compensation for loss suffered by landowner) applies as if the public right of way created by virtue of sub-paragraph (2) had been created by an order under section 26 of that Act (public path creation orders).
- (4) In its application by virtue of sub-paragraph (3), section 28 of that Act has effect as if it were modified as follows – 45

- (a) in subsection (1), for “the authority by whom the order was made” there were substituted “the Secretary of State”;
  - (b) for subsection (2) there were substituted –
    - “(2) A claim for compensation under this section must be made by notice in writing to the Secretary of State before the end of the period of 6 months beginning with the day on which the public right of way first becomes exercisable.”;
  - (c) subsection (3) were omitted.
- (5) In its application to a claim under section 28 of that Act (as applied by virtue of sub-paragraph (3)), section 307 of that Act (determination of disputes as to compensation) has effect as if, in subsection (2), for “the authority from whom the compensation in question is claimed” there were substituted “the Secretary of State”. 10
- (6) For the purposes of sub-paragraph (2), the date on which a path or way is first open for public use is to be taken to be – 15
- (a) where a date has been determined in relation to the path or way under paragraph 17(6), the date so determined, and
  - (b) where it has not, the date certified under paragraph 17(5).

*Deviation of new footpaths, bridleways etc*

- 6 (1) This paragraph applies where the nominated undertaker, in exercise of the powers conferred by this Act, provides a footpath, bridleway or other kind of way which is specified in column (3) of table 2 in Part 4 of this Schedule (substitute highways) or in table 3 in that Part of this Schedule (new rights of way). 20
- (2) In providing the path or way, the nominated undertaker may deviate laterally to any extent from the lines shown on the deposited plans, within the limits shown on those plans (and references in this Part of this Schedule to a highway specified in column (3) of table 2 or in table 3 in Part 4 of this Schedule are to be construed accordingly). 25

*Permanent obstruction*

- 7 (1) The powers under section 2(1), (3) and (5) may be exercised in such a way as to obstruct the highway, but only with the consent of the highway authority, such consent not to be unreasonably withheld. 30
- (2) Any dispute with a highway authority under sub-paragraph (1) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 35
- (3) If a highway authority which receives an application for consent under sub-paragraph (1) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted it. 40

*Temporary interference*

- 8 (1) For the purposes of the works authorised by this Act, the nominated undertaker may –

- 
- (a) temporarily stop up or alter or divert any highway or part of a highway;
- (b) for any reasonable time divert traffic from, and prevent persons passing along, any highway or part of a highway;
- (c) break up or interfere with any highway or part of a highway (including any sewer, drain or tunnel in it); 5
- (d) in relation to any highway or part of a highway outside the Act limits –
- (i) form and lay out temporary means of access to the highway;
- (ii) temporarily improve existing means of access to the highway; 10
- (e) temporarily remove any street furniture in or beside a highway.
- (2) For Phase 2b (Crewe - Manchester) purposes, the nominated undertaker may enter upon and use airspace above any highway or part of a highway for the oversailing of cranes. 15
- (3) The nominated undertaker must provide reasonable access for pedestrians going to or from premises abutting on a highway affected by the exercise of the powers under sub-paragraph (1)(a) to (c) if there would otherwise be no such access.
- (4) Before exercising the powers under sub-paragraph (1) or (2) in relation to a highway, and to an extent, specified in table 4 in Part 4 of this Schedule, the nominated undertaker must consult the relevant authority. 20
- (5) The purpose of consultation under sub-paragraph (4) is to ensure highway safety and, so far as reasonably practicable, to reduce public inconvenience.
- (6) Before exercising the powers under sub-paragraph (1) or (2) in relation to a highway, or to an extent, not specified in table 4 in Part 4 of this Schedule, the nominated undertaker must obtain the consent in writing of the relevant authority. 25
- This is subject to sub-paragraphs (10) and (12).
- (7) Consent under sub-paragraph (6) must not be unreasonably withheld, but may be given subject to such conditions as the relevant authority may reasonably require in the interest of highway safety or convenience. 30
- (8) If a relevant authority which receives an application for consent under sub-paragraph (6) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted the application. 35
- (9) Any dispute with a relevant authority about consent under sub-paragraph (6) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- (10) Consent is not required under sub-paragraph (6) in a case where the nominated undertaker – 40
- (a) determines that the powers under sub-paragraph (1) or (2) need to be exercised urgently to avoid a danger to the public, to prevent serious damage to the highway or for the purposes of exercising any of its powers under any of paragraphs 2 to 6 of Schedule 2, 45
- (b) so far as is reasonably practicable, consults the relevant authority, and

- (c) notifies the relevant authority of the basis on which the determination under paragraph (a) was made.
- (11) The purpose of consultation under sub-paragraph (10)(b) is to ensure highway safety and, so far as reasonably practicable, to reduce public inconvenience. 5
- (12) Consent is also not required under sub-paragraph (6) in a case where the nominated undertaker determines that, in consequence of exercising the powers under sub-paragraph (1) or (2) in relation to a highway, and to an extent, specified in table 4 in Part 4 of this Schedule, it is necessary to place a traffic sign on a highway, and to an extent, not specified in that table. 10
- (13) There is no need to reinstate a highway or part of a highway in relation to which any of the powers under sub-paragraph (1)(a) to (d) or (2) has been exercised where the exercise of the power comes to an end on the exercise, in relation to the highway or part, of the power under paragraph 2(1) or 3(1).
- (14) In this paragraph – 15  
“relevant authority” means –  
(a) the highway authority, in the case of the powers in sub-paragraph (1)(a) to (d) or (2);  
(b) the owner of the street furniture, in the case of the power in sub-paragraph (1)(e); 20  
“street furniture” includes traffic signs, street lighting and bus shelters.

*Street works*

- 9 (1) The nominated undertaker may, for the purposes of the works authorised by this Act, enter upon any highway within the Act limits and – 25  
(a) place, maintain or alter, or change the position of, apparatus in it,  
(b) remove apparatus from it, and  
(c) execute any works required for, or incidental to, any works authorised by paragraph (a) or (b).
- (2) If, and to the extent that, the nominated undertaker could carry out works under this paragraph of this Schedule or under paragraph 5 of Schedule 2, the works are to be carried out in accordance with paragraph 5 of Schedule 2. 30
- (3) In this paragraph, “apparatus” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991.
- 10 (1) Works executed under this Act in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 of the New Roads and Street Works Act 1991 (street works) as major transport works if – 35  
(a) they are of a description mentioned in section 86(3)(a), (c) to (e), (g) or (h) of that Act (which defines what highway authority works are major highway works), or 40  
(b) they are works which, had they been executed under the powers of the highway authority, might have been carried out in exercise of the powers under section 64 (dual carriageways and roundabouts) or 184 (vehicle crossings over footways and verges) of the Highways Act 1980. 45

- (2) Sub-paragraph (1) does not apply to works executed under powers delegated to a highway authority by an agreement under paragraph 14(2) of this Schedule (construction delegation agreements).

*Working sites in highways*

- 11 Any highway or part of a highway which is stopped up under paragraph 2(3)(b) or 8(1)(a) may be used as a working site if it is within the Act limits. 5

PART 3

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

*Construction and alteration*

- 12 (1) Where under this Act the nominated undertaker – 10
- (a) constructs a new highway, or
  - (b) alters a highway, otherwise than by carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991, the construction or alteration must be completed to the reasonable satisfaction of the highway authority. 15
- (2) Where work mentioned in sub-paragraph (1) has been completed to the reasonable satisfaction of a highway authority, it must certify that fact in writing to the nominated undertaker.
- (3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made – 20
- (a) issue a certificate under that sub-paragraph, or
  - (b) notify the nominated undertaker of its decision to refuse to issue such a certificate, 25
- it is to be treated as having issued such a certificate at the end of that period.
- (4) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- 13 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker – 30
- (a) constructs a new highway which is constituted by or comprises a carriageway, or
  - (b) realigns a highway which is constituted by or comprises a carriageway. 35
- (2) The construction or realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.
- (3) Any dispute with a highway authority under sub-paragraph (2) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 40

- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans, sections or specifications as submitted. 5
- 14 (1) Where under this Act the nominated undertaker is authorised to stop up or interfere with an existing highway or part of an existing highway, it may enter into an agreement with the controllers of the highway concerning the construction (or contribution towards the expenses of construction) of— 10
- (a) any new highway to be provided in substitution,
  - (b) any alteration of the existing highway, and
  - (c) any related matters.
- (2) Where the nominated undertaker has entered into an agreement under sub-paragraph (1) with the controllers of an existing highway, the nominated undertaker may, by agreement with them, delegate to them the power of constructing— 15
- (a) any new highway to be provided in substitution, or
  - (b) any alteration of the existing highway,
- including any bridge over any railway. 20
- (3) Works executed by the controllers of an existing highway under a delegation agreement under sub-paragraph (2) which could have been carried out by them under section 64 or 184 of the Highways Act 1980 are to be treated for the purposes of section 86(3) of the New Roads and Street Works Act 1991 as having been so carried out by them. 25
- (4) References in this paragraph to the controllers of a highway are to the persons having the charge, management or control of it.
- 15 (1) This paragraph applies in relation to a work authorised by this Act which appears to the Secretary of State to constitute— 30
- (a) the construction of an extension to a trunk road or special road, or
  - (b) the realignment of a trunk road or special road.
- (2) The Secretary of State may by regulations made by statutory instrument provide that the highway comprising the extension or realignment is to become a trunk road or special road (or both) as from a date— 35
- (a) specified in the regulations, or
  - (b) if the regulations so provide, specified in an instrument in writing after the making of the regulations.
- (3) Where, under regulations under this paragraph, a highway becomes a special road— 40
- (a) the regulations must specify the special road authority for the highway,
  - (b) the highway is to be regarded as provided by the specified special road authority under a scheme under section 16 of the Highways Act 1980 made on the day the regulations are made, and
  - (c) the highway is to be regarded as so provided for the use of traffic of such classes referred to in Schedule 4 to that Act as may be provided for in the regulations (and the regulations may make different provision for different parts of the highway). 45

- (4) Provision under sub-paragraph (3)(c) may be expressed by reference to classes of traffic which are at any time authorised under a scheme under section 16 of the Highways Act 1980 in relation to the road of which the highway is a realignment or extension.

*Roads constructed as highways*

5

- 16 (1) This paragraph applies where under this Act the nominated undertaker constructs a road as a highway.

- (2) The resulting highway is created on the date on which the road is first open for public use.

- (3) For the purposes of sub-paragraph (2), the date on which the road is first open for public use is the date on which the resulting highway is taken to be first open for public use for the purposes of paragraph 17(2). 10

- (4) Where the resulting highway is a temporary highway, it ceases to be a highway on the day after the date on which the road is last open for public use. 15

- (5) For the purposes of sub-paragraph (4), the date on which the road is last open for public use is to be taken to be the date notified by the nominated undertaker, in accordance with sub-paragraph (6), to the highway authority as being the date on which the road is to be last open for public use.

- (6) The notification must be given to the highway authority by the nominated undertaker at least 28 days before the date on which the road is to be last open for public use. 20

*Maintenance*

- 17 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker – 25

- (a) provides a new highway, or  
 (b) alters a highway, otherwise than by carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991.

- (2) The new or altered highway must be maintained by and at the expense of the nominated undertaker for a period of 12 months from – 30

- (a) the date of practical completion, or  
 (b) if later, the date on which it is first open for public use;  
 and after the end of that period must be maintained by and at the expense of the highway authority.

- (3) Sub-paragraph (2) is subject to – 35

- (a) any agreement between the nominated undertaker and the highway authority as to alternative arrangements relating to the maintenance of the highway, and  
 (b) sub-paragraph (4), in respect of a period for which the nominated undertaker is under a duty to maintain the highway. 40

- (4) Unless otherwise agreed between the highway authority and the nominated undertaker, the highway authority must ensure, so far as reasonably practicable, that safe passage along the new or altered highway is not endangered by snow or ice.

- (5) Where the highway authority is satisfied that a highway mentioned in sub-paragraph (2) is practically complete or is open for public use, it must, at the request of the nominated undertaker, certify to it in writing the date of practical completion of the highway or, as the case may be, the date on which it was first open for public use. 5
- (6) If the highway authority refuses a request to issue a certificate under sub-paragraph (5), or if the nominated undertaker disputes the date given in a certificate under that sub-paragraph, the matter must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 10
- (7) For the purposes of sub-paragraph (2), the date of practical completion of a highway, or the date on which it is first open for public use, is to be taken to be – 15
- (a) where the date has been determined under sub-paragraph (6), the date so determined, and
  - (b) where it has not, the date certified under sub-paragraph (5).
- (8) Sub-paragraph (2) does not have effect to impose any obligation in relation to – 20
- (a) the structure of any bridge carrying a highway over any railway of the nominated undertaker, or
  - (b) the structure of any tunnel carrying a highway under any such railway.
- (9) Nothing in this paragraph affects the operation of section 87 of the New Roads and Street Works Act 1991.
- 18 Where the nominated undertaker is responsible for maintaining a bridge carrying either of the following over a railway – 25
- (a) a new highway constructed under this Act, or
  - (b) a highway altered under this Act,
- the nominated undertaker may, by agreement with the persons having the charge, management or control of the highway, delegate to them the function of maintaining the bridge. 30
- 19 Section 58(1) and (2) of the Highways Act 1980 (special defence in action against highway authority for damages for non-repair of highway) applies to an action against the nominated undertaker in respect of damage resulting from its failure to maintain a highway under paragraph 17(2) or 17(3)(a) as it applies to an action against a highway authority as mentioned in section 58(1) of that Act (and references in section 58(1) and (2) to the highway authority are to be read accordingly). 35
- 20 Notwithstanding anything in section 46 of the Railways Clauses Consolidation Act 1845, as incorporated with this Act (see paragraph 4 of Schedule 28 to this Act), the nominated undertaker is not liable to maintain the surface of any highway under or over which the scheduled works are constructed, or the immediate approaches to any such highway. 40
- Bridges carrying highways*
- 21 Each of sections 116 and 117 of the Transport Act 1968 (duties as respects bridges carrying highways over railways) has effect as if the nominated undertaker were one of the boards mentioned in the section in question. 45

## PART 4

## TABLES RELATING TO PART 2 OF SCHEDULE

TABLE 1

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	5
County of Cheshire Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	Footpath Wimboldsley 1/1 between points P1 (on Sheet No. 1-22) and P3 (on Sheet No. 1-25)	10
Parishes of Stanthorne and Wimboldsley and Winsford	Footpaths Winsford 37/1 and Stanthorne 1/1 between points P7, P6 and P5	
	Bell Lane between points P12 and P13	
Parishes of Lach Dennis and Rudheath	Footpaths Rudheath 3/4, Rudheath 3/3 and Lach Dennis 3X/2 between points P3, P4 and P5	15
	Cookes Lane and Shurlach Road within the limits of deviation	
Borough of Cheshire East Parish of Tabley Superior	Budworth Road between points P3 and P4	
	Heyrose Lane within the limits of deviation of Work No. 1/88	20
Parish of Mere	Bowden View Lane between points P3 and P4	
Parish of High Legh	Back Lane between points P6 and P7	
Parishes of Agden and High Legh	Agden Lane between points P3 and P4	25
Parish of Agden	Footpath Agden 4/1 between points P1 (on Sheet No. 1-50) and P1 (on Sheet No. 1-51)	
Borough of Warrington Parish of Lymm	Agden Lane between points P9 (on Sheet No. 1-50) and P4 (on Sheet No. 2-26)	
Borough of Cheshire East Parish of Rostherne	Tom Lane between points P3 and P7	30
Parish of Ashley	Lamb Lane within Act limits	
City of Manchester Parish of Ringway	Footpath 8 (RINGWAY) between points P6 and P7	
City of Manchester, Parish of Ringway and Metropolitan Borough of Trafford	Footpaths 7 (RINGWAY) and Hale 16 between points P8, P9 (on Sheet No. 2-02) and P1 (on Sheet No. 2-04)	35

(1) Area	(2) Highway or part to be stopped up	
City of Manchester Parish of Ringway	Footpath 2 (RINGWAY) and Footpath 6 (RINGWAY) within the limits of deviation of Work No. 2/9	5
	Footpath 16 (RINGWAY) within the limits of deviation of Work No. 2/7	
Greater Manchester Metropolitan Borough of Trafford	Hasty Lane within Act limits	10
City of Manchester	Glenbarry Street within Act limits	
	Hooper Street within Act limits	
	Dark Lane within Act limits	
	William Street within Act limits	
	Cresbury Street within Act limits	15
	Adlington Street between points P10 and P11	
	Mill Green Street within Act limits	
	Crane Street within Act limits	
	Elbe Street within Act limits	
	Fair Street within Act Limits	20
	Longacre Street within the Limits of Deviation of Work No. 2/46	
	Raven Street within Act limits	
	North Western Street between points P4 and P5	
	Blackett Street within Act limits	25
	Chapelfield Road and North Western Street between points P14 and P15	
	Coronation Square within Act limits	
	St Andrew's Street within Act limits	
	Travis Street between points P7 and P16 and between points P6 and P17	30
	Portugal Street East and Heyrod Street within the limits of deviation of Work No. 2/36	
	Baird Street between points P12 (on Sheet No. 2-21) and P4 (on Sheet No. 2-24)	35
	Sheffield Street within Act limits	

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	
	Boond Street within the limits of deviation of Work No. 2/45A	
	Boad Street within Act limits	5
	Sparkle Street within Act limits	
	Leycroft Street within Act limits	
	Store Street between points P2 and P3	
County of Cheshire Borough of Warrington Parish of Rixton-with- Glazebrook	Dam Head Lane between points P1 and P2	10
Parish of Croft	Footpath Croft 8 between points P7 and P8	
Greater Manchester Metropolitan Borough of Wigan	Enterprise Way within Act limits	15
	Footpath Golborne 34/10 between points P5 and P6	
	Footpath Ashton-in-Makerfield 25/10 between points P7 and P8	

**TABLE 2**

20

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be provided in substitution</i>	
County of Cheshire Borough of Cheshire East Town of Crewe	Parkers Road between points P1 and P2	Work No. 1/12	25
	Groby Road and Warmingham Road within the limits of deviation of Work No. 1/13	Work No. 1/13	30
Town of Crewe and Parishes of Leighton and Minshull Vernon	Footpaths Crewe 29/1, Crewe 12/1 and Minshull Vernon 17/1 between points P2, P1 and P6 (on Sheet No. 1-13)	Footpath between points P2, P3, and P4 (on Sheet No. 1-13), between points P4 and P5 (on Sheet No. 1-13) over Work No. 1/16, and between points P5 (on Sheet 1-13) and P1 (on Sheet No. 1-15)	35

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
Parish of Leighton	Footpath Leighton 7/1 within the limits of deviation of Work No. 1/18 and Footpath Minshull Vernon 17/1 between points P6A and P6	Footpath over Work No. 1/18 (part)	5
Town of Crewe & Parishes of Leighton, Minshull Vernon and Warmingham	Footpaths Warmingham 16/2 and Minshull Vernon 2/1 between points P1, P2 and P3 (on Sheet No. 1-16)	Footpath between points P1 (on Sheet No. 1-16) and P3 (on Sheet No. 1-13) and between points P3 (on Sheet No. 1-16) and P6 (on Sheet No. 1-13)	10
			15
Parish of Warmingham	Footpath Warmingham 16/1, and Footpath Warmingham 16/2, within the limits of deviation of Work No. 1/19	Work No. 1/19	20
Parish of Minshull Vernon	Footpath Minshull Vernon 8/1 between points P2 and P5 and Footpath not on Definitive Map between points P5, P1 and P2	Footpath between points P5 and P6 and between points P6 and P7, over Work No. 1/23	25
	Footpath Minshull Vernon 13/1 between points P3 and P4	Footpath between points P3 and P2, linking into Footpath Minshull Vernon 8/1	
	Footpaths Minshull Vernon 12/2 and Minshull Vernon 8/1, between points P8 and P5	Footpath between points P8 and P5, over Work No. 1/24	30
Borough of Cheshire East Parish of Minshull Vernon and Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	A530 Nantwich Road within the limits of deviation of Work No. 1/27	Work No. 1/27	35
			40
Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	A530 Nantwich Road within the limits of deviation of Works Nos. 1/37 and 1/38	Work No. 1/37 (part) and Work No. 1/38 (part)	
	Coal Pit Lane within the limits of deviation of Work No. 1/37	Work No. 1/37 (part)	45
	A54 Middlewich Road between points P1 and P2, between points P8 and P9 and between points P10 and P11	Work No. 1/41 (part) and Work No. 1/42	50

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>New highway to be provided in substitution</i>	
	Birch Lane within the limits of deviation of Work No. 1/42A	Work No. 1/42A	5
Parishes of Stanthorne and Wimboldsley and Winsford	Clive Green Lane between points P1 and P2 (on Sheet No. 1-24), between points P1 and P2 (on Sheet No. 1-25) and between points P4 and P5 (on Sheet No. 1-25)	Work No. 1/38 (part)	10
	A533 Northwich Road within the limits of deviation of Work No. 1/41 and between points P3 and P4	Work No. 1/41 (part) and Work No. 1/42 (part), linking into Bell Lane	15
Parishes of Davenham and Lach Dennis	Davenham Road between points P1 and P2 and the A530 King Street between points P2 and P3	Work No. 1/54	20
Parishes of Lach Dennis and Rudheath	A530 King Street between points P7 and P8	Work No. 1/60	
	Pennys Lane between points P1 and P2	Work No. 1/62	25
Parishes of Lach Dennis, Rudheath and Lostock Gralam	A556 Shurlach Road between points P9 (on Sheet No. 1-33) and P3 (on Sheet 1-35)	Work No. 1/63	
Parish of Lach Dennis	Birches Lane between points P4 and P5	Work No. 1/63A and Work No. 1/63 (part)	30
	Restricted Byway Lostock Gralam 1/1 between points P6 and P7	Restricted Byway between points P6 and P6A, between points P6A and P7A, over Work No. 1/63B, and between points P7A and P7	35
	Crowders Lane within the limits of deviation of Work No. 1/56	Work No. 1/56	
	Crowders Lane, Pennys Lane and Holmes Chapel Road within the limits of deviation of Work No. 1/61	Work No. 1/61	40
Borough of Cheshire East Parish of Tabley Inferior	Footpath Tabley Inferior 1/1 within the limits of deviation of Work No. 1/78	Footpath between points P2 and P3, over Work No. 1/78, between points P3 and P4, between points P5 and P6 and between points P6 and P7, over Work No. 1/78	45

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
Parishes of Pickmere and Tabley Inferior	Footpaths Pickmere 8/1 and Tabley Inferior 3/1 between points P1 (on Sheet No. 1-38) and P8 (on Sheet No. 1-39)	Footpath between points P1 (on Sheet No. 1-38) and P5 (on Sheet No. 1-39), between points P5 and P6, over Work No. 1/79, between points P6, P6A, P7 and P9 and between points P9 and P8, over Work No. 1/80 (part)	5  10
	Flittogate Lane between points P1 and P2	Work No. 1/83 and Work No. 1/84 (part)	
	Footpaths Pickmere 9/1 and Pickmere 9/2 between points P11, P10 and P13	Footpath between points P11 and P12, over Work No. 1/83, between points P12, P7 and P9, between points P9 and P13, over Work No. 1/80 (part), and between points P13 and P14	15  20
Parish of Pickmere	Pickmere Lane within the limits of deviation of Work No. 1/84	Work No. 1/84	
Parishes of Pickmere and Aston by Budworth	School Lane, Budworth Road and Frog Lane within the limits of deviation of Work No. 1/85	Work No. 1/85	25
Parishes of Tabley Superior and Mere	M6 Motorway within the limits of deviation of Work No. 1/93	Work No. 1/93	30
Parish of Tabley Superior	Restricted Byway Tabley Superior 4/1 / Hollowood Lane within the limits of deviation of Work No. 1/92	Restricted Byway over Work No. 1/92	
Parish of Mere	Bridleways Mere 1/2 and Mere 1/1 within the limits of deviation of Work No. 1/97	Bridleway between points P1 (on Sheet No. 1-43) and P1 (on Sheet No. 1-44), over Work No. 1/97	35
	Winterbottom Lane within the limits of deviation of Work No. 1/97B	Work No. 1/97B	40
	Hoo Green Lane between points P1 and P2	Work No. 1/104 and Work No. 1/106	
Parishes of Mere and High Legh	A50 Knutsford Road and A50 Warrington Road between points P5 and P6	Work No. 1/106	45
Parishes of Agden and High Legh	Peacock Lane and Chapel Lane between points P1 and P5 (on Sheet No. 1-47) and between points P2 (on Sheet No. 1-47) and P1 (on Sheet No. 1-48)	Work No. 1/111	50

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be provided in substitution</i>	
	Moss Lane and Agden Lane between Points P8 and P9	Work No. 1/118	5
Parish of Agden	Footpath Agden 2/4 between points P2 and P3 and Footpath Agden 1/2 between points P6 and P8	Footpath between points P8 and P7, between points P7, P6 and P5, over Work No. 1/122, and between points P5 and P4	10
Parish of Millington	Millington Lane within the limits of deviation of Work No. 1/130	Work No. 1/130	
	Footpath Millington 3/1 between points P1 and P2, Footpath Millington 3/3 between points P2 and P3 and Footpath Millington 5/2 between points P2 and P4	Footpath between points P1A and P5	15
	Footpath Millington 14/1 between points P10 (on Sheet No. 1-52) and P1 (on Sheet No. 1-53), Footpaths Millington 14/2 and Millington 7/4 between points P1 (on Sheet No. 1-53) and P7 (on Sheet No. 1-52), Footpath Millington 8/1 between points P6 and P7 (on Sheet No. 1-52) and Footpath Millington 7/2 between points P7 and P8 (on Sheet No. 1-52)	Footpath between points P8 and P9 (on Sheet No. 1-52) and between points P9 (on Sheet No. 1-52), P1 (on Sheet No. 1-53) and P10 (on Sheet No. 1-52), over Work No. 1/132	20 25 30
Parishes of Millington and Rostherne	A556 between points P5 and P6	Work No. 1/133	35
Parish of Rostherne	Footpath Rostherne 4/1 between points P2 (on Sheet No. 1-53) and P1 (on Sheet No. 1-55)	Footpath between points P3 and P4 and between points P4 and P8, over Work No. 1/134 (on Sheet No. 1-53)	
	Footpath Rostherne 5/1 between points P2 and P3	Footpath between points P2, P4 and P3	40
Parishes of Rostherne and Ashley	Footpath Ashley 3/1 between points P5, P6 (on Sheet No. 1-55) and P3 (on Sheet No. 1-56)	Footpath between points P4 and P4A, between points P4A and P4B, over Work No. 1/138A (on Sheet No. 1-55), between points P4B (on Sheet No. 1-55) and P4 (on Sheet No. 1-56) and between points P4 and P4A, over Work No. 1/142A (on Sheet No. 1-56)	45 50
Parish of Ashley	Ashley Road between points P1 and P2	Work No. 1/142	

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Mobberley Road within the limits of deviation	Work No. 1/144	5
	Footpaths Ashley 8/2 and Ashley 8/1 between points P8, P9 and P10, Footpaths Ashley 6/4 and Ashley 6/5 between points P9A and P11 and Footpath Ashley 8/1 between points P14 and P16	Footpath between points P8 and P10, Bridleway between points P14 and P13 and Footpath between points P13 and P11	10
	Lowerhouse Lane within Act limits	Work No. 1/144A	15
	Brickhill Lane between points P1 and P2	Work No. 2/3A and Work No. 2/3	
	Castle Mill Lane within the limits of deviation of Work No. 2/3	Work No. 2/3	20
	Footpath Ashley 10/1 between points P3 and P4	Footpath between points P4 and P5	
Greater Manchester City of Manchester Parish of Ringway	Footpath 12 (RINGWAY) between points P6 and P7	Footpath between points P6 and P8 and between points P8 and P8A, over Work No. 2/6C	25
	Sunbank Lane between points P11 and P12	Work No. 2/6	
	Footpath 11 (RINGWAY) between points P9 (on Sheet No. 2-01) and P1 (on Sheet No. 2-02)	Footpath between points P10 (on Sheet No. 2-01) and P1 (on Sheet No. 2-2)	30
	M56 J6 southbound on-slip and Runger Lane within the limits of deviation of Work No. 2/9G	Work No. 2/9G	35
	M56 J6 southbound off-slip within the limits of deviation of Work No. 2/9F	Work No. 2/9F	
	Sunbank Lane within the limits of deviation of Work No. 2/8	Work No. 2/8	40
	Sunbank Lane and A538 Wilmslow Road within the limits of deviation of Work No. 2/7	Work No. 2/7	45
City of Manchester Parish of Ringway and Metropolitan Borough of Trafford	A538 Hale Road and A538 Wilmslow Road within the limits of deviation of Work No. 2/9	Work No. 2/9	50

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>New highway to be provided in substitution</i>	
	Thorley Lane within the limits of deviation of Work No. 2/18	Work No. 2/18	5
Metropolitan Borough of Trafford	Footpath Hale 13 and Footpath 9 (RINGWAY) between points P2, P3 and P4	Footpath between points P2 and P5 and between points P5 and P5A, over Work No. 2/9A	10
	M56 J6 northbound off-slip within the limits of deviation of Work No. 2/9C	Work No. 2/9C	
	M56 J6 northbound on-slip within the limits of deviation of Work No. 2/9E	Work No. 2/9E	15
City of Manchester	A665 Midland Street between points P2 and P3	Work No. 2/26	
	A665 Chancellor Lane, Temperance Street, Higher Ardwick, Devonshire Street North between points P4 and P5 and the A665 Chancellor Lane between points P6 and P7	Work No. 2/24 (part)	20
	A635 Ashton Old Road, A665 Pin Mill Brow, A665 Great Ancoats Street between points P1 (on Sheet No. 2-19) and P2 (on Sheet No. 2-21)	Work No. 2-29	25
	A635 Fairfield Street between points P1 and P13 and the A635 Fairfield Street, Fairfield Street and North Western Street between points P1 and P3	Work No. 2/29, Work No. 2/31 and Work No. 2/24 (part)	30
	A635 Mancunian Way within the limits of deviation of Work No. 2/33	Work No. 2/33	35
	Hoyle Street, Rachel Street, River Street, Chapelfield Road and Temperance Street within the limits of deviation of Work No. 2/34	Work No. 2/34	40
	Helmet Street within Act limits	Work No. 2/37	45
	St Andrew's Square within Act limits	Work No. 2/41	

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Adair Street and Travis Street between points P1 (on Sheet No. 2-22) and P16 (on Sheet No. 2-21)	Work No. 2/43	5
	Travis Street between points P6 and P7 and North Western Street between points P8 and P9	Work No. 2/40	10
	A665 Great Ancoats Street within the limits of deviation of Work No. 2/44	Work No. 2/44	
	Chapelton Street and Congou Street within the limits of deviation of Work No. 2/48	Work No. 2/48	15
	Store Street between points P1 and P2	Work No. 2/51	20
	Ducie Street, the A6 London Road and the A6 Piccadilly within the limits of deviation of Work No. 2/54	Work No. 2/54	
County of Cheshire Borough of Warrington Parish of Lymm	Warrington Lane within the limits of deviation of Work No. 2/56	Work No. 2/56	25
	Spring Lane between points P5 and P6	Work No. 2/59	
	Wet Gate Lane between points P1, P2 and P3	Work No. 2/61	30
Greater Manchester Metropolitan Borough of Trafford Parish of Warburton	Footpath Warburton 3 between points P3 and P4	Footpath between points P3 and P4A, over Work No. 2/66, and between points P4A and P4	35
	A6144 Bent Lane, A6144 Paddock Lane and A6144 Warburton Lane within the limits of deviation of Work No. 2/68 and the A6144 Paddock Lane between points P1 and P2	Work No. 2/68	40
	A6144 Paddock Lane and Paddock Lane within the limits of deviation of Work No. 2/69	Work No. 2/69	45
	A6144 Paddock Lane, Dunham Road and the A6144 Warburton Lane within the limits of deviation of Work No. 2/67	Work No. 2/67	50

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be provided in substitution</i>	
	A6144 Warburton Lane within the limits of deviation of Work No. 2/68A	Work No. 2/68A	5
	Footpath Warburton 11 between points P1 and P2	Footpath between points P1 and P2	
County of Cheshire Borough of Warrington Parish of Rixton-with-Glazebrook	Footpath Rixton with Glazebrook 9 between points P1 and P2 and between points P3 and P4	Footpath between points P1, P1a and P2 and between points P3, P3a and P4	10
	Footpath Rixton with Glazebrook 9 between points P5, P6 and P7 and Footpath Rixton with Glazebrook 14 between points P6 and P8	Footpath between points P7, P5, P9 and P8	15
	Dam Lane and Dam Head Lane within the limits of deviation of Work No. 2/78	Work No. 2/78	20
	Dam Head Lane within limits of deviation of Work No. 2/79	Work No. 2/79	25
	Dam Head Lane and Bank Street within the limits of deviation of Work No. 2/80	Work No. 2/80	
Parishes of Croft and Culcheth and Glazebury and Town of Birchwood	M62 Motorway within the limits of deviation of Work No. 2/86	Work No. 2/86	30
Parish of Croft	Footpath Croft 13 between points P1, P3 (on Sheet No. 2-31), P2a, P2 and P3 (on Sheet No. 2-35), Footpath Croft 28 between points P1 and P2 (on Sheet No. 2-35) and Footpath Croft 27 between points P3 and P4 (on Sheet No. 2-35)	Footpath between points P1 (on Sheet No. 2-31) and P5A (on Sheet No. 2-35), over Work No. 2/89A (part), between points P5A and P5 (on Sheet No. 2-35), and between points P2, P4 (on Sheet No. 2-31), P1A and P1 (on Sheet No. 2-35)	35 40
	Footpath Croft 14a between points P7 and P7A	Footpath between points P7 and P7A, over Work No. 2/92A	
	Footpath Croft 15 between points P8, P9 (on Sheet No. 2-35) and P12 (on Sheet No. 2-36)	Footpath between points P8 and P10 (on Sheet No. 2-35) and between points P10, P11 (on Sheet No. 2-35) and P14A (on Sheet No. 2-36), over Work No. 2/92B	45
	Glaziers Lane between points P2A, P4 and P5	Work No. 2/93	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Footpath Croft 18 between points P13 and P14 (on Sheet No. 2-36), and Footpath Croft 17 between points P15 and P16 (on Sheet No. 2-36)	Footpath between points P15, P13 and P15A (on Sheet No. 2-36), over Work No. 2/92D	5
	Footpath Croft 19 between points P9 and P10	Footpath between points P10 and P11	10
Parishes of Croft and Culcheth and Glazebury	A574 Warrington Road within the limits of deviation of Works Nos. 2/92 and 2/92C and between points P2 and P3	Work No. 2/92 and Work No. 2/92C	15
	Wigshaw Lane and Mustard Lane between points P6 and P5 and Wigshaw Lane between points P20 and P21	Work No. 2/94	20
	Footpaths Culcheth and Glazebury 108 and Croft 108 between points P1, P2 and P3 (on Sheet No. 2-37) and Footpath Croft 8a between points P17 and P18 (on Sheet No. 2-36)	Footpath between points P1 (on Sheet No. 2-37) and P19 (on Sheet No. 2-36), between points P18 (on Sheet No. 2-36) and P4A (on Sheet No. 2-37), between points P4A and P4 (on Sheet No. 2-37), over Work No. 2/95, and between points P17 (on Sheet No. 2-36), P4 and P3 (on Sheet No. 2-37)	25 30
County of Cheshire, Borough of Warrington, Parish of Culcheth and Glazebury and Greater Manchester, Metropolitan Borough of Wigan	Wilton Lane within the limits of deviation of Work No. 2/96	Work No. 2/96	35
Greater Manchester Metropolitan Borough of Wigan	Footpath Golborne 80/10 between points P1, P1A and P2	Footpath between points P1 and P2	40
	A572 Newton Road between points P6 and P7	Work No. 2/102	
	Byrom Lane and Sandy Lane within the limits of deviation of Work No. 2/104	Work No. 2/104	45
	Footpath Golborne 63/10 between points P1 and P2	Footpath between points P1 and P2	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Footpath Golborne 39/10 between points P3 and P4 (on Sheet No. 2-40), Footpath Golborne 38/10 between points P4 and P5 (on Sheet No. 2-40), and Footpath Golborne 37/10 between points P4 (on Sheet No. 2-40) and P3 (on Sheet No. 2-41)	Footpath between points P3 (on Sheet No. 2-40), P3 and P4 (on Sheet No. 2-41)	5  10
	Slag Lane between points P1 and P2 and between points P10 and P11 and Byrom Lane between points P12 and P13	Work No. 2/106 and Work No. 2/106B	15
	Footpath Golborne 33/10 between points P7, P7A and P8	Footpath between points P7 and P8A, over Work No. 2/107A, between points P8A and P8B, over Work No. 2/107, and between points P8B and P8	20
	Footpath Golborne 40/10 between points P15 and P16	Footpath between points P15 and P16, over Work No. 2/106A	25
	Footpath Golborne 31/10 between points P9 (on Sheet No. 2-41) and P1 (on Sheet No. 2-42)	Footpath between points P9, P14 (on Sheet No. 2-41) and P1 (on Sheet No. 2-42)	30
	Footpath Golborne 30/10 between points P2 and P3	Footpath between points P3 and P4	
	Footpath Golborne 27/10 between points P5 and P4 (on Sheet No. 2-42)	Footpath between points P5 and P6 (on Sheet No. 2-42), over Work No. 2/109, and between points P6 (on Sheet No. 2-42), P1, P2 (on Sheet No. 2-43) and P7 (on Sheet No. 2-42)	35  40
	A573 Wigan Road and A573 Aye Bridge Road within the limits of deviation of Work Nos. 2/108, 2/108A, and 2/108F, and the A573 Wigan Road between points P3 and P4 (on Sheet No. 2-43)	Work Nos. 2/108, 2/108A and 2/108F	45
	Footpath Ashton-in-Makerfield 24/10 between points P5 and P6	Footpath between points P5 and P6	50
	Footpath Abram 02/10 between points P1, P8 and P2 and footpath not on the Definitive Map between points P7 and P8	Footpath between points P5 and P5a over Work No. 2/116A, and between points P5A and P3	55

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Footpath Ashton-in-Makerfield 22/30 between points P4 and P6	Footpath between points P4 and P5 (on Sheet No. 2-44), and between points P5 and P6 (on Sheet No. 2-44), over Work No. 2/117	5
	A58 Lily Lane, A58 Warrington Road and the A573 Warrington Road within the limits of deviation of Work No. 2/119	Work No. 2/119	10
Dumfries and Galloway Community Council Area of Kirkpatrick Fleming and District	B7076 within the limits of deviation of Work No. 2/130	Work No. 2/130	15

**NOTE:** References in column (3) of table 2 to a footpath or bridleway include any highway over which members of the public have, or are to have, a right of way on foot and (in the case of a bridleway) on horseback or leading a horse, whether or not with any other public rights of way. 20

**TABLE 3**

(1) Area	(2) Right of way which may be provided	
County of Cheshire Borough of Cheshire West & Cheshire Parish of Lach Dennis	New footpath between points P5 and P6	25
Borough of Cheshire East Parish of Ashley	New footpath over Work No. 1/63D and between points P1 and P2	30
Borough of Warrington Parish of Rixton-with-Glazebrook	New bridleway between points P12, P13, P14 and P15	
Parish of Croft	New footpath between points P5 and P6	35
Parish of Croft	New footpath between points P7 and P8	
Borough of Warrington Parish of Rixton-with-Glazebrook	Footpath between points P3 and P2	40
Parish of Croft	Footpath between points P6 and P7	
Parish of Croft	Footpath between points P12 (on Sheet No. 2-35) and P12 (on Sheet No. 2-36)	

**TABLE 4**

<i>(1)</i> Area	<i>(2)</i> Highway or part to be stopped up	<i>(3)</i> Extent of temporary stopping up	
County of Cheshire Borough of Cheshire East Parish of Chorlton	Newcastle Road	Within Act limits	5
	Footpath Chorlton 17/1	Within Act limits	
	Casey Lane	Within Act limits	
	Back Lane	Within Act limits	10
Parish of Basford	Casey Lane	Within Act limits	
	Footpath Basford 5/1	Within Act limits	
	Weston Lane	Within Act limits	
	A500 Shavington Bypass	Within Act limits	
Parish of Shavington cum Gresty	A500 Shavington Bypass	Within Act limits	15
	B5071 Link Road	Within Act limits	
Parish of Weston	A5020 David Whitby Way	Within Act limits	
	A500 Shavington Bypass	Within Act limits	
Town of Crewe	A5020 David Whitby Way	Within Act limits	20
	A5020 University Way	Within Act limits	
	A532 Weston Road	Within Act limits	
	Savoy Road	Within Act limits	
	Footpath Crewe 25/1	Within Act limits	
	Cowley Way	Within Act limits	25
	Gresty Road	Within Act limits	
	Weston Close	Within Act limits	
	A534 Nantwich Road	Within Act limits	
	Tommy's Lane	Within Act limits	
	A534 Crewe Road	Within Act limits	30
	A532 Macon Way	Within Act limits	
	Middlewich Street	Within Act limits	
	Audley Street	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Ridgway Street	Within Act limits	
	North Street	Within Act limits	5
	Broughton Road	Within Act limits	
	Bradfield Road	Within Act limits	
	Underwood Lane	Within Act limits	
	Badger Avenue	Within Act limits	
	Frank Webb Avenue	Within Act limits	10
	Pyms Lane	Within Act limits	
	Parkers Road	Within Act limits	
	Footpath Crewe 13/1	Within Act limits	
	Footpath Crewe 29/1	Within Act limits	
	Footpath Crewe 28/1	Within Act limits	15
	Warmingham Road	Within Act limits	
	Groby Road	Within Act limits	
	Remer Street	Within Act limits	
	Maw Green Road	Within Act limits	
	Sydney Road	Within Act limits	20
	Elm Drive	Within Act limits	
Parish of Woolstanwood	Pyms Lane	Within Act limits	
	A530 Middlewich Road	Within Act limits	
Parish of Stapeley	Newcastle Road	Within Act limits	
	A500 Shavington Bypass	Within Act limits	25
	A51 Newcastle Road	Within Act limits	
	A51 Nantwich Bypass	Within Act limits	
	Cheerbrook Road	Within Act limits	
Parish of Willaston	A51 Nantwich Bypass	Within Act limits	
	Crewe Road	Within Act limits	30
Town of Nantwich	A51 Middlewich Road	Within Act limits	
	A530 Middlewich Road	Within Act limits	
	A51 Nantwich Bypass	Within Act limits	
	Middlewich Road	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
Parish of Leighton	Parkers Road	Within Act limits	
	Footpath Crewe 12/2	Within Act limits	5
	Footpath Crewe 12/1	Within Act limits	
	Footpath Minshull Vernon 17/1	Within Act limits	
	Moss Lane	Within Act limits	
	Footpath Leighton 7/1	Within Act limits	10
Parish of Warmingham	Footpath Warmingham 16/2	Within Act limits	
	Footpath Warmingham 16/1	Within Act limits	
	Warmingham Road	Within Act limits	15
	Footpath Warmingham 7/1	Within Act limits	
	Footpath Warmingham 13/1	Within Act limits	
Parish of Minshull Vernon	Footpath Minshull Vernon 2/1	Within Act limits	20
	Footpath Minshull Vernon 12/1	Within Act limits	
	A530 Middlewich Road	Within Act limits	
	Footpath Minshull Vernon 12/2	Within Act limits	25
	Footpath Minshull Vernon 8/1	Within Act limits	
	Footpath Minshull Vernon 12/3	Within Act limits	
	Footpath not on Definitive Map (on Sheet No. 1-16)	Within Act limits	30
	Footpath Minshull Vernon 13/1	Within Act limits	
	A530 Nantwich Road	Within Act limits	
Town of Middlewich	A54 Chester Road	Within Act limits	35
	A530 Newton Bank	Within Act limits	
	A54 St Michael's Way	Within Act limits	
	A54 Kinderton Street	Within Act limits	
	Brooks Lane	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	A54 Holmes Chapel Road	Within Act limits	
	Centurian Way	Within Act limits	5
Parish of Plumley	Linnards Lane	Within Act limits	
	A556 Chester Road	Within Act limits	
	Footpath Plumley 15/2	Within Act limits	
	Footpath Plumley 15/1	Within Act limits	
Parish of Tabley Inferior	A556 Chester Road	Within Act limits	10
	Footpath Tabley Inferior 1/1	Within Act limits	
	Flittogate Lane	Within Act limits	
	Pickmere Lane	Within Act limits	
	Footpath Tabley Inferior 3/1	Within Act limits	15
	Footpath Tabley Inferior 4/1	Within Act limits	
Parish of Pickmere	Footpath Pickmere 8/1	Within Act limits	
	Pickmere Lane	Within Act limits	20
	School Lane	Within Act limits	
	Frog Lane	Within Act limits	
	Footpath Pickmere 9/1	Within Act limits	
	Flittogate Lane	Within Act limits	
	Footpath Pickmere 9/2	Within Act limits	25
	Budworth Road	Within Act limits	
	Footpath Pickmere 4/1	Within Act limits	
Parish of Aston By Budworth	Budworth Road	Within Act limits	
	Frog Lane	Within Act limits	30
	Feldy Green Lane	Within Act limits	
	Bridleway Aston By Budworth 17/1	Within Act limits	
	Footpath Aston By Budworth 10/1	Within Act limits	35
	Colliers Lane	Within Act limits	
	M6 Motorway	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
Parish of Tabley Superior	Pickmere Lane	Within Act limits	
	Budworth Road	Within Act limits	5
	Heyrose Lane	Within Act limits	
	Restricted Byway Tabley Superior 4/1	Within Act limits	
	Restricted Byway Tabley Superior 4/2	Within Act limits	10
	Restricted Byway Tabley Superior 4/3	Within Act limits	
	Footpath Tabley Superior 10/1	Within Act limits	
	M6 Motorway	Within Act limits	15
	Old Hall Lane	Within Act limits	
	Hollowood Lane	Within Act limits	
	A556 Chester Road	Within Act limits	
	Tabley Hill Lane	Within Act limits	
	M6 J19 Northbound Onslip	Within Act limits	20
	M6 J19 Northbound Offslip	Within Act limits	
Parish of Mere	M6 Motorway	Within Act limits	
	Restricted Byway Mere 2/1	Within Act limits	
	Bridleway Mere 1/1	Within Act limits	
	Bridleway Mere 1/2	Within Act limits	25
	Bentleyhurst Lane	Within Act limits	
	Winterbottom Lane	Within Act limits	
	Hoo Green Lane	Within Act limits	
	A50 Knutsford Road	Within Act limits	
	Bucklow Hill Lane	Within Act limits	30
	Hulse Heath Lane	Within Act limits	
	Bowden View Lane	Within Act limits	
	Wrenshot Lane	Within Act limits	
	A50 Warrington Road	Within Act limits	
	Chester Road	Within Act limits	35
	Chapel Lane	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	A556	Within Act limits	
Parish of High Legh	Wrenshot Lane	Within Act limits	5
	Peacock Lane	Within Act limits	
	Back Lane	Within Act limits	
	Moss Lane	Within Act limits	
	West Lane	Within Act limits	
	M56 Motorway	Within Act limits	10
	Agden Lane	Within Act limits	
Parish of Millington	Thowler Lane	Within Act limits	
	Back Lane	Within Act limits	
	Boothbank Lane	Within Act limits	
	Agden Lane	Within Act limits	15
	Chapel Lane	Within Act limits	
	Footpath Millington 2/1	Within Act limits	
	Footpath Millington 3/2	Within Act limits	
	Footpath Millington 3/4	Within Act limits	
	Footpath Millington 13/1	Within Act limits	20
	Reddy Lane	Within Act limits	
	Millington Lane	Within Act limits	
	Millington Hall Lane	Within Act limits	
	Footpath Millington 3/1	Within Act limits	
	Footpath Millington 3/3	Within Act limits	25
	Footpath Millington 4/1	Within Act limits	
	Footpath Millington 4/2	Within Act limits	
	Footpath Millington 5/1	Within Act limits	
	Footpath Millington 5/2	Within Act limits	
	Footpath Millington 7/2	Within Act limits	30
	Footpath Millington 8/1	Within Act limits	
	Footpath Millington 7/4	Within Act limits	
Footpath Millington 14/1	Within Act limits		
A556	Within Act limits		

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Footpath Millington 6/2	Within Act limits	
	Footpath Millington 14/2	Within Act limits	5
Parish of Agden	Agden Lane	Within Act limits	
	Moss Lane	Within Act limits	
	M56 Motorway	Within Act limits	
	Footpath Agden 4/1	Within Act limits	
	Footpath Agden 2/3	Within Act limits	10
	Footpath Agden 2/4	Within Act limits	
	Footpath Agden 3/3	Within Act limits	
	Footpath Agden 1/1	Within Act limits	
	Footpath Agden 1/2	Within Act limits	
	A56 Lymm Road	Within Act limits	15
	Smithy Lane	Within Act limits	
	Warrington Lane	Within Act limits	
	Boothbank Lane	Within Act limits	
	Footpath Agden 1/4	Within Act limits	
	Footpath Agden 1/3	Within Act limits	20
	Footpath Agden 5/1	Within Act limits	
Parish of Rostherne	Chester Road	Within Act limits	
	A556	Within Act limits	
	M56 Motorway	Within Act limits	
	Tom Lane	Within Act limits	25
	Cycle track on Yarwood Heath Lane	Within Act limits	
	Cherry Tree Lane	Within Act limits	
	Footpath Rostherne 4/1	Within Act limits	
	A56 Dunham Road	Within Act limits	30
	M56 Motorway J7 off slip	Within Act limits	
	Footpath Rostherne 9/1	Within Act limits	
	Footpath Rostherne 14/1	Within Act limits	
	Birkinheath Lane	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Footpath Rostherne 5/1	Within Act limits	
	Ashley Road	Within Act limits	5
Parish of Little Bollington	Footpath Little Bollington 5/1	Within Act limits	
	A56 Lymm Road	Within Act limits	
	A56 Dunham Road	Within Act limits	
Parish of Ashley	M56 Motorway	Within Act limits	10
	Footpath Ashley 1/2	Within Act limits	
	Footpath Ashley 2/1	Within Act limits	
	Footpath Ashley 2/3	Within Act limits	
	Footpath Ashley 2/4	Within Act limits	
	Footpath Ashley 3/1	Within Act limits	15
	Restricted Byway Ashley 21/1	Within Act limits	
	Lamb Lane	Within Act limits	
	Lowerhouse Lane	Within Act limits	
	Mobberley Road	Within Act limits	20
	Ashley Road	Within Act limits	
	Footpath Ashley 6/1	Within Act limits	
	Footpath Ashley 6/3	Within Act limits	
	Footpath Ashley 6/4	Within Act limits	
	Footpath Ashley 6/5	Within Act limits and between points T1 and P11	25
	Footpath Ashley 6/6	Within Act limits	
	Footpath Ashley 7/1	Within Act limits	
	Footpath Ashley 8/1	Within Act limits	
	Footpath Ashley 8/2	Within Act limits	30
	Ashley Mill Lane	Within Act limits	
	Footpath Ashley 5/1	Within Act limits	
	Footpath Ashley 5/2	Within Act limits	
	Tanyard Lane	Within Act limits	
	Castle Mill Lane	Within Act limits	35

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Back Lane	Within Act limits	
	Footpath Ashley 20/1	Within Act limits	5
	Brickhill Lane	Within Act limits	
	Mill Lane	Within Act limits	
	Footpath Ashley 10/1	Within Act limits	
	Footpath Ashley 13/1	Within Act limits	
	Footpath Ashley 15/1	Within Act limits	10
Parish of Mobberley	Footpath Mobberley 70/1	Within Act limits	
	Breach House Lane	Within Act limits	
	Mobberley Road	Within Act limits	
	Pepper Street	Within Act limits and between points T1 and T2	15
	Footpath Mobberley 69/1	Within Act limits	
	Small Lane	Within Act limits	
	Wood Lane	Within Act limits	
	Footpath Mobberley 68/2	Within Act limits	
Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	A530 Nantwich Road	Within Act limits	20
	Footpath Wimboldsley 5/2	Within Act limits	
	Footpath Wimboldsley 1/1	Within Act limits	25
	Clive Green Lane	Within Act limits	
	Coal Pit Lane	Within Act limits	
	Footpath Stanthorne 3/1	Within Act limits	
	Footpath Stanthorne 3/2	Within Act limits	
	Footpath Wimboldsley 9/1	Within Act limits	30
	Footpath Wimboldsley 9/3	Within Act limits	
	Footpath Wimboldsley 1/2	Within Act limits	
	Birch Lane	Within Act limits	
	A54 Middlewich Road	Within Act limits	
	Bell Lane	Within Act limits	35
	A533 Northwich Road	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Footpath Stanthorne 1/1	Within Act limits	
	A54 Chester Road	Within Act limits	5
Parish of Winsford	Footpath Winsford 3/1	Within Act limits	
	A533 Northwich Road	Within Act limits	
	Clive Green Lane	Within Act limits	
	Clive Back Lane	Within Act limits	
	Footpath Winsford 49/1	Within Act limits	10
	Footpath Winsford 3/4	Within Act limits	
	A54 Middlewich Road	Within Act limits	
	Road One	Within Act limits	
	Footpath Winsford 37/1	Within Act limits	
Parish of Sproston	A54 Holmes Chapel Road	Within Act limits	15
	Centurian Way	Within Act limits	
	Byley Road	Within Act limits	
Parish of Byley	A530 Croxton Lane	Within Act limits	
	Footpath Byley 3/1	Within Act limits	
	Byley Road	Within Act limits	20
Parish of Davenham	Footpath Davenham 6/1	Within Act limits	
	Whatcroft Hall Lane	Within Act limits	
	Footpath Davenham 6X/2	Within Act limits	
	Old Lane	Within Act limits	
	Footpath Rudheath 10/1	Within Act limits	25
	Davenham Road	Within Act limits	
	A530 King Street	Within Act limits	
	Manor Lane	Within Act limits	
Parish of Lach Dennis	A530 King Street	Within Act limits	
	Crowders Lane	Within Act limits	30
	A556 Shurlach Road	Within Act limits	
	Pennys Lane	Within Act limits	
	Davenham Road	Within Act limits	
	Cookes Lane	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Footpath Lach Dennis 3X/1	Within Act limits	
	Footpath Lach Dennis 3X/2	Within Act limits	5
	A530 Griffiths Road	Within Act limits	
	Footpath Lostock Gralam 3/1	Within Act limits	
	Village Close	Within Act limits	
	Birches Lane	Within Act limits	10
	Restricted Byway Lostock Gralam 1/1	Within Act limits	
	Footpath Lostock Gralam 4/2	Within Act limits	
	Footpath Lostock Gralam 7/1	Within Act limits	15
	Restricted Byway Lostock Gralam 1/2	Within Act limits	
	Footpath Lostock Gralam 14/3	Within Act limits	20
	Footpath Lostock Gralam 14/5	Within Act limits	
	Footpath Lostock Gralam 14/1	Within Act limits	
	Footpath Lostock Gralam 14/2	Within Act limits	25
	Footpath Lostock Gralam 14/6	Within Act limits	
	Footpath Lostock Gralam 2/1	Within Act limits	30
	Footpath Lostock Gralam 3/1	Within Act limits	
	Hangmans Lane	Within Act limits	
	Hulse Lane	Within Act limits	
	Footpath Lostock Gralam 4/1	Within Act limits	35
	Footpath Lostock Gralam 10/1	Within Act limits	
	Marsh Lane	Within Act limits	
	Holmes Chapel Road	Within Act limits	40

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up		
	Footpath Lostock Gralam 7/1	Within Act limits	5	
	Footpath Lostock Gralam 8/2	Within Act limits		
	A556 Chester Road	Within Act limits		
Parish of Rudheath	A530 King Street	Within Act limits	10	
	A556 Shurlach Road	Within Act limits		
	Pennys Lane	Within Act limits		
	Footpath Rudheath 3/4	Within Act limits		
	A530 Griffiths Road	Within Act limits		
Parish of Lostock Gralam	A559 Manchester Road	Within Act limits	15	
	A556 Shurlach Road	Within Act limits		
	Footpath Lostock Gralam 14/2	Within Act limits		
	Stubbs Lane	Within Act limits		
	A556 Chester Road	Within Act limits		
Parish of Wincham	Linnards Lane	Within Act limits	20	
Greater Manchester City of Manchester Parish of Ringway	M56 Motorway	Within Act limits	25	
	M56 J6 southbound on-slip	Within Act limits		
	M56 J6 southbound off-slip	Within Act limits		
	Sunbank Lane	Within Act limits		
	Mill Lane	Within Act limits		
	Footpath 11 (RINGWAY)	Within Act limits		
	Footpath 12 (RINGWAY)	Within Act limits		
	Footpath 13 (RINGWAY)	Within Act limits		30
	Footpath 14 (RINGWAY)	Within Act limits		
	Footpath Hale 10	Within Act limits		
	Runger Lane	Within Act limits		
	A538 Wilmslow Road	Within Act limits		
	Hasty Lane	Within Act limits		35
	Footpath 7 (RINGWAY)	Within Act limits		

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Footpath 8 (RINGWAY)	Within Act limits	
	Footpath 9 (RINGWAY)	Within Act limits	5
	Footpath 10 (RINGWAY)	Within Act limits	
	Thorley Lane	Within Act limits	
	Sydney Avenue	Within Act limits	
	Enterprise Way	Within Act limits	
Greater Manchester City of Manchester	Enterprise Way	Within Act limits	10
	Footpath 259	Within Act limits	
	Ringway Road	Within Act limits	
	Ringway Road West	Within Act limits	
	Styal Road	Within Act limits	15
	Footpath 250	Within Act limits	
	Footpath 253	Within Act limits	
	Kennett Road	Within Act limits	
	Simonsway	Within Act limits	
	Falkirk Walk	Within Act limits	20
	Rowarth Road	Within Act limits	
	Footpath 260	Within Act limits	
	Greenwood Road	Within Act limits	
	A560 Altrincham Road	Within Act limits	
	Altrincham Road	Within Act limits	25
	Roundwood Road	Within Act limits	
	Palatine Road	Within Act limits	
	Footpath 211	Within Act limits	
	Footpath 212	Within Act limits	
	Footpath 139	Within Act limits	30
	Wilmslow Road	Within Act limits	
	Tatton Grove	Within Act limits	
	Marriott Street	Within Act limits	
	A34 Birchfields Road	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Rondin Road	Within Act limits	
	Blind Lane	Within Act limits	5
	Dainton Street	Within Act limits	
	Tonge Street	Within Act limits	
	A665 Chancellor Lane	Within Act limits	
	A665 Midland Street	Within Act limits	
	Handsworth Street	Within Act limits	10
	Dark Lane	Within Act limits	
	William Street	Within Act limits	
	Hooper Street	Within Act limits	
	Glenbarry Street	Within Act limits	
	Pittbrook Street	Within Act limits	15
	Temperance Street	Within Act limits	
	Higher Ardwick	Within Act limits	
	Devonshire Street North	Within Act limits	
	North Western Street	Within Act limits	
	A635 Ashton Old Road	Within Act limits	20
	Limebank Street	Within Act limits	
	A635 Fairfield Street	Within Act limits	
	Gable Street	Within Act limits	
	Stainforth Street	Within Act limits	
	Gorton Road	Within Act limits	25
	Union Street	Within Act limits	
	Fairfield Street	Within Act limits	
	A635 Mancunian Way	Within Act limits	
	Blackett Street	Within Act limits	
	A665 Pin Mill Brow	Within Act limits	30
	A665 Great Ancoats Street	Within Act limits	
	Palmerston Street	Within Act limits	
	Raven Street	Within Act limits	
	Elbe Street	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Helmet Street	Within Act limits	
	Coronation Square	Within Act limits	5
	Crane Street	Within Act limits	
	Mill Green Street	Within Act limits	
	Cresbury Street	Within Act limits	
	Adlington Street	Within Act limits	
	St Andrews Street	Within Act limits	10
	St Andrews Square	Within Act limits	
	Hoyle Street	Within Act limits	
	River Street	Within Act limits	
	Rachel Street	Within Act limits	
	Chapelfield Road	Within Act limits	15
	Adair Street	Within Act limits	
	Giddings Road	Within Act limits	
	Travis Street	Within Act limits	
	North Western Street	Within Act limits	
	Neild Street	Within Act limits	20
	Baring Street	Within Act limits	
	Sheffield Street	Within Act limits	
	Betley Street	Within Act limits	
	Heyrod Street	Within Act limits	
	Churchgate Buildings	Within Act limits	25
	Longacre Street	Within Act limits	
	Portugal Street East	Within Act limits	
	Baird Street	Within Act limits	
	Congou Street	Within Act limits	
	Chapelton Street	Within Act limits	30
	Every Street	Within Act limits	
	Isaac Way	Within Act limits	
	Great Street	Within Act limits	
	Norton Street	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	A662 Pollard Street	Within Act limits	
	Boond Street	Within Act limits	5
	Munday Street	Within Act limits	
	Councillor Street	Within Act limits	
	A662 Ashton New Road	Within Act limits	
	A6010 Alan Turing Way	Within Act limits	
	Gibbon Street	Within Act limits	10
	Stuart Street	Within Act limits	
	A6 London Road	Within Act limits	
	A6 Piccadilly	Within Act limits	
	A6 Whitworth Street	Within Act limits	
	Ducie Street	Within Act limits	15
	Dale Street	Within Act limits	
	Jutland Street	Within Act limits	
	Store Street	Within Act limits	
	Sparkle Street	Within Act limits	
	Boad Street	Within Act limits	20
	A6 Portland Street	Within Act limits	
	A57(M) Mancunian Way	Within Act limits	
	Mancunian Way	Within Act limits	
	A6 Downing Street	Within Act limits	
	Grosvenor Street	Within Act limits	25
	Wadeson Road	Within Act limits	
	Lockton Close	Within Act limits	
	Comet Street	Within Act limits	
	Old Mill Street	Within Act limits	
	A62 Newton Street	Within Act limits	30
Metropolitan Borough of Trafford	Footpath Bowdon 17	Within Act limits	
	Footpath Bowdon 18	Within Act limits	
	Chapel Lane	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	M56 Motorway	Within Act limits	
	M56 J6 northbound on-slip	Within Act limits	5
	M56 J6 northbound off-slip	Within Act limits	
	A538 Wilmslow Road	Within Act limits	
	A538 Hale Road	Within Act limits	
	High Elm Road	Within Act limits	
	Burnside	Within Act limits	10
	Hasty Lane	Within Act limits	
	Footpath Hale 12	Within Act limits	
	Footpath Hale 13	Within Act limits	
	Footpath Hale 16	Within Act limits	
	Shay Lane	Within Act limits	15
	Roaring Gate Lane	Within Act limits	
	Thorley Lane	Within Act limits	
Metropolitan Borough of Trafford Parish of Warburton	National Cycle Route 62	Within Act limits	20
	Footpath not on Definitive Map (on Sheet No. 2-27)	Within Act limits	
	Footpath Warburton 3	Within Act limits	
	A6144 Bent Lane	Within Act limits	
	Paddock Lane	Within Act limits	25
	A6144 Paddock Lane	Within Act limits	
	Dunham Road	Within Act limits	
	A6144 Warburton Lane	Within Act limits	
	Footpath Warburton 11	Within Act limits	
Parish of Partington	Bridleway Partington 6	Within Act limits	30
County of Cheshire Borough of Warrington Parish of Lymm	Agden Lane	Within Act limits	
	Warrington Lane	Within Act limits	
	Footpath Lymm 33/1	Within Act limits	35
	Footpath Lymm 43/3	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Spring Lane	Within Act limits	
	Wet Gate Lane	Within Act limits	5
	Bradshaw Lane	Within Act limits	
	Mill Lane	Within Act limits	
	A6144 Mill Lane	Within Act limits	
	Burford Lane	Within Act limits	
	Footpath Lymm 37	Within Act limits	10
Parish of Rixton-with-Glazebrook	A57 Manchester Road	Within Act limits	
	Glazebrook Lane	Within Act limits	
	Manchester Road	Within Act limits	
	Dam Lane	Within Act limits	15
	Footpath Rixton with Glazebrook 7	Within Act limits	
	Footpath Rixton with Glazebrook 8	Within Act limits	
	Footpath Rixton with Glazebrook 9	Within Act limits	20
	Footpath Rixton with Glazebrook 14	Within Act limits	
	Dam Head Lane	Within Act limits	
	Bank Street	Within Act limits	25
Town of Birchwood	Footpath Birchwood 25/1	Within Act limits	
	M62 Motorway	Within Act limits	
	M62 J11 Westbound Off Slip	Within Act limits	
	A574 Birchwood Way	Within Act limits	
	Birchwood Way	Within Act limits	30
	Daten Avenue	Within Act limits	
	Leacroft Road	Within Act limits	
	Clayton Road	Within Act limits	
	Risley Road	Within Act limits	
	Birchwood Park Avenue	Within Act limits	35
	A574 Warrington Road	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Faraday Street	Within Act limits	
	Temple Court Road	Within Act limits	5
Parish of Culcheth and Glazebury	M62 Motorway	Within Act limits	
	Footpath Culcheth and Glazebury 145	Within Act limits	
	A574 Warrington Road	Within Act limits	10
	Wigshaw Lane	Within Act limits	
	Footpath Culcheth and Glazebury 108	Within Act limits	
	Culcheth Linear Park permissive bridleway (not on Definitive Map)	Within Act limits	15
	Wilton Lane	Within Act limits	
	Footpath Culcheth and Glazebury 72	Within Act limits	
	Footpath Golborne 72/10	Within Act limits	20
Parish of Croft	M62 Motorway	Within Act limits	
	M62 J11 Eastbound On Slip	Within Act limits	
	Footpath Croft 13	Within Act limits	
	Birchwood Way	Within Act limits	
	Footpath Croft 27	Within Act limits	25
	Footpath Croft 28	Within Act limits	
	Footpath Croft 17	Within Act limits	
	Footpath Croft 15	Within Act limits	
	Footpath Croft 26	Within Act limits	
	Footpath Croft 14a	Within Act limits	30
	A574 Warrington Road	Within Act limits	
	Footpath Croft 18	Within Act limits	
	Glaziers Lane	Within Act limits	
	Footpath Croft 19	Within Act limits	
	Wigshaw Lane	Within Act limits	35
	Footpath Croft 8	Within Act limits	
Mustard Lane	Within Act limits		

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Footpath Croft 9	Within Act limits	
	Footpath Croft 8a	Within Act limits	5
	Footpath Croft 108	Within Act limits	
	Kenyon Lane	Within Act limits	
	Culcheth Linear Park permissive bridleway (not on Definitive Map)	Within Act limits	10
Greater Manchester Metropolitan Borough of Salford	Footpath Irlam 2	Within Act limits	
	Footpath Irlam 6	Within Act limits	
	Footpath Irlam 10	Within Act limits	15
	Footpath Irlam 11	Within Act limits	
Greater Manchester Metropolitan Borough of Wigan	Wilton Lane	Within Act limits	
	Kenyon Lane	Within Act limits	20
	Footpath Golborne 80/10	Within Act limits	
	Footpath Golborne 79/10	Within Act limits	
	A580 East Lancashire Road	Within Act limits	
	Footpath Golborne 77/10	Within Act limits	
	Footpath Golborne 78/10	Within Act limits	25
	Footpath Golborne 70/10	Within Act limits	
	Rowan Avenue	Within Act limits	
	A572 Newton Road	Within Act limits	
	Hesketh Meadow Lane	Within Act limits	
	Enterprise Way	Within Act limits	30
	Pocket Nook Lane	Within Act limits	
	Carr Lane	Within Act limits	
	Brancaster Drive	Within Act limits	
	Sandy Lane	Within Act limits	
	Byrom Lane	Within Act limits	35
	Footpath Golborne 63/10	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
	Footpath Golborne 51/10	Within Act limits	
	Footpath Golborne 45/10	Within Act limits	5
	Footpath Golborne 39/10	Within Act limits	
	Footpath Golborne 37/10	Within Act limits	
	Footpath Golborne 38/10	Within Act limits	
	Footpath Golborne 41/10	Within Act limits	
	Footpath Golborne 42/10	Within Act limits	10
	Footpath Golborne 35/10	Within Act limits	
	Footpath Golborne 37/10	Within Act limits	
	Footpath Golborne 34/10	Within Act limits	
	Footpath Golborne 40/10	Within Act limits	
	Slag Lane	Within Act limits	15
	Footpath Golborne 33/10	Within Act limits	
	Footpath Golborne 31/10	Within Act limits	
	A573 Bridge Street	Within Act limits	
	Footpath not on Definitive Map (Along Lightshaw Lane) (on Sheet No. 2-42)	Stopped up between points T1 and T2 (on Sheet No. 2-42)	20
	Footpath Golborne 28/10	Within Act limits, and between points T1 and T2 (on Sheet No. 2-42)	
	Footpath Golborne 27/10	Within Act limits	25
	Footpath Golborne 30/10	Within Act limits	
	A573 Wigan Road	Within Act limits	
	Footpath Golborne 03/10	Within Act limits	
	A573 Aye Bridge Road	Within Act limits	
	Footpath Ashton-in-Makerfield 25/20	Within Act limits	30
	Footpath Ashton-in-Makerfield 24/10	Within Act limits	
	Footpath Ashton-in-Makerfield 28/10	Within Act limits	35
	Footpath Golborne 02/10	Within Act limits	
	Footpath Golborne 04/10	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Edge Green Road	Within Act limits	
	Footpath Ashton-in-Makerfield 22/30	Within Act limits	5
	Footpath Ashton-in-Makerfield 23/20	Within Act limits	
	Footpath Ashton-in-Makerfield 22/20	Within Act limits	10
	Footpath Abram 01/10	Within Act limits	
	Footpath Abram 02/10	Within Act limits	
	Epsom Drive	Within Act limits	
	Furlong Close	Within Act limits	
	A58 Lily Lane	Within Act limits	15
	Footpath Abram 40/10	Within Act limits	
	Winstanley Road	Within Act limits	
	Footpath not on Definitive Map (on Sheet No. 2-44)	Within Act limits	
	A58 Warrington Road	Within Act limits	20
	A573 Warrington Road	Within Act limits	
County of Lancashire City of Preston	Butler Street	Within Act limits	
	Fishergate	Within Act limits	
	Christian Road	Within Act limits	25
	Fishergate Hill	Within Act limits	
County of Cumbria City of Carlisle	Water Street	Within Act limits	
	South George Street	Within Act limits	
	South John Street	Within Act limits	30
Dumfries and Galloway Community Council Area of Springfield and Gretna Green	C65A	Within Act limits	
Dumfries and Galloway Community Council Area of Kirkpatrick Fleming and District	B7076	Within Act limits	35
	U197A	Within Act limits	

## SCHEDULE 6

Section 4(2)

## ACQUISITION OF LAND FOR PARTICULAR PURPOSES

The purposes for which land specified in the following table may be acquired under section 4(1) include (but are not limited to) the purpose specified in relation to that land in the third column of the table.

5

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
County of Cheshire Borough of Cheshire East Parish of Chorlton	2 to 7	Worksite and access for construction	10
Parish of Basford	2, 5	Worksite and access for construction	
	3	Utility works Worksite and access for construction	15
	6	Provision of environmental mitigation works Worksite and access for construction	
	7	Provision of environmental mitigation works Utility works Worksite and access for construction	20
Town of Crewe	7 to 9, 13, 35, 36, 54, 440, 441, 453, 464, 469, 471	Utility works Worksite and access for construction	
	42, 45, 50, 65, 449	Worksite and access for construction	25
	436, 444, 447, 451, 461, 463	Provision of environmental mitigation works Worksite and access for construction	
	456, 468	Provision of environmental mitigation works Utility works Worksite and access for construction	30
	465	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	35
	473	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	40 45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	475	Provision of environmental mitigation works	
	477	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	5
Parish of Woolstanwood	1 to 3, 5	Utility works Worksite and access for construction	10
Parish of Leighton	2	Worksite and access for construction	
	6, 7	Utility works Worksite and access for construction	
	9	Provision of railway infrastructure and access Provision of environmental mitigation works Provision of a new public right of way	15
	10	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	20
	17	Provision of environmental mitigation works Provision of a new public right of way	25
Parish of Warmingham	2	Provision of environmental mitigation works Utility works Worksite and access for construction	30
	5	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	35
	25	Provision of railway infrastructure and access	40
Parish of Minshull Vernon	7, 11, 34, 39, 65	Utility works Worksite and access for construction	
	12, 26, 38, 63	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	16, 17, 33, 50	Worksite and access for construction	
	19, 57, 61	Provision of environmental mitigation works Worksite and access for construction	5
	21, 23, 52, 71	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	10
	24	Provision of railway infrastructure and access Utility works Worksite and access for construction	15
	30, 31, 55	Provision of railway infrastructure and access	
	37, 51, 53	Provision of railway infrastructure and access Worksite and access for construction	20
	54	Provision of railway infrastructure and access Utility works Worksite and access for construction Provision of a new public right of way	25
	58, 76	Provision of environmental mitigation works	
	62	Provision of railway infrastructure and access	
	66	Utility works Provision of environmental mitigation works Utility works Worksite and access for construction	30
	75	Provision of environmental mitigation works Works to watercourses	35
Parish of Cranage	1 to 9	Borrow pit	
Parish of Plumley	3, 6, 9, 22, 28	Provision of environmental mitigation works	40
	16	Provision of railway infrastructure and access Worksite and access for construction	
	21	Provision of environmental mitigation works Worksite and access for construction	45
	26	Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
Parish of Tabley Inferior	3, 19	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	5
	4	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	10
	6	Provision of railway infrastructure and access	15
	7, 23	Worksite and access for construction	
	15, 18	Provision of railway infrastructure and access Utility work Worksite and access for construction	20
	20	Provision of environmental mitigation works Worksite and access for construction	
	36	Worksite and access for construction Provision of a new public right of way	25
	39	Provision of railway infrastructure and access Highway works	
Parish of Pickmere	1	Provision of environmental mitigation works Worksite and access for construction	
	3	Worksite and access for construction	
	9, 22, 24, 33, 36, 39	Utility works Worksite and access for construction	35
	13	Provision of environmental mitigation works Utility works Worksite and access for construction	40
	42, 51	Provision of environmental mitigation works	
	53	Provision of railway infrastructure and access Provision of environmental mitigation works	45
	54	For protective works to watercourse	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
Parish of Tabley Superior	2, 5	Highway works Utility works Worksite and access for construction	5
	6	For protective works to watercourse	
	8, 46, 53	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	10
	9, 14, 28, 29, 50, 52	Provision of environmental mitigation works Worksite and access for construction	
	10, 12	Highway works Worksite and access for construction	15
	16, 26, 35, 44, 84, 102, 105	Utility works Worksite and access for construction	
	18, 24, 41, 42, 86, 106 to 108	Worksite and access for construction	20
	19, 22, 30	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	25
	81	Provision of railway infrastructure and access Utility works Worksite and access for construction	30
	87, 90	Worksite and access for construction and for protective works to watercourse	
Parish of Mere	1	Worksite and access for construction	
	3, 88, 128	Provision of railway infrastructure and access	35
	6, 34, 152, 153, 155, 213	Provision of environmental mitigation works Worksite and access for construction	
	7	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	9, 10, 12 to 14, 20, 28, 31, 48, 49, 52 to 55, 80, 87, 92, 93, 97, 102 to 105, 109, 115, 124, 131 to 133, 138, 143, 149, 158 to 160, 162, 163, 165, 200, 207	Utility works Worksite and access for construction	5
	15	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	10    15
	25, 29, 30, 50, 51, 118, 139, 147, 169, 173	Worksite and access for construction	
	32, 38, 70, 151, 156, 195	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	20
	60, 61	Highway works	
	75, 85	Provision of railway infrastructure and access Utility works Worksite and access for construction	25
	84	Provision of railway infrastructure and access Utility works	30
	136, 211, 214 to 216, 224	Provision of environmental mitigation works Utility works Worksite and access for construction	35
	196	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction, Works to watercourses	40
	212	Provision of environmental mitigation works	
Parish of High Legh	9, 24, 41, 64, 66	Provision of environmental mitigation works Worksite and access for construction	45
	10	Provision of railway infrastructure and access Utility works Worksite and access for construction	50

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	14	Provision of railway infrastructure and access	
	17, 19, 86	Provision of environmental mitigation works	5
	18	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works	10
	21	Provision of environmental mitigation works Highway works	
	23, 34, 56, 80	Worksite and access for construction	15
	25, 39	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	20
	30	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	25
	40, 42	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	30
	43	Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	35
	54, 60, 62, 65, 70, 75, 77	Utility works Worksite and access for construction	40
	58	Provision of environmental mitigation works Utility works Worksite and access for construction	
Parish of Millington	5, 9 to 11	Provision of environmental mitigation works	45
	8, 12, 34, 38, 99, 107	Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	15	Provision of environmental mitigation works Highway works Worksite and access for construction	5
	16	Provision of environmental mitigation works Highway works	
	17, 19	Highway works	10
	41, 42, 65, 67b, 68, 70, 72 to 74, 76, 79b, 108, 112	Utility works Worksite and access for construction	
	64, 109, 110	Highway works Utility works Worksite and access for construction	15
	83, 95	Provision of railway infrastructure and access Utility works Worksite and access for construction	
	86, 88	Provision of environmental mitigation works Utility works Worksite and access for construction	20
	87	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	25    30
	91	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	35
	103, 104	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	40
	113	Provision of environmental mitigation works Worksite and access for construction	
Parish of Agden	4, 7	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	5, 11, 15, 16, 62 to 67	Utility works Worksite and access for construction	
	18, 31	Provision of environmental mitigation works Worksite and access for construction	5
	24, 27, 33, 35, 41, 42, 45, 68	Worksite and access for construction	
	32, 40, 48	Provision of railway infrastructure and access	10
	37	Provision of railway infrastructure and access Provision of environmental mitigation works	15
Parish of Rostherne	4, 6, 7	Provision of environmental mitigation works Worksite and access for construction	
	8, 11, 13, 28	Worksite and access for construction	
	25, 43, 45, 46, 75	Utility works Worksite and access for construction	20
	26, 39	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	25
	49, 53	Provision of environmental mitigation works Utility works Worksite and access for construction	30
	54	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	35
	55	Provision of environmental mitigation works	
	71	Provision of environmental mitigation works	40
	73	Highway works Utility works Worksite and access for construction	
Parish of Little Bollington	9	Worksite and access for construction	45
Parish of Tatton	5, 17, 18, 20	Utility works Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	13	Worksite and access for construction	
	19	Utility works	
Parish of Ashley	1 to 3, 104, 105, 110, 187, 188	Utility works	5
	4	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	10
	7	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	15
	28, 29, 35, 41, 42, 106 to 108, 112, 174, 198, 209, 212 to 216, 219	Utility works Worksite and access for construction	20
	51, 58, 133, 141, 145, 147	Provision of environmental mitigation works Utility works Worksite and access for construction	25
	52, 53, 60, 143	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	30
	62, 67, 206	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	35
	63	Provision of railway infrastructure and access Highway works Worksite and access for construction	40
	66, 75, 96a, 97, 101, 102, 123, 164, 167, 170, 173, 177, 180, 181, 183	Worksite and access for construction	
	76	Provision of environmental mitigation works	45
	93, 211	Provision of railway infrastructure and access	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	94	Provision of railway infrastructure and access Worksite and access for construction	5
	136, 208, 210	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	10
	140, 150 to 152, 154, 155	Provision of environmental mitigation works Worksite and access for construction	
	196	Highway works Utility works Worksite and access for construction	15
Parish of Mobberley	1 to 3	Utility works	
	8 to 10	Provision of railway infrastructure and access	20
Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	2, 3, 70, 95, 100, 103, 106, 107, 122, 132, 133, 169, 175, 209, 222	Utility works Worksite and access for construction	25
	4, 37 to 39, 143 to 145, 166	Provision of railway infrastructure and access	
	5	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	30 35
	6, 141, 142, 146, 200	Provision of railway infrastructure and access Provision of environmental mitigation works	40
	17, 19, 46, 47, 101, 105, 134, 136, 165, 172, 227, 231	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	45
	28, 58, 138, 140, 181, 182, 184, 201, 206, 217, 223	Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	31	Provision of environmental mitigation works Works to watercourses	5
	33, 36, 57, 85, 87, 99, 104, 149, 150	Provision of environmental mitigation works	
	40	Provision of railway infrastructure and access Highway works	10
	49	Provision of environmental mitigation works Borrow pit	
	50	Provision of railway infrastructure and access Utility works	15
	51, 65, 171	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Borrow pit	20
	54, 60, 73, 77, 78, 89, 112, 121, 127, 207, 236, 237	Provision of environmental mitigation works Utility works Worksite and access for construction	25
	62	Provision of railway infrastructure and access Utility works Worksite and access for construction	30
	66, 79	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	35
	80, 188, 202, 204	Provision of environmental mitigation works Worksite and access for construction	
	92, 170	Utility works	40
	116	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	45
	117, 118, 120, 185, 192	Highway works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	155	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction Borrow pit	5
	241	Provision of railway infrastructure and access Works to watercourses	10
Parish of Winsford	2	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	15
	4, 18, 19	Worksite and access for construction	
	5	Provision of environmental mitigation works Utility works Worksite and access for construction	20
	7, 9, 29	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	25
	8, 36, 37, 39, 42, 45 to 47	Provision of environmental mitigation works	
	14	Utility works	30
	25	Provision of railway infrastructure and access Highway works	
	26	Highway works	
	35	Provision of environmental mitigation works Worksite and access for construction	35
	41	Utility works Worksite and access for construction	
Parish of Bostock	2, 7	Provision of environmental mitigation works Utility works Worksite and access for construction	40
	5	Provision of railway infrastructure and access Works to watercourses	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	6	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	5
	8	Provision of railway infrastructure and access Provision of environmental mitigation works	10
	10, 12, 17, 21	Worksite and access for construction	
	18, 20	Provision of environmental mitigation works Worksite and access for construction	15
	24, 25, 27	Provision of environmental mitigation works	
	31	Provision of railway infrastructure and access	
Parish of Sproston	3, 5	Utility works Worksite and access for construction	20
Parish of Byley	1, 3, 5, 8, 9	Borrow pit	
	2, 7, 19, 23, 24	Provision of environmental mitigation works	
	4	Provision of environmental mitigation works Worksite and access for construction Borrow pit	25
	14	Provision of environmental mitigation works Worksite and access for construction	30
	17	Worksite and access for construction	
Parish of Davenham	1, 3, 5, 8, 11, 13, 18, 29, 34, 43, 48 to 50, 52, 56, 57, 59, 62, 64, 72	Worksite and access for construction	35
	7	Provision of railway infrastructure and access Worksite and access for construction	
	10, 35, 36, 39, 42	Provision of railway infrastructure and access	40
	14, 26, 70, 102	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	15, 25, 100	Provision of environmental mitigation works Utility works Worksite and access for construction	5
	19 to 21, 28, 45, 46, 54	Provision of environmental mitigation works	
	38	Provision of railway infrastructure and access Provision of environmental mitigation works	10
	40, 55, 60, 61, 65, 99	Provision of environmental mitigation works Worksite and access for construction	15
	74, 81, 93, 97, 98, 105	Utility works Worksite and access for construction	
	76, 77	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	20
	84	Utility works	
Parish of Lach Dennis	14, 142	Worksite and access for construction	25
	20, 52, 68 to 70, 77, 80 to 82, 91, 99, 113, 115, 119, 121, 122, 124, 126, 128, 131, 134, 139 to 141, 151, 167, 171, 173	Utility works Worksite and access for construction	30
	23, 25, 27 to 30, 44, 45, 83, 103, 129, 133, 170	Provision of environmental mitigation works Utility works Worksite and access for construction	35
	34, 36, 37, 166, 177, 186	Provision of environmental mitigation works	
	51	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	40
	54	Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	56, 130, 180	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	5
	64	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works	10
	96	Highway works	
	98	Highway works Utility works Worksite and access for construction	15
	100, 176, 184	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	20
	169	Provision of railway infrastructure and access Worksite and access for construction	25
	178	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	30
	185	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	35
Parish of Rudheath	5, 6	Worksite and access for construction	
	10, 11, 19	Utility works Worksite and access for construction	40
	21, 28	Provision of environmental mitigation works Utility works Worksite and access for construction	45
	24	Provision of environmental mitigation works Highway works Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	37	Highway works	
	38	Utility works	
Parish of Lostock Gralam	6	Worksite and access for construction	5
	8, 9	Utility works Worksite and access for construction	
Parish of Wincham	2	Provision of environmental mitigation works Worksite and access for construction	10
	3	Provision of environmental mitigation works	
Greater Manchester City of Manchester Parish of Ringway	1, 2, 5	Highway works	15
	4, 18, 43	Provision of environmental mitigation works	20
	7, 11	Provision of environmental mitigation works Worksite and access for construction	
	9, 32	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	25 30
	12, 27, 38 to 42	Worksite and access for construction	
	15	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	35
	16	Provision of environmental mitigation works Highway works Worksite and access for construction	40
	26, 90 to 92	Utility works Worksite and access for construction	
	28	Provision of environmental mitigation works Worksite and access for construction Provision of a new public right of way	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	30	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	5
	55 to 58	Highway works Worksite and access for construction	
	66	Utility works	10
Greater Manchester City of Manchester	1, 6, 8 to10, 137, 138, 140, 141, 144, 145, 370a, 2300, 2302, 2304, 2313, 2314, 2317, 2319, 2331, 2333, 2334, 2379, 2389, 2478, 2488, 2510, 2513, 2515, 2517, 2535, 2536, 2558, 2559, 2567, 2570 to 2574, 2583, 2585, 2587, 2588, 2594, 2595, 2610, 2633, 2636, 2637, 2639, 2640, 2692, 2693, 2695, 2697, 2701, 2703, 2707 to 2710, 2715, 2719, 2734, 2764	Utility works Worksite and access for construction	15
	771, 2269, 2309, 2315, 2491	Provision of environmental mitigation works Utility works Worksite and access for construction	20
	787, 793, 796, 798, 801 to 807, 809, 2252 to 2254	Provision of environmental mitigation works Worksite and access for construction	25
	1761, 2250, 2264, 2280, 2283, 2289, 2292, 2307, 2308, 2311, 2312, 2316, 2320, 2324, 2326, 2329, 2340, 2343, 2363, 2366, 2367, 2391, 2392, 2474, 2500, 2575, 2586, 2600, 2604, 2607 to 2609, 2613, 2616, 2617, 2619, 2620, 2626, 2690, 2694, 2702, 2704, 2706, 2711, 2717, 2720, 2723, 2724, 2726 to 2728, 2735, 2754, 2763, 2771	Provision of environmental mitigation works Worksite and access for construction	30
	2241, 2246, 2249, 2543, 2597	Provision of railway infrastructure and access Worksite and access for construction	35
	2247, 2248	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	40
			45
			50

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	2263, 2268, 2318, 2322, 2342, 2502, 2504, 2505, 2508, 2518, 2519	Provision of environmental mitigation works Worksite and access for construction	5
	2528 to 2532, 2539, 2551, 2554, 2557, 2561, 2562, 2565, 2569, 2643, 2645, 2648, 2651, 2658, 2659	Provision of railway infrastructure and access Utility works Worksite and access for construction	10
	2541	Provision of railway infrastructure and access	
	2553, 2560	Provision of railway infrastructure and access Highway works Utility works Worksite and access for construction	15
	2654, 2656, 2657, 2660, 2661 to 2663	Utility works	
Metropolitan Borough of Trafford	9, 10, 15, 20, 21	Provision of environmental mitigation works	20
	11	Provision of railway infrastructure and access Provision of environmental mitigation works	25
	14, 22, 59	Provision of environmental mitigation works Worksite and access for construction	
	17, 109	Worksite and access for construction	30
	25	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	35
	32, 78 to 104, 108, 110, 111, 121, 123 to 127, 130 to 132, 136, 138	Utility works Worksite and access for construction	
	34	Highway works Worksite and access for construction	40
	61	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	45
	62	Highway works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	65, 119, 120	Provision of environmental mitigation works Utility works Worksite and access for construction	5
	135, 137	Worksite and access for construction Works to watercourses	
Metropolitan Borough of Trafford	3, 8, 11, 26, 28, 35, 41, 71, 77, 79	Worksite and access for construction	10
Parish of Warburton	4, 6, 9, 13, 14, 18, 20, 32, 33	Utility works Worksite and access for construction	15
	5, 10, 23	Provision of railway infrastructure and access Utility works Worksite and access for construction	
	15, 61, 64, 89	Provision of environmental mitigation works	20
	16, 52	Provision of railway infrastructure and access Provision of environmental mitigation works	25
	24, 44, 76	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	30
	36, 69	Highway works	
	37	Highway works Utility works	
	48	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	35
	73, 86, 87	Provision of environmental mitigation works Utility works Worksite and access for construction	40
	80	Provision of environmental mitigation works Worksite and access for construction	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	83	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses Provision of a new public right of way	5     10
	84	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	   15
Parish of Partington	2, 3	Provision of environmental mitigation works Utility works Worksite and access for construction	  20
	7	Provision of environmental mitigation works	
	12 to 16	Worksite and access for construction	
County of Cheshire Borough of Warrington Parish of Lymm	1	Highway works Utility works Worksite and access for construction	25
	3	Highway works Utility works	30
	8	Provision of railway infrastructure and access Utility works Worksite and access for construction	35
	13, 33	Provision of environmental mitigation works Worksite and access for construction	
	21	Highway works	
	22, 64	Utility works Worksite and access for construction	40
	23, 25, 30 to 32	Worksite and access for construction	
	43, 49, 68	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	52	Provision of railway infrastructure and access Provision of environmental mitigation works	5
	67, 69	Provision of environmental mitigation works Utility works Worksite and access for construction	10
	73	Provision of environmental mitigation works	
Parish of Rixton-with-Glazebrook	7, 9, 24, 26, 32, 37, 53, 140, 143, 146, 150, 151, 157	Utility works Worksite and access for construction	15
	10, 14, 16, 47, 51, 88, 92, 167	Provision of environmental mitigation works Utility works Worksite and access for construction	
	21, 46, 59, 74, 80, 81, 105, 109, 122 to 124, 126, 130, 138, 144, 148, 153, 155, 160, 164	Worksite and access for construction	20
	36	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	25
	40, 42, 45, 86, 93, 139, 159, 165, 166, 173, 174	Provision of environmental mitigation works Worksite and access for construction	30
	41, 50	Provision of environmental mitigation works	
	55, 66	Provision of railway infrastructure and access	35
	56, 76	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	40
	58	Provision of environmental mitigation works Highway works	45
	62	Highway works Worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	65	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	5
	71	Provision of environmental mitigation works Worksite and access for construction Provision of a new public right of way	10
	94, 100	Utility works Worksite and access for construction Provision of a new public right of way	
	103	Worksite and access for construction Provision of a new public right of way	15
	125	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	20
	129, 135	Provision of railway infrastructure and access Utility works Worksite and access for construction	25
Town of Birchwood	3, 5, 14, 16, 19, 22, 26	Provision of environmental mitigation works Worksite and access for construction	
	6 to 8, 15, 18, 21	Worksite and access for construction	30
	9	Provision of environmental mitigation works	
Parish of Culcheth and Glazebury	3, 7, 8, 11, 26, 27, 29, 35, 36, 40, 41	Provision of environmental mitigation works Worksite and access for construction	35
	16, 17, 19	Provision of environmental mitigation works	
	32, 38, 46, 76 to 79, 81	Highway works	
	48, 49	Utility works Worksite and access for construction	40
	51, 53	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	56, 69	Provision of environmental mitigation works Utility works Worksite and access for construction	5
	58, 60, 61	Provision of railway infrastructure and access	
	59	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	10
	62	Highway works Worksite and access for construction	15
	68	Utility works	
Parish of Croft	6, 8, 11, 62, 72, 115, 117, 118, 120, 148, 151, 189, 192, 194, 196, 197, 199, 201, 221, 234, 263	Worksite and access for construction	20
	7, 9, 13, 16, 44, 46, 49, 78, 79, 226, 228, 252, 259	Provision of environmental mitigation works	
	14, 21, 23, 28 to 30, 32, 33, 35, 43, 56, 70, 74, 83, 100, 124, 138, 152, 157, 159, 160, 180, 219, 230, 241, 245, 248, 250, 262	Provision of environmental mitigation works Worksite and access for construction	25
	31, 54, 55, 60, 65, 265	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	30
	42, 53	Provision of a new public right of way	
	48, 51	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	35
	50, 59, 61, 98, 146	Worksite and access for construction Provision of a new public right of way	40
	81, 123	Provision of environmental mitigation works Utility works Worksite and access for construction	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	86, 101, 102, 105 to 113, 116, 119, 212, 222, 224, 232, 233, 253, 255, 267, 268	Utility works	5
	121, 129, 161, 163, 170, 227	Utility works Worksite and access for construction	
	200	Provision of environmental mitigation works Utility works	10
	216	Provision of environmental mitigation works Highway works Worksite and access for construction	15
	217	Highway works Worksite and access for construction	
	260, 266	Provision of railway infrastructure and access	
Greater Manchester Metropolitan Borough of Salford	5 to 8	Provision of environmental mitigation works	20
Greater Manchester Metropolitan Borough of Wigan	1, 2, 6, 13, 14, 25, 28, 29, 32, 104, 158, 174, 244 to 246, 288, 298, 302, 344, 360	Worksite and access for construction	25
	8, 23, 37, 39, 167, 190, 195, 196, 237, 239, 240, 242, 243, 249, 290, 348	Provision of environmental mitigation works Worksite and access for construction	30
	24, 26	Provision of environmental mitigation works Worksite and access for construction	
	38, 122, 194, 197, 306, 334, 347	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction	35
	41, 45, 47, 127, 342, 362, 363	Provision of railway infrastructure and access Worksite and access for construction	40
	52, 75, 78, 123, 130, 140, 186, 266 to 269	Provision of environmental mitigation works Utility works Worksite and access for construction	45
	61, 138, 142, 144, 262, 338, 339	Utility works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	72, 76, 79, 82, 92, 93, 108, 112, 128, 134, 146, 210, 261, 263, 293, 325 to 327	Utility works Worksite and access for construction	5
	120, 125, 126, 145, 303, 310	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction	10
	131, 141	Reinstatement of businesses/ facilities	
	136, 311	Provision of railway infrastructure and access Utility works Worksite and access for construction	15
	143	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	20
	149	Provision of environmental mitigation works Highway works Worksite and access for construction	25
	154, 155, 157, 181, 185, 189, 209, 221, 222, 224, 226, 229, 235, 236, 257, 258, 271, 277, 320	Provision of environmental mitigation works	30
	169	Provision of environmental mitigation works Highway works Utility works Worksite and access for construction	35
	170, 317	Highway works Utility works Worksite and access for construction	40
	191	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction Works to watercourses	45
	200, 217	Provision of environmental mitigation works Utility works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	215	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses	5
	218, 337	Provision of railway infrastructure and access Provision of environmental mitigation works Worksite and access for construction Works to watercourses Provision of a new public right of way	10    15
	259	Highway works	
	272	Provision of environmental mitigation works Highway works	20
	275, 276	Provision of environmental mitigation works Utility works Worksite and access for construction Provision of a new public right of way	25
	285	Provision of railway infrastructure and access	
	309	Provision of railway infrastructure and access Provision of environmental mitigation works Highway works Worksite and access for construction	30
	316	Provision of environmental mitigation works Provision of a new public right of way	35
	319	Provision of environmental mitigation works Worksite and access for construction Works to watercourses	40
	345	Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction Works to watercourses Provision of a new public right of way	45
	352, 355, 356	Utility works Worksite and access for construction, Provision of a new public right of way	50

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
County of Lancashire Borough of South Ribble Town of Penwortham	1  2 to 4	Worksite and access for construction  Provision of railway infrastructure and access	5  10
County of Lancashire City of Preston	6, 10, 12, 17	Worksite and access for construction	
County of Cumbria City of Carlisle	3, 9, 10, 12 to 16, 19, 23  20, 25, 27, 30, 31  29	Worksite and access for construction  Provision of railway infrastructure and access  Provision of railway infrastructure and access Worksite and access for construction	15   20
Community Council Area of Kirkpatrick Fleming & District	2, 19, 52, 75, 77, 83  7, 23, 78, 82  9, 13, 15, 30, 31, 37, 38, 40, 71, 79, 86, 88, 89, 93, 94, 96, 97  18, 20, 24, 32, 41, 43 to 45, 114  39, 47  59  67  98 to 113	Provision of environmental mitigation works Utility works Worksite and access for construction  Provision of environmental mitigation works Worksite and access for construction  Utility works Worksite and access for construction  Worksite and access for construction  Provision of railway infrastructure and access Utility works  Provision of environmental mitigation works  Provision of railway infrastructure and access Provision of environmental mitigation works Utility works Worksite and access for construction  Provision of railway infrastructure and access	25   30   35   40  45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
Dumfries and Galloway Community Council Area of Springfield & Gretna Green	8, 12	Provision of environmental mitigation works Worksite and access for construction	5
	10, 17, 21	Provision of railway infrastructure and access	10
	15, 22, 25	Worksite and access for construction	
	18	Provision of environmental mitigation works Utility works Worksite and access for construction	15

## SCHEDULE 7

Section 4(5)

## ACQUISITION OF LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

*Land Clauses Consolidation Act 1845 (c. 18)*

- 1 The Land Clauses Consolidation Act 1845 does not apply to the acquisition of land under section 4(1). 20

*Compulsory Purchase Act 1965 (c. 56)*

- 2 (1) In its application by virtue of section 4(3), the Compulsory Purchase Act 1965 has effect with the following modifications.
- (2) Omit section 4 (time for exercise of compulsory purchase powers).
- (3) In section 11(1B) (power to enter on and take possession of land the subject of a notice to treat after giving the specified notice) – 25
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 4.5 metres below the surface; 30
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land, for “three months” substitute “1 month”, and
- (b) after “11A(4)” insert “or (6) and (7)”. 35
- (4) In section 11A (powers of entry: further notices of entry) –
- (a) in subsection (1)(a), after “land” insert “under that provision”,
- (b) in subsection (2), after “land” insert “under that provision, to the extent that the newly identified person is the owner, lessee or occupier of the land,”; 40
- (c) in subsection (4)(a), for “14 days” substitute “7 days”, and

- (d) at the end insert –
- “(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply. 5
- (6) The period specified in the notice must be –
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 4.5 metres below the surface; 10
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land,
- a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and 15
- (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served. 20
- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.”
- (5) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “section 9(1) of the High Speed Rail (Crewe - Manchester) Act 2022”. 25
- (6) In Schedule 2A (proposal to acquire part only of a house, building or factory) – 30
- (a) omit paragraphs 1(2) and 14(2), and
- (b) at the end insert –

“PART 4

INTERPRETATION

- 30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 15 to the High Speed Rail (Crewe - Manchester) Act 2022 (temporary possession of land).” 35

*Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)*

- 3 In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if – 40

(a) before section 4 there were inserted –

**“3A Preliminary notices**

- |  |          |
|--|----------|
| (1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority must include the particulars specified in subsection (3) in a notice which is –  | 5        |
| (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and  | 10       |
| (b) published in the London Gazette.   |          |
| (2) A notice under subsection (1) must be given before the service of any notice to treat in respect of the land with respect to which the declaration is to be made.  |          |
| (3) The notice must –  | 15       |
| (a) contain a statement, in the form prescribed for the purposes of section 15(4)(e) of the Acquisition of Land Act 1981 (with any necessary modifications), about the effect of Parts 2 and 3 of this Act, and  |          |
| (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 to give the acquiring authority information about the person’s name, address and interest in land, using the form prescribed for the purposes of section 15(4)(f) of the Acquisition of Land Act 1981 (with any necessary modifications). | 20<br>25 |
| (4) A notice complying with the preceding provisions of this section must be sent to the Chief Land Registrar and it shall be a local land charge.   |          |
| (5) For the purposes of this section, a person has a relevant interest in land if –  | 30       |
| (a) the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or   |          |
| (b) the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”,  | 35       |
| (b) in section 4 (execution of declaration) –  |          |
| (i) in subsection (3), the “or” at the end of paragraph (a) were omitted;  | 40       |
| (ii) in subsection (3), after paragraph (b) there were inserted –<br>“or   |          |
| (c) such later date as may be agreed in accordance with subsection (5).”;  |          |
| (iii) in subsection (4), after “that Schedule” there were inserted “or such later date as may be agreed in accordance with subsection (5).”;   | 45       |

- (iv) after subsection (4) there were inserted –
- “(5) Before the vesting date for any land that is actually specified, or is deemed to have been specified, in a general vesting declaration, the acquiring authority and an owner of the land may agree any later date to be the vesting date for the purposes of this Act. 5
- (6) In this section “owner”, in relation to land, means –
- (a) a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, 10
- (b) a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term of which exceeds one year, or 15
- (c) a person who would have power to sell and convey or release the land to the acquiring authority if a compulsory purchase order were operative.”;
- (c) sections 5 and 5A (which respectively set out the earliest date, and the time limit, for the execution of a general vesting declaration) were omitted, 20
- (d) in section 6 (notices after execution of general vesting declaration), the reference to the invitation under section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981 were a reference to the invitation under section 3A(3) (as set out in sub-paragraph (a) above), 25
- (e) in section 9 (minor tenancies and tenancies about to expire: power to enter on and take possession of land the subject of a notice to treat after giving the specified notice), for “3 months” there were substituted “14 days”, 30
- (f) in Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration), paragraph 1(2) were omitted, and
- (g) references to the Compulsory Purchase Act 1965 were to that Act as applied by section 4(3) to the acquisition of land under section 4(1). 35

*Acquisition of Land Act 1981 (c. 67)*

- 4 (1) Section 4 of the Acquisition of Land Act 1981 (assessment of compensation in relation to compulsory purchase where unnecessary things done with view to obtaining compensation) has effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act. 40
- (2) Section 5A of the Acquisition of Land Act 1981 (power to require information) has effect in relation to land to which section 4(1) applies as if it were land referred to in section 5A(1) of that Act.
- (3) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of working of mines or minerals underlying an authorised undertaking) have effect in relation to land to which section 4(1) applies as if it were comprised in a compulsory 45

purchase order providing for the incorporation with that order of those Parts of that Schedule.

- (4) In their application by virtue of sub-paragraph (3), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 have effect as if—
- (a) references to the acquiring authority, except the second reference in paragraph 6, were to the nominated undertaker, and
  - (b) references to the undertaking were to the undertaking which the nominated undertaker is authorised by this Act to carry on.

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## SCHEDULE 8

Section 5(2)

## LAND WHERE POWERS OF ACQUISITION ARE LIMITED TO ACQUISITION OF RIGHTS OR IMPOSITION OF RESTRICTIVE COVENANTS

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired or restrictive covenants imposed</i>	
County of Cheshire Borough of Cheshire East Parish of Warmingham	26, 28	Provision of access for construction and maintenance	5
Parish of Minshull Vernon	35, 56	Provision of access for construction and maintenance	10
Parish of Plumley	1, 8, 10	Provision of access for construction and maintenance	
Parish of Pickmere	31	Provision of access for construction and maintenance	15
Parish of Aston by Budworth	22, 23, 25 to 27	Provision of access for construction and maintenance	
Parish of Tabley Superior	27, 40, 69, 70, 74, 75, 94, 97, 98	Provision of access for construction and maintenance	
Parish of Mere	26, 62, 63, 65, 66, 108, 161	Provision of access for construction and maintenance	20
Parish of Millington	35, 90	Provision of access for construction and maintenance	
Parish of Agden	38	Provision of access for construction and maintenance	25
Parish of Rostherne	47, 50, 58, 65, 67, 68	Provision of access for construction and maintenance	
Parish of Ashley	15 to 21, 25, 34, 36 to 40, 47, 50, 109, 111, 113, 118, 120 to 122, 195, 197, 217, 218, 220 to 222	Provision of access for construction and maintenance	30
Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	76, 84, 90, 91, 161, 211	Provision of access for construction and maintenance	35
Parish of Winsford	40, 44	Provision of access for construction and maintenance	
Parish of Bostock	23, 26, 28 to 30	Provision of access for construction and maintenance	40
Parish of Byley	18, 21, 22, 25	Provision of access for construction and maintenance	
Parish of Davenham	68, 111	Provision of access for construction and maintenance	

## Schedule 8 – Land where powers of acquisition are limited to acquisition of rights or imposition of restrictive covenants

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired or restrictive covenants imposed</i>	
Parish of Lach Dennis	94, 95	Provision of access for construction and maintenance	5
Parish of Lostock Gralam	10	Provision of access for construction and maintenance	
Parish of Wincham	4	Provision of access for construction and maintenance	
Greater Manchester City of Manchester Parish of Ringway	81, 82	Provision of access for construction and maintenance	10
City of Manchester	767, 769, 776, 784, 794, 795, 797, 799, 800, 808, 810, 2255, 2257, 2259, 2265, 2370	Provision of access for construction and maintenance	15
Greater Manchester Metropolitan Borough of Trafford	1 to 3, 134	Provision of access for construction and maintenance	
Greater Manchester Metropolitan Borough of Trafford Parish of Warburton	81, 90, 92, 94	Provision of access for construction and maintenance	20
Parish of Partington	5, 8 to 11, 17 to 21	Provision of access for construction and maintenance	25
County of Cheshire Borough of Warrington Parish of Lymm	15	Provision of access for construction and maintenance	
Parish of Rixton-with-Glazebrook	1 to 5, 8, 12, 78	Provision of access for construction and maintenance	30
Town of Birchwood	10	Provision of access for construction and maintenance	
Parish of Culcheth and Glazebury	20 to 25, 66	Provision of access for construction and maintenance	
Parish of Croft	45, 96, 99, 103, 114, 122, 183, 202, 209, 220, 231	Provision of access for construction and maintenance	35
Greater Manchester Metropolitan Borough of Salford	1 to 4	Provision of access for construction and maintenance	40
Metropolitan Borough of Wigan	223, 225, 227, 228, 231, 233, 234, 247, 248, 251 to 255, 260, 283, 284, 295 to 297, 330, 331, 333, 357 to 359	Provision of access for construction and maintenance	45
County of Cumbria City of Carlisle	5	Provision of access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired or restrictive covenants imposed</i>	
	6	Provision of access for construction and maintenance	5
Dumfries and Galloway Community Council Area of Kirkpatrick Fleming & District	6, 8, 11, 14, 49, 54	Provision of access for construction and maintenance	
Dumfries and Galloway Community Council Area of Springfield & Gretna Green	1 to 5	Provision of access for construction	10
	9	Provision of access for construction and maintenance	15

## SCHEDULE 9

Section 5(10)

## ACQUISITION OF RIGHTS IN LAND ETC: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

*Compulsory Purchase Act 1965 and compensation enactments*

- 1 Part 1 of the Compulsory Purchase Act 1965 (referred to in this Schedule as “CPA 1965”), as applied by section 4(3) to the acquisition of land under section 4(1), and the enactments relating to compensation for the compulsory purchase of land, apply to a compulsory acquisition under section 4(1) by virtue of section 5 – 20
- (a) with the modifications specified in paragraph 2, and 25
- (b) with such other modifications as may be necessary.
- 2 (1) The modifications referred to in paragraph 1(a) are as follows.
- (2) References in CPA 1965 to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to – 30
- (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or
- (b) the land over which the right is, or is to be, exercisable or (as the case may be) the land over which the restrictive covenant is, or is to be, enforceable. 35
- (3) For section 7 of CPA 1965 substitute –
- “7 Measure of compensation in case of purchase of new right or imposition of new restrictive covenant**
- In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had, not only to the extent (if any) to which the value of the land over which the right is acquired or the restrictive covenant is imposed is depreciated by the acquisition of the right or the imposition of the covenant, but also to the damage (if 40

- any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”
- (4) The following provisions of CPA 1965 (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) –
- section 9(4) (failure of owners to convey),
  - paragraph 10(3) of Schedule 1 (owners under incapacity),
  - paragraph 2(3) of Schedule 2 (absent and untraced owners), and
  - paragraphs 2(3) and 7(2) of Schedule 4 (common land),
- are so modified 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 acquired compulsorily or the benefit of the covenant which is to be imposed is vested absolutely in the acquiring authority.
- (5) Section 11 of CPA 1965 (powers of entry) is modified so as to secure that, where the acquiring authority have served notice to treat in respect of any right or restrictive covenant as well as the notice required by subsection (1) of that section (as it applies to a compulsory acquisition under section 4(1)), they have power, exercisable in the same circumstances and subject to the same conditions, to enter for the purpose of exercising that right or enforcing that covenant; and sections 12 (penalty for unauthorised entry) and 13 (entry on enforcement officer’s or sheriff’s warrant in the event of obstruction) of that Act are modified accordingly.
- (6) Section 20 of CPA 1965 (compensation for short-term tenants) 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 of the land, but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right or enforcement of the restrictive covenant in question.
- (7) Section 22 of CPA 1965 (protection of acquiring authority’s possession of land where interest accidentally omitted from purchase) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.
- (8) For Schedule 2A to CPA 1965 substitute the version of that Schedule set out in Schedule 10 to this Act.
- (9) In section 5A of the Land Compensation Act 1961 (relevant valuation date) –
- (a) for subsection (5A) substitute –
    - “(5A) If –
      - (a) the acquiring authority enters on land for the purpose of exercising a right or enforcing a restrictive covenant in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965,

- (b) the authority is subsequently required by a determination under paragraph 13 of Schedule 2A to that Act (as substituted by paragraph 2(8) of Schedule 9 to the High Speed Rail (Crewe - Manchester) Act 2022) to acquire an interest in the land, and 5
    - (c) the authority enters on and takes possession of that land,  
the authority is deemed for the purposes of subsection (3)(a) to have entered on and taken possession of that land when it entered on it for the purpose of exercising the right or enforcing the covenant.”, and 10
  - (b) in subsection (5B), for paragraphs (a) and (b) substitute –
    - “(a) a right over, or restrictive covenant affecting, land is the subject of a general vesting declaration, 15
    - (b) by virtue of paragraph 11(2) or 16(2) of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, the declaration has effect as if it included an interest in the land, and
    - (c) the vesting date for the right or covenant is different from the vesting date for the interest in the land,”. 20
- (10) In the Land Compensation Act 1973, for section 44 substitute –
  - “44 Compensation for injurious affection**
    - (1) Where –
      - (a) a right over land is acquired from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, or 25
      - (b) a restrictive covenant over land is imposed on any person for the purpose of such works,  
compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable or the covenant is enforceable. 30
    - (2) In this section, “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by paragraph 1 of Schedule 9 to the High Speed Rail (Crewe - Manchester) Act 2022.” 35

*Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments*

- 3 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”), as applied by section 4(4) to the acquisition of land under section 4(1), applies to a compulsory acquisition under section 4(1) by virtue of section 5 – 40
  - (a) with the modifications specified in paragraph 4, and
  - (b) with such other modifications as may be necessary.
- (2) The enactments relating to compensation for the compulsory purchase of land also apply to a compulsory acquisition under section 4(1) by virtue of section 5. 45
- 4 (1) The modifications referred to in paragraph 3(1)(a) are as follows.

- 
- (2) References in the 1981 Act to land are, in 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 (as the case may be) the restrictive covenant imposed or to be imposed, or 5
  - (b) the land over which the right is, or is to be, exercisable or (as the case may be) the restrictive covenant is, or is to be, enforceable.
- (3) References in the 1981 Act to the Compulsory Purchase Act 1965 are to be read as references to that Act as it applies to a compulsory acquisition under section 4(1) by virtue of section 5. 10
- (4) Section 8(1) of the 1981 Act (vesting, and right to enter and take possession) is modified so as to secure –
- (a) that a general vesting declaration in respect of any right or restrictive covenant vests the right or the benefit of the covenant in the acquiring authority on the vesting date, and 15
  - (b) that, as from the vesting date, the acquiring authority have power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right or enforcing that covenant as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen. 20
- (5) Section 9(2) of the 1981 Act (right of entry under section 8(1) not exercisable in respect of land subject to certain tenancies, unless notice has been served on occupiers of the land) is modified so as to require a notice served by the appropriate authority under that provision to refer to the authority’s intention to enter land specified in the notice in order to exercise the right or enforce the restrictive covenant. 25
- (6) In section 10(1) of the 1981 Act (acquiring authority’s liability on vesting of land), the reference to the acquiring authority’s taking possession of the land under section 11(1) of CPA 1965 is to be read instead as a reference to the authority’s exercising the power to enter the land under that provision as modified by paragraph 2(5) of this Schedule. 30
- (7) Schedule A1 to the 1981 Act (counter-notice requiring purchase of land not in general vesting declaration) has effect as if –
- (a) in paragraph 1(1), for “part only of” there were substituted “only the acquisition of a right over, or the imposition of a restrictive covenant affecting,” 35
  - (b) paragraph 1(2) were omitted,
  - (c) references to the land proposed to be acquired were (subject to paragraph (e) below) to the right proposed to be acquired or the restrictive covenant proposed to be imposed, 40
  - (d) references to the additional land were to the house, building or factory over which the right or covenant is proposed to be exercisable or enforceable,
  - (e) in paragraphs 14 and 15, references to the severance of the land proposed to be acquired were to the acquisition of the right or the imposition of the restrictive covenant, and 45
  - (f) in paragraph 15, after “in addition to” there were substituted “or in substitution for”.

## SCHEDULE 10

Section 5(10)

ACQUISITION OF RIGHTS IN LAND: SUBSTITUTED SCHEDULE 2A FOR COMPULSORY  
PURCHASE ACT 1965

This is the version of Schedule 2A to the Compulsory Purchase Act 1965 referred to in paragraph 2(8) of Schedule 9—

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## “SCHEDULE 2A

## COUNTER-NOTICE REQUIRING PURCHASE OF LAND

*Introduction*

- 1 This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory. 10
- 2 In this Schedule, “house” includes any park or garden belonging to a house.

*Counter-notice requiring purchase of land*

- 3 A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory. 15
- 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. 20

*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. 25
- 6 The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).
- 7 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period. 30
- 8 If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period. 35
- 9 If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

*Determination by Upper Tribunal*

- 10 On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would –
- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
  - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.
- 11 In making its determination, the Upper Tribunal must take into account –
- (a) the effect of the acquisition of the right or the imposition of the covenant,
  - (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
  - (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- 12 If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take.
- 13 If the Upper Tribunal determines that the 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 authority ought to be required to take some or all of the house, building or factory, the 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 they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.
- (3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 11

Section 7

LAND WHERE POWERS OF ACQUISITION ARE LIMITED TO SUB-SURFACE ACQUISITION

*Restriction of power of compulsory acquisition to land under the surface*

- 1 In the case of land specified in the following table, the power under section 4(1) may be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres below the level of the surface. 5

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
County of Cheshire Borough of Cheshire East Parish of Basford	10 to 24, 28, 30	10
Town of Crewe	1, 17 to 21, 23, 24, 26 to 29, 33, 37, 40, 43, 44, 48, 49, 51 to 53, 55, 57 to 64, 71 to 74, 77, 79 to 248, 253, 255 to 261, 263 to 417, 419	
Greater Manchester City of Manchester	72 to 135, 146 to 364, 370, 372, 373, 375 to 578, 580 to 606, 608 to 766, 770, 779, 780, 785, 788 to 792, 811 to 821, 823 to 871, 873 to 1078, 1083 to 1090, 1093 to 1095, 1097, 1100, 1102 to 1186, 1194 to 1403, 1406 to 1451, 1456, 1459, 1462 to 1525, 1527, 1529 to 1567, 1569 to 1741, 1743 to 1758, 1762 to 2184, 2191 to 2206	15

- 2 In the case of land specified in the following table, the power under section 4(1) may be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 7.5 metres below the level of the surface. 20

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Greater Manchester City of Manchester	51 to 71, 2185 to 2190, 2207, 2209 to 2214	25

- 3 In the case of land specified in the following table, the power under section 4(1) may be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 6 metres below the level of the surface.

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
County of Cheshire Borough of Cheshire East Town of Crewe	418, 420 to 426, 428, 430 to 432	30
Greater Manchester City of Manchester	12 to 50, 2215 to 2217, 2229 to 2236	

- 4 In the case of land specified in the following table, the power under section 4(1) may be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 4.5 metres below the level of the surface. 35

<i>Area</i>	<i>Number of land shown on deposited plans</i>
Greater Manchester City of Manchester	2218 to 2225, 2237 to 2240

*Restriction of power of compulsory acquisition to land under the surface or rights of passage*

- 5 (1) In the case of land specified in the following table, the power under section 4(1) may be exercised only in either or both of the following ways – 5
- (a) in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres below the level of the surface;
  - (b) so as to acquire rights of passage.
- (2) In this paragraph, “rights of passage” means easements or other rights over land for the passage of persons or vehicles (with or without materials, plant and machinery) for Phase 2b (Crewe - Manchester) purposes. 10

<i>Area</i>	<i>Number of land shown on deposited plans</i>
Greater Manchester City of Manchester	768, 782

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*Supplementary*

- 6 (1) Paragraphs 1 to 5 are subject to the power to impose restrictive covenants by virtue of section 5(1)(b).
- (2) Paragraphs 1 to 5 do not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where – 20
- (a) the building is within the Act limits, and
  - (b) the power under section 4(1) is exercisable in relation to the building.

SCHEDULE 12

Section 8

HIGHWAYS: RESTRICTIONS ON POWERS TO USE SUBSOIL AND ACQUIRE LAND

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
County of Cheshire Borough of Cheshire East Parish of Chorlton	1	5
Parish of Basford	1, 8, 31	
Parish of Shavington cum Gresty	1	
Parish of Weston	1 to 3	
Town of Crewe	5, 10, 12, 66, 67, 69, 70, 75, 76, 78, 427, 429, 438, 439, 455, 460, 462, 481 to 485	10
Parish of Woolstanwood	4, 6, 7	
Parish of Stapeley	1 to 3	
Parish of Willaston	1 to 3	
Town of Nantwich	1 to 3	15
Parish of Leighton	1	
Parish of Warmingham	27	
Parish of Minshull Vernon	18	
Town of Middlewich	1 to 3	
Parish of Plumley	14, 23	20
Parish of Tabley Inferior	38, 49 to 51	
Parish of Pickmere	29, 49	
Parish of Aston by Budworth	8, 16, 30, 37, 41	
Parish of Tabley Superior	3, 11, 14a, 15, 20, 57, 58, 83, 104, 109 to 112	
Parish of Mere	33, 39, 59, 78, 81, 91, 99, 164, 189, 205, 206, 208	25
Parish of High Legh	3, 5, 57, 67, 68, 74, 85	
Parish of Millington	36, 37, 39, 55, 58, 67, 79, 92, 94, 97	
Parish of Agden	1, 3, 49, 51, 61	
Parish of Rostherne	1, 10, 29, 44, 63, 64, 70, 74, 77, 83	30
Parish of Little Bollington	10, 11	
Parish of Ashley	14, 24, 30, 33, 79, 129, 132, 157 to 163, 165, 168, 190, 192, 223	
Parish of Mobberley	12, 14, 20, 22, 33	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	53, 119, 128, 137, 147, 151, 157, 174, 183, 194, 203, 214, 216, 226	
Parish of Winsford	17, 27, 32, 33	
Parish of Sproston	1, 2, 4	5
Parish of Byley	20	
Parish of Davenham	27, 37, 78, 79, 83, 110, 112, 113	
Parish of Lach Dennis	18, 19, 26, 32, 35, 66, 67, 73, 78, 92, 102, 152, 179	
Parish of Rudheath	12, 13, 17, 23	10
Parish of Lostock Gramam	3, 11	
Parish of Wincham	5	
Greater Manchester City of Manchester Parish of Ringway	20, 23, 37, 49, 59, 65, 83, 86	15
City of Manchester	3 to 5, 7, 11, 136, 139, 142, 143, 365, 367, 371, 374, 772, 781, 1082, 1187 to 1193, 1742, 2251, 2276, 2288, 2330, 2332, 2355, 2371, 2373 to 2378, 2412, 2413, 2419, 2420, 2435, 2443, 2563, 2577, 2593, 2596, 2599, 2603, 2605, 2614, 2621, 2628, 2631, 2632, 2634, 2635, 2696, 2740, 2743, 2749, 2750, 2753, 2773, 2775, 2776	20
Metropolitan Borough of Trafford	5, 23, 30, 74, 77, 112, 116, 117, 139	
Metropolitan Borough of Trafford Parish of Warburton	31, 39, 47, 57, 68, 78	25
County of Cheshire Borough of Warrington Parish of Lymm	2, 9, 11, 19, 24, 37, 44, 65, 70, 72	
Parish of Rixton-with-Glazebrook	6, 22, 23, 25, 27, 31, 33, 38, 52, 61, 87, 104, 119, 120, 152, 162	30
Town of Birchwood	20, 29, 31 to 36, 39, 41	
Parish of Culcheth and Glazebury	18, 28, 37, 67, 80	
Parish of Croft	1, 2, 144, 174, 175, 215, 269	
Greater Manchester Metropolitan Borough of Wigan	31, 36, 58, 71, 80, 91, 97, 101, 147, 152, 153, 156, 172, 176, 219, 220, 256, 294, 328, 332, 341, 346, 353	35
County of Lancashire City of Preston	9, 11, 13, 15	
County of Cumbria City of Carlisle	11	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Dumfries and Galloway Community Council Area of Kirkpatrick Fleming & District	1, 5, 12, 46, 73	
Dumfries and Galloway Community Council Area of Springfield & Gretna Green	6, 7, 13, 26	5

SCHEDULE 13

Section 9

RIGHT TO REQUIRE ACQUISITION

- |   |   |              |
|---|---|--------------|
| 1 | (1) Sub-paragraph (2) has effect during the final 3 years of the period of 8 years beginning with the day on which this Act is passed.  | 10           |
|   | (2) A person with a qualifying interest in any land which may be acquired under section 4(1) may give a notice to the Secretary of State that the person desires the person’s interest in such of that land as is specified in the notice to be acquired by the Secretary of State.   | 15           |
| 2 | (1) If the Secretary of State makes an order under section 9(2) extending the period under section 9(1) in relation to any land, sub-paragraph (2) has effect during the period – <ul style="list-style-type: none"> <li>(a) beginning with the date the order comes into force, and</li> <li>(b) ending with the end of the extended period under section 9(1).</li> </ul> (2) A person with a qualifying interest in any of the land in relation to which the order under section 9(2) is made may give a notice to the Secretary of State that the person desires the person’s interest in such of that land as is specified in the notice to be acquired by the Secretary of State. | 20           |
| 3 | For the purposes of paragraphs 1(2) and 2(2) a person has a “qualifying interest” in land if the person is the owner or lessee of the land.   | 25           |
| 4 | The Secretary of State must, within 3 months immediately following receipt of a notice under paragraph 1(2) or 2(2) – <ul style="list-style-type: none"> <li>(a) enter into an agreement with the person for the acquisition of the person’s interest in the whole or part of the land specified in the notice,</li> <li>(b) exercise the applicable compulsory acquisition powers in respect of the person’s interest in the whole or part of that land, or</li> <li>(c) give the person notice of the Secretary of State’s intention not to proceed with the purchase of the person’s interest in any of that land.</li> </ul>  | 30<br><br>35 |
| 5 | (1) Where a person gives the Secretary of State a notice under paragraph 1(2) or 2(2) and the Secretary of State – <ul style="list-style-type: none"> <li>(a) fails to comply with the requirements of paragraph 4,</li> <li>(b) withdraws a notice to treat served in compliance with paragraph (b) of that paragraph, or</li> <li>(c) gives the person a notice under paragraph (c) of that paragraph,</li> </ul>   | 40           |

- the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in any of the land specified in the relevant notice.
- (2) Where –
- (a) a person gives the Secretary of State a notice under paragraph 1(2) or 2(2), and 5
  - (b) the Secretary of State acquires in pursuance of paragraph 4(a) or (b) the person’s interest in some, but not all, of the land specified in the notice,
- the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in the remainder of that land. 10
- 6 (1) Sub-paragraph (2) applies in a case where –
- (a) a person gives the Secretary of State a notice under paragraph 1(2) or 2(2),
  - (b) the Secretary of State proposes to exercise the applicable compulsory acquisition powers in respect of the person’s interest in the whole or part of the land specified in the notice, but 15
  - (c) the applicable compulsory purchase powers would, apart from this paragraph, cease to be exercisable before the end of the 3-month period mentioned in paragraph 4 by virtue of section 9(1). 20
- (2) Notwithstanding section 9(1), the applicable compulsory acquisition powers remain exercisable in respect of the person’s interest in the whole or part of the land specified in the notice until the end of the 3-month period mentioned in paragraph 4.
- (3) Sub-paragraph (2) is subject to paragraph 5. 25
- 7 Paragraphs 1 to 6 do not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 4.5 metres below the level of the surface of the land.
- 8 (1) References in this Schedule to the “applicable compulsory acquisition powers” are to – 30
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and
  - (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1). 35
- (2) In this Schedule –
- “lessee” means a person who holds an interest under a lease which has at least 21 years to run at the date of the giving of a relevant notice by that person; 40
  - “owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion.

SCHEDULE 14

Section 10

EXTINCTION OF RIGHTS OVER LAND

*Land to which Schedule applies*

- 1 This Schedule applies to—
- (a) land within the Act limits which is held by the Secretary of State for Phase 2b (Crewe - Manchester) purposes, and 5
  - (b) land within the Act limits in relation to which the Secretary of State has acquired a right (whether by creating a new right or acquiring an existing right) or imposed a restrictive covenant for Phase 2b (Crewe - Manchester) purposes. 10

*Private rights*

- 2 (1) All private rights over land within paragraph 1(a) are extinguished at the appropriate time.
- (2) All private rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed. 15
- (3) In this Schedule, “private rights” include—
- (a) private rights of way over land,
  - (b) rights of common, 20
  - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
  - (d) restrictions as to the user of land arising under a contract.
- (4) Where the power under section 11(1) of the Compulsory Purchase Act 1965 (power of entry following notice to treat) is exercised in the case of land within paragraph 1(a) or (b), sub-paragraph (1) or (2) (as the case may be) has effect in relation to rights of common over the land notwithstanding anything in Schedule 4 to that Act (which preserves rights of common over land until payment of compensation). 25 30
- 3 (1) The Secretary of State may, in relation to a private right, direct—
- (a) that paragraph 2 does not apply to the right, or
  - (b) that paragraph 2 applies to the right only to the extent specified in the direction.
- (2) A direction under sub-paragraph (1) must— 35
- (a) be in writing, and
  - (b) be given before the appropriate time.
- (3) Paragraph 2 does not apply to—
- (a) a right over land which, were the land held otherwise than by the Secretary of State, would not be capable of being acquired under section 4(1), or 40
  - (b) a right to which section 271 or 272 of TCPA 1990 (extinguishment of rights of statutory undertakers etc) applies (and see section 11 as to the application of those sections).

- 4 (1) Any person who suffers loss by the extinction of a private right under paragraph 2 is entitled to be compensated by the nominated undertaker.
- (2) Any dispute as to a person’s entitlement to compensation under this paragraph, or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 5
- (3) This paragraph does not apply where compensation in respect of rights of common is payable under Schedule 4 to the Compulsory Purchase Act 1965.

*General rights*

- 5 (1) All general rights over land within paragraph 1(a) are extinguished at the appropriate time. 10
- (2) All general rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed.
- (3) In this Schedule, references to “general rights” over land are to – 15
- (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act,
- (b) other public rights over land which are conferred by an enactment, and 20
- (c) rights exercisable as a result of trusts, or incidents, to which a common, town or village green, open space or allotment is subject.
- 6 (1) The Secretary of State may, in relation to a general right, direct – 25
- (a) that paragraph 5 does not apply to the right, or
- (b) that paragraph 5 applies to the right only to the extent specified in the direction.
- (2) A direction under sub-paragraph (1) must be given before the appropriate time.

*Meaning of “the appropriate time”*

- 7 (1) References in this Schedule to “the appropriate time” are to be read as follows. 30
- (2) In the case of –
- (a) land held immediately before the day on which this Act is passed, or
- (b) land which, immediately before that day, was land in relation to which a right had been acquired or a restrictive covenant had been imposed, 35
- the appropriate time is the end of the period of 14 days beginning with that day.
- (3) In the case of –
- (a) land acquired on or after the day on which this Act is passed, or 40
- (b) land in relation to which a right has been acquired or a restrictive covenant has been imposed on or after that day,
- the appropriate time is the time of acquisition or (in the case of a restrictive covenant) imposition.

- (4) Sub-paragraph (3) is subject to sub-paragraphs (5) and (6) (which apply to land or a right acquired compulsorily or to a restrictive covenant imposed compulsorily).
- (5) Where the power under section 11(1) of the Compulsory Purchase Act 1965 has been exercised in relation to the land, the appropriate time is – 5
- (a) the time of entry under that provision, or
  - (b) in the case of the acquisition of a right or the imposition of a restrictive covenant, the time when the power to enter the land for the purpose of exercising the right or enforcing the covenant becomes exercisable under that provision (as modified in accordance with paragraph 2(5) of Schedule 9 to this Act). 10
- (6) Where a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 has been made in relation to the land, the appropriate time is the vesting date (within the meaning of that Act).

*Amendments to registers of common land or town or village greens* 15

- 8 (1) This paragraph applies where –
- (a) the Secretary of State acquires land in England within the Act limits for Phase 2b (Crewe - Manchester) purposes, or
  - (b) the Secretary of State acquires a right, or imposes a restrictive covenant, over land in England within the Act limits. 20
- (2) The Secretary of State must notify the commons registration authority of the acquisition or (in the case of a restrictive covenant) imposition if it relates to –
- (a) land registered in a register of common land as common land,
  - (b) land registered in a register of town or village greens as a town or village green, or 25
  - (c) a right of common registered in relation to land within paragraph (a) or (b).
- (3) A notice under sub-paragraph (2) must include –
- (a) a copy of this Schedule, 30
  - (b) a copy of the instrument by which the acquisition or imposition was effected,
  - (c) the number of the register unit and (where applicable) the number of the rights section entry in the register of common land or of town or village greens to which the notice relates, and 35
  - (d) a description of the amendment required to the register in question in consequence of the acquisition or imposition.
- (4) Sub-paragraph (5) applies where, in connection with the acquisition or imposition –
- (a) other land is given in exchange, or 40
  - (b) other land is to be made subject to a right of common equivalent to a right of common extinguished by virtue of paragraph 2.
- (5) The notice under sub-paragraph (2) must contain –
- (a) details of the land being given or the right of common being granted, and 45
  - (b) an application for (as the case may be) –

- (i) the registration of the land as common land or as a town or village green, or
  - (ii) the registration of the right being granted.
- (6) The commons registration authority must make such amendments as may be necessary to a register in consequence of sub-paragraph (2) (including any amendments necessary in consequence of sub-paragraph (5)). 5
- (7) Nothing in—
- (a) regulations under section 14 of the Commons Act 2006, or
  - (b) regulations under section 13 of the Commons Registration Act 1965, applies to an acquisition or imposition mentioned in sub-paragraph (1). 10

*Interpretation*

- 9 In this Schedule—
- (a) references to section 11(1) of the Compulsory Purchase Act 1965 are to that provision as applied by section 4(3) of this Act to the acquisition of land under section 4(1) of this Act; 15
  - (b) references to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 are to that section as applied by section 4(4) of this Act to the acquisition of land under section 4(1) of this Act;
  - (c) “right of common” has the same meaning as in the Commons Act 2006. 20

## SCHEDULE 15

Section 13

## TEMPORARY POSSESSION AND USE OF LAND

## PART 1

## TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

- Right to enter on and take possession of land* 25
- 1 (1) The nominated undertaker may enter on and take possession of the land specified in the table in Schedule 16—
- (a) for the purpose specified in relation to the land in column (3) of that table in connection with the authorised works specified in column (4) of the table, 30
  - (b) for the purpose of constructing such works as are mentioned in column (5) of that table in relation to the land, or
  - (c) otherwise for Phase 2b (Crewe - Manchester) purposes.
- (2) The nominated undertaker may (subject to paragraph 2(1)) enter on and take possession of any other land within the Act limits for Phase 2b (Crewe - Manchester) purposes. 35
- (3) The reference in sub-paragraph (1)(a) to the authorised works specified in column (4) of the table in Schedule 16 includes a reference to any works which are necessary or expedient for the purposes of or in connection with those works. 40

*Exceptions*

- 2 (1) Paragraph 1(2) does not apply in relation to—
- (a) land which is subject to a restricted power of compulsory acquisition,
  - (b) land in respect of which a notice of entry has been served under section 11 of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant, or 5
  - (c) land in respect of which a declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as applied by section 4(4) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant. 10
- (2) But sub-paragraph (1)(b) and (c) only applies to land where the notice of entry has been served, or the declaration has been made, in respect of all estates or interests in the land. 15
- (3) The power under section 4(1) (power to acquire land compulsorily) is not exercisable in relation to land specified in the table in Schedule 16.
- (4) But sub-paragraph (3) does not apply in relation to land specified in that table to the extent (if any) that the land is subject to a restricted power of compulsory acquisition. 20
- (5) For the purposes of this Schedule, land is subject to a restricted power of compulsory acquisition if the power under section 4(1) may be exercised in relation to the land only— 25
- (a) so as to acquire rights or impose restrictive covenants relating to the land (see section 5(2));
  - (b) so as to acquire the subsoil or under-surface of the land (ignoring the power by virtue of section 5(1)(b) to impose restrictive covenants over the land). 30

*Powers exercisable on land of which temporary possession has been taken*

- 3 (1) Where under paragraph 1(1) or (2) the nominated undertaker has entered upon and taken possession of land, the nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act— 35
- (a) remove any structure or vegetation from the land;
  - (b) construct such works as are mentioned in relation to the land in column (5) of the table in Schedule 16;
  - (c) construct temporary works (including the provision of means of access) and structures on the land; 40
  - (d) construct landscaping and other works on the land to mitigate any adverse effects of the construction, maintenance or operation of the works authorised by this Act.
- (2) The other works referred to in sub-paragraph (1)(d) include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals. 45
- (3) In this paragraph, “structure” includes any erection.

*Procedure and compensation*

- 4 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 1(1) or (2), the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so.
- (2) The nominated undertaker may not, without the agreement of the owners of the land, remain in possession of land under paragraph 1(1) or (2) 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. 5
- (3) Sub-paragraph (2) does not apply, in the case of land mentioned in paragraph 1(2), if before the end of the one-year period either of the following powers has been exercised in relation to all relevant estates or interests in the land – 10
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1)); 15
- (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as applied by section 4(4) of this Act to the acquisition of land under section 4(1)).
- (4) In sub-paragraph (3) an estate or interest in land is relevant if it entitles a person to take possession of the land. 20
- (5) The nominated undertaker must pay compensation to the owners and occupiers of land of which possession is taken under paragraph 1(1) or (2) for any loss which they may suffer by reason of the exercise in relation to the land of the power or powers under that paragraph.
- (6) Any dispute as to a person's entitlement to compensation under sub-paragraph (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 25
- (7) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (5). 30
- 5 (1) Before giving up possession of land of which possession has been taken under paragraph 1(1) or (2), the nominated undertaker must, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide. 35
- (2) If no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion mentioned in paragraph 4(2) in relation to the land, the scheme is to be such as may be determined by the appropriate Ministers after consulting the nominated undertaker, the owners of the land and the relevant planning authority. 40
- (3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) must provide for land to be restored to its former condition.
- (4) Sub-paragraph (3) does not require land on which works referred to in paragraph 1(1)(b) or 3(1)(d) have been constructed to be restored to its former condition. 45

- (5) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) may not provide for the nominated undertaker to replace a structure removed under paragraph 3, other than a fence.
- (6) Where the appropriate Ministers ask the relevant planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (2), they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which it reasonably incurs in meeting the request. 5
- (7) The duty under sub-paragraph (1) in relation to any land is owed separately to the owners of the land and to the relevant planning authority. 10
- (8) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may –
- (a) enter the land concerned and take that step, and
  - (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a). 15
- (9) In this paragraph –
- “appropriate Ministers” means the Secretary of State for Levelling Up, Housing and Communities and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly; 20
  - “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the land is situated.

## PART 2

### TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS 25

#### *Right to enter on and take possession of land*

- 6 (1) At any time during the maintenance period relating to any of the scheduled works, the nominated undertaker may –
- (a) enter on and take possession of any land which is –
    - (i) within 20 metres from that work, and 30
    - (ii) within the Act limits,if possession of the land is reasonably required for the purposes of or in connection with maintaining the work or any ancillary works connected with it, and
  - (b) construct on the land such temporary works (including the provision of means of access) and structures as may be reasonably so required, unless the land is specified in the table in Schedule 16. 35
- (2) Sub-paragraph (1) does not authorise the nominated undertaker to take possession of –
- (a) a house, any other structure which is for the time being occupied, or a garden belonging to a house, or 40
  - (b) land which is subject to a restricted power of compulsory acquisition.

- (3) The nominated undertaker may only remain in possession of the land for so long as may be reasonably required to carry out the maintenance works for which possession of the land was taken.
- (4) In this paragraph –
- (a) “the maintenance period”, in relation to any work, means the period beginning with the date on which the work is completed and ending 5 years after the date on which it is brought into general use; 5
  - (b) “structure” includes any erection;
  - (c) the reference in sub-paragraph (1)(a) to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of any point on the surface below which the work is situated. 10

*Procedure and compensation*

- 7 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 6, the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so. 15
- (2) Before giving up possession of the land, the nominated undertaker must restore the land to the reasonable satisfaction of its owners.
- (3) The nominated undertaker must pay compensation to the owners and occupiers of the land for any loss which they may suffer by reason of the exercise in relation to the land of the powers under paragraph 6. 20
- (4) Any dispute as to a person’s entitlement to compensation under sub-paragraph (3), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (5) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1)), or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (3). 25

PART 3 30

SUSPENSION OF RIGHTS AND ENFORCEMENT

*Suspension of rights relating to land*

- 8 (1) All private rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 6 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 35
- (2) The nominated undertaker may, in relation to a private right, direct –
- (a) that sub-paragraph (1) does not apply to the right, or
  - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction. 40
- (3) In this paragraph, “private rights” include –
- (a) private rights of way over land,
  - (b) rights of common,

- (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
  - (d) restrictions as to the user of land arising under a contract.
- (4) Any person who suffers loss by reason of the suspension of a right under sub-paragraph (1) is entitled to be compensated by the nominated undertaker. 5
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 10
- (6) This paragraph applies to a private right which is for the benefit of Crown land if the Crown authority consents (and consent may be subject to conditions).
- 9 (1) All general rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 6 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 15
- (2) The nominated undertaker may, in relation to a general right, direct –
  - (a) that sub-paragraph (1) does not apply to the right, or
  - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction. 20
- (3) In this paragraph, references to “general rights” over land are to –
  - (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act, 25
  - (b) other public rights over land which are conferred by an enactment, and
  - (c) rights exercisable as a result of trusts, or incidents, to which a common, town or village green, open space or allotment is subject.
- Enforcement* 30
- 10 (1) Section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) applies for the purposes of this Schedule as if –
  - (a) references to the acquiring authority were to the nominated undertaker,
  - (b) references to compensation payable to the person refusing to give possession were to compensation payable under this Schedule, and 35
  - (c) in subsection (1), for “this Act” there were substituted “Schedule 15 to the High Speed Rail (Crewe - Manchester) Act 2022”.
- (2) In the case of Crown land, that section does not, by virtue of sub-paragraph (1), apply as against the Crown authority for that land. 40



(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Plumley	1, 8, 10	Worksite and access for construction	Environmental mitigation works		5
Parish of Tabley Inferior	22, 24 to 26, 46	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		10
		Provision of access for utility works			15
	31, 33	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	Works required in connection with the provision of new public right of way	20
		Worksite and access for construction	Creation of new public right of way		25
Parish of Pickmere	4, 5, 10, 14	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		30
		Worksite and access for construction			
	8	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	Works required in connection with the provision of new public right of way	35
		Worksite and access for construction	Creation of new public right of way		40
	15, 17, 20, 21, 23	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		45
	Provision of access for utility works			50	

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	31	Worksite and access for construction	Work No. 1/21	Works required in connection with the provision of new public right of way	5
	50, 64	Creation of new public right of way	Creation of new public right of way		10
		Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		15
		Provision of access for utility works			
Parish of Aston by Budworth	1, 2, 5, 9, 17, 20, 23 to 28, 35, 36, 38	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		20
		Provision of access for utility works			25
	10, 15, 18, 19, 21	Highway works	Highway works		
	22	Provision of access for utility works	Diversion or installation of or works to utilities apparatus		30
	29, 32 to 34	Highway works	Diversion or installation of or works to utilities apparatus		35
		Provision of access for utility works			
	31	Highway works	Diversion or installation of or works to utilities apparatus		40
		Diversion or installation of or works to utilities apparatus			
		Provision of access for utility works			45
	39, 40	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
Parish of Tabley Superior	1	Diversion or installation of or works to utilities apparatus	Highway works	5
	21, 27, 80, 85, 93, 94, 97 to 99, 101	Worksite and access for construction	Diversion or installation of or works to utilities apparatus	10
		Provision of access for utility works		15
		Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	20
	37, 40, 47, 49, 51, 79, 95, 96	Provision of access for utility works	Diversion or installation of or works to utilities apparatus	25
		Provision of access for utility works		
	56	Highway works	Highway works	
	59 to 61, 66 to 76	Worksite and access for construction	Diversion or installation of or works to utilities apparatus	30
92, 100	Diversion or installation of or works to utilities apparatus	Work No. 1/92 Diversion or installation of or works to utilities apparatus	35	
Parish of Mere	11, 26, 46, 62, 63, 65, 66, 69, 73, 77, 90, 101, 135, 137, 161	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	45
		Provision of access for utility works		
	27, 110	Highway works	Highway works	
45, 47	Worksite and access for construction	Work Nos. 1/21 and 1/21A	50	

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	106	Worksite and access for construction	Work No. 1/21A		5
	108	Provision of railway infrastructure and access	Work No. 1/21A		10
Parish of High Legh	1, 2, 4, 6, 35, 37, 44, 53, 61	Diversions or installation of or works to utilities apparatus  Provision of access for utility works	Diversions or installation of or works to utilities apparatus		15
Parish of Millington	1, 44, 47	Diversions or installation of or works to utilities apparatus  Provision of access for utility works	Diversions or installation of or works to utilities apparatus		20
	35, 43, 54, 90	Provision of access for utility works	Diversions or installation of or works to utilities apparatus		25
	59	Highway works  Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of new public right of way	30
	111	Diversions or installation of or works to utilities apparatus	Diversions or installation of or works to utilities apparatus		35
Parish of Agden	2, 52 to 55	Provision of access for utility works	Diversions or installation of or works to utilities apparatus		40
	12, 34, 57, 58	Diversions or installation of or works to utilities apparatus  Provision of access for utility works	Diversions or installation of or works to utilities apparatus		45
					50
					55

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	36	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of new public right of way	5
	38	Worksite and access for construction	Work No. 1/21A		10
					15
Parish of Rostherne	23, 41, 42, 47, 50, 52, 56 to, 62, 65 to 67, 69, 80 to 82, 84 to 87	Diversion or installation of or works to utilities apparatus Provision of access for utility works	Diversion or installation of or works to utilities apparatus		20
	48, 51, 68	Provision of access for utility works	Diversion or installation of or works to utilities apparatus		25
	76, 78, 79	Highway works	Diversion or installation of or works to utilities apparatus		30
Parish of Little Bollington	3, 5, 7, 8	Diversion or installation of or works to utilities apparatus Provision of access for utility works	Diversion or installation of or works to utilities apparatus		35
Parish of Tatton	1 to 4, 7 to 11, 14 to 16	Diversion or installation of or works to utilities apparatus Provision of access for utility works	Diversion or installation of or works to utilities apparatus		40
	6, 12	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		45
		Implementation of protective measures for land beneath overhead line works			50
					55

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Ashley	5, 8 to 13, 34, 36, 103, 114 to 117, 119, 126 to 128, 130, 199	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		5
		Provision of access for utility works			10
	15 to 21, 25, 37 to 40, 50, 109, 111, 113, 118, 120 to 122, 217, 218, 220 to 222	Provision of access for utility works	Diversion or installation of or works to utilities apparatus		15
	22, 23, 26, 27	Higway works	Diversion or installation of or works to utilities apparatus		20
	47	Provision of access for utility works	Diversion or installation of or works to utilities apparatus	Works required in connection with the provision of new public right of way	25
		Creation of new public right of way	Creation of new public right of way		30
	72, 74, 95	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of new public right of way	35
	125	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		40
		Provision of access for utility works			45
		Implementation of protective measures for land beneath overhead line works			50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
				5
	131	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines	10
	195	Worksite and access for construction	Work No. 2/3	
	197	Worksite and access for construction	Work No. 2/3	15
		Diversion or installation of works to utilities apparatus		20
Parish of Mobberley	11	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines	25
	13, 15, 16, 19, 21, 28, 32, 35, 36	Diversion or installation of works to utilities apparatus	Diversion or installation of or works to utilities apparatus	30
		Provision of access for utility works		
	17, 18, 30	Diversion or installation of works to utilities apparatus	Diversion or installation of or works to utilities apparatus	35
	23, to 27, 31, 34	Provision of access for utility works	Diversion or installation of or works to utilities apparatus	40
	29	Highway works	Diversion or installation of or works to utilities apparatus	45
County of Cheshire Borough of Cheshire West & Chester Parish of Stanthorne and Wimboldsley	34, 75	Diversion or installation of works to utilities apparatus	Diversion or installation of or works to utilities apparatus	50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
					5
	43, 72, 76, 82, 84, 158 to 160, 162 to 164, 215	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		10
	90, 91	Provision of access for utility works  Provision of access for utility works	Diversion or installation of or works to utilities apparatus		15
	161, 211	Worksite and access for construction	Environmental mitigation works		20
Parish of Winsford	10, 11	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		25
	40, 44	Provision of access for utility works  Worksite and access for construction	Environmental mitigation works		30
Parish of Bostock	23, 26, 28 to 30	Worksite and access for construction	Environmental mitigation works		
Parish of Byley	18, 22, 25	Worksite and access for construction	Environmental mitigation works		35
	21	Worksite and access for construction	Highway works	Access road	
Parish of Davenham	23, 73	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		40
	68, 111	Provision of access for utility works  Worksite and access for construction	Environmental mitigation works		45

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
	85 to 87	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	5
				10
Parish of Lach Dennis	21, 57, 71, 72, 74 to 76, 79, 84 to 90, 93, 104, 127, 132, 135	Diversion or installation of or works to utilities apparatus  Provision of access for utility works	Diversion or installation of or works to utilities apparatus	15
Parish of Rudheath	22, 26	Provision of access for construction and diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	20
Parish of Wincham	1	Worksite and access for construction	Environmental mitigation works	25
	4	Provision of environmental mitigation works  Worksite and access for construction	Environmental mitigation works	30
Greater Manchester City of Manchester Parish of Ringway	81	Worksite and access for construction	Work Nos. 2/9 and 2/9D	35
	88, 89	Diversion or installation of or works to utilities apparatus  Provision of access for utility works	Diversion or installation of or works to utilities apparatus	40
Greater Manchester City of Manchester	767 to 769, 776, 782, 784, 794, 795, 797, 799, 800	Provision of environmental mitigation works  Worksite and access for construction	Environmental mitigation works	45
	808, 810, 2255, 2257, 2259, 2265	Worksite and access for construction	Environmental mitigation works	50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
	2242, 2244	Provision of railway infrastructure and access	Temporary relocation of railway infrastructure	5
		Worksite and access for construction		10
	2243, 2245, 2261, 2579, 2591, 2598, 2725, 2729, 2732, 2733	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	15
		Provision of access for utility works		
	2370	Provision of access for construction and diversion or installation of or works to utilities apparatus	Work Nos. 2/1B and 2/20	20
		Worksite and access for construction		25
	2665, 2674, 2675, 2685	Worksite and access for construction	Work No. 2/52	30
	2751	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	35
Greater Manchester Metropolitan Borough of Trafford	1, 2, 3	Worksite and access for construction	Diversion or installation of or works to utilities apparatus	40
	134	Worksite and access for construction	Work No. 2/14	
Metropolitan Borough of Trafford Parish of Warburton	22, 27, 85, 90 to 95	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	45
		Provision of access for utility works		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	81	Worksite and access for construction	Work No. 2/55		5
Metropolitan Borough of Trafford Parish of Partington	8 to 10, 17 to 21	Worksite and access for construction	Environmental mitigation works		10
	5, 11	Worksite and access for construction	Work No. 2/55		15
County of Cheshire Borough of Warrington Parish of Lymm	14, 15  20, 42, 58	Worksite and access for construction  Diversion or installation of works to utilities apparatus  Provision of access for utility works	Work Nos. 2/ 55 and 2/57  Diversion or installation of works to utilities apparatus		20  25
Parish of Rixton- with-Glazebrook	1 to 5, 8, 12, 78  28, 29, 30, 48, 54, 101, 111, 168, 169, 170, 171  64, 69, 70	Worksite and access for construction  Diversion or installation of works to utilities apparatus  Provision of access for utility works  Creation of new public right of way	Work No. 2/55  Diversion or installation of works to utilities apparatus  Creation of new public right of way	Works required in connection with the provision of new public right of way	30  35  40
Town of Birchwood	10	Worksite and access for construction	Provision of railway infrastructure		45
Parish of Culcheth and Glazebury	4, 6, 9	Diversion or installation of works to utilities apparatus  Provision of access for utility works	Diversion or installation of works to utilities apparatus		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	20 to 25	Worksite and access for construction	Environmental mitigation works		5
	30, 50, 55, 57	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of new public right of way	10
	52, 54	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		15
	66	Worksite and access for construction	Provision of railway infrastructure		20
			Environmental mitigation works		25
Parish of Croft	45, 96, 99, 103, 114, 122, 183, 202, 209, 220, 231	Worksite and access for construction	Environmental mitigation works		30
	58, 140, 142, 145, 162, 166, 168, 169, 177, 257	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		35
	141, 143, 147, 150, 165, 167, 210, 211, 214, 242, 244	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		40
		Provision of access for utility works			
	172	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of new public right of way	45
					50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	173	Diversion or installation of or works to utilities apparatus  Creation of new public right of way	Diversion or installation of or works to utilities apparatus  Creation of new public right of way	Works required in connection with the provision of new public right of way	5
	213	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	10
					15
Greater Manchester Metropolitan Borough of Salford	1 to 4	Worksite and access for construction	Environmental mitigation works		20
Metropolitan Borough of Wigan	3, 5	Worksite and access for construction	Work No. 2/55		25
	57, 87, 89, 171, 188, 207, 212, 300, 301, 340	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		30
	96, 312, 314, 315, 318	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus		35
		Provision of access for utility works			
	206	Worksite and access for construction	Creation of new public right of way		40
		Creation of new public right of way			
	223, 225, 227, 228, 231, 233, 234, 247, 248, 251 to 255, 260	Worksite and access for construction	Environmental mitigation works		45
	283, 284, 295, 357, 358, 359	Worksite and access for construction	Provision of railway infrastructure		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
				5
	296, 297, 330, 331, 333, 349, 350	Provision of access for utility works	Diversion or installation of or works to utilities apparatus	10
County of Cumbria City of Carlisle	6	Worksite and access for construction	Access for construction of Work No. 2/121 and station improvements	15
Dumfries and Galloway Community Council Area of Springfield & Gretna Green	9	Worksite and access for construction	Environmental mitigation works	20
Community Council Area of Kirkpatrick Fleming & District	6	Worksite and access for construction	Environmental mitigation works and Works Nos. 2/123 and 2/124	25
	8, 11, 14	Worksite and access for construction	Environmental mitigation works	30
	10, 33, 54	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	35
		Provision of access for utility works		
	49, 51, 53, 58, 60, 69, 70, 74, 76	Diversion or installation of or works to utilities apparatus	Diversion or installation of or works to utilities apparatus	40
	55	Provision of access for utility works	Diversion or installation of or works to utilities apparatus	45

SCHEDULE 17

Section 18

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

<i>Introductory</i>	5
1 The requirements in paragraphs 2 to 12 are conditions of deemed planning permission under section 18(1).	
<i>Condition relating to building works</i>	
2 (1) To the extent that development consists of building works, it must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority.	10
(2) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.	
(3) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the building works to be submitted for approval.	15
(4) Where the relevant planning authority exercises the power conferred under sub-paragraph (3), the plans and specifications referred to in sub-paragraph (1) must, as regards the specified respect, include a plan or specification showing the additional details.	20
(5) If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—	
(a) the design or external appearance of the building works ought to be modified—	25
(i) to preserve the local environment or local amenity,	
(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or	
(iii) to preserve a site of archaeological or historic interest or nature conservation value,	30
and is reasonably capable of being so modified, or	
(b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	
(6) If the relevant planning authority is not a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—	35
(a) the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified, or	40
(b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	

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- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground referred to in sub-paragraph (5) or (6) (as the case may be).
- (8) In this paragraph, “building works” means the erection, construction, alteration or extension of any building, other than a temporary building. 5
- (9) For these purposes, a building ancillary to a scheduled work is only a temporary building if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use.
- (10) The requirements in this paragraph do not apply to building works to the extent that they are ancillary to development consisting of – 10
- (a) the disposal of waste or spoil, or
  - (b) the excavation of bulk materials from borrow pits.
- (See paragraph 7 as to such development.)

*Condition relating to other construction works*

- 3 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority. 15
- (2) This paragraph applies to development to the extent that it consists of the construction of any of the following – 20
- (a) a road vehicle park;
  - (b) earthworks;
  - (c) sight, noise or dust screens;
  - (d) transformers, telecommunications masts or pedestrian accesses to railway lines;
  - (e) fences or walls; 25
  - (f) lighting equipment.
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1). 30
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 35
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in relation to the work in question in the following table. 40

<i>Development</i>	<i>Possible grounds for refusal of approval</i>	
1. A road vehicle park.	That the design or external appearance of the works ought to, and could reasonably, be modified –	
	(a) to preserve the local environment or local amenity,	5
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or	10
	(c) to preserve a site of archaeological or historic interest or nature conservation value.	
	That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.	15
2. Earthworks. 3. Sight, noise or dust screens.	That the design or external appearance of the works ought to, and could reasonably, be modified –	20
	(a) to preserve the local environment or local amenity,	
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or	25
	(c) to preserve a site of archaeological or historic interest or nature conservation value.	30
	If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.	35
4. Transformers, telecommunications masts or pedestrian accesses to railway lines.	That the design or external appearance of the works ought to, and could reasonably, be modified to preserve the local environment or local amenity.	40
	That the development ought to, and could reasonably, be carried out on land elsewhere within the development's permitted limits.	45

<i>Development</i>	<i>Possible grounds for refusal of approval</i>	
5. Fences and walls (except for sight, noise and dust screens).	That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.	5
6. Artificial lighting equipment.	That the design of the equipment, with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity.	10
	If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.	15
(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground specified in the table in sub-paragraph (6) in relation to the work in question.		
(8) Any reference in sub-paragraph (2) or (6) to a description of works does not include works of that description of a temporary nature.		20
(9) For the purposes of sub-paragraph (8), works are of a temporary nature only if the works are intended to remain in place for no longer than two years after the date on which the works are brought into general use.		
(10) In this paragraph –		25
“construction” includes erection, alteration, extension and (in the case of lighting equipment) installation;		
“earthworks” means terracing, cuttings, embankments or other earth works;		
“road vehicle park” does not include anything which is a building;		30
“sight, noise or dust screens” means any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression.		
(11) The requirements in this paragraph do not apply where development to which this paragraph applies is ancillary to development consisting of –		
(a) the disposal of waste or spoil, or		35
(b) the excavation of bulk materials from borrow pits.		
(See paragraph 7 as to such development.)		

*Condition relating to matters ancillary to development*

- |   |   |    |
|---|---|----|
| 4 | (1) If the relevant planning authority is a qualifying authority, development must be carried out in accordance with arrangements about ancillary matters which have been approved by that authority. | 40 |
|   | (2) In this paragraph “ancillary matters” means –   |    |
|   | (a) handling of re-useable spoil or topsoil;  |    |
|   | (b) storage sites for construction materials, spoil or topsoil;   |    |

- (c) construction camps;
  - (d) works screening;
  - (e) artificial lighting;
  - (f) dust suppression;
  - (g) road mud control measures. 5
- (3) In this paragraph, “relevant planning authority” means, subject to sub-paragraph (4), the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) Where the development is in a non-unitary area and consists of the disposal of waste or spoil or the excavation of bulk material from borrow pits, the relevant planning authority in respect of arrangements relating to ancillary matters is the county council. 10
- (5) The reference in sub-paragraph (1) to arrangements does not, in the case of artificial lighting, include detailed arrangements.
- (6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph— 15
- (a) on the ground that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other development which has deemed planning permission under section 18(1) and which is to be carried out in the authority’s area, or 20
  - (b) on a ground specified in relation to the matter in the following table.

<i>Matters</i>	<i>Grounds</i>	
1. Handling of re-useable spoil and topsoil.	That the arrangements ought to be modified to ensure that the spoil or topsoil remains in good condition, and are reasonably capable of being so modified.	25
2. Storage sites for construction materials, spoil or topsoil. 3. Construction camps. 4. Works screening.	That the arrangements ought to be modified— (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.	30  35  40
5. Artificial lighting. 6. Dust suppression.	That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.	45

<i>Matters</i>	<i>Grounds</i>	
7. Road mud control measures.	That the arrangements ought to be modified—	
	(a) to preserve the local environment or local amenity, or	5
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,	10
	and are reasonably capable of being so modified.	
(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph—		
(a) with the agreement of the nominated undertaker, and		15
(b) on a ground specified in the table in sub-paragraph (6)(b) in relation to the matter in question.		
(8) In this paragraph—		
“artificial lighting” means the use of artificial lighting on land within the Act limits for the purpose of carrying out the development;		20
“construction camps” means sites on land within the Act limits which are to be used for the residential accommodation of persons engaged in carrying out the development;		
“construction materials” means minerals, aggregates or other construction materials required for the development;		25
“dust suppression” means the suppression of dust caused by construction operations carried out on land within the Act limits for the purpose of carrying out the development;		
“handling of re-useable spoil and topsoil” means handling during removal, storage and re-use of any spoil or topsoil removed during the course of carrying out the development;		30
“road mud control measures” means measures to be taken on land within the Act limits to prevent or reduce the carrying of mud on to any public highway as a result of carrying out the development;		
“storage sites” means sites on land within the Act limits at which materials are to be stored until used or re-used in carrying out the development or disposed of as waste;		35
“works screening” means the provision where necessary on land within the Act limits of any screening for working sites on such land required for the purpose of carrying out the development.		40
5 (1) The Secretary of State may for the purposes of paragraph 4 make a class approval of arrangements relating to the ancillary matters referred to in paragraph 4(2)(a), (b) and (d) to (g) above.		
(2) A class approval may be made—		
(a) generally or in relation to specific areas or specific descriptions of works, and		45
(b) subject to conditions.		

- (3) A class approval may make different provision for different cases.
- (4) Before making a class approval the Secretary of State must consult the planning authorities who would be affected by it.
- (5) Where arrangements made by the nominated undertaker are approved under a class approval, they do not require the approval of the relevant planning authority under paragraph 4. 5
- (6) But the nominated undertaker may in the case of any particular arrangements request approval under paragraph 4.
- (7) If the relevant planning authority to which such a request is made considers that the circumstances of the case justify it, the authority may grant approval under paragraph 4 (and, accordingly, the arrangements are subject to that approval instead of the class approval). 10
- (8) A class approval may be varied or revoked.

*Condition relating to road transport*

- 6 (1) Where— 15
  - (a) the relevant planning authority is a qualifying authority, and
  - (b) development consists of the use of an authorised site, the route by which anything is to be transported to the site on a highway by a large goods vehicle must be approved by the relevant planning authority.
- (2) In this paragraph, “authorised site” means— 20
  - (a) a working or storage site,
  - (b) a site where anything transported to the site will be re-used, or
  - (c) a waste disposal site.
- (3) Where a route to an authorised site includes a special road or trunk road, sub-paragraph (1) requires only so much of the route to be approved as lies between (but does not include) the site and— 25
  - (a) the special road or trunk road, or
  - (b) where the route includes more than one special road or trunk road, the last such road before reaching the site.
- (4) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 30
- (5) The relevant planning authority may only refuse to approve a route for the purposes of this paragraph on the ground that— 35
  - (a) the route relates to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 18(1) and which is to be carried out in the authority’s area, or
  - (b) the route ought to be modified— 40
    - (i) to preserve the local environment or local amenity,
    - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
    - (iii) to preserve a site of archaeological or historic interest or nature conservation value, 45

and is reasonably capable of being so modified.

- (6) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph—
- (a) with the agreement of the nominated undertaker, and
  - (b) on the ground referred to in sub-paragraph (5)(b). 5
- (7) Sub-paragraph (1) does not require a route to be approved in relation to transportation to an authorised site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24.
- (8) In this paragraph “large goods vehicle” has the same meaning as in Part 4 of the Road Traffic Act 1988. 10

*Conditions relating to waste and spoil disposal and excavation*

- 7 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of— 15
- (a) the disposal of waste or spoil, or
  - (b) the excavation of bulk materials from borrow pits.
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 20
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 25
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in sub-paragraph (7) or (8). 30
- (7) The grounds in this sub-paragraph are that—
- (a) the design or external appearance of disposal sites (in the case of the disposal of waste or spoil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits, 35
  - (b) the methods by which such sites or pits are worked, or
  - (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits,
- ought to, and could reasonably, be modified. 40
- (8) The grounds in this sub-paragraph are that in order to—
- (a) preserve the local environment or local amenity,
  - (b) prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

- (c) preserve a site of archaeological or historic interest or nature conservation value,  
the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (9) The grounds in sub-paragraph (8) do not apply where the development – 5  
(a) is within the limits of deviation for the scheduled works, or  
(b) consists of the use of land specified in columns (1) and (2) of the table in Schedule 6 for a purpose specified in relation to the land in column (3) of that table.
- (10) The relevant planning authority may only impose conditions on approval 10  
for the purposes of this paragraph –  
(a) with the agreement of the nominated undertaker, and  
(b) on a ground referred to in sub-paragraph (7) or (8) (taken with sub-paragraph (9)).
- 8 (1) If the relevant planning authority is a qualifying authority, development to 15  
which paragraph 7 applies may not be begun unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out.
- (2) In this paragraph “relevant planning authority” has the same meaning as in 20  
paragraph 7.
- (3) The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified.
- (4) The nominated undertaker must carry out a scheme approved for the 25  
purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out the development to which paragraph 7 applies.
- (5) In sub-paragraph (1), the reference to restoration includes a reference to 30  
restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.

*Conditions on bringing scheduled works and depots into use*

- 9 (1) If the relevant planning authority is a qualifying authority, no work to which 35  
this paragraph applies may be brought into use without the approval of that authority.
- (2) This paragraph applies to –  
(a) any scheduled work, except to the extent that the work is underground, and  
(b) any depot constructed, in exercise of the powers conferred under this 40  
Act, for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes.
- (3) In this paragraph “relevant planning authority” means the unitary authority 45  
or, in a non-unitary area, the district council in whose area the work is carried out.

- 
- (4) The relevant planning authority must grant approval for the purposes of this paragraph if –
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or 5
  - (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.
- (5) The relevant planning authority may not refuse to approve, or impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified – 10
- (a) to preserve the local environment or local amenity,
  - (b) to preserve a site of archaeological or historic interest, or
  - (c) in the interests of nature conservation, 15
- and that the scheme is reasonably capable of being so modified.
- (6) In this paragraph “railway vehicle” and “track” have the same meaning as in Part 1 of the Railways Act 1993.
- 10 Where the relevant planning authority approves a scheme for the purposes of paragraph 9(4)(b), the nominated undertaker must – 20
- (a) carry out the scheme, and
  - (b) comply with any condition subject to which the scheme is approved.
- Condition relating to discontinuation of ancillary operations*
- 11 Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, the operations must be discontinued as soon as reasonably practicable after the completion of the scheduled work or works. 25
- Condition relating to site restoration*
- 12 (1) The nominated undertaker must, after discontinuation of the use of a relevant site, restore the site in accordance with a scheme agreed with the relevant planning authority. 30
- (2) In this paragraph –
- “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out; 35
  - “relevant site” means a site –
    - (a) on which operations ancillary to the construction of any of the scheduled works have been carried out, and
    - (b) that has been materially altered by those operations.
- (3) For the purposes of sub-paragraph (1) the nominated undertaker must, within four months of the discontinuation of the use, submit a proposed scheme to the relevant planning authority. 40
- (4) If –
- (a) the nominated undertaker fails to submit a proposed scheme in accordance with sub-paragraph (3), or 45

- (b) the nominated undertaker submits a proposed scheme in accordance with sub-paragraph (3) but no scheme is agreed for the purposes of sub-paragraph (1) before the end of the relevant period, the scheme for the purposes of sub-paragraph (1) is to be such as the appropriate Ministers may determine after consulting the nominated undertaker and the relevant planning authority. 5
- (5) In sub-paragraph (4)(b) “the relevant period” means –
- (a) eight weeks beginning with the date on which the proposed scheme is submitted, or
- (b) such longer period as the nominated undertaker and the relevant planning authority may agree. 10
- (6) A scheme agreed or determined for the purposes of sub-paragraph (1) may reserve particulars for subsequent agreement between the nominated undertaker and the relevant planning authority.
- (7) Where a particular reserved under sub-paragraph (6) is not agreed – 15
- (a) by the time specified by or determined in accordance with the scheme, or
- (b) by such later time as the nominated undertaker and the relevant planning authority may agree,
- that particular is to be determined by the appropriate Ministers after consulting the nominated undertaker and the authority. 20
- (8) Where, independently of any consultation under sub-paragraph (4) or (7), the appropriate Ministers ask the relevant planning authority for assistance in connection with their function under the sub-paragraph in question, they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which the authority reasonably incurs in meeting the request. 25
- (9) Sub-paragraph (1) does not apply to a site –
- (a) to the extent that the site consists of land to which a scheme under paragraph 8 (waste or spoil etc) applies, or 30
- (b) in relation to which the nominated undertaker is subject to an obligation under paragraph 5(1) of Schedule 15 (obligation to put land into such condition as an agreed scheme provides, before giving up possession of the land).

PART 2 35

QUALIFYING AUTHORITIES

*Specification of qualifying authorities*

- 13 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, the Secretary of State must by regulations specify every planning authority which – 40
- (a) had, on or before the day on which the Bill for this Act was reported from Select Committee in the House of Lords, given the Secretary of State undertakings with respect to the handling of planning matters arising under this Schedule which the Secretary of State considered satisfactory, and 45
- (b) has not subsequently been released from its undertakings.

- 
- (2) Subject to the following provisions of this paragraph, an authority which is specified under sub-paragraph (1) is a qualifying authority for the purposes of this Schedule.
- (3) The Secretary of State may, if the Secretary of State considers it expedient to do so, by regulations provide that an authority is to cease to be a qualifying authority for the purposes of this Schedule. 5
- (4) If, in relation to a planning authority which is not a qualifying authority for the purposes of this Schedule, the Secretary of State considers that the way in which the authority carries out its functions has been significantly affected by a change of circumstances occurring since the relevant day, the Secretary of State may by regulations provide that the authority is to be a qualifying authority for the purposes of this Schedule. 10
- (5) In sub-paragraph (4), the reference to the relevant day is –
- (a) in relation to an authority which has never been a qualifying authority for the purposes of this Schedule, to the day mentioned in sub-paragraph (1)(a), and 15
- (b) in relation to an authority which has been a qualifying authority for the purposes of this Schedule, to the day on which it ceased, or last ceased, to be such an authority.
- (6) Before making regulations under sub-paragraph (3) or (4), the Secretary of State must consult – 20
- (a) the nominated undertaker, and
- (b) unless the authority concerned has requested the making of the regulations, that authority.
- Transition* 25
- 14 (1) Regulations under paragraph 13 may contain such transitional provision and savings as the Secretary of State thinks fit.
- (2) Without prejudice to the generality of sub-paragraph (1), provision under that sub-paragraph may include provision with respect to the effect of the authority becoming or ceasing to be a qualifying authority in relation to an approval which has already been requested or given. 30
- (3) The Secretary of State may by agreement fetter the exercise of the Secretary of State’s discretion under sub-paragraph (1).
- PART 3
- APPROVALS: SUPPLEMENTARY 35
- Requests for planning approval*
- 15 A planning authority may only grant approval under Part 1 of this Schedule at the request of the nominated undertaker.
- 16 (1) A planning authority need not consider a request for approval under Part 1 of this Schedule unless – 40
- (a) the nominated undertaker has deposited with the authority a document setting out its proposed programme with respect to the making of requests under that Part to the authority, and

- (b) the request is accompanied by a document explaining how the matters to which the request relates fit into the overall scheme of the works authorised by this Act.

- (2) Sub-paragraph (1) does not apply to a request for approval of additional details. 5

*Fees for requests for approval*

- 17 (1) The appropriate Ministers may by regulations make provision about fees for requests to a planning authority for approval under Part 1 of this Schedule.
- (2) Regulations under this paragraph may, in particular, make provision –
  - (a) for the payment of a fee and for the amount of a fee; 10
  - (b) about when a fee must be paid;
  - (c) for circumstances in which a fee is to be treated as paid;
  - (d) for the remission or refunding of a fee in whole or part;
  - (e) about the consequences of non-payment of a fee, including provision for the termination of the application concerned or any appeal against its refusal; 15
  - (f) for the resolution of disputes.
- (3) Regulations under this paragraph may make such supplementary, incidental or consequential provision as the appropriate Ministers think fit.
- (4) Nothing in regulations under section 303 of TCPA 1990 (fees for planning applications) applies to a request for approval under Part 1 of this Schedule. 20

*Consultation on requests for approval*

- 18 (1) This paragraph applies where a planning authority considers that a request for approval under Part 1 of this Schedule relates to matters which may affect any of the following – 25
  - (a) a site of special scientific interest,
  - (b) the conservation of the natural beauty or amenity of the countryside,
  - (c) the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,
  - (d) the conservation of flora or fauna which are dependent on an aquatic environment, 30
  - (e) the use of inland or coastal waters, or land associated with them, for recreational purposes,
  - (f) a site of a scheduled monument,
  - (g) a battlefield of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953, 35
  - (h) a garden or park of special historic interest which is registered in accordance with that section and which is classified as grade I or grade II\*, or 40
  - (i) the demolition, in whole or in part, or the material alteration of a listed building which is classified as grade I or II\*.
- (2) The planning authority must, within 5 days of receiving the request, invite the appropriate body or bodies to make representations.
- (3) The appropriate body is – 45

- 
- (a) for the matters in sub-paragraph (1)(a) and (b), Natural England,
- (b) for the matters in sub-paragraph (1)(c) and (e), the Canal & River Trust so far as the matters relate to inland waters owned or managed by the Trust or land associated with such waters,
- (c) for the matters in sub-paragraph (1)(c) and (e) other than as mentioned in paragraph (b), the Environment Agency, 5
- (d) for the matter in sub-paragraph (1)(d), the Environment Agency, and
- (e) for the matters in sub-paragraph (1)(f), (g), (h) and (i), the Historic Buildings and Monuments Commission for England.
- (4) Where under sub-paragraph (2) a planning authority has invited a body to make representations about a request for approval under Part 1 of this Schedule, it must not make any decision about the request until – 10
- (a) it has received representations from the body about the request,
- (b) it has been informed by the body that it does not wish to make any representations, or 15
- (c) 21 days have elapsed since the date of the invitation.
- (5) An invitation under sub-paragraph (2) must specify the time limit for making representations.
- (6) The Secretary of State may by regulations –
- (a) amend sub-paragraph (1)(g) or (h) to add, modify or remove a type of battlefield, garden or park; 20
- (b) amend sub-paragraph (1)(i) in consequence of any change to the way in which listed buildings are classified;
- (c) amend paragraph (g) or (h) as substituted by paragraph 38(4)(a)(i) of Schedule 33 to add, modify or remove a type of battlefield, garden or landscape; 25
- (d) amend paragraph 38(4)(a)(ii) of that Schedule in consequence of any change to the way in which listed buildings (within the meaning of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) are categorised. 30
- (7) Regulations under sub-paragraph (6) may contain supplementary, incidental, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this paragraph or paragraph 38 of Schedule 33.
- (8) In this paragraph – 35
- “listed building”, except in sub-paragraph (6)(d), has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- “scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979; 40
- “site of special scientific interest” has the same meaning as in Part 2 of the Wildlife and Countryside Act 1981.

#### *Environmental requirements*

- 19 In taking any decision in relation to a request for approval under Part 1 of this Schedule, the planning authority must have regard to any environmental minimum requirements which – 45

- (a) are imposed (whether by contract or otherwise) on the nominated undertaker by the Secretary of State in relation to the carrying out of the works authorised by this Act, and
- (b) the Secretary of State has given an undertaking to Parliament to enforce.

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*Directions restricting powers of approval*

- 20 (1) The appropriate Ministers may by directions restrict a planning authority's powers in relation to the giving of approval under Part 1 of this Schedule.
- (2) Directions under this paragraph may –
- (a) be given in relation to a specified approval or approvals of a specified description,
  - (b) be expressed to have effect without a time-limit or during a specified period, and
  - (c) revoke or vary previous directions under this paragraph.

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*Compulsory reference of requests for approval*

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- 21 (1) The appropriate Ministers may by directions require a planning authority to refer any request for approval under Part 1 of this Schedule to them.
- (2) In determining a request referred to them under this paragraph, the appropriate Ministers have the same powers as the authority making the reference.
- (3) The appropriate Ministers must give notice of a determination under this paragraph to the planning authority in question and the nominated undertaker.
- (4) The determination by the appropriate Ministers of a request referred to them under this paragraph is final (but see sub-paragraph (5)).
- (5) A court may entertain proceedings for questioning a determination of the appropriate Ministers under this paragraph only if –
- (a) the proceedings are brought by a claim for judicial review, and
  - (b) the claim form is filed before the end of the period of six weeks beginning with the day on which notice of the determination is given under sub-paragraph (3).
- (6) Directions under this paragraph may –
- (a) be given in relation to a specified request or requests of a specified description, and
  - (b) revoke or vary previous directions under this paragraph.

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*Non-material changes to approvals*

- 22 (1) A planning authority may at the request of the nominated undertaker make a non-material change to any approval given under Part 1 of this Schedule.
- (2) In deciding whether a change is material, a planning authority must have regard to the effect of the change, together with any previous changes made under this paragraph, on the approval as originally given.

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- (3) The power under sub-paragraph (1) includes power to impose new conditions or to alter or remove existing conditions.
- (4) The approval as changed must represent an approval the authority could have given originally.
- (5) The consultation requirements in this Part of this Schedule do not apply to a change under this paragraph. 5

*Termination of approval relating to routes*

- 23 (1) An approval under paragraph 6 of a route ceases to have effect at the end of the relevant period if the nominated undertaker gives a termination notice to the planning authority which approved the route. 10
- (2) In sub-paragraph (1) –
- (a) a “termination notice” is a written notice that the nominated undertaker no longer requires the route to be approved for the purposes of paragraph 6;
- (b) “the relevant period” means the period of 28 days beginning with the day on which the termination notice is given. 15

*Appeals*

- 24 (1) Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval under Part 1 of this Schedule (including a decision to require additional details), it may appeal to the appropriate Ministers by giving notice of the appeal in the prescribed form to them and to the authority whose decision is appealed against within 42 days of notification of the decision. 20
- (2) On an appeal under this paragraph, the appropriate Ministers may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against, but may only make a determination involving –
- (a) the refusal of approval, or
- (b) the imposition of conditions on approval,
- on a ground open to that authority. 25
- (3) On an appeal under this paragraph, the appropriate Ministers may make an order as to the costs of the parties at the appeal and as to the parties by whom the costs are to be paid, and every such order may be made a rule of the High Court on the application of any party named in the order. 30
- (4) Where, following receipt by a planning authority of a request by the nominated undertaker for approval under Part 1 of this Schedule, the authority does not notify the undertaker within the appropriate period –
- (a) of its decision on the request, or
- (b) that the request has been referred to the appropriate Ministers in accordance with directions under paragraph 21,
- this paragraph applies as if the authority had refused the request and notified the undertaker of its decision on the last day of the appropriate period. 35
- (5) For the purposes of sub-paragraph (4), the appropriate period is – 40

- 
- (a) the period of 8 weeks beginning with the date on which the request, together with any document required by paragraph 16(1)(b) to accompany the request, was received by the planning authority, or
- (b) such extended period as may be –
- (i) agreed upon in writing between the authority and the nominated undertaker, or 5
  - (ii) specified in a notice given to the authority before the end of the appropriate period by the nominated undertaker.
- (6) The appropriate Ministers may by regulations make provision for the extension of the appropriate period for the purposes of sub-paragraph (4) in connection with the payment of fees by means of cheque. 10
- (7) An agreement under sub-paragraph (5)(b)(i) may be made after, as well as before, the end of the appropriate period.
- (8) No agreement may be made under sub-paragraph (5)(b)(i) to extend a period after it has ended if the nominated undertaker has given notice of appeal against the refusal which is deemed under sub-paragraph (4) to have occurred because of the ending of the period. 15
- (9) Where an agreement under sub-paragraph (5)(b)(i) to extend a period is made after the period has ended, sub-paragraph (4) is to be treated as not having applied when the period ended. 20
- (10) In this paragraph, “prescribed” means prescribed by regulations made by the appropriate Ministers.
- (11) No appeal under section 78 of TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) may be made against a decision, or failure to notify a decision, in relation to which a right of appeal arises under this paragraph. 25
- 25 (1) Unless the appropriate Ministers direct otherwise, their functions in relation to the determination of an appeal under paragraph 24 (including the function in paragraph 24(3)) must, instead of being carried out by them, be carried out by a person appointed by them for the purpose. 30
- (2) The appropriate Ministers may by a further direction revoke a direction under sub-paragraph (1) at any time before the determination of the appeal.
- (3) A direction under sub-paragraph (1) or (2) must be served on the nominated undertaker and the planning authority whose decision is appealed against.
- (4) At any time before the determination of an appeal by a person appointed for the purpose under this paragraph, the appropriate Ministers may revoke the appointment and appoint another person to determine the appeal instead. 35
- (5) Where the function of determining an appeal under paragraph 24 is transferred from one person to another, the person to whom the function is transferred must consider the matter afresh, but the fact that the function is transferred does not entitle any person to make fresh representations or to modify or withdraw any representations already made. 40
- (6) If the appropriate Ministers determine an appeal which another person was previously appointed to determine, they may, in determining it, take into account any report made to them by that person. 45

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- 26 (1) The person appointed under paragraph 25 or, as the case may be, the appropriate Ministers must give notice of a decision on an appeal under paragraph 24 to the planning authority in question and the nominated undertaker.
- (2) The decision of the person appointed under paragraph 25 or, as the case may be, of the appropriate Ministers, on an appeal under paragraph 24 is final (but see sub-paragraph (3)). 5
- (3) A court may entertain proceedings for questioning the decision of the person appointed under paragraph 25, or, as the case may be, of the appropriate Ministers, on an appeal under paragraph 24 only if— 10
- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the period of six weeks beginning with the day on which notice of the decision is given under sub-paragraph (1).
- 27 (1) An appeal under paragraph 24 is to be dealt with on the basis of written representations, unless the person deciding the appeal directs otherwise. 15
- (2) Subject to that, the appropriate Ministers may by regulations make such provision as they think fit about procedure in relation to appeals under paragraph 24.
- (3) Regulations under this paragraph may, in particular— 20
- (a) make provision for a time limit within which any person entitled to make representations must submit them in writing and any supporting documents,
- (b) empower the person deciding an appeal to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and 25
- (c) empower the person deciding an appeal, after giving written notice of intention to do so to the nominated undertaker and the planning authority whose decision is appealed against, to proceed to a decision notwithstanding that no written representations were made within the time limit, if it appears to the person that there is sufficient material before the person to enable a decision on the merits of the case. 30
- (4) Regulations under this paragraph may, in relation to such a time limit as is mentioned in sub-paragraph (3)(a)— 35
- (a) prescribe the time limit in regulations, or
- (b) enable the appropriate Ministers to give directions setting the time limit in a particular case or class of case.

*Guidance by Secretary of State*

- 28 (1) The Secretary of State may give guidance to planning authorities in relation to the exercise of their functions under this Schedule. 40
- (2) A planning authority must have regard to the guidance.
- (3) The guidance may make different provision for different cases.
- (4) The guidance may be varied or revoked.

PART 4

SUPPLEMENTARY AND GENERAL

*Regulations*

- 29 (1) Regulations under this Schedule may make different provision for different cases. 5
- (2) Regulations under this Schedule must be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Schedule, other than regulations under paragraph 13(1), is subject to annulment in pursuance of a resolution of either House of Parliament.

*Interpretation* 10

- 30 In this Schedule—
- “appropriate Ministers” means the Secretary of State for Levelling Up, Housing and Communities and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly; 15
- “building” includes any structure other than—
- (a) anything in the nature of plant or machinery,
  - (b) any gate, fence, wall or other means of enclosure,
  - (c) any tunnel, earthworks (within the meaning of paragraph 3) or railway track bed, 20
  - (d) any sight, noise or dust screens (within the meaning of paragraph 3),
  - (e) transformers, telecommunication masts or pedestrian accesses to railway lines,
  - (f) lighting equipment, and 25
  - (g) anything underground, except where forming part of a station and intended for use by members of the public without a ticket or other permission to travel;
- “local environment” means any aspect of the environment that contributes to people’s enjoyment of the local area in question; 30
- “permitted limits”, in relation to any development, means the limits of the land on which the works of which the development forms part may be carried out under this Act;
- “planning authority” means a county council or a district council.

SCHEDULE 18

Section 22 35

LISTED BUILDINGS

*Buildings authorised to be demolished, altered or extended*

- 1 (1) This paragraph applies to—
- (a) a listed building which—

- (i) was a listed building immediately before 24 January 2022, and
- (ii) is specified in table 1 (see the end of this Schedule), and
- (b) a listed building which was not a listed building immediately before that date. 5
- (2) If a listed building is one to which this paragraph applies –
- (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to works carried out in relation to the building in exercise of the powers under this Act, 10
- (b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect, 15
- (c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and 20
- (d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act. 25
- (3) In the case of a building specified in table 1 in relation to which any description of works is specified in column (3) of the table, sub-paragraph (2)(a) has effect as if the reference to works carried out in exercise of the powers under this Act were, as regards demolition or alteration works (as opposed to extension works), to works so carried out which are of the specified description. 30
- (4) The reference in sub-paragraph (3) to alteration works does not include alteration works carried out –
- (a) for heritage or monitoring purposes (see paragraph 10(2)), or 35
- (b) for noise mitigation purposes (see paragraph 10(3)).

*Buildings authorised to be altered or extended for heritage or monitoring purposes*

- 2 (1) This paragraph applies to a listed building which –
- (a) was a listed building immediately before 24 January 2022, and
- (b) is specified in table 2 (see the end of this Schedule). 40
- (2) In the case of a listed building to which this paragraph applies –
- (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to alteration or extension works which are carried out, in exercise of the powers under this Act, for heritage or monitoring purposes (see paragraph 10(2)), 45
- (b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps

	which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect,	
	(c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and	5
	(d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act.	10
	<i>Buildings in respect of which noise mitigation works are authorised</i>	15
3	(1) This paragraph applies to a listed building which— (a) was a listed building immediately before 24 January 2022, and (b) is specified in table 3 (see the end of this Schedule).	
	(2) In the case of a listed building to which this paragraph applies— (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to works carried out in relation to the building for noise mitigation purposes (see paragraph 10(3)),	20
	(b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect,	25
	(c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and	30
	(d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act.	35
	<i>Damage to buildings</i>	40
4	Section 59 of the Listed Buildings and Conservation Areas Act (acts causing or likely to result in damage to listed buildings) does not apply to anything done in exercise of the powers under this Act with respect to works.	
	<i>Power to disapply provision made by paragraphs 1 to 4</i>	
5	(1) The Secretary of State may by regulations make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act.	45

- (2) The provision referred to in sub-paragraph (1) is –
- (a) provision that paragraph 1(2)(a), 2(2)(a) or 3(2)(a) does not apply in relation to relevant works;
  - (b) provision that paragraph 1(2)(b) to (d), 2(2)(b) to (d) or 3(2)(b) to (d) does not apply in relation to proposed relevant works; 5
  - (c) provision that paragraph 4 does not apply in relation to relevant works.
- (3) “Relevant works” means works which are –
- (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and 10
  - (b) begun on or after such day as may be specified in regulations under that sub-paragraph.
- (4) Regulations under sub-paragraph (1) may make different provision for different purposes. 15
- (5) Regulations under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made.

*Heritage partnership agreements*

- 6 The provisions of any agreement under section 26A of the Listed Buildings and Conservation Areas Act (heritage partnership agreements) in relation to a building have effect subject to the powers under this Act with respect to works. 20

*Inspection and observation of works*

- 7 (1) Any person duly authorised in writing by the Historic Buildings and Monuments Commission for England (“the Commission”) or the relevant planning authority may at any reasonable time enter land for the purpose of inspecting or observing the carrying out in relation to any building on the land of decontrolled works. 25
- (2) “Relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the building is situated. 30
- (3) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (4) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 35

*Recording of buildings*

- 8 (1) The nominated undertaker must not carry out decontrolled works consisting of the demolition of a listed building unless –
- (a) notice of the proposal to carry out the works has been given to the Commission, and 40
  - (b) the appropriate period since the giving of the notice has expired.
- (2) The appropriate period, subject to sub-paragraph (3), is –

- (a) 8 weeks, or
  - (b) such longer period as may have been agreed between the nominated undertaker and the Commission.
- (3) In case of emergency, the appropriate period is such period as is reasonable in the circumstances. 5
- (4) In determining whether the appropriate period has expired, any day on which entry to the building is refused under paragraph 9(2) is to be disregarded.
- 9 (1) Following the giving of a notice under paragraph 8(1) in relation to a listed building, any person duly authorised in writing by the Commission may, at any reasonable time during the inspection period, enter the building for the purpose of recording it. 10
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 15
- (4) For the purposes of sub-paragraph (1), the inspection period, in relation to a building which is the subject of a notice under paragraph 8(1), is the period – 20
  - (a) beginning when notice under that provision is given, and
  - (b) ending when the prohibition under that provision ceases to apply to the building.

#### *Interpretation*

- 10 (1) In this Schedule – 25
  - “building” and “listed building” have the same meaning as in the Listed Buildings and Conservation Areas Act;
  - “decontrolled works” means works to which section 7 of the Listed Buildings and Conservation Areas Act would apply, but for paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of this Schedule; 30
  - “the Listed Buildings and Conservation Areas Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (2) For the purposes of this Schedule, works relating to a building are carried out for heritage or monitoring purposes if the works are carried out for the purpose of – 35
  - (a) maintaining or restoring the building’s character as a building of special architectural or historical interest, or
  - (b) affixing apparatus to any part of the building with a view to measuring any movement in the building or the ground on which it is erected in consequence of the carrying out of works in exercise of the powers under this Act. 40
- (3) For the purposes of this Schedule, works relating to a building are carried out for noise mitigation purposes if the works are carried out in exercise of the power in paragraph 9 of Schedule 2.
- (4) Anything which, by virtue of section 1(5) of the Listed Buildings and Conservation Areas Act (objects or structures fixed to, or within curtilage of, 45

a building), is treated as part of a building for the purposes of that Act is to be treated as part of the building for the purposes of this Schedule.

## Tables

**TABLE 1: buildings authorised to be demolished, altered or extended**

(1) Area	(2) Building	(3) Works	
County of Cheshire, Borough of Cheshire West and Chester, Parish of Bostock	Milepost, Bostock Road Grade II	Removal to storage and replacement following completion of the authorised works	5  10
Greater Manchester, Metropolitan Borough of Trafford	Buckhall, The Four Seasons Hotel, Wilmslow Old Road Grade II		
Greater Manchester, City of Manchester	Milestone adjacent to Withington Fire Station, Wilmslow Road Grade II	Removal to storage and replacement following completion of the authorised works	15
Greater Manchester, City of Manchester	Train shed and undercroft at Manchester Piccadilly Station, London Road Grade II	Modification of the train shed and undercroft to allow the construction of Manchester Piccadilly High Speed station, adjacent, and to the north of, the existing train shed building	20
		The partial removal of the former goods yard deck and supporting cast iron columns	25
County of Lancashire, City of Preston	Preston Railway Station, Fishergate Grade II	Reinstatement of platform 0 to accommodate conventional passenger railway services. Refurbishment of existing luggage and passenger subways and the construction of a footbridge to link platforms 0 and 1 to provide access to platform 0	30  35
		Infill of bay platforms 3c and 4c, extension of platform 3 and 4, and modifications to canopies, track layout, signalling, overhead line equipment, signage and other associated railway systems to facilitate HS2 services calling at Preston Station on the West Coast Main Line	40
			45

(1) Area	(2) Building	(3) Works	
County of Lancashire, City of Preston & Borough of South Ribble, Town of Penwortham	Railway Viaduct over River Ribble, Riverside Grade II	Modifications to track layout, signalling, overhead line equipment, and other associated railway systems, which are carried by the viaduct, to facilitate HS2 services running on the West Coast Main Line	5  10
County of Cumbria, City of Carlisle	Citadel Station, Court Square Grade II*	<p>Extension of platforms 1 and 3 and infill of platform 2 at the southern end of the station</p> <p>The construction of a new platform 0, a footbridge between platform 1 and platform 0 and new passenger lift to provide access to platform 0 via a passenger subway created in an existing undercroft</p> <p>Modifications to the canopy on platforms 1 and 3 and to track layout, signalling, overhead line equipment, signage and other associated railway systems to facilitate HS2 services calling at Carlisle Station on the West Coast Main Line</p>	15  20  25  30

**TABLE 2: buildings authorised to be altered or extended for heritage or monitoring purposes**

(1) Area	(2) Building	
County of Cheshire, Borough of Cheshire East, Town of Crewe	1867 buildings at Crewe Railway Station, Nantwich Road Grade II	35
County of Cheshire, Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley	Park Farmhouse, Clive Green Lane Grade II	40
County of Cheshire, Borough of Cheshire East, Parish of Mere	Mere Court Hotel, Warrington Road Grade II	
County of Cheshire, Borough of Cheshire East, Parish of High Legh	Ovenback Cottage, Agden Lane Grade II	45
County of Cheshire, Borough of Cheshire East, Parish of Ashley Greater Manchester, City of Manchester, Parish of Ringway	Ashley Castle Mill Bridge Grade II	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
Greater Manchester, City of Manchester	London Warehouse, Ducie Street Grade II	
Greater Manchester, City of Manchester	Crusader Works, Chapeltown Street Grade II	5
County of Lancashire, City of Preston	Fishergate Bridge, Fishergate Grade II	
County of Lancashire, City of Preston and Borough of South Ribble	Walton Bridge, Victoria Road Grade II	10
County of Cumbria, City of Carlisle	Detached west wall of Citadel Station, Court Square Grade II	

**TABLE 3: buildings in respect of which noise mitigation works are authorised**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
County of Cheshire, Borough of Cheshire West and Chester, Parish of Davenham	Whatcroft Hall, Whatcroft Lane Grade II*	15
County of Cheshire, Borough of Cheshire West and Chester, Parish of Davenham	Bridge Cottage and Canal Cottage, Whatcroft Lane Grade II	20
County of Cheshire, Borough of Cheshire West and Chester, Parish of Stanthorne and Wimboldsley	Park Farmhouse, Clive Green Lane Grade II	
County of Cheshire, Borough of Cheshire East, Parish of Plumley	Holford Hall, Chester Road Grade II*	25
County of Cheshire, Borough of Cheshire East, Parish of Mere	Winterbottom Farm, Winterbottom Lane Grade II	
County of Cheshire, Borough of Cheshire East, Parish of Mere	Mere Court Hotel, Warrington Road Grade II	30
Greater Manchester, Borough of Warrington, Parish of Rixton-with- Glazebrook	Church of St Helen, Manchester Road Grade II	
Greater Manchester, Borough of Warrington, Parish of Croft	Wigshaw House, Wigshaw Lane Grade II	35
Greater Manchester, Metropolitan Borough of Wigan	Byrom Hall, Slag Lane Grade II	
Greater Manchester, City of Manchester, Parish of Ringway	Yewtree House, Sunbank Lane Grade II	
Greater Manchester, City of Manchester	Crusader Works, Chapeltown Street Grade II	40

(1) Area	(2) Building	
Greater Manchester, City of Manchester	Former Junction Works at Paradise Wharf, 40, Ducie Street Grade II	5
Greater Manchester, City of Manchester	Joshua Hoyle Building, including Roby House, 5-9, Gore Street and 38-50, Piccadilly Grade II	
Greater Manchester, City of Manchester	107, Piccadilly Grade II	10
Greater Manchester, City of Manchester	Rochdale Canal Company Office, 75, Dale Street Grade II	
Greater Manchester, City of Manchester	London Warehouse, Ducie Street Grade II	15
Greater Manchester, City of Manchester	Cooperative Warehouse, Pollard Street Grade II	
Greater Manchester, City of Manchester	Stable Block to south east of Junction Works at Paradise Wharf, Ducie Street Grade II	20
Greater Manchester, City of Manchester	Police and Fire Station, London Road Grade II	
County of Cumbria, City of Carlisle	The Cumbrian Hotel, Court Square Grade II	
County of Cumbria, City of Carlisle	Crown Court, Adjoining Offices and Gate Arch, English Street Grade I	25
Dumfries and Galloway, Community Area of Kirkpatrick Fleming and District	Grahamshill Farmhouse and Steading Category B	

SCHEDULE 19

Section 22 30

ANCIENT MONUMENTS

*Disapplication of controls*

- 1 (1) This paragraph has effect in relation to the Ancient Monuments and Archaeological Areas Act 1979.
- (2) Section 2 (control of works affecting scheduled monuments) does not apply to works authorised by this Act. 35
- (3) The powers of entry under the following provisions are not exercisable in relation to land used for or in connection with the carrying out of any of the works authorised by this Act—
  - section 6(1) (entry to ascertain condition of scheduled monument); 40

- 
- section 6A(1) (entry to enforce control of works affecting scheduled monument);
- section 26 (entry to record matters of archaeological or historical interest).
- (4) The provisions of the Act with respect to the functions of a person as a guardian by virtue of the Act, and the provisions of any agreement under section 17 (agreement concerning ancient monuments and land in their vicinity), have effect subject to the powers under this Act with respect to works. 5
- (5) Section 19 (public access to monuments under public control) does not apply in relation to a monument which is closed by the nominated undertaker for the purposes of, in connection with or in consequence of the carrying out of any of the works authorised by this Act. 10
- (6) Regulations under section 19(3) or (4A) (which may include provision prohibiting or regulating acts which would tend to injure or disfigure a monument or its amenities or to disturb the public in their enjoyment of it) do not apply to anything done in exercise of the powers under this Act with respect to works. 15
- (7) The power under section 19(6) (power to refuse admission to monuments under public control) is not exercisable so as to prevent or restrict the exercise of the powers under this Act with respect to works. 20
- (8) In section 25 (treatment of ancient monuments) –
- (a) subsection (2) (superintendence by Commission) does not authorise the superintendence of the carrying out of any of the works authorised by this Act, and 25
- (b) subsection (3) (power of Commission to charge for advice under subsection (1)) does not apply in relation to advice given in connection with the carrying out of any of those works.
- (9) Section 28 (offence of damaging certain ancient monuments) does not apply to anything done in exercise of the powers under this Act with respect to works. 30
- (10) Section 35 (notice required of operations in areas of archaeological importance) does not apply to operations carried out in exercise of the powers under this Act with respect to works.
- (11) Section 39(1) (power to investigate in advance of operations notice any site which may be acquired compulsorily) has effect as if operations carried out in exercise of the powers under this Act with respect to works were exempt operations for the purposes of that provision. 35
- (12) Section 42(1) (prohibition on use of metal detectors in protected places without consent) does not apply to the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 40
- (13) Section 42(3) (prohibition on removal without consent of object discovered by use of a metal detector in a protected place) does not apply to the removal of objects discovered by the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 45

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- 2 (1) The consent of the nominated undertaker is required for the exercise of the power of entry under section 36(1) of the National Heritage Act 1983 (entry to obtain information about ancient monuments and historic buildings for the purposes of the records kept by the Commission) in relation to land used, or intended for use, for or in connection with the carrying out of any of the works authorised by this Act. 5
- (2) Consent for the purposes of sub-paragraph (1) –
- (a) must not be unreasonably withheld;
  - (b) may be granted subject to compliance with any reasonable requirements or conditions imposed for reasons of safety or for the purpose of preventing interference with or delay to the works. 10
- (3) Section 36(6) of the National Heritage Act 1983 (which, in relation to land on which works are being carried out, regulates the exercise of the power under section 36(1) to enter land to obtain information) does not apply in relation to land on which works authorised by this Act are being carried out. 15
- (4) Any dispute under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State for Transport and the Secretary of State for Digital, Culture, Media and Sport acting jointly.
- Power to disapply provision made by paragraphs 1 and 2* 20
- 3 (1) The Secretary of State may by regulations make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act.
- (2) The provision referred to in sub-paragraph (1) is –
- (a) provision that paragraph 1(2) does not apply in relation to relevant works; 25
  - (b) provision that paragraph 1(3) does not apply in relation to land used for or in connection with the carrying out of relevant works;
  - (c) provision that paragraph 1(8)(a) and (b) do not apply in relation to relevant works; 30
  - (d) provision that paragraph 1(10) and (11) do not apply in relation to operations carried out in exercise of the powers under this Act which are, or are carried out in connection with, relevant works;
  - (e) provision that paragraph 1(12) does not apply in relation to use of a metal detector for the purposes of or in connection with relevant works; 35
  - (f) provision that paragraph 1(13) does not apply in relation to removal of objects discovered by any such use;
  - (g) provision that paragraph 2(1) does not apply in relation to land used, or intended for use, for or in connection with the carrying out of relevant works; 40
  - (h) provision that paragraph 2(3) does not apply in relation to land on which relevant works are being carried out.
- (3) In this paragraph, “relevant works” means works which are –
- (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and 45

- (b) begun on or after such day as may be specified in regulations under that sub-paragraph.
- (4) Regulations under sub-paragraph (1) may make different provision for different purposes.
- (5) Regulations under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made. 5

*Inspection and observation of works etc*

- 4 (1) Any person duly authorised in writing by the Commission may at any reasonable time enter land on which (or in or under which) a scheduled monument is situated – 10
  - (a) for the purpose of observing or advising upon the exercise in relation to the land of any of the powers under paragraph 1 of Schedule 2 to this Act, or
  - (b) for the purpose of inspecting, observing or advising upon the carrying out of any works on the land in exercise of any of the other powers under this Act. 15
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 20
- (4) In this paragraph, “scheduled monument” has the same meaning as in the Ancient Monuments and Archaeological Areas Act 1979.

*Interpretation* 25

- 5 In this Schedule, references to “the Commission” are to the Historic Buildings and Monuments Commission for England.

## SCHEDULE 20

Section 23

## BURIAL GROUNDS

*Notice of removal of remains or monument* 30

- 1 (1) Before removing from the land in question any remains or any monument to the deceased, the nominated undertaker must –
  - (a) publish a notice complying with sub-paragraph (2) in each of two successive weeks in a newspaper circulating in the area where the land is situated, and 35
  - (b) at the same time leave such a notice displayed in a conspicuous place on or near the land.
- (2) A notice under sub-paragraph (1) must –
  - (a) identify the land to which it relates,

- (b) set out in general terms the effect of paragraphs 2 to 7 (so far as relevant to remains to which sub-paragraph (1) applies),
  - (c) state where, and in what form, an application under paragraph 2(1) may be made, and
  - (d) state how the nominated undertaker proposes to carry out its functions under this Schedule with respect to the disposal of the remains or monument. 5
- (3) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased where the Secretary of State notifies the nominated undertaker that the Secretary of State is satisfied – 10
  - (a) that the remains were buried more than 100 years ago, and
  - (b) that no relative or personal representative of the deceased is likely to object to the remains or monument being removed in accordance with this Schedule.
- (4) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased if – 15
  - (a) a court has granted a faculty, in relation to the remains, to the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker, or
  - (b) on the passing of this Act, a licence under section 25 of the Burial Act 1857 (bodies not to be removed from burial grounds without licence of the Secretary of State) is in force in relation to the remains and the holder of the licence is the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker. 20
- (5) In sub-paragraph (4) – 25
  - “court” has the meaning given by section 25(4) of the Burial Act 1857;
  - “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning given by section 1159 of the Companies Act 2006.
- Removal of remains under licence* 30
- 2 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker must issue a licence for the removal of the remains if –
  - (a) it receives an application in writing from a relative or personal representative of the deceased, and 35
  - (b) the application is received before the end of the period of 56 days after the day on which notice relating to the remains is first published under paragraph 1(1)(a).
- (2) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker must issue a licence for the removal of the remains if – 40
  - (a) it receives an application in writing from a relative or personal representative of the deceased, and
  - (b) the application is received before the nominated undertaker has removed the remains under paragraph 4(1). 45
- (3) A licensee under this paragraph may remove the remains to which the licence relates and bury them elsewhere or cremate them.

- (4) The nominated undertaker must pay the reasonable costs of removal and reburial or cremation under this paragraph.

*Removal of remains by nominated undertaker*

- 3 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker may remove the remains after the expiry of the period of 56 days referred to in paragraph 2(1) – 5
- (a) if no application under paragraph 2(1) has been received, or
- (b) in a case where one or more applications under paragraph 2(1) have been received, if in the case of each application – 10
- (i) a licence has been issued, and
- (ii) at least 28 days have passed since the issue of the licence without the remains having been removed.
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1) – 15
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
- (b) cremate them in a crematorium.
- (3) If – 20
- (a) an application is made to the nominated undertaker under paragraph 2(1),
- (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased,
- (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that the applicant is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and 25
- (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased. 30
- (4) The nominated undertaker must, pending the court’s determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct.
- 4 (1) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker may remove the remains – 35
- (a) if no application under paragraph 2(2) has been received, or
- (b) in a case where one or more applications under paragraph 2(2) have been received, if in the case of each application – 40
- (i) a licence has been issued, and
- (ii) at least 28 days have passed since the issue of the licence without the remains having been removed.
- (2) The nominated undertaker must, after the removal of remains under sub-paragraph (1), act in accordance with sub-paragraph (3) or (5).
- (3) In a case where it appears to the nominated undertaker, after consulting the persons listed in sub-paragraph (4), that the remains are remains of archaeological or historic interest, the nominated undertaker must – 45

- (a) within the period of 5 years beginning with the relevant day (see paragraph 12) or such longer period as the Secretary of State may direct in relation to the case –
    - (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, 5
    - (ii) cremate them in a crematorium, or
    - (iii) where the remains are removed from land that is not consecrated land, make arrangements in consultation with the Commission for the remains to be transferred to a museum, archive or similar institution for the purpose of being indefinitely retained there, or 10
  - (b) deal with the remains in such other manner, and subject to such conditions, as the Secretary of State may direct.
- (4) The persons mentioned in sub-paragraph (3) are –
- (a) the Commission, and 15
  - (b) where the remains are removed from consecrated land, the Archbishops’ Council.
- (5) In any other case, the nominated undertaker must –
- (a) within the period of 24 months beginning with the relevant day (see paragraph 12) or such longer period as the Secretary of State may direct in relation to the case – 20
    - (i) bury the remains in a place (whether or not consecrated) which is set apart for the purposes of burial, or
    - (ii) cremate them in a crematorium, or
  - (b) deal with the remains in such other manner, and subject to such conditions, as the Secretary of State may direct. 25
- (6) If –
- (a) an application is made to the nominated undertaker under paragraph 2(2),
  - (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased, 30
  - (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that the applicant is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and 35
  - (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased. 40
- (7) The nominated undertaker must, pending the court’s determination, deal with any remains or monument removed under sub-paragraph (6) in such manner as the Secretary of State may direct.
- (8) In this paragraph “the Commission” means the Historic Buildings and Monuments Commission for England. 45
- 5 (1) In the case of remains in relation to which paragraph 1(4) applies –
- (a) the nominated undertaker may remove the remains, and

- (b) if it does so, it is to be treated for the purposes of this Act as acting under this paragraph and not under the faculty or licence mentioned in paragraph 1(4).
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1) – 5
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
- (b) cremate them in a crematorium.
- (3) Sub-paragraph (2) does not apply if the Secretary of State is satisfied that the remains were buried more than 100 years ago; and in such a case the nominated undertaker must, after the removal of remains under sub-paragraph (1), act in accordance with sub-paragraph (4) or (6). 10
- (4) In a case where it appears to the nominated undertaker, following consultation with the persons listed in sub-paragraph (5), that the remains are remains of archaeological or historic interest, the nominated undertaker must – 15
- (a) within the period of 5 years beginning with the relevant day (see paragraph 12) or such longer period as the Secretary of State may direct in relation to the case –
- (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, 20
- (ii) cremate them in a crematorium, or
- (iii) where the remains are removed from land that is not consecrated land, make arrangements in consultation with the Commission for the remains to be transferred to a museum, archive or similar institution for the purpose of being indefinitely retained there, or 25
- (b) deal with the remains in such other manner, and subject to such conditions, as the Secretary of State may direct.
- (5) The persons mentioned in sub-paragraph (4) are – 30
- (a) the Commission, and
- (b) where the remains are removed from consecrated land, the Archbishops’ Council.
- (6) In any other case, the nominated undertaker must –
- (a) within the period of 24 months beginning with the relevant day (see paragraph 12) or such longer period as the Secretary of State may direct in relation to the case – 35
- (i) bury the remains in a place (whether or not consecrated) which is set apart for the purposes of burial, or
- (ii) cremate them in a crematorium, or 40
- (b) deal with the remains in such other manner, and subject to such conditions, as the Secretary of State may direct.
- (7) In this paragraph “the Commission” means the Historic Buildings and Monuments Commission for England.

*Removal of monuments*

- 6 (1) Where a licence to remove any remains is issued under paragraph 2(1) or (2), the licensee may remove from the land any monument to the deceased and re-erect it elsewhere or otherwise dispose of it.
- (2) The nominated undertaker must pay the reasonable costs of removal and re-erection under sub-paragraph (1). 5
- 7 (1) Where any remains are removed under a licence under paragraph 2(1) or (2), the nominated undertaker may remove from the land any monument to the deceased which is not removed by the licensee within 28 days of the issue of the licence. 10
- (2) Where the nominated undertaker removes any remains under paragraph 3, 4 or 5, it may also remove from the land any monument to the deceased.
- (3) Where any remains are removed (by a person other than the nominated undertaker) under a faculty or a licence under section 25 of the Burial Act 1857, the nominated undertaker may remove from the land any monument to the deceased which is not removed by the person to whom the faculty is granted or the licensee (as the case may be). 15
- (4) The nominated undertaker may remove any monument removed under this paragraph to the place, if any, where the remains of the deceased are buried or to some other appropriate place. 20
- (5) The nominated undertaker must break and deface any monument removed under this paragraph which is not dealt with under sub-paragraph (4).

*Records*

- 8 (1) Where any remains in relation to which paragraph 1(1) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies are removed under paragraph 5(1) in circumstances in which paragraph 5(2) applies, the nominated undertaker must, within the period of two months beginning with the relevant day (see paragraph 12), provide the Registrar General with a certificate which— 25
- (a) identifies the remains, so far as practicable, 30
- (b) states the date on which, and the place from which, the remains were removed, and
- (c) states the date and place of reburial or cremation.
- (2) Where any remains in relation to which paragraph 1(3) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies are removed under paragraph 5(1) in circumstances in which paragraph 5(4) or (6) applies, the nominated undertaker must, within the period of 24 months beginning with the relevant day or such longer period as the Secretary of State may direct in relation to the case, provide the Registrar General with a certificate which— 35
- (a) identifies the remains, so far as practicable,
- (b) states the date on which, and the place from which, the remains were removed, 40
- (c) if at the time the certificate is provided the remains have been reburied or cremated, states the date and place of reburial or cremation, and 45

- 
- (d) if at that time the remains have not been reburied or cremated, states where and by whom they are kept.
- (3) Where any monument is removed under this Schedule, the nominated undertaker must, within the relevant period—
- (a) deposit with the local authority in whose area the monument was situated prior to the removal a record which—
- (i) identifies the monument,
  - (ii) gives any inscription on it,
  - (iii) states the date on which, and the place from which, it was removed, and
  - (iv) states the place, if any, to which it was moved or how it was disposed of, and
- (b) provide the Registrar General with a copy of the record deposited under paragraph (a).
- (4) The nominated undertaker may require any person who removes remains or a monument under this Schedule to provide it with any information about the remains or monument removed which it needs in order to comply with sub-paragraph (1), (2) or (3).
- (5) In sub-paragraph (3), “the relevant period” means—
- (a) where the monument relates to remains in relation to which paragraph 1(3) applies, or remains in relation to which paragraph 1(4) applies that are removed under paragraph 5(1) in circumstances in which paragraph 5(4) or (6) applies, the period of 24 months beginning with the relevant day or such longer period as the Secretary of State may direct in relation to the case;
- (b) in any other case, the period of two months beginning with the relevant day.
- (6) In sub-paragraph (3)(a), “local authority” means the unitary authority or, in a non-unitary area, the district council.
- Discharge of functions by nominated undertaker*
- 9 (1) Where the nominated undertaker removes remains in relation to the removal of which a licence has been granted under paragraph 2(1) or (2), it must carry out in accordance with the reasonable requests of the licensee—
- (a) its functions under paragraph 3 or 4 with respect to disposal of the remains, and
- (b) if it removes any monument to the deceased, the functions under paragraph 7 with respect to disposal of the monument.
- (2) In a case where more than one licence is granted under paragraph 2(1) or (2) and the licensees make different reasonable requests for the purposes of sub-paragraph (1), the nominated undertaker must carry out the functions referred to in that sub-paragraph in accordance with directions given by the Secretary of State.
- (3) Directions under sub-paragraph (2) may include directions that—
- (a) a licensee may apply to the county court to determine how remains or a monument are to be disposed of, and
- (b) how the remains or monument are to be dealt with pending the court’s determination.

- 10 The Secretary of State may give such directions as the Secretary of State thinks fit with respect to the carrying out of any function of the nominated undertaker under this Schedule.

*Relatives and personal representatives*

- 11 (1) In this Schedule, references to a relative of the deceased are to a person who – 5
- (a) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased, or
  - (b) is, or is a child of, a brother, sister, uncle or aunt of the deceased.
- (2) For the purposes of this Schedule, a person is to be taken to be a relative or personal representative of the deceased if – 10
- (a) the nominated undertaker is satisfied that the person is a relative or personal representative of the deceased, or
  - (b) the county court, on the application of the person, has declared that the person is a relative or personal representative of the deceased. 15

*Meaning of “the relevant day”*

- 12 In this Schedule, “the relevant day” –
- (a) in relation to remains removed from land comprised in a burial ground, means the last day on which remains and monuments (if any) are removed from that burial ground under this Schedule; 20
  - (b) in relation to any monument removed from land comprised in a burial ground, means the last day on which monuments and remains (if any) are removed from that burial ground under this Schedule.

SCHEDULE 21

Section 28

WATER 25

*Water abstraction and impounding*

- 1 The restriction imposed by section 24(1) of WRA 1991 (restriction on the abstraction of water) does not apply in relation to the abstraction of water for the purposes of or in connection with the construction of the works authorised by this Act. 30
- 2 Section 25 of WRA 1991 (restrictions on impounding) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.
- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Act. 35
- (2) Where –
- (a) the nominated undertaker causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Act, and 40

- (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of WRA 1991, but for sub-paragraph (1),  
the nominated undertaker must compensate the other person for the loss or damage. 5
- (3) Compensation under sub-paragraph (2) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of WRA 1991.
- (4) Section 48A(5) of WRA 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under – 10
- (a) this paragraph, or
- (b) Part 4 of Schedule 32.

*No environmental permit required for operating regulated facility etc*

- 4 (1) Regulation 12(1) of the Environmental Permitting Regulations (which requires an environmental permit for certain activities) does not apply to the carrying on of a relevant flood risk activity, a water discharge activity or a groundwater activity in exercise of the powers conferred by this Act with respect to works. 15
- (2) In this paragraph –
- (a) “groundwater activity” and “water discharge activity” have the meaning given, respectively, by paragraph 3 of Schedule 22 and paragraph 3 of Schedule 21 to the Environmental Permitting Regulations; 20
- (b) “relevant flood risk activity” means an activity within paragraph 3(1)(a), (b) or (c) of Schedule 25 to those Regulations. 25

*Floods*

- 5 Paragraph 5 of Schedule 1 to FWMA 2010 (consent required for alteration, removal or replacement of designated feature) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.

*Drainage* 30

- 6 Paragraph 7 of Schedule 3 to FWMA 2010 (approval required for drainage system for construction work) does not apply in relation to anything done in exercise of the powers conferred by this Act with respect to works.
- 7 The provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws relating to drainage etc) do not apply in relation to anything done in exercise of the powers conferred by this Act with respect to works. 35

*Eels*

- 8 Part 4 of the Eels (England and Wales) Regulations 2009 (S.I. 2009/3344) (passage of eels) does not apply to anything done in exercise of the powers conferred by this Act with respect to works. 40

*Interpretation*

- 9 In this Schedule –
- “abstraction” has the same meaning as in WRA 1991;
  - “FWMA 2010” means the Flood and Water Management Act 2010;
  - “WRA 1991” means the Water Resources Act 1991.
- 5

SCHEDULE 22

Section 29(1)

BUILDINGS

*Building regulations*

- 1 (1) Nothing in –
- (a) Part 1 of the 1984 Act with respect to building regulations, or
  - (b) any building regulations,
- applies to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (2) Sub-paragraph (1) does not apply in relation to a building which is a house or hotel.
- (3) Sub-paragraph (1) does not apply in relation to a building which is used as offices or showrooms unless it forms part of a railway station or other railway facility.
- (4) In sub-paragraph (3), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.
- (5) The reference in sub-paragraph (1)(b) to building regulations does not include the provisions listed in regulation 34(1) of the Building Regulations 2010 (S.I. 2010/2214) (requirements relating to energy efficiency).
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*Drain repairs*

- 2 In section 61 of the 1984 Act –
- (a) subsection (2) (local authority officers to have access to drain repair works), and
  - (b) subsection (3) (offence for failure to comply with section 61),
- do not apply to the repair, reconstruction or alteration of an underground drain which is carried out for Phase 2b (Crewe - Manchester) purposes.
- 30

*Drain disconnections*

- 3 Where works described in section 62(1)(a), (b) or (c) of the 1984 Act (reconstruction and other drain works) are carried out for Phase 2b (Crewe - Manchester) purposes, section 62 of the 1984 Act (which requires drains to be disconnected when they become disused or unnecessary in consequence of reconstruction and other works) has effect as if –
- (a) in subsection (1), for “as the local authority may reasonably require” there were substituted “as the person considers necessary”,
- 35  
40

- (b) subsections (2) and (3) were omitted,
- (c) for subsection (4) there were substituted –
  - “(4) Before carrying out works described in subsection (1)(a), (b) or (c), the person carrying out the works must give at least 48 hours’ notice to the local authority.”, and
- (d) subsection (5) were omitted.

*Raising of chimneys*

- 4 (1) This paragraph applies where –
- (a) the nominated undertaker is given a notice under section 73(1) of the 1984 Act (notice requiring chimney of adjoining building to be raised and requiring owner or occupier of that building to allow access to it for that purpose),
  - (b) the taller building is a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, and
  - (c) the owner or occupier of the adjoining building referred to in section 73(1)(b) of the 1984 Act serves a counter-notice on the nominated undertaker.
- (2) The owner or occupier of the adjoining building may not enter upon relevant Phase 2b (Crewe - Manchester) land, for the purposes of carrying out the work to which the counter-notice relates, without the consent of the Secretary of State or the nominated undertaker.
- (3) “Relevant Phase 2b (Crewe - Manchester) land” means land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under the Act.
- (4) Where, by reason of the withholding of consent for the purposes of sub-paragraph (2), the owner or occupier of the adjoining building is unable to carry out the work to which the counter-notice relates, the counter-notice ceases to have effect.
- (5) In this paragraph, references to “the taller building” and a “counter-notice” are to be construed in accordance with section 73 of the 1984 Act.

*Construction of cellars and rooms below subsoil water level*

- 5 (1) Section 74(1) of the 1984 Act (which requires local authority consent for the construction of a cellar or room below subsoil water level in, or as part of, a house, shop, inn, hotel or office) does not apply to the construction of a cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station or other railway facility which is being used, or which is intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (2) In sub-paragraph (1), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.

*Demolition of whole or part of building*

- 6 Sections 80(2)(b), 81 and 82 of the 1984 Act (which concern a local authority’s power to serve notice about a demolition) do not apply to the demolition of the whole or part of a building carried out in exercise of the powers under this Act and to which section 80 of the 1984 Act otherwise applies. 5

*Interpretation*

- 7 In this Schedule –  
“the 1984 Act” means the Building Act 1984;  
“building regulations” has the same meaning as in the 1984 Act (see section 122 of that Act). 10

SCHEDULE 23

Section 29(2)

PARTY WALLS ETC

- 1 The Party Wall etc. Act 1996 (“the 1996 Act”) has effect subject to the following modifications.
- 2 Where a building owner (within the meaning of the 1996 Act) serves a notice under section 1(2) of that Act (notice before building on line of junction with adjoining land) in relation to the building of any wall for Phase 2b (Crewe - Manchester) purposes, section 1 of that Act has effect as if – 15
- (a) for subsection (3) there were substituted –
- “(3) Where a building owner serves on any adjoining owner a notice described in subsection (2), the wall described in the notice is to be built – 20
- (a) half on the land of each of the two owners or in such other position as may be determined by the building owner, and 25
- (b) at the expense of the building owner.”,
- (b) after subsection (3) there were inserted –
- “(3A) Where the building owner builds a wall in accordance with subsection (3), the building owner has the right, at any time in the period which – 30
- (a) begins one month after the day on which the notice mentioned in that subsection was served, and
- (b) ends twelve months after that day,
- to place below the level of the land of the adjoining owner such projecting footings and foundations as are necessary for the construction of the wall. 35
- (3B) Where the building owner builds a wall in accordance with subsection (3), the building owner must compensate any adjoining owner and any adjoining occupier for any damage to the property of such owner or occupier occasioned by – 40
- (a) the building of the wall;
- (b) the placing of any footings or foundations placed in accordance with subsection (3A).”, and

- (c) subsection (4) (and the references in subsections (6) and (7) to subsection (4)) were omitted.
- 3 Sections 1(6) and 2 of the 1996 Act (rights of adjoining owners) do not have effect to confer rights in relation to –
- (a) anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
- (b) land on which there is any such thing. 5
- 4 No party structure notice under section 3 of the 1996 Act is required before the exercise of any right conferred by section 2 of that Act (right to repair etc party wall) for the purposes of or in connection with – 10
- (a) the construction of the works authorised by this Act, or
- (b) the maintenance of any such work during the period beginning with the date on which the work is completed and ending 5 years after the date on which it is brought into general use. 15
- 5 Section 6 of the 1996 Act (underpinning of adjoining buildings) does not apply in relation to a proposal to excavate, or excavate for and erect anything, for Phase 2b (Crewe - Manchester) purposes.
- 6 (1) Where –
- (a) a building owner (within the meaning of the 1996 Act) serves a notice under section 6(5) of that Act, and 20
- (b) the building or structure of the adjoining owner (within the meaning of that Act) referred to in that provision is a building or structure –
- (i) erected for Phase 2b (Crewe - Manchester) purposes, or
- (ii) situated on land held by the Secretary of State or the nominated undertaker for the purposes of the nominated undertaker’s undertaking under this Act, 25
- section 6 of that Act has effect with the following modifications.
- (2) Those modifications are –
- (a) subsection (3) is omitted; 30
- (b) for subsections (6) and (7) substitute –
- “(6) The notice referred to in subsection (5) (“the proposals notice”) –
- (a) shall be accompanied by plans and sections showing – 35
- (i) the site and depth of any excavation the building owner proposes to make; and
- (ii) if the building owner proposes to erect a building or structure, its site; and
- (b) where the notice includes a proposal to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner, shall – 40
- (i) include a detailed description of those works; and
- (ii) specify the building owner’s programme for carrying them out. 45

- (6A) The adjoining owner may serve a notice on the building owner consenting to the proposals notice.
- (6B) Where the proposals include the carrying out of works mentioned in subsection (6)(b), the consent notice served under subsection (6A) must state whether – 5
- (a) the adjoining owner is to carry out the works, or
  - (b) the adjoining owner requires the works to be carried out by the building owner.
- (7) If an owner on whom a proposals notice has been served does not serve a consent notice within the period of 14 days beginning with the day on which the proposals notice was served, the owner shall be deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties. 10
- (7A) Works to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner (whether proposed in the proposals notice or otherwise) are to be carried out by the adjoining owner, unless the building owner is required to carry them out – 15
- (a) by virtue of a requirement within subsection (6B)(b), or 20
  - (b) where a dispute is deemed to have arisen between the parties in relation to any matter, by a notice served by the adjoining owner on the building owner within the period of 14 days beginning with – 25
    - (i) the day on which the parties settle the dispute, or
    - (ii) the day on which an award is made under section 10 in relation to the dispute.
- (7B) The works (whether carried out by the adjoining owner or the building owner) are to be carried out – 30
- (a) at the building owner’s expense, and
  - (b) in accordance with the description and programme agreed by the parties (whether by virtue of a consent notice or in connection with the settlement of any dispute) or determined in accordance with section 10 (in the case of a dispute in relation to which an award is made under that section).” 35
- 7 (1) This paragraph applies where a dispute arises or is deemed to have arisen in respect of a matter connected with any work to which the 1996 Act relates and the work – 40
- (a) is required for Phase 2b (Crewe - Manchester) purposes, or
  - (b) relates to a building or structure situated on land held by the Secretary of State or the nominated undertaker for the purposes of the nominated undertaker’s undertaking under this Act. 45
- (2) In such a case, the 1996 Act has effect as if for section 10 (resolution of

disputes) there were substituted –

**“10 Resolution of disputes**

- (1) Where a dispute arises or is deemed to have arisen between a building owner and an adjoining owner in respect of any matter connected with any work to which this Act applies, the dispute is to be settled by a single arbitrator, who is to be –
  - (a) agreed on by both parties, or
  - (b) in default of agreement, appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.
- (2) If the arbitrator –
  - (a) refuses to act,
  - (b) neglects to act for a period of 10 days beginning with the day on which either party serves a request on the arbitrator,
  - (c) dies before the dispute is settled, or
  - (d) becomes or deems himself or herself incapable of acting,
 subsection (1) applies again.
- (3) The arbitrator must settle by award any matter –
  - (a) which is connected with any work to which this Act relates, and
  - (b) which is in dispute between the building owner and the adjoining owner.
- (4) An award may determine –
  - (a) the right to execute any work,
  - (b) the time and manner of executing any work, and
  - (c) any other matter arising out of or incidental to the dispute including the costs of making the award.
- (5) But, unless otherwise agreed between the building owner and the adjoining owner, any period appointed by the award for executing any work does not begin to run until after the end of the period prescribed by this Act for service of the notice in respect of which the dispute arises or is deemed to have arisen.
- (6) The reasonable costs incurred in –
  - (a) making or obtaining an award under this section,
  - (b) reasonable inspections of work to which the award relates, and
  - (c) any other matter arising out of the dispute,
 are to be paid by such of the parties as the arbitrator determines.
- (7) Where the arbitrator makes an award, the arbitrator must serve it forthwith on the parties.
- (8) The award is conclusive and must not except as provided by this section be questioned in any court.
- (9) Either of the parties to the dispute may appeal to the county court against the award within the period of 14 days beginning with the day on which the award is served on the party making the appeal.

- (10) On such an appeal, the county court may –
- (a) rescind the award or modify it in such manner as the court thinks fit; and
  - (b) make such order as to costs as the court thinks fit.”
- (3) Where the 1996 Act has effect as mentioned in sub-paragraph (2) – 5
- (a) section 7(5) has effect as if the words “(or surveyors acting on their behalf)” were omitted,
  - (b) section 8(5) has effect as if the reference to a surveyor appointed or selected under section 10 were to an arbitrator agreed or appointed under section 10 (as modified by sub-paragraph (2)), 10
  - (c) section 8(6) has effect as if it provided for the arbitrator to give notice of its intention to enter land or premises, and
  - (d) section 12(3)(b) has effect as if the reference to the surveyor or surveyors were to the arbitrator.
- 8 (1) Where, by virtue of paragraph 6, work to which a notice under section 6(5) of the 1996 Act relates is carried out by an adjoining owner, sections 13 and 14 of that Act have effect subject to the following modifications. 15
- (2) Section 13(1) has effect as if it enabled the adjoining owner, within the period of two months beginning with the day of the completion of the work, to serve on the building owner an account in writing showing particulars and expenses of the work. 20
- (3) Section 13(2) has effect as if it enabled the building owner to serve on the adjoining owner a notice objecting to the account served under section 13(1) (as modified by sub-paragraph (2)).
- (4) Section 14 has effect as if – 25
- (a) for subsection (1) there were substituted –
- “(1) All expenses to be defrayed by a building owner in accordance with an account served under section 13 shall be paid by the building owner.”, and
- (b) subsection (2) were omitted. 30

## SCHEDULE 24

Section 30

### STREET WORKS

#### *Works in or near highways*

- 1 (1) Section 141 of the Highways Act 1980 (restriction on planting trees or shrubs in or near carriageway) does not apply to any tree or shrub planted for the purposes of or in connection with the exercise of the powers conferred by this Act. 35
- (2) Section 167 of that Act (powers relating to retaining walls near streets) does not apply to any length of a retaining wall erected on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 40

- (3) Section 169(1) of that Act (control of scaffolding on highways) does not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of the powers conferred by this Act.
- (4) The provisions of this paragraph apply in relation to a highway for which the Secretary of State or a strategic highways company is the highway authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 5

*Street works*

- 2 (1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) do not apply in relation to works proposed to be, or being, carried out under the powers conferred by this Act. 10
- (2) Section 56A of that Act (power to give directions as to placing of apparatus) does not apply in relation to the placing of apparatus in exercise of the powers conferred by this Act. 15
- (3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works following completion of substantial road works) has effect in relation to works carried out under the powers conferred by this Act. 20
- (4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) does not apply to the placing of apparatus in exercise of the powers conferred by this Act.
- (5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) does not apply in relation to apparatus placed in exercise of the powers conferred by this Act. 25
- (6) Section 62(4) of that Act (power, when designation as protected street commences or ceases, to give directions with respect to works in progress) does not apply in relation to works being carried out under the powers conferred by this Act. 30
- (7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) does not apply in relation to works to be executed under the powers conferred by this Act. 35
- (8) The power conferred by section 73A(1) of that Act (power to require undertaker to re-surface street) may not be exercised in relation to an undertaker who is within subsection (2) of that section because of – 40
- (a) having given a notice in respect of works proposed to be carried out under the powers conferred by this Act, or
- (b) executing, or having executed, works under those powers.
- (9) Nothing in section 74A of that Act (power to make regulations requiring payment of charges for street works), or in regulations made under it, applies in relation to the execution of works under the powers conferred by this Act. 45

- (10) No contribution is payable under section 78A(1)(b) of that Act (contributions by other undertakers to costs incurred in executing works specified in a re-surfacing notice) because of the execution of works under the powers conferred by this Act.
- (11) Schedule 3A to that Act (restriction on works following substantial street works) does not apply where a notice under section 54 (advance notice of certain works) or section 55 (notice of starting date of works) of that Act is in respect of works to be executed under the powers conferred by this Act. 5
- (12) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) has effect to require the notification of works proposed to be carried out under the powers conferred by this Act. 10
- (13) No directions under paragraph 3 of that Schedule (directions as to the date on which undertakers may begin to execute proposed works) may be issued to the nominated undertaker. 15
- (14) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) does not apply in relation to the execution of works under the powers conferred by this Act. 20
- (15) Paragraph 5(1) of that Schedule (effect of direction under paragraph 4 restricting further works) does not apply in relation to the execution of works under the powers conferred by this Act.
- (16) The provisions of this paragraph apply in relation to a street for which the Secretary of State or a strategic highways company is the street authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 25

*Permit schemes*

- 3 (1) Nothing in Part 3 of the Traffic Management Act 2004 (permit schemes), or in any permit scheme or permit regulations under that Part, applies in relation to the carrying out of works under the powers conferred by this Act. 30
- (2) Where a permit scheme under Part 3 of the 2004 Act is in respect of a street for which the Secretary of State or a strategic highways company is the highway authority, sub-paragraph (1) applies in relation to the scheme only if the highway authority in respect of the street consents (and consent may be subject to conditions). 35

SCHEDULE 25

Section 31

LORRIES

*Lorry ban orders*

- 1 (1) In this Schedule “lorry ban order” means an order made at any time under section 1, 9 or 14 of the Road Traffic Regulation Act 1984 which to any extent imposes— 40

- 
- (a) a prohibition or restriction on the use of heavy commercial vehicles, or any class of such vehicles, in an area, zone or place, or on a road, specified in the order, or
  - (b) a requirement that heavy commercial vehicles, or any class of such vehicles, use a specified through route. 5
- (2) The reference in sub-paragraph (1)(a) to a prohibition or restriction on the use of heavy commercial vehicles on a road does not include a prohibition or restriction on their use on part of the width of a road.
- (3) It is immaterial for the purposes of sub-paragraph (1) whether the prohibition, restriction or requirement is subject to exceptions. 10
- (4) This paragraph applies in relation to a lorry ban order made by the Secretary of State or a strategic highways company only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions).
- Required provision in lorry ban orders* 15
- 2 (1) If a lorry ban order does not contain the required provision, it is to be treated as if it did.
- (2) The required provision is provision to the effect that –
- (a) a person proposing to use heavy commercial vehicles in connection with authorised works in a way which would otherwise constitute a breach of the prohibition, restriction or requirement referred to in paragraph 1(1) may apply for the issue of a permit in respect of that use, and 20
  - (b) the use authorised by such a permit does not constitute a breach of the prohibition, restriction or requirement. 25
- Issue of emergency permits*
- 3 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey –
- (a) proposed to be undertaken in connection with the carrying out of authorised works, and 30
  - (b) for which a permit under a lorry ban order is required if the prohibition, restriction or requirement is not to be breached.
- (2) The person may apply for a permit under the lorry ban order for the journey by giving the details mentioned in sub-paragraph (3), by telephone or by electronic means, to the authority responsible for dealing with permits under the order. 35
- (3) The details referred to above are –
- (a) the identity of the applicant,
  - (b) how the applicant may be contacted by telephone or by electronic means, 40
  - (c) the registration number of the vehicle to which the application relates,
  - (d) the authorised works in connection with which the journey is to be undertaken,

- (e) whether any approved route is relevant to the application and, if so, what it is,
  - (f) the date when the journey is proposed to be undertaken,
  - (g) in the case of an order made otherwise than by the Secretary of State or a strategic highways company, whether it is proposed to stop in the area of the traffic authority for delivery or collection purposes and, if so, the place or places and time or times at which it is proposed to do so, and 5
  - (h) in the case of an order made by the Secretary of State or a strategic highways company, such details of the place or places and time or times at which it is proposed to stop for delivery or collection purposes as may be set out in conditions attaching to consent given under paragraph 1(4). 10
- 4 (1) An authority responsible for dealing with permits under a lorry ban order must make arrangements enabling applications under paragraph 3 to be made at any time. 15
- (2) Once an application for a permit has been made under paragraph 3, then, for the purpose of any relevant journey, the application is to be treated as granted subject to such conditions as the Secretary of State may by order specify. 20
- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) if it is begun before the authority to which the application is made has communicated its decision on the application to the applicant by the means specified by the application under paragraph 3(3)(b).
- (4) The power to make an order under sub-paragraph (2) includes – 25
- (a) power to make different provision for different cases, and
  - (b) power to make an order varying or revoking any order previously made under that provision.

*Grant of applications for permit*

- 5 (1) This paragraph applies where an application for the issue of a permit under a lorry ban order – 30
- (a) is made under paragraph 3, or
  - (b) is otherwise expressed to be made in connection with the carrying out of authorised works.
- (2) The application must be granted if the issue of a permit is reasonably required – 35
- (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or
  - (b) for the purpose of enabling an approved route to be used in connection with authorised works. 40
- (3) If the application is granted, no condition may be imposed which is likely to obstruct –
- (a) the carrying out of authorised works in a timely and efficient manner, or
  - (b) the use of an approved route in connection with such works. 45
- (4) An applicant aggrieved by a decision under sub-paragraph (2) or (3) may appeal to the Secretary of State by giving notice of the appeal to –

- (a) the Secretary of State, and  
(b) the authority whose decision is appealed against,  
within 28 days of notification of the decision.
- (5) On an appeal under sub-paragraph (4), the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against. 5
- (6) If, on an appeal under sub-paragraph (4) against a decision under sub-paragraph (3), the Secretary of State varies the decision, the variation has effect from and including the date on which the appeal was instituted or such later date as the Secretary of State may specify. 10
- (7) The applicant may not challenge a decision under sub-paragraph (3) otherwise than by an appeal under sub-paragraph (4).

*Supplementary interpretation*

- 6 (1) In this Schedule—
- “approved route” means a route approved for the purposes of paragraph 6 of Schedule 17; 15
- “authorised works” means works authorised by this Act;
- “electronic means” includes email and the internet;
- “heavy commercial vehicle” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 138 of that Act); 20
- “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act);
- “working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. 25
- (2) In this Schedule, references to the issuing of a permit include the giving of any consent.

## SCHEDULE 26

Section 32

## NOISE

*Control of noise on construction sites* 30

- 1 (1) In the Control of Pollution Act 1974, sections 60 (control of noise on construction sites) and 61 (prior consent for work on construction sites) each have effect, in relation to works carried out in exercise of the powers conferred by this Act, as if—
- (a) in subsection (7) (appeal against notice or against failure to give consent or the giving of qualified consent), for “a magistrates’ court” there were substituted “the Secretary of State”, and 35
- (b) after that subsection there were inserted—
- “(7A) If within seven days of the giving of notice of appeal under subsection (7) of this section the appellant and the local authority so agree, the appeal shall, instead of being 40

determined by the Secretary of State, be referred to arbitration.”

- (2) The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly may, in relation to appeals which (by virtue of sub-paragraph (1)) are referred to arbitration under section 60(7A) or 61(7A) of the Control of Pollution Act 1974, by regulations make any such provision as may be made by regulations under section 70 of that Act in relation to appeals under Part 3 of that Act to the Secretary of State. 5
- (3) Regulations under sub-paragraph (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament. 10

*Defences to proceedings relating to statutory nuisance*

- 2 In proceedings for an offence under section 80(4) of the Environmental Protection Act 1990 (offence of contravening abatement notice) in respect of a statutory nuisance falling within section 79(1)(g) or (ga) of that Act where the offence consists in contravening requirements imposed by virtue of section 80(1)(a) or (b) of that Act, it is a defence to show that the nuisance – 15
- (a) is a consequence of – 20
- (i) the construction, use or maintenance of the works authorised by this Act, or
- (ii) the operation of Phase 2b (Crewe - Manchester) of High Speed 2, and
- (b) cannot reasonably be avoided. 25
- 3 (1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by person aggrieved by statutory nuisance) in relation to –
- (a) a statutory nuisance falling within section 79(1)(g) of that Act (noise emitted from premises), or 30
- (b) a statutory nuisance falling within section 79(1)(ga) of that Act (noise emitted by vehicle, machinery or equipment in a street),
- no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies if the nuisance – 35
- (a) relates to premises or, as the case may be, to a vehicle, machinery or equipment, used by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works, and
- (b) is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 of the Control of Pollution Act 1974. 40
- (3) This sub-paragraph applies if the nuisance –
- (a) is a consequence of –
- (i) the construction, use or maintenance of the works authorised by this Act, or 45
- (ii) the operation of Phase 2b (Crewe - Manchester) of High Speed 2, and

(b) cannot reasonably be avoided.

- 4 Section 61(9) of the Control of Pollution Act 1974 (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) does not apply where the consent relates to the use of premises or, as the case may be, of a vehicle, machinery or equipment by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works. 5

## SCHEDULE 27

Section 33

### LOCAL ACTS 10

#### *Cheshire County Council Act 1968 (c. xxxvi)*

- 1 Section 12 of the Cheshire County Council Act 1968 (prohibition of parking of heavy commercial vehicles) does not apply to the use of any parking place by a heavy commercial vehicle (within the meaning of that section) which is reasonably necessary – 15
- (a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or
  - (b) for the purposes of the nominated undertaker’s undertaking under this Act.

#### *Cheshire County Council Act 1980 (c. xiii)* 20

- 2 (1) Section 12 of the Cheshire County Council Act 1980 (plans for new streets) does not apply to any work carried out in exercise of the powers conferred by this Act.
- (2) Part 8 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 25
- (3) Section 50 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 30
- (4) Section 57 of that Act (prescription of signs to be used on certain buildings) does not apply in relation to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 35

#### *Greater Manchester Act 1981 (c. ix)*

- 3 (1) Section 26 of the Greater Manchester Act 1981 (prohibition of parking of goods vehicles in residential streets) does not apply to the use of any parking place by a goods vehicle (within the meaning of that section) which is reasonably necessary – 40
- (a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or

- (b) for the purposes of the nominated undertaker’s undertaking under this Act.
- (2) Section 27(1)(b) of that Act (control of verges) does not apply to the use of a vehicle which is reasonably necessary –
  - (a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or 5
  - (b) for the purposes of the nominated undertaker’s undertaking under this Act.
- (3) Section 34 of that Act (dust) does not apply to building operations carried out in exercise of the powers conferred by this Act. 10
- (4) Section 38 of that Act (powers of entry for Prevention of Damage by Pests Act 1949) does not apply in relation to any land held by the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (5) Section 63 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 15
- (6) Part 8 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 20

SCHEDULE 28

Section 38

APPLICATION OF OTHER RAILWAY LEGISLATION ETC

*Highway (Railway Crossings) Act 1839 (c. 45)* 25

- 1 The Highway (Railway Crossings) Act 1839 does not apply to a railway authorised by this Act.

*Railway Regulation Act 1840 (c. 97)*

- 2 (1) In its application to Phase 2b (Crewe - Manchester) of High Speed 2, or a train all or part of whose journey is on Phase 2b (Crewe - Manchester) of High Speed 2, section 16 of the Railway Regulation Act 1840 (obstruction of officers of railway company or trespass upon railway) has effect as if –
  - (a) the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 1), and 35
  - (b) the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding 51 weeks (in the case of an offence committed in England and Wales) or 12 months (in the case of an offence committed in Scotland).
- (2) In relation to an offence committed in England and Wales before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (1)(b) to 51 weeks is to be read as a reference to one month. 40

*Railway Regulation Act 1842 (c. 55)*

- 3 Section 9 of the Railway Regulation Act 1842 does not apply to a railway authorised by this Act.

*Railways Clauses Consolidation Act 1845 (c. 20)*

- 4 (1) The following provisions only of the Railways Clauses Consolidation Act 1845 are incorporated with this Act, in so far as they are applicable for the purposes of this Act and not inconsistent with its provisions – 5  
sections 2 to 4, 6, 16, 18, 21, 30, 31, 37 and 38 (so far as relating to section 31), 46, 67 to 70, 73, 86, 97, 103, 105, 140, 142, 144, 145 and 162 to 164.
- (2) In their application by virtue of sub-paragraph (1) – 10
- (a) section 2 has effect with the substitution for “so incorporated as aforesaid” of “incorporated”; 15
- (b) section 6 has effect with the omission of “and to take lands for that purpose”, “taken or” and “for the value of the lands so taken or used, and”; 15
- (c) sections 18 and 21 do not apply in any case where the relations between the nominated undertaker and any other person are regulated by sections 84 and 85 of the New Roads and Street Works Act 1991 or Part 2 of Schedule 32 (protective provisions relating to utility undertakers); 20
- (d) section 46 has effect with the omission of the words from “of the height” to “in that behalf provided”; 20
- (e) section 68 has effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”. 25

*Regulation of Railways Act 1889 (c. 57)*

- 5 In its application to Phase 2b (Crewe - Manchester) of High Speed 2, or a train all or part of whose journey is on Phase 2b (Crewe - Manchester) of High Speed 2, section 5 of the Regulation of Railways Act 1889 has effect as follows – 30
- (a) section 5(1) (failure to produce ticket, pay fare or give name and address) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 2 on the standard scale (instead of level 1);
- (b) section 5(2) (power to arrest passenger who fails to produce ticket and refuses to give name and address) has effect as if after “refuses” there were inserted “or fails”; 35
- (c) section 5(3) (travel with intent to avoid payment of fare) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 2). 40

*British Transport Commission Act 1949 (c xxix)*

- 6 (1) Section 55 of the British Transport Commission Act 1949 (penalty for trespass on railways etc) also applies in relation to any railway, siding, tunnel, railway embankment, cutting or similar work constructed in exercise of the powers conferred by this Act. 45

- (2) Section 56 of that Act (penalty for stone throwing etc on railways) also applies in relation to any railway or siding constructed in exercise of the powers conferred by this Act.

SCHEDULE 29

Section 39

ARBITRATION BETWEEN RAILWAY OPERATORS

5

*Directions as to results to be achieved*

- 1 (1) This paragraph applies where a difference is referred under section 39(3) to arbitration.
- (2) The parties must notify the Secretary of State of the referral without delay after the commencement of the arbitral proceedings. 10
- (3) The Secretary of State may, on request or otherwise, direct the arbitrator as to results that are to be achieved by the agreement for which terms are to be determined by the arbitration.
- (4) A direction under this paragraph may be made even though the making of the direction affects the outcome of proceedings to which the Secretary of State, or a body in which the Secretary of State has an interest, is a party. 15
- (5) A request for a direction under this paragraph may be made by the arbitrator (as well as by a party).
- (6) The arbitrator must comply with the direction in determining terms of the agreement if the direction – 20
- (a) is relevant to the determination of those terms, and
  - (b) is given to the arbitrator before the award determining those terms is made.
- (7) The arbitrator must carry out the function of determining terms of the agreement so as to secure, so far as is reasonably practicable, that the results concerned are achieved by the agreement. 25

*Directions as to consolidation and grouping of proceedings*

- 2 (1) The Secretary of State may, on request or otherwise, direct – 30
- (a) that a group of proceedings is to be consolidated, or
  - (b) that concurrent hearings are to be held in a group of proceedings.
- (2) In sub-paragraph (1) “group of proceedings” means a group consisting of –
- (a) section 39(3) proceedings, and
  - (b) any one or more of the following – 35
- (i) other section 39(3) proceedings,
  - (ii) arbitral proceedings related to the proceedings mentioned in paragraph (a), and
  - (iii) arbitral proceedings related to section 39(3) proceedings that are to be consolidated with the proceedings mentioned in paragraph (a).

- (3) A request for a direction under this paragraph may be made by the arbitrator or any of the arbitrators (as well as by a party).
- (4) A direction under this paragraph must specify the terms on which the proceedings are to be consolidated or on which concurrent hearings are to be held. 5
- (5) Where a direction under this paragraph provides for the consolidation of proceedings that do not all have the same arbitrator, the terms that may be specified in the direction include (in particular) –
- (a) terms specifying the person who is to be the arbitrator in the consolidated proceedings; 10
- (b) terms under which that person is to be determined.
- (6) For the purposes of this section –
- (a) “section 39(3) proceedings” means proceedings on arbitration of a difference referred under section 39(3), and
- (b) arbitral proceedings are “related” to section 39(3) proceedings if – 15
- (i) the arbitral proceedings are not section 39(3) proceedings,
- (ii) at least one of the parties to the arbitral proceedings is also a party to the section 39(3) proceedings, and
- (iii) the Secretary of State considers that the subject-matter of the arbitral proceedings is connected with the subject-matter of the section 39(3) proceedings. 20

## SCHEDULE 30

Section 41

## TRAFFIC REGULATION

*Traffic authority to consult Secretary of State before making traffic regulation order*

- 1 (1) This paragraph applies where – 25
- (a) the traffic authority for a relevant road is a person other than the Secretary of State,
- (b) the authority proposes to make a traffic regulation order in relation to the road, and
- (c) it appears to the authority that provision made by the order could significantly interfere with the use of the road by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act. 30
- (2) Before making the order, the authority must consult the Secretary of State (in addition to any other person the authority is required to consult under or by virtue of Part 3 of Schedule 9 to RTRA 1984). 35
- (3) In this paragraph –
- “heavy commercial vehicle” has the same meaning as in RTRA 1984 (see section 138 of that Act);
- “relevant road” means a road, other than a special road or trunk road, which falls within one or more of the following paragraphs – 40
- (a) a road which is part of a route identified in a deposited statement as a construction traffic route;

- 
- (b) a road which is part of a route in relation to which approval has been given under paragraph 6 of Schedule 17 (routes for transportation by large goods vehicles);
- (c) where a request for approval under paragraph 6 of Schedule 17 has been made but not determined, a road which is part of a route to which the request for approval relates; 5
- (d) a road any part of which is within the Act limits.
- 2 (1) The Secretary of State may by notice designate –
- (a) a road, or part of a road, in relation to which paragraph 1(2) does not apply; 10
- (b) a description of traffic regulation orders in relation to which paragraph 1(2) does not apply.
- (2) A notice under sub-paragraph (1)(a) has effect until further notice.
- (3) The Secretary of State must give a notice under sub-paragraph (1)(a) to the traffic authority for the road (or part of the road) to which the notice relates. 15
- (4) A notice under sub-paragraph (1)(b) may have effect generally or in relation to areas specified in the notice.
- (5) The Secretary of State must give a notice under sub-paragraph (1)(b) to every traffic authority which would be affected by the notice.
- (6) Failure by a traffic authority to comply with paragraph 1(2) in relation to a traffic regulation order does not affect the validity of the order. 20
- 3 (1) Paragraph 1(2) ceases to apply in relation to a traffic authority if the Secretary of State gives the authority a notice stating that –
- (a) no further works are proposed to be constructed under this Act in the authority’s area, and 25
- (b) the use of relevant roads in the authority’s area is no longer required by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act.
- (2) Paragraph 1(2) ceases to apply in relation to a particular part of the area of a traffic authority (“the relevant part”) if – 30
- (a) the Secretary of State reasonably considers that the relevant part can be treated separately from the rest of the authority’s area for the purposes of paragraph 1(2), and
- (b) the Secretary of State gives the authority a notice stating that – 35
- (i) no further works are proposed to be constructed under this Act in the relevant part, and
- (ii) the use of relevant roads in the relevant part is no longer required by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act.
- (3) The Secretary of State must give a traffic authority a notice under sub-paragraph (1) or (2) as soon as reasonably practicable after the Secretary of State forms the view that the applicable requirements are met. 40
- (4) For the purposes of sub-paragraph (3), the applicable requirements are met –
- (a) in a sub-paragraph (1) case, if sub-paragraph (1)(a) and (b) apply in relation to the authority’s area, and 45

(b) in a sub-paragraph (2) case, if sub-paragraph (2)(b)(i) and (ii) apply in relation to the relevant part.

(5) In this paragraph, “heavy commercial vehicle” and “relevant road” have the same meaning as in paragraph 1.

*Power of Secretary of State to direct traffic authority to make traffic regulation order* 5

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and 10
  - (b) reasonable in the circumstances.
- (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
- (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State’s consent make a further traffic regulation order which contains – 15
- (a) provision varying or revoking the relevant order, or
  - (b) provision as respects any length of road for any purpose where – 20
    - (i) an order has been made as respects that length of road for a similar purpose, and
    - (ii) that order has been varied or revoked by the relevant order.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1 or 9 of RTRA 1984. 25
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule. 30
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if –
- (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted, 35
  - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders) –
    - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and 40
    - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and
  - (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted. 45

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- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if –
- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and
  - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
- 6 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984.
- (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
- (3) The order has effect for the period specified or described in the direction.
- (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of the works authorised by this Act.
- Further powers of Secretary of State (including in relation to variation or revocation of orders)*
- 7 (1) The Secretary of State may direct a traffic authority to revoke a traffic regulation order made by the authority in pursuance of a direction under paragraph 4.
- (2) The Secretary of State may direct a traffic authority to vary a traffic regulation order made by the authority in pursuance of a direction under paragraph 4, where –
- (a) the Secretary of State considers that the variation is –
    - (i) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and
    - (ii) reasonable in the circumstances, or
  - (b) the effect of the variation is to remove or relax a restriction imposed by the order on the use of any road.
- 8 (1) Where a traffic authority fails to comply with a direction under paragraph 4, the Secretary of State may make the traffic regulation order required by the direction.
- (2) Where a traffic authority fails to comply with a direction under paragraph 7, the Secretary of State may by order vary or revoke the traffic regulation order (as required by the direction).
- 9 (1) The Secretary of State may by order made by statutory instrument vary or revoke a traffic regulation order (whenever made) if the Secretary of State considers the variation or revocation –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and
  - (b) reasonable in the circumstances.
- (2) This paragraph has effect without prejudice to the powers conferred on the Secretary of State by paragraphs 7 and 8.
- 10 (1) This paragraph applies to an order under paragraph 8 or 9.

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- (2) Paragraph 4 of Schedule 9 to RTRA 1984 (reserve powers of Secretary of State, including power to recover expenses) applies to the order as it applies to an order made by virtue of paragraph 3 of that Schedule.
- (3) Parts 3 and 4 of Schedule 9 to RTRA 1984, and regulations made under paragraph 24 of that Schedule, apply to the order as they apply to an order made by virtue of the relevant paragraph of that Schedule, but as if – 5
- (a) any provision in the regulations relating to the holding of a public inquiry were omitted, and
  - (b) for the purposes of the application of paragraph 28 of that Schedule (provision about the variation or revocation of certain orders) – 10
    - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 10(5) of this Schedule, and
    - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 10(5) of this Schedule. 15
- (4) For the purposes of sub-paragraph (3), “the relevant paragraph” of Schedule 9 to RTRA 1984 is –
- (a) in the case of an order under paragraph 8 of this Schedule, paragraph 3 of that Schedule, and
  - (b) in the case of an order under paragraph 9 of this Schedule, paragraph 7 of that Schedule. 20
- (5) Where the Secretary of State makes an order to which this paragraph applies, the relevant authority may not without the Secretary of State’s consent make a further traffic regulation order which contains – 25
- (a) provision varying or revoking the Secretary of State’s order, or
  - (b) provision as respects any length of road for any purpose where –
    - (i) an order has been made as respects that length of road for a similar purpose, and
    - (ii) that order has been varied or revoked by the Secretary of State’s order. 30
- (6) Paragraph 16 of Schedule 9 to RTRA 1984 (powers of Secretary of State where an order is submitted for consent) applies for the purposes of sub-paragraph (5) as if the further traffic regulation order had been submitted for consent under Part 2 of that Schedule.
- Power to restrict traffic authority from making or implementing traffic regulation order* 35
- 11 (1) The Secretary of State may give a direction to a traffic authority prohibiting the authority from making or bringing into operation a traffic regulation order (whenever made) if the Secretary of State considers that such an order could significantly interfere with the use of any road for the purposes of the construction of the works authorised by this Act. 40
- (2) A prohibition imposed by virtue of this paragraph may be expressed –
- (a) so as to have effect generally or for a period specified in the direction;
  - (b) so as to prohibit the making or bringing into operation of a traffic regulation order without the Secretary of State’s consent.
- (3) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph. 45

*Consultation requirements applicable to Secretary of State*

- 12 (1) The Secretary of State must consult a traffic authority –
- (a) before giving a direction to the authority under paragraph 4, 7 or 11, or
  - (b) before making an order under paragraph 8(2) or 9 in relation to a traffic regulation order made by the authority. 5
- (2) The purpose of consultation is –
- (a) to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience, and
  - (b) to take account of the requirements (however expressed) to which the traffic authority is subject under an enactment or under an agreement or undertaking entered into in pursuance of an enactment. 10

*Guidance*

- 13 (1) The Secretary of State must prepare a statement setting out, in general terms – 15
- (a) guidance in connection with the duty under paragraph 1(2) (which requires a traffic authority to consult the Secretary of State before making a traffic regulation order), and
  - (b) how the Secretary of State proposes to exercise the powers conferred on the Secretary of State by the preceding provisions of this Schedule. 20
- (2) The Secretary of State may from time to time revise the statement.
- (3) In preparing or revising the statement, the Secretary of State must consult – 25
- (a) the nominated undertaker, and
  - (b) those traffic authorities which the Secretary of State considers are likely to be subject to the duty under paragraph 1(2) or to be affected by the exercise of the powers mentioned in sub-paragraph (1)(b) (or both).

*Removal of vehicles* 30

- 14 (1) An authorised person may remove a vehicle, or arrange for its removal, where conditions 1 and 2 are met.
- (2) Condition 1 is that the vehicle has been permitted to remain at rest, or has broken down and remained at rest – 35
- (a) on any road in contravention of a prohibition or restriction imposed by a traffic regulation order, or
  - (b) on any road which is stopped up under paragraph 2 or 8 of Schedule 5.
- (3) Condition 2 is that it appears to the authorised person that the vehicle is likely, if it is not removed – 40
- (a) to obstruct the carrying out of any of the works authorised by this Act, or
  - (b) to be at risk of being damaged in consequence of the doing of anything for the purposes of the construction of the works authorised by this Act. 45

- (4) References in sub-paragraphs (1) and (3) to the removal of a vehicle are to its removal to another position on the road in question or to another road.
- (5) Before exercising the power under sub-paragraph (1), an authorised person must give notice to –
- (a) the local authority (as defined by section 100(5) of RTRA 1984) in whose area the vehicle is situated, and 5
  - (b) the chief officer of the police force in whose area the vehicle is situated.
- (6) A person removing a vehicle under or by virtue of sub-paragraph (1) may do so – 10
- (a) by towing or driving the vehicle, or
  - (b) in such other manner as the person thinks necessary,
- and may take such measures in relation to the vehicle as the person thinks necessary to enable its removal.
- (7) This paragraph is without prejudice to provision made by regulations under section 99 of RTRA 1984. 15
- (8) In this paragraph –
- “authorised person” means a person authorised by the nominated undertaker for the purposes of this paragraph;
  - “vehicle” has the same meaning as in section 99 of RTRA 1984. 20

*Interpretation*

- 15 In this Schedule –
- “road” has the same meaning as in RTRA 1984 (see section 142(1) of that Act);
  - “RTRA 1984” means the Road Traffic Regulation Act 1984; 25
  - “traffic authority” has the same meaning as in RTRA 1984 (see section 121A of that Act);
  - “traffic regulation order” means an order under section 1, 9 or 14 of RTRA 1984.

## SCHEDULE 31

Section 43 30

## EXTENSION OF PLANNING PERMISSION FOR STATUTORY UNDERTAKERS

*Case where planning permission extended*

- 1 (1) Article 3(10) of the General Permitted Development Order (which excepts development requiring an environmental assessment from the general planning permission granted by that Order) does not apply to development which – 35
- (a) falls within a class of development described as permitted development in a provision of Schedule 2 to that Order that is listed in sub-paragraph (2), and
  - (b) is covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill. 40

- (2) The provisions of Schedule 2 to the General Permitted Development Order that are referred to in sub-paragraph (1)(a) are –
- in Part 8, classes A, B, C and D;
  - in Part 9, class C;
  - in Part 13, classes A, B and D; 5
  - Part 15;
  - in Part 16, classes A, B, C and E.
- (3) References in sub-paragraph (2) to particular provisions of the General Permitted Development Order include references to the corresponding provisions of any instrument replacing that Order. 10
- (4) In this paragraph, “the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).

*Condition of extended planning permission*

- 2 (1) Planning permission granted by virtue of paragraph 1 is subject to the condition that development is carried out in accordance with such requirements as the Secretary of State may by notice to the developer specify for the purpose of – 15
- (a) avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which the High Speed Rail (Crewe - Manchester) Bill was committed, or 20
  - (b) securing that the environmental effects of carrying out the development are not materially different from those envisaged by the statement by virtue of which paragraph 1(1)(b) applies.
- (2) The power conferred by sub-paragraph (1) is exercisable after, as well as before, development is commenced. 25
- (3) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to vary or revoke a notice under that sub-paragraph.
- (4) The condition imposed by sub-paragraph (1) is in addition to any condition to which the planning permission may be subject apart from this paragraph. 30

*Controls on proposed development*

- 3 (1) Where –
- (a) it appears to the Secretary of State that a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a), and
  - (b) the Secretary of State is of the opinion that the proposed development is not covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill, 35
- the Secretary of State may give notice of that opinion to the proposed developer.
- (2) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to withdraw a notice under that sub-paragraph. 40
- (3) Where a notice under sub-paragraph (1) has been given (and not withdrawn), paragraph 1 is to be treated as not applying to the carrying out of the development by the proposed developer.

- 4 (1) Where it appears to the Secretary of State that—
- (a) a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a),
  - (b) the development is covered by an environmental assessment in connection with the High Speed Rail (Crewe - Manchester) Bill, and
  - (c) it is necessary or desirable to do so for the purpose of avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which that Bill was committed,
- the Secretary of State may by notice to the proposed developer disapply paragraph 1(1) in relation to the carrying out of the development by that person. 5
- (2) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to revoke a notice under that sub-paragraph. 10

*Notices* 15

- 5 (1) A notice under this Schedule must—
- (a) specify the person to whom it is given,
  - (b) specify the development to which it relates,
  - (c) explain the reasons for it, and
  - (d) in the case of a notice under paragraph 3, explain its effect. 20
- (2) The Secretary of State must, when giving a notice under this Schedule, give a copy to the unitary authority or, in a non-unitary area, the district council in whose area the development is or is to be carried out.

SCHEDULE 32

Section 44

PROTECTIVE PROVISIONS 25

PART 1

HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the highway authority concerned. 30
- (2) In this Part—
- “plans” includes sections and specifications;
  - “property of the highway authority” means any apparatus of the highway authority affixed to or placed under any highway.
- (3) Part 3 or Part 4 of the New Roads and Street Works Act 1991 does not apply in relation to any matter which is regulated by this Part. 35
- 2 Wherever in this Part provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and subject to such reasonable terms and conditions as the highway authority may require, but must not be unreasonably withheld. 40

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- 3 In exercising the powers conferred by this Act in relation to any highway the nominated undertaker must—
- (a) have regard to the potential disruption of traffic which may be caused, and
  - (b) seek to minimise such disruption so far as is reasonably practicable. 5
- 4 (1) This paragraph applies to the construction of any tunnel, subway or other structure authorised by this Act under and within 8 metres of the surface of any highway which comprises a carriageway.
- (2) The nominated undertaker must not, without the consent of the highway authority, carry out works to which this paragraph applies except in accordance with plans submitted to, and approved by, the highway authority. 10
- (3) If, within 28 days after such plans have been submitted, the highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted. 15
- (4) This paragraph does not apply to street works within the meaning of Part 3, or road works within the meaning of Part 4, of the New Roads and Street Works Act 1991.
- 5 In the construction of any part of the works to which paragraph 4 applies under a highway no part of it may, except with the consent of the highway authority, be so constructed as to—
- (a) interfere with the provision of proper means of drainage of the surface of the highway, or
  - (b) be nearer than two metres to the surface of the highway. 20
- 6 (1) The provisions of this paragraph have effect in relation to, and in relation to the construction of, any new bridge, or any extension or alteration of an existing bridge, which carries—
- (a) any part of the works authorised by this Act over a highway, or
  - (b) a highway over any part of those works.
- Any such new bridge, or (as the case may be) any bridge so extended or altered, is referred to in this paragraph as “the bridge”. 30
- (2) Before commencing the construction of, or the carrying out of any work in connection with, the bridge which involves interference with a highway, the nominated undertaker must submit to the highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating to the work, and the bridge must not be constructed and the works must not be carried out except in accordance with the plans submitted to, and approved by, the highway authority. 35
- (3) If, within 28 days after the plans have been submitted, the highway authority has not approved or disapproved them, it is to be deemed to have approved the plans as submitted. 40
- (4) If the bridge carries any part of the works authorised by this Act over any highway—
- (a) it must be constructed in such manner as to prevent so far as may be reasonably practicable the dripping of water from the bridge, and
  - (b) the highway authority may, at the cost of the nominated undertaker, provide and place such lamps and apparatus as may from time to 45

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- time be reasonably necessary for efficiently lighting any highway under or in the vicinity of the bridge.
- 7 The nominated undertaker must –
- (a) secure that so much of the works authorised by this Act as is constructed under any highway must be so designed, constructed and maintained as to carry the appropriate loading recommended for highway bridges by the Secretary of State at the time of construction of the works, and 5
  - (b) indemnify the highway authority against, and make good to the highway authority, the expenses which the highway authority may reasonably incur in the maintenance or repair of any highway, or any tunnels, sewers, drains or apparatus in the highway, by reason of non-compliance with the provisions of this paragraph. 10
- 8 (1) Any officer of the highway authority duly appointed for the purpose may at all reasonable times, on giving to the nominated undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the works authorised by this Act which – 15
- (a) is in, over or under any highway, or
  - (b) which may affect any highway or any property of the highway authority, 20
- during the carrying out of the works.
- (2) The nominated undertaker must give to such officer all reasonable facilities for such inspection and, if the officer is of the opinion that the construction of the work is attended with danger to any highway or to any property of the highway authority on or under any highway, the nominated undertaker must adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway. 25
- 9 (1) The nominated undertaker must not alter, disturb or in any way interfere with any property of the highway authority on or under any highway, or the access to that property, without the consent of the highway authority. 30
- (2) Any alteration, diversion, replacement or reconstruction of any such property which may be necessary must be made by the highway authority or the nominated undertaker as the highway authority thinks fit, and the expense reasonably incurred by the highway authority in so doing must be repaid to the highway authority by the nominated undertaker. 35
- (3) If, within 28 days after a request for consent has been submitted, the highway authority has not given or refused such consent, it is to be deemed to have consented to the request as submitted.
- 10 The nominated undertaker must not remove any soil or material from any highway except so much as is excavated in the carrying out of the works authorised by this Act. 40
- 11 (1) If the highway authority, after giving to the nominated undertaker not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any additional expense in consequence of the construction of the works authorised by this Act – 45
- (a) in the signposting of traffic diversions,
  - (b) in the taking of other measures in relation to those diversions, or

- (c) in the repair of any highway by reason of the diversion of traffic from a road of a higher standard,  
the nominated undertaker must repay to the highway authority the amount of any such expense reasonably so incurred.
- (2) Sub-paragraph (3) applies in respect of an amount which, but for that sub-paragraph, would be payable to the highway authority by virtue of sub-paragraph (1) in respect of the repair of any highway. 5
- (3) If the highway fell or would have fallen due for repair as part of the maintenance programme of the highway authority at any time within 10 years of the repair being carried out by the nominated undertaker, so as to confer on the highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the highway authority is liable or by deferment of the time for such work in the ordinary course), the amount payable to the highway authority must be reduced by the amount which represents that benefit. 10  
15
- 12 The nominated undertaker must not, except with the consent of the highway authority –
- (a) deposit any soil or material, or store any plant, in or over a highway to which the public continues to have access so as to obstruct or render less safe the use of the highway, 20
- (b) deposit any soils or materials on any such highway outside a hoarding,
- (c) erect or retain on or over such a highway any scaffolding or other structure which obstructs the highway unless the structure comprises screening which has been approved under Schedule 17 (planning conditions), 25
- but if within 28 days after request for it any such consent is neither given nor refused it is to be deemed to have been given.
- 13 The nominated undertaker must, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the nominated undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Act, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway. 30  
35
- 14 (1) Where any part of any highway has been broken up or disturbed by the nominated undertaker for the purposes of the works authorised by this Act, and not permanently stopped up or diverted, the nominated undertaker must – 40
- (a) make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and
- (b) maintain the same to the reasonable satisfaction of the highway authority for such time as may reasonably be required for the permanent reinstatement of the highway. 45
- (2) The reinstatement of that part of the highway must be carried out by the nominated undertaker to the reasonable satisfaction of the highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent

- reinstatement work by regulations made under section 71, or in relation to Scotland, section 130 of the New Roads and Street Works Act 1991.
- 15 (1) This paragraph applies where damage to any highway or property of the highway authority on or under any highway is caused by, or results from—
- (a) the construction of any work authorised by this Act, or 5
  - (b) any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon such work.
- (2) In the case of damage to a highway, the nominated undertaker may make good such damage to the reasonable satisfaction of the highway authority.
- (3) The nominated undertaker must pay compensation to the highway authority— 10
- (a) in a case where the nominated undertaker does not make good such damage to a highway;
  - (b) in the case of damage to property of the highway authority.
- 16 The fact that any act or thing may have been done in accordance with plans approved by the highway authority must not (if it was not attributable to the act, neglect or default of the highway authority or of any person in its employ or its contractors or agents) exonerate the nominated undertaker from any liability, or affect any claim for damages, under this Part or otherwise. 15
- 17 (1) Any dispute arising between the nominated undertaker and the highway authority under this Part is to be determined by arbitration if— 20
- (a) the parties agree, or
  - (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed, in relation to England, by the Secretary of State, and in relation to Scotland, by the Secretary of State acting in consultation with the Scottish Ministers. 25
- (2) Any person appointed by the Secretary of State under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the Secretary of State on making the appointment. 30

## PART 2

### ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

- 18 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and the undertakers concerned. 35
- (2) In this Part—
- “alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their functions as effectively as is achievable using the apparatus which the alternative apparatus is to replace; 40
- “apparatus” means—
- (a) in the case of electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989) belonging to, or maintained by, such undertakers; 45

- (b) in the case of gas undertakers, mains, pipes or other apparatus belonging to, or maintained by, a gas transporter for the purposes of the conveyance or storage of gas;
  - (c) in the case of water undertakers –
    - (i) mains, pipes or other apparatus belonging to, or maintained by, such undertakers for the purposes of water supply; and 5
    - (ii) any water mains or service pipes (or part of a water main or service pipe) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991; 10
  - (d) in the case of sewerage undertakers –
    - (i) any sewer, drain or works vested in a sewerage undertaker under the Water Industry Act 1991 or the Sewerage (Scotland) Act 1968 and includes a sludge main, disposal main (within the meaning of section 219 of the Water Industry Act 1991) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or work; and 15 20
    - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of the Water Industry Act 1991 or an agreement to adopt made under section 104 of that Act; 25
- and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; 25
- “construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation (and related expressions are to be construed accordingly); 30
- “electricity undertaker” means a licence holder with the meaning of Part 1 of the Electricity Act 1989;
- “functions” includes powers and duties;
- “gas undertaker” means a gas transporter within the meaning of Part 1 of the Gas Act 1986; 35
- “in” in a context referring to apparatus in land includes under, over, across, along or upon land;
- “plans” includes sections and method statements;
- “removed” and “removal” in a context referring to the removal of apparatus includes the disconnection and abandonment of apparatus where the retention of decommissioned apparatus would not affect the construction and use of the works authorised by this Act; 40
- “service obligations” means any service obligation imposed on the undertakers by or under the enactments authorising them to carry on their respective undertakings; 45
- “sewerage undertaker” means –
- (a) in England, a sewerage undertaker within Part I of the Water Industry Act 1991 and any local authority which is a relevant authority for the purposes of section 97 of that Act; and 50
  - (b) in Scotland, Scottish Water;

- “undertakers” means an electricity, gas, sewerage or water undertaker; and, in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained;
- “water undertaker” means –
- (a) in England, a water undertaker within the meaning of the Water Industry Act 1991; and 5
  - (b) in Scotland, Scottish Water and any other person who is authorised by any enactment to carry an undertaking for the supply of water.
- (3) Except in paragraphs 26(3) and 27, the provisions of this Part are not to apply to any apparatus in respect of which the relations between the nominated undertaker and the undertakers are regulated by the provisions of Part 3 or Part 4 of the New Roads and Street Works Act 1991. 10
- (4) The exercise of the powers under paragraphs 2 to 6 of Schedule 2 in relation to apparatus to which this Part applies is subject to paragraph 25 of this Part, and paragraphs 28 and 29 of this Part apply instead of section 176 (right to compensation) of the Housing and Planning Act 2016, as applied by paragraph 8(2) of Schedule 2 in relation to the exercise of those powers. 15
- (5) Section 11 (extinction of rights of statutory undertakers), in so far as it relates to the removal of apparatus, does not apply in relation to apparatus to which this Part of this Schedule applies. 20
- 19 (1) The following provisions of this paragraph have effect in any case where the Secretary of State or the nominated undertaker, in exercise of the powers of this Act, acquires any interest in or temporarily occupies any land in which apparatus is placed. 25
- (2) Unless a certificate is issued by the appropriate Ministers under subparagraph (3) the apparatus must not be removed under this Part, and any right of the undertakers to maintain, repair, renew, adjust, alter or inspect the apparatus in that land is not to be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers. 30
- (3) Where the appropriate Ministers certify in relation to any apparatus that –
- (a) failure to remove the apparatus would cause undue delay to the construction of the scheduled works, and
  - (b) the removal of the apparatus before the provision of alternative apparatus in accordance with this paragraph would not substantially prejudice the ability of the undertakers to meet any relevant service obligations, 35
- that apparatus may be removed (or required by the nominated undertaker to be removed) under this Part before any necessary alternative apparatus has been constructed or is in operation to the reasonable satisfaction of the undertakers. 40
- (4) In this paragraph “appropriate Ministers” means, in relation to England, the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, Food and Rural Affairs or the Secretary of State for Business, Energy and Industrial Strategy, and, in relation to Scotland, means the Secretary of State acting in consultation with the Scottish Ministers. 45
- 20 (1) This paragraph applies where –

- (a) the nominated undertaker for the purpose of constructing any work authorised by this Act in, on or under any land, requires the removal of any apparatus placed in that land, and gives the undertakers not less than 28 days' written notice of that requirement, together with a plan of the proposed work, and of the proposed position of the alternative apparatus to be provided or constructed, or 5
- (b) in consequence of the exercise of any of the powers of this Act, the undertakers reasonably require to remove any apparatus.
- (2) Where it is reasonably practicable to do so, the nominated undertaker or the Secretary of State must afford the undertakers the requisite facilities and rights for the construction of any necessary alternative apparatus in other land which is available for the purpose and which is held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which either of them has sufficient rights or interests and subsequently for the maintenance, repair, renewal and inspection of such apparatus. 10 15
- (3) In a case where –
- (a) alternative apparatus is to be constructed in land of which the nominated undertaker has taken temporary possession under the powers of Schedule 15 (temporary possession and use of land), 20
- (b) permanent rights in respect of the alternative apparatus have not yet been granted or acquired, and
- (c) the carrying out of that work is required prior to the grant or acquisition of such rights in order to comply with the programme agreed under paragraph 21 or determined under paragraph 32, 25
- the nominated undertaker must, in the exercise of its powers under Schedule 15, permit and authorise the undertakers to enter on to that land to construct and bring into operation the alternative apparatus in advance of the grant or acquisition of the permanent rights.
- (4) Sub-paragraph (5) applies where facilities and rights required for the construction of apparatus under sub-paragraph (2) are to be afforded elsewhere than in such other land and neither the nominated undertaker nor the Secretary of State is able to afford such facilities and rights. 30
- (5) The undertakers must, on receipt of a written notice from the nominated undertaker that this sub-paragraph applies, as soon as reasonably possible use their best endeavours to obtain the necessary facilities and rights; and neither the nominated undertaker nor the Secretary of State is obliged to provide such facilities and rights in the other land. 35
- 21 (1) Any alternative apparatus to be constructed by the undertakers in pursuance of paragraph 20 in land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which the undertakers have obtained the necessary facilities and rights, must be constructed in such manner, and in such line or situation and in accordance with such programme, as is – 40
- (a) agreed between the undertakers and the nominated undertaker with a view to securing, among other things – 45
- (i) the efficient implementation of the necessary work,
- (ii) the avoidance of unnecessary delay in the nominated undertaker's programme for the construction of the works authorised by this Act, and 50

- 
- (iii) the continued fulfilment by the undertakers of their service obligations to a standard no less than that achieved prior to the removal of the apparatus which the alternative apparatus replaces, or
- (b) in default of agreement, determined in accordance with paragraph 32. 5
- (2) If the undertakers fail to comply with an agreement made under sub-paragraph (1), or with a determination under paragraph 32, they must compensate the nominated undertaker in respect of any loss or damage directly resulting from the failure, other than loss or damage arising from matters outside the reasonable control of the undertakers or loss of, or arising from delayed receipt of, operating revenue due to delayed opening of Phase 2b (Crewe - Manchester) of High Speed 2. 10
- 22 (1) This paragraph applies where –
- (a) the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or determined as provided under paragraph 21, and 15
- (b) any such facilities and rights as are referred to in paragraph 20 have been granted to or obtained by the undertakers, or an undertaking has been given that such facilities or rights will be granted. 20
- (2) The undertakers must proceed with all reasonable despatch to –
- (a) construct and bring into operation the alternative apparatus, and
- (b) remove any apparatus required by the nominated undertaker to be removed under the provisions of this Part.
- (3) If the undertakers fail to comply with sub-paragraph (2)(b), the nominated undertaker may remove the apparatus. 25
- (4) Following the removal of apparatus under the provisions of this Part, or its abandonment, any rights of the undertakers relating to that apparatus in or over the land in which it was or is situated are extinguished and all responsibility of the undertakers for any apparatus which is abandoned is to cease. 30
- 23 (1) This paragraph applies where the nominated undertaker gives notice to the undertakers that it desires to carry out any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as is or will be situated in any lands – 35
- (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
- (b) held by the Secretary of State.
- (2) Such work, instead of being carried out by the undertakers, must be carried out by the nominated undertaker – 40
- (a) in accordance with plans and specifications and in a position agreed between the undertakers and the nominated undertaker, or, in default of agreement, determined in accordance with paragraph 32, and 45
- (b) with all reasonable despatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers.

- (3) Nothing in this paragraph authorises the nominated undertaker to carry out any connection to or disconnection of any existing apparatus or to carry out any works associated with a connection or disconnection within 600 millimetres of the point of connection or disconnection.
- (4) Following the completion of the work referred to in sub-paragraph (1) by the nominated undertaker in accordance with sub-paragraph (2) the undertakers must forthwith carry out any necessary work to connect or disconnect their existing apparatus which the nominated undertaker is not permitted to carry out under sub-paragraph (3) and bring the alternative apparatus into operation. 5  
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- 24 (1) This paragraph applies where, in accordance with the provisions of this Part, the nominated undertaker or the Secretary of State affords to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land –
- (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or 15
- (b) held by the Secretary of State.
- (2) Those facilities and rights must be granted upon such terms and conditions as may be –
- (a) agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the undertakers, or 20
- (b) in default of agreement, determined in accordance with paragraph 32.
- (3) In determining such terms and conditions in respect of alternative apparatus, a person making a determination under paragraph 32 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (4); and must – 25
- (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the works authorised by this Act 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 nominated undertaker or the use of the same, and 30
- (b) have regard to the undertakers’ ability to fulfil their service obligations. 35
- (4) For the purposes of determining the matters under sub-paragraph (3) the appropriate Ministers must consult the undertakers to which paragraph 24 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after the commencement day must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions. 40
- (5) The independent person making a determination under sub-paragraph (4) is to be appointed by the President of the Royal Institution of Chartered Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (3)(a) and (b). 45
- (6) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are

- more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the undertakers in respect of the difference as is reasonable having regard to all the circumstances of the case. 5
- (7) In this paragraph “the appropriate Ministers” means, in relation to England, the Secretary of State for Transport acting jointly with the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Business, Energy and Industrial Strategy, and, in relation to Scotland, means the Secretary of State acting in consultation with Scottish Ministers. 10
- 25 (1) Not less than 28 days before commencing to construct any work authorised by this Act which is near to, or will or may affect, any apparatus the removal of which has not been required by the nominated undertaker under paragraph 20, the nominated undertaker must submit to the undertakers a plan and description of the work and of any protective measures which the nominated undertaker proposes to take in respect of that apparatus, together with a specification of such measures where appropriate. 15
- (2) The work must be constructed only in accordance with the plan and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access to the apparatus, and the undertakers are to be entitled by their officer to watch and inspect the construction of the work. 20
- (3) If the undertakers within 14 days after the submission to them of any such plan and description, in consequence of the works proposed by the nominated undertaker, reasonably require the removal of any apparatus and give written notice to the nominated undertaker of that requirement, this Part has effect as if the removal of such apparatus had been required by the nominated undertaker under paragraph 20. 25
- (4) Nothing in sub-paragraphs (1) to (3) precludes the nominated undertaker from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of the work, a new plan and description of it in lieu of the plan and description previously submitted, and having done so the provisions of those sub-paragraphs apply to and in respect of the new plan and description. 30
- (5) The nominated undertaker is not required to comply with sub-paragraphs (1) to (3) in a case of emergency but in such a case it must give notice to the undertakers as soon as reasonably practicable and a plan and description of those works as soon as reasonably practicable subsequently, and must comply with those sub-paragraphs so far as reasonably practicable in the circumstances. 35
- 26 (1) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the nominated undertaker must, so far as reasonably practicable, provide alternative means of access to such apparatus which is no less convenient than the access enjoyed by the undertakers prior to the obstruction. 45
- (2) The nominated undertaker must, so far as is reasonably practicable, so exercise its powers under paragraphs 2 to 6 of Schedule 2 as not to obstruct or render less convenient the access to any apparatus.

- (3) Notwithstanding the temporary stopping up or diversion of any highway under paragraph 8 of Schedule 5, the undertakers may do all such works and things in any such highway as may be reasonably necessary to enable them to inspect, repair, maintain, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that highway. 5
- 27 Where any part of any highway in which any apparatus is situated is stopped up under paragraphs 2 or 3 of Schedule 5, the undertakers may exercise the same powers and rights in respect of that apparatus as they enjoyed immediately before the stopping up, but nothing in this paragraph is to affect any right of the nominated undertaker or of the undertakers to require removal of that apparatus under this Part or the power of the nominated undertaker to construct works in accordance with paragraph 25. 10
- 28 (1) Subject to the following provisions of this paragraph, the nominated undertaker must repay to the undertakers the reasonable expenses incurred by the undertakers in, or in connection with— 15
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus under any provision of this Part,
  - (b) the cutting off of any apparatus from any other apparatus in consequence of the exercise by the nominated undertaker of any power under this Act, and 20
  - (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the nominated undertaker of any such power.
- (2) The value of any apparatus removed under the provisions of this Part is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal. 25
- (3) Sub-paragraph (4) applies where, in pursuance of the provisions of this Part—
- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type, or 30
  - (b) apparatus (whether existing apparatus or alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated. 35
- (4) If 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 nominated undertaker or, in default of agreement, is not determined to be necessary in accordance with paragraph 32, then, if it involves cost in the construction of works under paragraph 23 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 undertakers by virtue of sub-paragraph (1) is to be reduced by the amount of that excess 40
- (5) For the purposes of sub-paragraphs (3) and (4)— 45
- (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 except in a case where the apparatus as so extended serves a purpose (either 50

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- additional to or instead of that served by the existing apparatus) which was not served by 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
- (6) An amount which apart from this sub-paragraph would be payable to the undertakers in respect of works by virtue of this paragraph must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus or of the system of which it forms part in the ordinary course, be reduced by the amount which represents that benefit. 10
- (7) In any case where work is carried out by the nominated undertaker pursuant to paragraph 23 and, if such work had been carried out by the undertakers, the repayment made to the undertakers under this paragraph would fall to be reduced pursuant to sub-paragraphs (3) to (6), the undertakers must pay to the nominated undertaker such sum as represents the amount of that reduction. 15
- 29 (1) This paragraph applies where, by reason of the construction of any of the works authorised by this Act, or any subsidence resulting from any of those works, any damage is caused to any 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 undertakers, or there is any interruption in any service provided by any of the undertakers 20
- (2) Subject to sub-paragraphs (3) and (4), the nominated undertaker must – 25
- (a) bear and pay the cost reasonably incurred by the undertakers in making good such damage or restoring the supply,
- (b) make reasonable compensation to the undertakers for loss sustained by them by reason of any such damage or interruption, and 30
- (c) indemnify the undertakers against claims, demands, proceedings and damages which may be made or taken against, or recovered from, the undertakers by reason of any such damage or interruption.
- (3) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or agents. 35
- (4) The undertakers must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand must be made without the consent of the nominated undertaker which, if it withholds such consent, must have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 40
- 30 In any case where Network Rail Infrastructure Limited (“Network Rail”) is the nominated undertaker the provisions of this Part have effect subject to any existing agreement between Network Rail and an undertaker relating to apparatus laid or erected on land belonging to Network Rail. 45
- 31 Where in consequence of the proposed construction of any of the works authorised by this Act the nominated undertaker or the undertakers require

- the removal of apparatus under paragraph 20(1) or 25(3) or make requirements for the protection or alteration of apparatus under paragraph 25(2), the nominated undertaker must use its reasonable endeavours to co-ordinate the execution of the works in the interests of the safe, efficient and economic execution of the works authorised by this Act in accordance with the nominated undertaker’s construction programme and the undertakers must use their best endeavours to co-operate with the nominated undertaker for that purpose. 5
- 32 (1) Any dispute arising between the nominated undertaker and the undertakers under this Part is to be determined by arbitration if – 10
- (a) the parties agree, or
  - (b) the dispute relates to the amount of any sum payable under this Part, but otherwise is to be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment and may be instructed by the appropriate Ministers to determine the dispute within a timescale specified by them. 15
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct. 20
- (4) In this paragraph “the appropriate Ministers” means, in relation to England, the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, Food and Rural Affairs or the Secretary of State for Business, Energy and Industrial Strategy, and, in relation to Scotland, means the Secretary of State acting in consultation with the Scottish Ministers. 25

### PART 3

#### ELECTRONIC COMMUNICATIONS CODE NETWORKS

- 33 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and an operator of an electronic communications code network. 30
- (2) In this Part –
- “alternative apparatus” means apparatus provided in replacement of electronic communications apparatus in connection with the construction of the authorised works; 35
  - “the appropriate Ministers” means, in relation to England, the Secretary of State for Transport and the Secretary of State for Digital, Culture, Media and Sport acting jointly, and, in relation to Scotland, means the Secretary of State acting in consultation with the Scottish Ministers; 40
  - “the authorised works” means the works authorised by this Act;
  - “construction” includes installation (and related expressions are to be construed accordingly); 45
  - “electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;

- “operator”, “electronic communications apparatus” and “electronic communications code network” have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003.
- 34 (1) Subject to sub-paragraph (2) and to paragraph 41, Part 10 of the electronic communications code applies for the purposes of the authorised works. 5
- (2) Parts 6 and 10 of the electronic communications code do not apply for the purposes of the authorised works –
- (a) insofar as such works are regulated by the New Roads and Street Works Act 1991 or any regulation made under that Act,
- (b) where the nominated undertaker exercises a right under subsection (4)(b) of section 272 of TCPA 1990 or subsection (5)(b) of section 225 of the Town and Country Planning (Scotland) Act 1997 or under an order made under either of those sections to remove electronic communications apparatus, or 10
- (c) in respect of any matter regulated by sub-paragraphs (3) to (8) of paragraph 36. 15
- 35 The temporary stopping up or diversion of any highway under paragraph 8 of Schedule 5 does not affect any right of an operator under Part 8 of the electronic communications code in respect of any apparatus which at the time of the stopping up or diversion is in the highway. 20
- 36 (1) Where a highway is stopped up under paragraph 2 or 3 of Schedule 5, any operator of an electronic communications code network whose electronic communications apparatus is under, over, in, on, along or across that highway may exercise the same rights of access in order to inspect, maintain, adjust, repair or alter that apparatus as if this Act had not been passed, but this is subject to sub-paragraph (2). 25
- (2) Nothing in sub-paragraph (1) affects any right of the nominated undertaker or the operator to require removal of that apparatus under this Part or the power of the nominated undertaker to alter or remove apparatus in accordance with Part 10 of the electronic communications code. 30
- (3) The nominated undertaker must give not less than 28 days’ notice of its intention to stop up any highway under paragraph 2 or 3 of Schedule 5 to any operator of an electronic communications code network whose apparatus is under, over, in, on, along or across the highway.
- (4) Where a notice under sub-paragraph (3) has been given, the operator, if it reasonably considers that it is necessary for the safe and efficient operation and maintenance of the apparatus, may, and if reasonably requested so to do by the nominated undertaker in the notice, must, as soon as reasonably practicable after the service of the notice – 35
- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the operator may reasonably determine and have power to place it, or 40
- (b) provide other apparatus in substitution for the existing apparatus and place it in such other position as described in paragraph (a).
- (5) Subject to the following provisions of this paragraph the nominated undertaker must pay to any operator of an electronic communications code network an amount equal to the cost reasonably incurred by the operator in or in connection with – 45

- (a) the execution of relocation works required in consequence of the stopping up of the highway, and
  - (b) the doing of any other work or thing rendered necessary by the execution of relocation works.
- (6) Sub-paragraph (7) applies where— 5
  - (a) in the course of the execution of relocation works under sub-paragraph (4)—
    - (i) apparatus of better type, greater capacity or greater dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or smaller dimensions, except where this has been solely due to using the nearest currently available type, capacity or dimension, or 10
    - (ii) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which existing apparatus was, and 15
  - (b) 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 nominated undertaker, or, in default of agreement, is not determined to be necessary in consequence of the construction of the authorised works in order to ensure the continued efficient operation of the electronic communications code network of the operator. 20
- (7) If the execution of the relocation works 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 paragraph would be payable to the operator by virtue of sub-paragraph (5) is to be reduced by the amount of that excess. 25
- (8) For the purposes of sub-paragraphs (6) and (7)—
  - (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 except in a case where the apparatus as so extended provides more than an equivalent service, and 30
  - (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 (in either case of such type, capacity and dimensions as is reasonably appropriate) is to be treated as if it also had been agreed or had been so determined. 35
- (9) The amount which apart from this sub-paragraph would be payable to an operator in respect of works by virtue of sub-paragraph (5) (and having regard, where it applies, to sub-paragraph (7)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the operator 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. 40 45
- (10) Sub-paragraphs (5) to (9) do not apply where the authorised works constitute major transport works or major highway works, or in Scotland, major works for road purposes, for the purpose of Part 3, or in Scotland, Part 4 of the New Roads and Street Works Act 1991 (including those Parts as applied by paragraph 10 of Schedule 5 to this Act), but instead— 50

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- (a) the allowable costs of any relocation works are to be determined in accordance with section 85 or 144 of that Act (sharing of costs of necessary measures) and any regulations for the time being having effect under that section, and
- (b) the allowable costs are to be borne by the nominated undertaker and the operator in such proportions as may be prescribed by any such regulations. 5
- 37 (1) Where the nominated undertaker or the Secretary of State affords to an operator facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, those facilities and rights must be granted upon such terms and conditions as may be agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the operator or, in default of agreement, determined in accordance with paragraph 41. 10 15
- (2) In determining such terms and conditions, a person making a determination under paragraph 41 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (3); and must— 20
- (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the authorised works 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 nominated undertaker or the use of the same; and 25
- (b) have regard to the operator’s ability to fulfil its service obligations.
- (3) For the purposes of determining the matters under sub-paragraph (2) the appropriate Ministers must consult the operators to which paragraph 37 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after the commencement day must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions. 30
- (4) The independent person making a determination under sub-paragraph (3) is to be appointed by the President of the Royal Institution of Chartered Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (2)(a) and (b). 35
- (5) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted are more or less favourable on the whole to the operator than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the operator in respect of the difference as is reasonable having regard to all the circumstances of the case. 40 45
- 38 (1) Sub-paragraph (2) applies where, by reason of the construction of the authorised works or any subsidence resulting from any of those works—

- (a) damage is caused to any electronic communications apparatus, other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works,
  - (b) damage is caused to property of the operator of an electronic communications code network, or 5
  - (c) there is any interruption in the supply of the service provided by the operator.
- (2) The nominated undertaker must –
  - (a) bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply, 10
  - (b) make reasonable compensation to the operator for loss sustained by it, and
  - (c) indemnify the operator against all claims, demands, proceedings or damages which may be made or taken against, or recovered from, the operator by reason of any such damage or interruption. 15But this is subject to sub-paragraphs (3) to (5).
- (3) Sub-paragraph (2) does not apply in connection with any apparatus in respect of which the relations between the nominated undertaker and the operator are regulated by the provisions of Part 3 or Part 4 of the New Roads and Street Works Act 1991. 20
- (4) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the operator, its officers, servants, contractors or agents.
- (5) The operator must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 25 30
- (6) This paragraph applies instead of section 176 (right to compensation) of the Housing and Planning Act 2016, as applied by paragraph 8(2) of Schedule 2 in relation to the exercise of the powers of paragraphs 2 to 6 of that Schedule.
- 39 In any case where Network Rail Infrastructure Limited (“Network Rail”) is the nominated undertaker the provisions of this Part have effect subject to any existing agreement between Network Rail and an operator relating to apparatus laid or erected on land belonging to Network Rail. 35
- 40 Where in consequence of the proposed construction of any of the authorised works the nominated undertaker or the undertakers require the removal or alteration of apparatus under the electronic communications code, the nominated undertaker must use its reasonable endeavours to co-ordinate the execution of the works in the interests of the safe, efficient and economic execution of the authorised works in accordance with the nominated undertaker’s construction programme and the undertakers must use its best endeavours to co-operate with the nominated undertaker for that purpose. 40 45
- 41 (1) Any dispute arising between the nominated undertaker and an operator under this Part, or under the electronic communications code as it applies in relation to the authorised works, is to be determined by arbitration if –
  - (a) the parties agree, or

- (b) the dispute relates to the amount of any sum payable under this Part, but is otherwise to be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment and may be instructed by the appropriate Ministers to determine the dispute within a timescale specified by them. 5
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct. 10

#### PART 4

##### LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES

- 42 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the drainage authority concerned. 15
- (2) In this Part—
- “the Agency” means the Environment Agency;
- “a category 1 specified work” means so much of any permanent or temporary work or operation authorised by this Act (which includes, for the avoidance of doubt, any dredging and any geotechnical investigations that may be undertaken) as— 20
- (a) consists of a flood risk activity, a water discharge activity or groundwater activity within the meaning of the Environmental Permitting Regulations, or 25
- (b) involves abstraction of water, or is likely to materially affect the quantity or quality of water which any person is licensed or permitted to abstract, from a source of supply within the meaning of the Water Resources Act 1991;
- “a category 2 specified work” means any of the following— 30
- (a) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction,
- (b) erecting a culvert in an ordinary watercourse,
- (c) altering a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, or 35
- (d) altering, removing or replacing a structure or feature designated by a local drainage authority under Schedule 1 to the Flood and Water Management Act 2010;
- “construction” includes execution, placing, altering, replacing, relaying and removal (and related expressions are to be construed accordingly); 40
- “the Controlled Activities Regulations” means the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (S.S.I. 2011/209);
- “the drainage authority” means, in England— 45
- (a) in relation to a category 1 specified work, the Agency;

- (b) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991,  
and in Scotland means the Scottish Environment Protection Agency;  
“drainage work” means any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring, and includes land which provides or is to provide flood storage capacity for any watercourse; 5  
“fishery” means any waters containing fish and fish in, or migrating to or from such waters and the spawn, spawning grounds or food of such fish; 10  
“local drainage authority” means a drainage authority other than the Agency or the Scottish Environment Protection Agency;  
“ordinary watercourse” has the meaning given by the Land Drainage Act 1991 (see section 72(1) of that Act); 15  
“plans” includes sections, drawings, specifications and method statements;  
“specified work” means a category one specified work, a category 2 specified work or, in Scotland, a controlled activity within the meaning of the Controlled Activities Regulations which is not authorised in accordance with regulation 6 of those regulations; 20  
“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer as defined by the Water Industry Act 1991, or in Scotland by the Sewerage (Scotland) Act 1968. 25
- (3) Where any approval is required under this Part from a local drainage authority, that authority must –
- (a) have regard, in imposing any conditions or requirements, to any model conditions issued by the Agency (following consultation with the other drainage authorities and the nominated undertaker); 30
- (b) consult the Agency in any case where it proposes to impose conditions or requirements, or to refuse approval, and must specifically seek the Agency’s advice concerning any proposal to depart from the model conditions; 35
- (c) provide the nominated undertaker with reasons and supporting evidence in any case where it gives a decision which does not accord with the view or advice of the Agency given in response to consultation under paragraph (b).
- 43 (1) Before beginning to construct any specified work, the nominated undertaker must submit to the drainage authority plans of the work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require. 40
- (2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or deemed to be approved under sub-paragraph (3) or determined under paragraph 53. 45
- (3) Any approval of the drainage authority required under this paragraph –
- (a) must not be unreasonably withheld,

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- (b) is to be deemed to have been given if it is neither given nor refused within 56 days of the submission of the plans for approval or where further particulars are submitted under sub-paragraph (1), within 56 days of the submission of those particulars, and
- (c) may be given subject to such reasonable requirements or conditions as the drainage authority may make for the protection of any drainage work or fishery or for the protection of water resources, or for the prevention of flooding or pollution or in the discharge of its statutory environmental duties. 5
- 44 (1) This paragraph applies to any request for approval of plans under paragraph 43 to the extent that the plans relate to— 10
- (a) a groundwater activity within the meaning of paragraph 3 of Schedule 22 to the Environmental Permitting Regulations, except where the circumstances described in paragraph 3(3) of that Schedule apply, or 15
- (b) a controlled activity in Scotland within the meaning of the Controlled Activities Regulations.
- (2) In exercising its functions in relation to that request in England the drainage authority must comply with the requirements of paragraph 7(2) to (5) of Schedule 22 to the Environmental Permitting Regulations, subject to paragraph 8 of that Schedule, as if the request for approval were as an application for a permit under those regulations. 20
- (3) In exercising its functions in relation to that request in Scotland the drainage authority must comply with regulation 15(1)(e) of the Controlled Activities Regulations as if the request for approval were an application to which that regulation applies. 25
- 45 The requirements which the drainage authority may make under paragraph 43 include conditions requiring the nominated undertaker at its own expense to construct such protective works (including any new works as well as alterations to existing works) as are reasonably necessary— 30
- (a) to safeguard any drainage work against damage, or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased, by reason of the specified work.
- 46 (1) Any specified work, and all protective works required by the drainage authority under paragraph 43, must be constructed to the reasonable satisfaction of the drainage authority and an officer of the drainage authority is entitled on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works. 35
- (2) The nominated undertaker must give to the drainage authority not less than 14 days' notice of its intention to commence construction of any specified work and notice of its completion not later than 7 days after the date on which it is brought into use. 40
- (3) If any part of the works comprising a structure in, over or under a watercourse is constructed otherwise than in accordance with the requirements of this Part, the drainage authority may by notice require the nominated undertaker at the nominated undertaker's own expense to comply with the requirements of this Part or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to 45

- be unreasonably withheld) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.
- (4) Subject to sub-paragraph (5), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the nominated undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker. 5 10
- (5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not, except in an emergency, exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined. 15
- 47 (1) Subject to sub-paragraph (5) the nominated undertaker must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the nominated undertaker for the purposes or in connection with the specified works, whether the drainage work is constructed under this Act or is already in existence. 20
- (2) If any such drainage work is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice require the nominated undertaker to repair and restore the work, or any part of it, or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the drainage work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires. 25 30
- (3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the nominated undertaker, the nominated undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the nominated undertaker. 35 40
- (4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers of sub-paragraph (3) until the dispute has been finally determined.
- (5) This paragraph does not apply to – 45
- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is under an obligation to maintain and is not proscribed by the powers of the Act from doing so;

- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by the Act and carried out in accordance with the provisions of this Part.
- 48 (1) If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that work is otherwise damaged, so as to require remedial action, such impairment or damage must be made good by the nominated undertaker to the reasonable satisfaction of the drainage authority and if the nominated undertaker fails to do so, the drainage authority may make good the same and recover from the nominated undertaker the expense reasonably incurred by it in doing so. 5  
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- (2) In any case where immediate action by the drainage authority is reasonably required in order to secure that the imminent flood risk is avoided or reduced, the drainage authority may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the drainage authority has taken, or commenced to take, the steps specified in the notice. 15
- (3) Nothing in paragraphs 46, 47 or 48 authorises the drainage authority to execute works on or affecting an operational railway without the prior consent in writing of the nominated undertaker, such consent not to be unreasonably withheld. 20
- 49 (1) The nominated undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in any fishery during the construction of any specified work. 25
- (2) If by reason of –
- (a) the construction of any specified work, or
- (b) the failure of any such work,
- damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the nominated undertaker requiring it to take such steps as may be reasonably practicable to make good the damage or, as the case may be, to protect the fishery against such damage. 30
- (3) If, within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the nominated undertaker fails to take such steps as are described in sub-paragraph (2), the Agency may take those steps and may recover from the nominated undertaker the expense reasonably incurred by it in doing so. 35  
40
- (4) In any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to a fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice. 45

- 50 (1) The nominated undertaker must indemnify the drainage authority from all claims, demands, proceedings or damages, which may be made or taken against, or recovered from the drainage authority by reason of—
- (a) any damage to any drainage work so as to impair its efficiency for flood defence purposes, 5
  - (b) any damage to a fishery,
  - (c) any raising or lowering of the water table in land adjoining the works authorised by this Act or adjoining any sewers, drains and watercourses, or
  - (d) any flooding or increased flooding of any such lands, 10
- which is caused by, or results from, the construction of any specified work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work.
- (2) The drainage authority must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 15
- 51 Nothing in paragraph 50 requires the nominated undertaker to indemnify the drainage authority in respect of any claim, demand, proceedings or damages which the drainage authority could reasonably make, take against or recover from any other person. 20
- 52 The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any determination under paragraph 53, does not (in the absence of negligence on the part of the drainage authority, its officers, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part. 25
- 53 Any dispute arising between the nominated undertaker and the drainage authority under this Part is to be determined by arbitration. 30

## PART 5

### CANAL & RIVER TRUST

- 54 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and Canal & River Trust. 35
- (2) In this Part—
- “the canal” means any canal or waterway owned or managed by Canal & River Trust, and includes any works connected therewith for the maintenance of which Canal & River Trust is responsible and any lands held or used by Canal & River Trust for the purposes of the canal including the towpath beside a canal or waterway; 40
  - “construction” includes execution, placing, altering, replacing, relaying and removal (and related expressions are to be construed accordingly); 45
  - “plans” includes sections, drawings, specifications and method statements;

“specified work” means so much of any permanent or temporary work authorised by this Act as is in, across, under, or within 15 metres of, or may in any way affect, the canal.

- 55 The Secretary of State must not under the powers under section 4(1) acquire compulsorily any land of Canal & River Trust or any easement or other right over such land other than such land, or easements or other rights, as is reasonably necessary for, or in connection with, the construction, maintenance or operation of works authorised by this Act having regard also to the statutory duties of Canal & River Trust. 5
- 56 (1) Before beginning to construct any specified work, the nominated undertaker must submit to Canal & River Trust plans of the work and such further particulars available to it as Canal & River Trust may within 14 days of the submission of the plans reasonably require. 10
- (2) Any specified work must not be constructed except in accordance with such plans as may be approved in writing by Canal & River Trust or deemed to be approved under sub-paragraph (3) or determined under paragraph 64. 15
- (3) Any approval of Canal & River Trust required under this paragraph must not be unreasonably withheld and –
- (a) is to be deemed to have been given if it is neither given nor refused (with an indication of the grounds for refusal) within 28 days of the submission of the plans for approval or where further particulars are submitted under sub-paragraph (1), within 28 days of the submission of those particulars; and 20
- (b) may be given subject to such reasonable requirements as Canal & River Trust may make for the purpose of ensuring the safety or stability of the canal, including requirements as to the construction of protective works. 25
- 57 (1) Any specified work, and any protective works required by Canal & River Trust under paragraph 56(3)(b), must be constructed with all reasonable despatch to the reasonable satisfaction of Canal & River Trust, and in such manner as to cause as little damage to the canal as may be reasonably practicable and as little interference as may be reasonably practicable with the passage of vessels using the canal and use of the towpath, and Canal & River Trust is to be entitled by its officer at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect the construction of such work or works. 30  
35
- (2) The nominated undertaker must give to Canal & River Trust not less than 28 days’ notice of its intention to commence construction of any specified work or any protective works and also, except in emergency (when the nominated undertaker is to give such notice as may be reasonably practicable), of its intention to carry out any works for the repair or maintenance of any specified work insofar as such works of repair or maintenance affect or interfere with the canal. 40
- 58 (1) The nominated undertaker must not deposit any polluting material on, in or over the canal and must not without the consent of Canal & River Trust – 45
- (a) deposit any other materials on, in or over the canal (other than materials comprised in a specified work); or
- (b) notwithstanding anything in this Act, discharge any water directly or indirectly into the canal.

- (2) Any consent of Canal & River Trust required under this paragraph is not to be unreasonably withheld and –
- (a) is to be deemed to have been given if it is neither given nor refused within 28 days of the submission of the request for it; and
  - (b) may be given subject to such reasonable requirements as Canal & River Trust may make –
    - (i) in the case of a deposit, so as to ensure that the use of the canal is not obstructed or rendered less safe, and
    - (ii) in the case of a discharge, concerning the reimbursement by the nominated undertaker of expenses incurred by Canal & River Trust in disposing of the water so discharged, being expenses which Canal & River Trust would not have incurred but for the discharge.
- 59 In its application to the discharge of water into the canal, paragraph 10(5) of Schedule 2 has effect subject to the terms of any conditions attached to the consent under paragraph 58(2) and, where such discharge includes a deposit to which consent has been given under paragraph 58(1), to any conditions attached to that consent. 15
- 60 (1) If as a result of the construction of any specified work any part of the towpath or access way beside the canal, or any public right of way giving access to that path or way, is temporarily closed to pedestrians or cyclists and there is no way which provides a reasonable alternative, the nominated undertaker must, so far as reasonably practicable and to the extent that it is consistent with safety, provide a substitute path or paths for such time as the closure continues. 20 25
- (2) This paragraph is without prejudice to the requirements of paragraph 8(3) or (6) of Schedule 5.
- 61 (1) If any canal work is abandoned, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition. 30
- (2) If any canal work is in such condition that it is, or is likely to become, a danger to or to interfere with navigation, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice – 35
- (a) to repair and restore the work or part of it, or
  - (b) if the nominated undertaker so elects, to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition.
- (3) If – 40
- (a) a work which consists of a canal work and a non-canal work is abandoned or falls into decay; and
  - (b) the non-canal work is in such a condition as to interfere with the right of navigation in the relevant canal or as to interfere with the rights of access or use of land adjacent to the relevant canal, 45
- Canal & River Trust may include the non-canal work, or any part of it, in any notice under this paragraph.
- (4) If after such reasonable period as may be specified in a notice under this paragraph the nominated undertaker has failed to begin taking steps to

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- comply with the requirements of the notice or after beginning has failed to make reasonably expeditious progress towards their implementation, Canal & River Trust may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker. 5
- (5) In this paragraph “canal work” means so much of any specified work or any other work of which the nominated undertaker is in possession under the powers of this Act as is in or over a canal owned or managed by Canal & River Trust and “non-canal work” means so much of any such work as is not in or over a canal. 10
- 62 (1) The nominated undertaker must indemnify Canal & River Trust from all claims, demands, proceedings or damages which may be made or given against, or recovered from, Canal & River Trust by reason of any damage to the canal which is caused by the construction of any specified work or protective work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work and from any costs reasonably incurred in making good such damage. 15
- (2) Canal & River Trust must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it notifies Canal & River Trust that it desires to do so, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 20
- 63 (1) Nothing in paragraph 62 is to impose any liability on the nominated undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of Canal & River Trust, its officers, servants, contractors or agents. 25
- (2) But the fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by Canal & River Trust, or to its satisfaction, or in accordance with a determination under paragraph 64, does not (in the absence of negligence on the part of Canal & River Trust, its officers, servants, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part. 30
- 64 (1) Any dispute arising between the nominated undertaker and Canal & River Trust under this Part of this Schedule is to be determined by arbitration if – 35
- (a) the parties agree, or
- (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment. 40
- (3) In this paragraph, the reference to the appropriate Ministers is to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs acting jointly. 45

PART 6

FOR THE PROTECTION OF THE MANCHESTER SHIP CANAL COMPANY LIMITED

- 65 (1) For the protection of the Manchester Ship Canal Company Limited the following provisions of this Part of this Schedule, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and MSCC, have effect. 5
- (2) In this Part of this Schedule –
- “the Canal” means the Manchester Ship Canal owned and managed by MSCC;
- “construction”, in relation to any specified work or protective work, includes execution, placing, altering, replacing, relaying and removal, and “construct” and “constructed” are construed accordingly; 10
- “detriment” means any physical damage to the Canal wholly or partly caused by the specified works which affects the stability, structure and safety of the Canal and, without limitation on the scope of that meaning, includes – 15
- (a) the erosion of the bed, banks or walls of the Canal, or the impairment of the stability of any works or lands forming part of the Canal; 20
- (b) the silting of the Canal or the deposit of materials in the Canal so as to damage the Canal;
- (c) the pollution of the Canal; and
- (d) any alteration in the water level of the Canal, or interference with the supply of water to the Canal, or drainage from the Canal; 25
- “MSCC” means the Manchester Ship Canal Company Limited (company registration number 07438096) whose registered address is at Maritime Centre, Port of Liverpool, Liverpool, Merseyside, L21 1LA, and its statutory successors; 30
- “plans” includes sections, drawings, specifications, calculations, soil reports, descriptions (including descriptions of methods of construction), risk assessments and method statements but does not include details of the design and appearance of the specified works;
- “protective work” means a work which is reasonably necessary to be carried out to minimise or prevent detriment constructed under paragraph 68(3); and 35
- “specified work” means so much of the works authorised by this Act as is situated upon, across, under, over or within 15 metres of, or may in any way affect, the Canal. 40
- 66 The Secretary of State must not under the powers conferred by this Act acquire compulsorily any land of MSCC or any easement or other right over such land, other than such land or easements or other rights over such land, as is reasonably necessary for, or in connection with, the construction, maintenance or operation of works authorised by this Act. 45
- 67 Where so required by MSCC for the purpose of ensuring the safety of the Canal, the nominated undertaker must, to the reasonable satisfaction of MSCC, fence off any specified work or protective work or take such steps as MSCC may reasonably require to be taken for the purpose of separating a

- specified work or a protective work from the Canal, whether on a temporary or permanent basis or both.
- 68 (1) The nominated undertaker must, before commencing construction of any specified work, including any temporary works, supply to MSCC proper and sufficient plans of that work and such further particulars available to it as MSCC may within 14 days of the submission of the plans reasonably require for the reasonable approval of MSCC subject to sub-paragraph (2). The nominated undertaker must not commence the construction of any specified work except in accordance with such plans as have been approved or deemed to be approved under sub-paragraph (2) or determined under paragraph 80. 5 10
- (2) The approval of MSCC under sub-paragraph (1) must not be unreasonably withheld or delayed, and if within 28 days after such plans (including any other particulars reasonably required under sub-paragraph (1)) have been supplied to MSCC they have not indicated disapproval of those plans and provided reasonable grounds of disapproval MSCC is deemed to have approved the plans as submitted. 15
- (3) When signifying approval of the plans MSCC may specify –
- (a) any protective work to be carried out (whether temporary or permanent) that may be reasonably required to prevent detriment; and 20
- (b) such other requirements as may be reasonably necessary to prevent detriment but not involving alteration to the design of the specified work,
- and such protective work must be constructed by the nominated undertaker or (if the nominated undertaker so elects) MSCC without unnecessary delay. 25
- (4) The approval of MSCC under sub-paragraph (3) is not to be unreasonably withheld or delayed, and if by the end of the period of 7 days beginning with the date on which MSCC is notified of the completion of such protective work MSCC has not indicated disapproval and reasonable grounds of disapproval MSCC is deemed to have approved the protective work. 30
- (5) MSCC must at all times afford reasonable facilities to the nominated undertaker and its agents for access to any protective works carried out by MSCC under this paragraph during their construction and must supply the nominated undertaker with such information as it may reasonably require with regard to such protective works or the method of constructing them. 35
- 69 The nominated undertaker must provide and maintain at its own expense in the vicinity of any specified work or protective work such temporary lighting from sunset to sunrise or other periods of adverse visibility as MSCC may reasonably require during the construction or following the failure of the specified work or protective work. 40
- 70 (1) Any specified work must, when commenced, be constructed –
- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled by arbitration and with any requirements made under paragraph 68(3); 45
- (b) under the supervision (if required) of MSCC;
- (c) to the reasonable satisfaction of MSCC, in the case of any specified work which directly and physically affects the Canal;

- (d) in such a manner as to cause as little detriment as is reasonably practicable to the Canal;
  - (e) so far as is reasonably practicable and subject to paragraph 11 of schedule 2 (temporary interference with waterways), so as not to interfere with, delay or obstruct the safe passage of vessels using the Canal; and 5
  - (f) in such a manner as to cause as little inconvenience as is reasonably practicable to MSCC, its officers and agents.
- (2) Following the completion of the construction of any specified work the nominated undertaker must restore the Canal to a condition no less satisfactory than its condition immediately prior to the commencement of those works subject to the presence of the works authorised by this Act. 10
- 71 (1) The nominated undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which may result in the deposit of any polluting materials on, in or over the Canal and must take such steps as MSCC may reasonably require to avoid or make good any breach of its obligations under this paragraph. 15
- (2) Nothing in paragraph 10 of Schedule 2 (discharge of water) authorises the nominated undertaker to discharge (directly or indirectly) surface drainage water into the Canal without the written consent of MSCC (such consent not to be unreasonably withheld or delayed). 20
- (3) The nominated undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which may result in the deposit of any other materials in the Canal (other than materials comprised in a specified work) and must take such steps as MSCC may reasonably require to avoid or make good any breach of its obligations under this paragraph except that with the written consent of MSCC the nominated undertaker may deposit any other materials into the Canal. 25 30
- (4) Any consent of MSCC required under this paragraph must not be unreasonably withheld or delayed and may be given subject to such terms and conditions as MSCC may reasonably require including –
  - (a) in the case of a discharge of water into the Canal, concerning the reimbursement by the nominated undertaker of expenses incurred by MSCC in disposing of the water so discharged, being expenses which MSCC would not have incurred but for the discharge; and 35
  - (b) in the case of a deposit of any other materials, so as to ensure that the use of the Canal is not obstructed or rendered less safe and the reimbursement by the nominated undertaker of additional expenses incurred by MSCC in dredging the Canal, being expenses which MSCC would not have incurred but for the deposit of other materials. 40
- 72 (1) The nominated undertaker, on being given reasonable notice (except in cases of emergency), must at all reasonable times allow reasonable facilities to MSCC for access to inspect any specified work during its construction. 45
- (2) The nominated undertaker must supply MSCC with all such information as MSCC may reasonably require with regard to any specified work or the method of constructing it.

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- 73 If any reasonable alterations or additions, either permanent or temporary, to the Canal are necessary in consequence of the construction of the specified work in order to avoid detriment and MSCC gives to the nominated undertaker reasonable notice (being not less than 28 days) of its intention to carry out such alterations or additions (which must be specified in the notice), and takes into account any reasonable representations the nominated undertaker may make to the notice within 21 days of receipt of the notice, the nominated undertaker must pay to MSCC, the cost of those alterations or additions reasonably incurred by MSCC in constructing those alterations or additions. 5  
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- 74 (1) The nominated undertaker must, upon completion of any part of a specified work and after the purpose of any temporary works has been accomplished, remove as soon as practicable any temporary works constructed and materials for temporary works placed in, on or over the Canal in connection with that part of the specified work. 15
- (2) All temporary works must be removed to the reasonable satisfaction of MSCC and in such a way as causes as little detriment or interference as reasonably practicable with, or delay or interruption to, the safe passage of vessels along the Canal.
- (3) In the event of any detriment to the Canal or interference with, or delay or interruption to, any vessels on the Canal that is caused by the nominated undertaker's failure to remove any such temporary works, the nominated undertaker must immediately make good such damage and pay to MSCC the costs and expenses to which it may be put and compensation for any loss which it may suffer by reason of such detriment, interference, delay or interruption. 20  
25
- (4) In the event of the nominated undertaker failing to remove the temporary works within a reasonable period after receiving notice from MSCC, MSCC may remove those works and charge the nominated undertaker the costs and expenses reasonably incurred as a result. 30
- 75 If at any time after the completion of a specified work, not being a work vested in MSCC, MSCC gives notice to the nominated undertaker informing it that the state of maintenance of the specified work appears to be such that the specified work is causing or is likely to cause detriment, the nominated undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put the specified work in such state of maintenance as not to cause such detriment. 35
- 76 The nominated undertaker must repay to MSCC all costs, charges and expenses reasonably and properly incurred by MSCC – 40
- (a) in constructing any protective work under the provisions of paragraph 68(3)(a); and
- (b) in bringing the specified work or any protective work to the notice of users of the Canal.
- 77 If any detriment to the Canal is caused by, or arises as a result of, the construction or failure of any specified work or protective work carried out by the nominated undertaker, the nominated undertaker or (if MSCC so elects) MSCC (but at the nominated undertaker's expense), must immediately make good such detriment and the nominated undertaker must pay to MSCC all reasonable expenses to which MSCC may be put, and 45

- reasonable compensation for any loss which MSCC may sustain, in making good or otherwise by reason of any such detriment.
- 78 Subject to paragraph 79 the nominated undertaker must indemnify MSCC from all claims, demands, proceedings or damages which may be made or given against or recovered from MSCC by reason of any detriment to the Canal which is caused by the construction of any specified work or protective work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the construction of any such work and from any costs reasonably incurred in making good such detriment. 5  
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- 79 (1) Nothing in paragraph 78 is to impose any liability on the nominated undertaker with respect to any claims, demands, proceedings or damages to the extent that they are attributable to negligence on the part of MSCC or of any person in its employ or its contractors or agents.
- (2) Nothing in paragraph 78 is to impose any liability on the nominated undertaker for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference under this Part with a public right of navigation. 15
- (3) The fact that any act or thing may have been done by MSCC on behalf of the nominated undertaker does not (if it was done without negligence on the part of MSCC or any person in its employ or its contractor or agents) excuse the nominated undertaker from any liability under the provisions of this paragraph. 20
- (4) MSCC must give to the nominated undertaker reasonable notice of any such claim or demand under paragraph 78 and no settlement or compromise of any such claim or demand must be made without the prior consent in writing of the nominated undertaker (which must not be unreasonably withheld) which, if it notifies MSCC that it desires to do so, must have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. If consent is not given by the nominated undertaker MSCC must diligently defend such claim or demand. 25  
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- 80 (1) Any dispute arising between the nominated undertaker and MSCC under this Part of this Schedule is to be determined by arbitration if –
- (a) the parties agree, or
- (b) the dispute relates to the amount of any sum payable under this Part of this Schedule but must otherwise be determined by a person appointed by the Secretary of State. 35
- (2) Any person appointed by the Secretary of State under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the Secretary of State on making the appointment. 40

## SCHEDULE 33

Section 64

## LAND AND WORKS IN SCOTLAND

## PART 1

## INTRODUCTORY

- 1 This Act applies in relation to— 5
- (a) land in Scotland, and
  - (b) works carried out, or to be carried out, in Scotland,
- subject to the modifications in this Schedule.

## PART 2

## MODIFICATIONS OF SECTIONS 10

*Compulsory acquisition of land*

- 2 (1) Section 4 (power to acquire land compulsorily) is modified as follows.
- (2) The section is to be read as if subsections (3) to (5) were omitted.
- 3 The Act is to be read as if, after section 4, there were inserted—

**“4A Interpretation of sections 4B to 4N” 15**

- In sections 4B to 4N, except where the contrary intention appears—
- “the 1845 Lands Act” means the Lands Clauses Consolidation (Scotland) Act 1845,
  - “the 1963 Act” means the Land Compensation (Scotland) Act 1963, 20
  - “the 1997 Act” means the Town and Country Planning (Scotland) Act 1997,
  - “general vesting declaration” has the same meaning as in paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 25
  - “Lands Tribunal” means the Lands Tribunal for Scotland,
  - “partial acquisition” means an acquisition of part only of—
    - (a) any house, building or factory, or
    - (b) any land consisting of a house with a park or garden, where a person is able to sell the whole of the house, building, factory or land. 30

**4B Incorporation of the Lands Clauses Acts**

- (1) The Lands Clauses Acts are incorporated with this Act, except sections 15, 16, 18, 20 to 60, 62 to 66, 83 to 88, 90, 116, 120 to 124 and 142 and 143 of the 1845 Lands Act. 35
- (2) Provisions incorporated by this section apply to the acquisition of land under this Act only in so far as they are not inconsistent with, or expressly varied by, any provision of this Act.
- (3) In construing provisions incorporated by this section—
- (a) this Act is deemed to be the special Act, 40

- (b) the Secretary of State is deemed to be the promoter of the undertaking or the company, and
  - (c) the works authorised by this Act are deemed to be the works, the undertaking or the railway.
- 4C Service of a notice to treat** 5
- (1) This section applies where the Secretary of State chooses to acquire any land under this Act by serving a notice under section 17 of the 1845 Lands Act as incorporated with this Act (a “notice to treat”).
- (2) The notice to treat must –
  - (a) be served in accordance with section 59 (notices and other documents), 10
  - (b) describe the land to which the notice relates, and
  - (c) identify itself plainly as a document of importance.
- 4D Partial acquisitions using notice to treat procedure**
- (1) A person may, within 28 days of service of a notice to treat in respect of a partial acquisition, object to the partial acquisition. 15
- (2) An objection must –
  - (a) be served on the Secretary of State,
  - (b) state that the person is willing and able to sell to the Secretary of State the whole of the house, building, factory or other land concerned, and 20
  - (c) identify the land that the person is so willing and able to sell.
- (3) The Secretary of State must deal with an objection by –
  - (a) agreeing to acquire the land identified in the objection by notifying the objector to that effect (in which case the notice to treat is deemed to cover the land identified in the objection, regardless of whether any of it is outwith the Act limits), 25
  - (b) withdrawing the notice to treat by notifying the objector to that effect, or
  - (c) referring the objection to the Lands Tribunal for determination under section 4E and notifying the objector that it has been so referred. 30
- (4) If the Secretary of State fails to act under subsection (3) within 3 months of an objection being served, the notice to treat is to be treated as withdrawn. 35
- 4E Severance disputes (notice to treat procedure): Lands Tribunal**
- (1) The Lands Tribunal, on receiving a referral under section 4D(3)(c), must consider –
  - (a) in the case of a partial acquisition of a house, building or factory, if some or all of the land in the notice to treat (with or without some or all of the remainder of the land identified in the objection) can be acquired without material detriment to the remainder of the land identified in the objection, 40
  - (b) in the case of a partial acquisition of a house with a park or garden, if some or all of the land in the notice to treat (with or without some or all of the remainder of the land identified in 45

- the objection) can be acquired without seriously affecting the amenity or convenience of the house.
- (2) If the Lands Tribunal determine –
- (a) in the case of a partial acquisition of a house, building or factory, that all of the land in the notice to treat can be acquired without material detriment to the remainder of the land identified in the objection, or
  - (b) in the case of a partial acquisition of a house with a park or garden, that all of the land in the notice to treat can be acquired without seriously affecting the amenity or convenience of the house,
- the notice to treat is to have effect as originally served.
- (3) If the Lands Tribunal does not determine as described in subsection (2), it must determine the land which the Secretary of State ought to acquire, being –
- (a) some of the land in the notice to treat, or
  - (b) some or all of the land in the notice to treat with the addition of some or all of the remainder of the land identified in the objection,
- and the notice to treat is deemed to cover that land (regardless of whether any of it is outwith the Act limits).
- (4) The Secretary of State may withdraw a notice to treat within 6 weeks of a Lands Tribunal determination under subsection (3) by notifying the objector to that effect.
- 4F Severance of agricultural land**
- Nothing in sections 4D or 4E affects the application of sections 49 and 50 of the Land Compensation (Scotland) Act 1973 in relation to agricultural land.
- 4G Notice to treat: time limit**
- (1) A notice to treat served in pursuance of this Act becomes invalid 3 years (or such longer period as may be agreed under subsection (2)) after it is served, unless –
- (a) the compensation has been agreed, awarded, paid or paid into a bank (or the question of compensation has been referred to the Lands Tribunal),
  - (b) a general vesting declaration has been made in respect of the land concerned, or
  - (c) the Secretary of State has entered and taken possession of the land concerned under section 4H.
- (2) The period of 3 years referred to in subsection (1) may be extended (and further extended) by agreement between –
- (a) the Secretary of State, and
  - (b) the owner of the land.
- (3) Where a notice to treat is invalidated by this section, the Secretary of State must give notice of that fact to –
- (a) the person on whom the notice to treat was served, and

- (b) any other person who, since it was served, could have made an agreement to extend under this section.

#### **4H Advance entry on land to be acquired**

- (1) The Secretary of State may enter and take possession of any land (or any part of any land) in respect of which a notice to treat has been served in accordance with section 4C. 5
- (2) The Secretary of State must give the owners and occupiers of land –
  - (a) in a case to which subsection (3) applies, 1 months’ notice, and
  - (b) in any other case, 3 months’ notice, 10of the Secretary of State’s intention to enter land under subsection (1).
- (3) This subsection applies where the notice to treat mentioned in subsection (1) relates only to one or more of the following –
  - (a) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 4.5 metres below the surface, 15
  - (b) the acquisition of airspace over land,
  - (c) a servitude, real burden (within the meaning given by section 1 of the Title Conditions (Scotland) Act 2003) or other right over land. 20
- (4) The notice given under subsection (2) must specify the purpose for which the Secretary of State intends to enter the land.

#### **4I General vesting declarations**

- (1) The Secretary of State may vest in the Secretary of State by a general vesting declaration any land which the Secretary of State is authorised to acquire compulsorily under section 4. 25
  - (2) Schedule 15 to the 1997 Act accordingly applies to the compulsory acquisition of land under section 4, with the following modifications –
    - (a) this Act is to be treated as a compulsory purchase order,
    - (b) the Secretary of State is the acquiring authority,
    - (c) section 4J of this Act applies instead of paragraph 2,
    - (d) in the definition of land in paragraph 39, “relevant enactments” means this Act, 35
    - (e) paragraph 6 is to be read as if, after “general vesting declaration,” there were inserted “or on such later date agreed between the acquiring authority and the owner of the land,”,
    - (f) paragraph 7 is to be read as if –
      - (i) after “general vesting declaration,” there were inserted “or on such later date agreed between the acquiring authority and the owner of the land”,
      - (ii) after “that period” there were inserted “or that date”, 40
- 45

- (g) paragraph 37 is to be read as if, after “general vesting declaration” there were inserted “(or such later date agreed in accordance with paragraph 7)”.

#### **4J Duty to publicise general vesting declarations**

- (1) Before making a general vesting declaration, the Secretary of State must— 5
- (a) publish a compulsory purchase notice in the *Edinburgh Gazette*,
- (b) serve a notice in the same or a similar form on— 10
- (i) the owner of the land to which the general vesting declaration relates, and
- (ii) any occupier of that land (except tenants for any period of no longer than a month).
- (2) A “compulsory purchase notice” means a notice in the form prescribed for notices under paragraph 6 of the First Schedule to the *Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947* which— 15
- (a) states that this Act has received Royal Assent,
- (b) describes the land to which the general vesting declaration relates, 20
- (c) names a place where a copy of the general vesting declaration to which the notice relates and of the plan annexed to the declaration may be inspected at all reasonable hours,
- (d) states the effect of paragraphs 1 to 8 of Schedule 15 to the 1997 Act in the manner prescribed for the purposes of sub-paragraph (1)(a) of paragraph 2 of Schedule 15 to the 1997 Act, and 25
- (e) invites every person who, if the general vesting declaration were made, would be entitled to compensation to give the Secretary of State information in the form prescribed for the purposes of sub-paragraph (1)(b) of that paragraph. 30

#### **4K Land Compensation (Scotland) Act 1963**

The application of the 1963 Act to the compulsory acquisition of land under this Act is subject to the following modifications—

- (a) this Act is to be treated as a “special enactment” for the purposes of section 13(3)(a) of the 1963 Act, 35
- (b) references in sections 22 and 23 of the 1963 Act to the date of service of the notice to treat are, where title to the land is to be taken by general vesting declaration, to be treated as references to the date on which the declaration is made, and 40
- (c) this Act is to be treated as an “enactment” for the purposes of section 22(4) of the 1963 Act.

#### **4L Matters to be ignored when assessing compensation**

- (1) In assessing the compensation payable in respect of the compulsory acquisition of land under this Act, the Lands Tribunal must not take into account— 45
- (a) any interest in land, or
- (b) any land value enhancement,

if it is satisfied that the interest in land was created, or that the work giving rise to the land value enhancement was carried out, for the purpose of obtaining compensation or increased compensation.

- (2) A “land value enhancement” is any enhancement of the value of an interest in land by reason of any construction, improvement, alteration or other work carried out on – 5
- (a) the land acquired, or
  - (b) any other land with which the person to be compensated is, or was when the work was done, directly or indirectly concerned. 10

**4M Compensation: partial acquisition etc.**

- (1) Compensation for a partial acquisition must include compensation for any loss sustained by the owner due to the severance of the house, building, factory or other land (in addition to the value of the interest to be acquired). 15
- (2) Where the Secretary of State withdraws a notice to treat under section 4E(4), the owner of the land which was subject to that notice is entitled to be compensated for any loss arising as a result of the giving and withdrawing of the notice (with any dispute about entitlement to, or amount of, such compensation to be determined by the Lands Tribunal). 20

**4N Compensation where notice to treat becomes invalid**

- (1) Where a notice to treat is invalidated under section 4G, any person to whom notice is to be given under subsection (3) of that section is entitled to compensation from the Secretary of State for any loss arising as a result of the giving of the notice and its invalidation. 25
- (2) Any dispute about –
- (a) a person’s entitlement to compensation, or
  - (b) the amount of the compensation,
- is to be determined by the Lands Tribunal. 30
- (3) Interest is payable on any compensation due under this section, at the rate prescribed under section 40 of the 1963 Act, from the date on which the notice became invalid until the date of payment.”

- 4 (1) Section 5 (acquisition of rights and imposition of restrictive covenants) is modified as follows. 35
- (2) The section is to be read as if –
- (a) references to easements were references to servitudes,
  - (b) references to the imposition of restrictive covenants were references to the creation of real burdens (within the meaning given by section 1 of the Title Conditions (Scotland) Act 2003), 40
  - (c) subsection (9) were omitted.

5 The Act is to be read as if, after section 5, there were inserted –

**“5A Interpretation of sections 5B to 5E**

In sections 5B to 5E, except where the contrary intention appears –

“the 1845 Lands Act” means the Lands Clauses Consolidation (Scotland) Act 1845,  
 “the 2003 Act” means the Title Conditions (Scotland) Act 2003,  
 “general vesting declaration” has the same meaning as in paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 5  
 “real burden” means a real burden within the meaning given by section 1 of the 2003 Act.

#### **5B Acquisition of rights in land etc: application of the Lands Clauses Acts**

- (1) The Lands Clauses Acts, as incorporated with this Act, apply (subject to the modifications in subsection (2) and such other modifications as may be necessary) to – 10
- (a) the compulsory acquisition of a servitude or other right in or over land under this Act (whether by acquiring existing rights or creating new rights), 15
  - (b) the creation of real burdens over land under this Act.
- (2) The modifications referred to in subsection (1) are as follows –
- (a) references to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to – 20
    - (i) the servitude or other right acquired or to be acquired or (as the case may be) the real burden created or to be created, or
    - (ii) the land over which the right is, or is to be, exercisable or (as the case may be) the land over which the real burden is, or is to be, enforceable, 25
  - (b) section 61 of the 1845 Lands Act (estimation of purchase money and compensation) is to be read as if for “value” to “undertaking” there were substituted “extent (if any) to which the value of the land over which the servitude or other right is to be acquired, or (as the case may be) the real burden is to be created, is depreciated by the acquisition of the servitude or other right, or (as the case may be) the creation of the real burden”. 30

#### **5C Acquisition of rights in land etc: general vesting declarations** 35

- (1) The Secretary of State may vest in the Secretary of State by a general vesting declaration any servitude or other right in land acquired, or (as the case may be) any real burden created, by virtue of section 5.
- (2) Schedule 15 to the Town and Country Planning (Scotland) Act 1997 accordingly applies to the compulsory acquisition of servitudes or other rights in land, or (as the case may be) the creation of real burdens under section 5, with the following modifications – 40
- (a) this Act is to be treated as a compulsory purchase order,
  - (b) references to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to – 45
    - (i) the servitude or other right acquired or to be acquired or (as the case may be) the real burden created or to be created, or

- (ii) the land over which the right is, or is to be, exercisable or (as the case may be) the land over which the real burden is, or is to be, enforceable,
    - (c) the Secretary of State is the acquiring authority,
    - (d) section 4J of this Act applies instead of paragraph 2, and 5
    - (e) in the definition of land in paragraph 39, “relevant enactments” means this Act.
- 5D Persons under a disability may grant servitudes, etc**
  - (1) Any person who is entitled by section 7 of the 1845 Lands Act (as incorporated with this Act) to dispose of land may, for any purpose connected with this Act, create a new servitude, real burden or other right in relation to such land. 10
  - (2) But this section does not permit the creation of a servitude, real burden or other right in relation to water in which a person other than the creator has an interest. 15
- 5E Registration of servitudes and other rights**
  - (1) A servitude or other right acquired by, or (as the case may be) a real burden created by, the Secretary of State under this Act is to be treated for all purposes as benefiting –
    - (a) any land held by the Secretary of State for the purposes of this Act, or 20
    - (b) such other land specified in the instrument creating the servitude, real burden or other right.
  - (2) Despite section 75(1) of the 2003 Act, the deed which creates a servitude so acquired is effective regardless of whether it is registered against the benefited property. 25
  - (3) Despite section 4(1) and (5) of the 2003 Act, the deed which creates a real burden is effective regardless of whether it is registered against the benefited property.”
- 6 (1) Section 6 (acquisition of airspace) is modified as follows. 30
  - (2) In subsection (2) –
    - (a) in paragraph (a), the reference to Schedule 2A to the Compulsory Purchase Act 1965 is to be read as a reference to sections 4D and 4E of this Act (see paragraph 3 of this Schedule),
    - (b) in paragraph (b), the reference to section 53 of the Land Compensation Act 1973 is to be read as a reference to section 49 of the Land Compensation (Scotland) Act 1973, 35
    - (c) in paragraph (c), the reference to Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 is to be read as a reference to paragraphs 19 to 29 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997. 40
- 7 (1) Section 7 (acquisition of subsoil or under-surface) is modified as follows.
  - (2) In subsection (2) –
    - (a) in paragraph (a), the reference to Schedule 2A to the Compulsory Purchase Act 1965 is to be read as a reference to sections 4D and 4E of this Act (see paragraph 3 of this Schedule), 45

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- (b) in paragraph (b), the reference to section 53 of the Land Compensation Act 1973 is to be read as a reference to section 49 of the Land Compensation (Scotland) Act 1973,
  - (c) in paragraph (c), the reference to Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 is to be read as a reference to paragraphs 19 to 29 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997. 5
- 8 (1) Section 8 (highway subsoil) is modified as follows.
- (2) In subsection (8), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963. 10
  - (3) In subsection (9), the reference to section 85 of the New Roads and Street Works Act 1991 is to be read as a reference to section 144 of that Act.
- 9 (1) Section 9 (termination of power to acquire land) is modified as follows.
- (2) In subsection (1) – 15
    - (a) in paragraph (a) –
      - (i) the reference to Part 1 of the Compulsory Purchase Act 1965 is to be read as a reference to section 17 of the Lands Clauses Consolidation (Scotland) Act 1845,
      - (ii) the reference to section 4(3) (of this Act) is to be read as a reference to section 4B(1) of this Act (see paragraph 3 of this Schedule), 20
    - (b) in paragraph (b) –
      - (i) the reference to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 is to be read as a reference to paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 25
      - (ii) the reference to section 4(4) (of this Act) is to be read as a reference to section 4I(2) of this Act (see paragraph 3 of this Schedule). 30

*Extinction and exclusion of rights over land*

- 10 (1) Section 11 (extinction of rights of statutory undertakers) is modified as follows.
- (2) In subsection (1) –
    - (a) the reference to sections 271 to 273 of TCPA 1990 is to be read as a reference to sections 224 to 226 of the Town and Country Planning (Scotland) Act 1997, 35
    - (b) the reference to section 271(1) of TCPA 1990 is to be read as a reference to section 224(1) of the Town and Country Planning (Scotland) Act 1997. 40
  - (3) Subsection (2) is to be read as if –
    - (a) in paragraph (a), the references to sections 271 to 273 of TCPA 1990 were references to sections 224 to 226 of the Town and Country Planning (Scotland) Act 1997,

- (b) for paragraph (b), there were substituted –
- “(b) sections 224 and 225 of the Town and Country Planning (Scotland) Act 1997 also have effect as if –
    - (i) in subsection (3), for the words from “with” to “appropriated” there were substituted “authorised by the High Speed Rail (Crewe - Manchester) Act 2022”, and 5
    - (ii) in subsection (6), for the words from “planning” to “or undertakers” there were substituted “a person other than a Minister, the Minister”.” 10
- (4) Subsection (3) is to be read as if for the words “Any reference in TCPA 1990 to section 271, 272 or 273” there were substituted “Any reference in the Town and Country Planning (Scotland) Act 1997 to section 224, 225 or 226”.
- (5) Subsection (4) is to be read as if – 15
- (a) for paragraph (a) there were substituted –
    - “(a) section 227(3) of the Town and Country Planning (Scotland) Act 1997 has effect as if –
      - (i) for “cause an inquiry to be held and shall” there were substituted “consider the objection and”, and 20
      - (ii) for “planning authority or statutory undertakers” there were substituted “person”,,”
  - (b) in paragraph (b), the reference to sections 274(5), 279(2) to (4) and 280(6) of TCPA 1990 were a reference to sections 227(5), 232(2) to (4) and 233(6) of the Town and Country Planning (Scotland) Act 1997, 25
  - (c) after paragraph (b) there were inserted –
    - “(c) sections 224(6)(b), 225(6)(b), 227, 232 and 235 of the Town and Country Planning (Scotland) Act 1997 have effect as if references to the Scottish Ministers, or the Ministers, were references to the Secretary of State acting in consultation with the Scottish Ministers.” 30
- 11 (1) Section 12 (exclusion of new rights of way) is modified as follows.
- (2) References to a right of way are to be read as references to a servitude. 35

*Temporary possession and use of land*

- 12 (1) Section 14 (use of roads) is modified as follows.
- (2) In subsection (6), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963. 40
- 13 (1) Section 15 (cranes) is modified as follows.
- (2) In subsection (5), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963.
- (3) In subsection (6), the reference to section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 45

- 4(1) is to be read as a reference to section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act (see paragraph 46 of this Schedule).
- 14 (1) Section 16 (enforcement of restrictions on land use) is modified as follows.
- (2) References to a covenant are to be read as references to a deed. 5
- (3) The section is to be read as if subsection (3) were omitted.
- 15 (1) Section 17 (compensation for injurious affection) is modified as follows.
- (2) The section is to be read as if –
- (a) the reference to section 10(1) of the Compulsory Purchase Act 1965 were a reference to section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act (see paragraph 46 of this Schedule), 10
- (b) for the words “acquiring authority” to the end, there were substituted “the company” there were substituted “nominated undertaker”. 15
- Planning*
- 16 (1) Section 18 (deemed planning permission) is modified as follows.
- (2) In subsection (1), the reference to Part 3 of TCPA 1990 is to be read as a reference to Part 3 of the Town and Country Planning (Scotland) Act 1997 (control over development). 20
- (3) In subsection (2)(b), the reference to the Environmental Impact Assessment Regulations is to be read as a reference to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102).
- (4) In subsection (4), the reference to section 264(3)(a) of TCPA 1990 is to be read as a reference to section 216(3)(a) of the Town and Country Planning (Scotland) Act 1997. 25
- (5) In subsection (5), the reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 is to be read as a reference to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223). 30
- 17 (1) Section 19 (time limit on deemed planning permission) is modified as follows.
- (2) In subsection (4), the reference to section 91 of TCPA 1990 is to be read as a reference to section 58 of the Town and Country Planning (Scotland) Act 1997 (duration of planning permission). 35
- 18 (1) Section 20 (power to disapply deemed planning permission) is modified as follows.
- (2) In subsection (2), the reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 is to be read as a reference to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223). 40

*Deregulation*

- 19 (1) Section 23 (burial grounds) is modified as follows.
- (2) Subsection (1) is to be read as if, for “ecclesiastical law”, there were substituted “any deed or agreement”.
- 20 (1) Section 26 (trees) is modified as follows. 5
- (2) In subsection (2) –
- (a) in paragraph (a), the reference to an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act is to be read as a reference to an order under section 160(1) or 164(1) of the Town and Country Planning (Scotland) Act 1997 (tree preservation orders), 10
- (b) in paragraph (b), the reference to section 211(1) and (5) of TCPA 1990 is to be read as a reference to section 172(1) and (5) of the Town and Country Planning (Scotland) Act 1997 (preservation of trees in conservation areas). 15

*Statutory undertakers etc*

- 21 (1) Section 43 (extension of planning permission for statutory undertakers) is modified as follows.
- (2) The reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 is to be read as a reference to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223). 20

*Reinstatement and environmental works*

- 22 (1) Section 46 (compulsory acquisition of land for relocation of an undertaking) is modified as follows. 25
- (2) The section is to be read as if, for subsection (3), there were substituted –
- “(3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (“the 1947 Act”) (which makes provision about a compulsory purchase to which that Act applies, including provision about the authorisation of a purchase and the assessment of compensation) applies to the compulsory acquisition of land under this section, as if this Act were a compulsory purchase order (within the meaning of the 1947 Act).” 30
- (3) In subsection (4) –
- (a) in paragraph (a), the references to sections 234 and 236 of TCPA 1990 are to be read, respectively, as references to sections 192 and 194 of the Town and Country Planning (Scotland) Act 1997, 35
- (b) in paragraph (b), the reference to sections 238, 239 and 241 of TCPA 1990 is to be read as a reference to sections 197 and 198 of the Town and Country Planning (Scotland) Act 1997, 40
- (c) in paragraph (c), the reference to section 245 of TCPA 1990 is to be read as a reference to section 200 of the Town and Country Planning (Scotland) Act 1997.

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- (4) Subsection (4) is to be read as if, after paragraph (c), there were inserted –
- “(d) section 196 of the Town and Country Planning (Scotland) Act 1997 applies as it applies to land acquired or appropriated by a planning authority for planning purposes but as if, in subsection (2), for “or by a person deriving title from them” there were substituted “or by any other person, for any purpose for which the land was acquired.”” 5
- (5) In subsection (5), the reference to sections 238, 239 and 241 of TCPA 1990 is to be read as a reference to sections 197 and 198 of the Town and Country Planning (Scotland) Act 1997. 10
- (6) In subsection (6), the references to an easement are to be read as references to a servitude.
- (7) The section is to be read as if, for subsection (8), there were substituted –
- “(8) The Lands Clauses Acts, as incorporated with this Act, apply (subject to the modifications in subsection (8A) and such other modifications as may be necessary) to the compulsory acquisition of a servitude or other right in or over land under subsection (6). 15
- (8A) The modifications referred to in subsection (8) are as follows –
- (a) references to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to – 20
- (i) the servitude or other right acquired or to be acquired, or
- (ii) the land over which the right is, or is to be, exercisable, 25
- (b) section 61 of the Lands Clauses Consolidation (Scotland) Act 1845 (estimation of purchase money and compensation) is to be read as if, for “value” to “undertaking”, there were substituted “extent (if any) to which the value of the land over which the servitude or other right is to be acquired, is depreciated by the acquisition of the servitude or other right.”” 30
- 23 (1) Section 48 (planning permission: works involving reinstatement of undertaking) is modified as follows.
- (2) In subsection (3)(a), the reference to Part 3 of TCPA 1990 is to be read as a reference to Part 3 of the Town and Country Planning (Scotland) Act 1997 (control over development). 35
- (3) The section is to be read as if, for subsection (4), there were substituted –
- “(4) The provisions of the Town and Country Planning (Scotland) Act 1997 (other than section 59 and Part 11) apply in relation to deemed planning permission under subsection (3)(a) as if it had been granted by the Scottish Ministers on an application to them under section 46 of that Act (call-in of applications by the Scottish Ministers).” 40
- (4) In subsection (6)(b), the reference to the Environmental Impact Assessment Regulations is to be read as a reference to the Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102). 45

- (5) In subsection (7)(b)(ii), the references to the unitary authority or, in a non-unitary area, the district council are to be read as references to the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
- (6) In subsection (8)(b), the reference to section 6 of the Railway Clauses Consolidation Act 1845 (as applied by paragraph 4(1) of Schedule 28) is to be read as a reference to section 6 of the Railway Clauses Consolidation (Scotland) Act 1845 (as applied by paragraph 4A(1) of Schedule 28 (see paragraph 46 of this Schedule)). 5
- 24 The Act is to be read as if, for section 49 (enforcement of environmental covenants), there were substituted – 10

**“50 Conservation burdens relating to environmental works**

- (1) A real burden may be created in favour of the Secretary of State in respect of any land for the purpose of the carrying out, maintenance, protection or enhancement of relevant environmental works in respect of the land. 15
- (2) In subsection (1), “relevant environmental works” means –
- (a) landscaping or other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, 20
  - (b) works for the restoration of land affected by any of the works authorised by this Act, or
  - (c) works for the enhancement of the environment in connection with or in consequence of the works authorised by this Act, and may include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals. 25
- (3) A real burden created under this section is to be treated as a conservation burden for the purposes of the Title Conditions (Scotland) Act 2003.
- (4) If a real burden is to be created under this section other than by the Secretary of State, the consent of the Secretary of State must be obtained before the constitutive deed is registered. 30
- (5) A real burden may be created under this section whether the constitutive deed was granted before or after the passing of this Act.”

*The Crown* 35

- 25 (1) Section 51 (application of powers to Crown land) is modified as follows.
- (2) Subsection (4) is to be read as if, after paragraph (a), there were inserted –
- “(aa) in which there is an interest belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty for the purposes of the Scottish Administration by such an office-holder,” 40
- (3) Subsection (6) is to be read as if –
- (a) after paragraph (a), there were inserted –
    - “(aa) in a subsection (4)(aa) case, the Scottish Ministers,”
  - (b) in paragraph (b) – 45

- 
- (i) after sub-paragraph (i), there were inserted –
- “(ia) if the land forms part of the Scottish Crown Estate (within the meaning given in section 2 of the Scottish Crown Estate Act 2019), the person managing the land,” 5
- (ii) in sub-paragraph (ii), after “government department”, there were inserted “or office-holder in the Scottish Administration”.
- (4) The section is to be read as if, after subsection (6), there were inserted – 10
- “(6A) In subsections (4) and (6), “office-holder in the Scottish Administration” has the meaning given by section 126(7) of the Scotland Act 1998.”
- 26 The Act is to be read as if, after section 53 (Crown Estate), there were inserted – 15
- “54A Scottish Crown Estate**
- (1) The provisions of the Scottish Crown Estate Act 2019 (asp 1) listed in subsection (2) do not apply in relation to land within the Act limits which appear to the manager of the land to be required for Phase 2b (Crewe - Manchester) purposes. 20
- (2) The provisions are –
- (a) section 10 (disposals requiring Ministerial consent),
- (b) section 11(1) (duty to obtain market value),
- (c) section 14(1) (maximum period of leases etc.).
- (3) The reference in subsection (1) to the manager of land is a reference to the person who, for the time being, has the function of managing the land on behalf of the Crown in accordance with the Scottish Crown Estate Act 2019.” 25
- Deposited plans and sections*
- 27 (1) Section 55 (correction of deposited plans) is modified as follows. 30
- (2) In subsection (1), the reference to two justices of the peace is to be read as a reference to a sheriff.
- (3) In subsection (2), references to the justices are to be read as references to a sheriff.
- (4) In subsection (6), references to a justice of the peace and to the justice are to be read as references to a sheriff. 35
- Miscellaneous and general*
- 28 (1) Section 56 (obstruction of construction of works) is modified as follows.
- (2) In subsection (6), the reference to Part 11 of the Town and Country Planning Act 1990 is to be read as a reference to Part 10 of the Town and Country Planning (Scotland) Act 1997. 40

- 29 (1) Section 57 (Environmental Impact Assessment Regulations: miscellaneous) is modified as follows.
- (2) In subsection (1), the references to the Environmental Impact Assessment Regulations and to regulation 2(1) of those regulations are to be read as references to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102) and to regulation 2(1) of those regulations respectively. 5
- 30 (1) Section 59 (notices and other documents) is modified as follows.
- (2) Subsection (7) is to be read as if, for the definition of “secretary”, there were substituted – 10
- ““secretary”, in relation to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, means an officer appointed for the purpose by the council;”.
- 31 (1) Section 61 (resumption of previous use of land) is modified as follows.
- (2) In subsection (4), the reference to section 57(2) of TCPA 1990 is to be read as a reference to section 28(2) of the Town and Country Planning (Scotland) Act 1997 (disapplication of requirement for planning permission for resumption of previous use). 15

#### Interpretation

- 32 (1) Section 63 (interpretation) is modified as follows. 20
- (2) Subsection (1) is to be read as if –
- (a) for the definition of “allotment”, there were substituted –
- ““allotment” means an allotment or an allotment site within the meaning of Part 9 (allotments) of the Community Empowerment (Scotland) Act 2015;”, 25
- (b) the definition of “enactment” included an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,
- (c) in the definition of “development”, the reference to TCPA 1990 were a reference to the Town and Country Planning (Scotland) Act 1997,
- (d) in the definitions of “footpath”, “special road” and “trunk road” the references to the Highways Act 1980 were references to the Roads (Scotland) Act 1984, 30
- (e) for the definitions of “highway” and “highway authority” there were substituted –
- ““highway” means a road within the meaning given by section 151 of the Roads (Scotland) Act 1984; 35
- “highway authority” means a roads authority within the meaning given by section 151 of the Roads (Scotland) Act 1984;”,
- (f) in the definition of “owner”, the reference to Part 1 of the Acquisition of Land Act 1981 were a reference to section 7 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, 40
- (g) in the definition of “utility undertaker”, for paragraph (c), there were substituted –
- “(c) Scottish Water (as regards the supply of water or the provision of sewerage services); 45

- (ca) any other person who is authorised by any enactment to carry on an undertaking for the supply of water,”.
- (3) In subsection (3), the reference to an environmental statement within the meaning of the Environmental Impact Assessment Regulations is to be read as a reference to an EIA report within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102). 5

### PART 3

#### MODIFICATIONS OF SCHEDULES

- Works* 10
- 33 (1) Schedule 2 (works) is modified as follows.
- (2) Paragraph 1(6) is to be read as if, at the end, there were inserted –
- “(d) references to a justice of the peace are to be read as references to a sheriff or a justice of the peace,
  - (e) references to an interest in or a right over land are to be read as including any servitude or other right in or over land, 15
  - (f) in section 175(2), in paragraph (a) of the definition of “statutory undertaker” –
    - (i) the reference to section 16 or 17 of the Acquisition of Land Act 1981 is to be read as a reference to section 7 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, 20
    - (ii) the reference to Part 11 of the Town and Country Planning Act 1990 is to be read as a reference to Part 10 of the Town and Country Planning (Scotland) Act 1997, 25
  - (g) in section 175(3) –
    - (i) in paragraph (a), the reference to section 55 of the New Roads and Street Works Act 1991 is to be read as a reference to section 114 of that Act, 30
    - (ii) in paragraph (b), the reference to section 69 of the New Roads and Street Works Act 1991 is to be read as a reference to section 128 of that Act,
    - (iii) in paragraph (c), the reference to section 82 of the New Roads and Street Works Act 1991 is to be read as a reference to section 141 of that Act, 35
  - (h) in section 176 –
    - (i) in subsection (2), the reference to the Upper Tribunal is to be read as a reference to the Lands Tribunal for Scotland, 40
    - (ii) in subsection (3), the reference to section 4 of the Land Compensation Act 1961 is to be read as a reference to section 11 of the Land Compensation (Scotland) Act 1963.” 45
- (3) In paragraph 7 –

- (a) in sub-paragraph (4), the reference to the county court is to be read as a reference to a sheriff,
  - (b) in sub-paragraph (8)(a), the reference to an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act is to be read as a reference to an order under section 160(1) or 164(1) of the Town and Country Planning (Scotland) Act 1997 (tree preservation orders), 5
  - (c) in sub-paragraph (8)(b), the reference to section 211(1) and (5) of TCPA 1990 is to be read as a reference to section 172(1) and (5) of the Town and Country Planning (Scotland) Act 1997 (preservation of trees in conservation areas), 10
  - (d) in sub-paragraph (9), the references to the county court are to be read as references to a sheriff.
- (4) Paragraph 8(3) is to be read as if, at the end, there were inserted –
- “(f) references to a justice of the peace are to be read as references to a sheriff or a justice of the peace, 15
  - (g) references to an interest in or a right over land are to be read as including any servitude or other right in or over land,
  - (h) in section 175(2), in paragraph (a) of the definition of “statutory undertaker” – 20
    - (i) the reference to section 16 or 17 of the Acquisition of Land Act 1981 is to be read as a reference to section 7 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, 25
    - (ii) the reference to Part 11 of the Town and Country Planning Act 1990 is to be read as a reference to Part 10 of the Town and Country Planning (Scotland) Act 1997,
  - (i) in section 175(3) – 30
    - (i) in paragraph (a), the reference to section 55 of the New Roads and Street Works Act 1991 is to be read as a reference to section 114 of that Act,
    - (ii) in paragraph (b), the reference to section 69 of the New Roads and Street Works Act 1991 is to be read as a reference to section 128 of that Act, 35
    - (iii) in paragraph (c), the reference to section 82 of the New Roads and Street Works Act 1991 is to be read as a reference to section 141 of that Act,
  - (j) in section 176 – 40
    - (i) in subsection (2), the reference to the Upper Tribunal is to be read as a reference to the Lands Tribunal for Scotland,
    - (ii) in subsection (3), the reference to section 4 of the Land Compensation Act 1961 is to be read as a reference to section 11 of the Land Compensation (Scotland) Act 1963.” 45
- (5) Paragraph 10(7) is to be read as if –
- (a) in sub-paragraph (a), for the definition of “public sewer or drain”,

- there were substituted –
- ““public sewer or drain” means a sewer or drain which belongs to Scottish Water, a private provider who has made an agreement with Scottish Water under section 1(2)(b) of the Sewerage (Scotland) Act 1968 (c.47) (duty of Scottish Water to provide sewerage for their area) or a roads authority within the meaning given by section 151(1) of the Roads (Scotland) Act 1984.”,
- 5
- (b) sub-paragraph (c) were omitted. 10
- 34 (1) Schedule 5 (highways) is modified as follows.
- (2) Paragraph 3 is to be read as if –
- (a) for sub-paragraph (11), there were substituted –
- “(11) In sub-paragraph (7)(a), “local authority” means –
- (a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, and 15
- (b) a community council established under section 51 of the Local Government (Scotland) Act 1973.”,
- (b) for sub-paragraph (12), there were substituted –
- “(12) In this paragraph, references to the appropriate Ministers are to the Secretary of State acting in consultation with the Scottish Ministers.” 20
- (3) Paragraph 4 is to be read as if –
- (a) in sub-paragraph (3), the reference to Part 1 of the Land Compensation Act 1961 were a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963, 25
- (b) for sub-paragraph (5), there were substituted –
- “(5) Sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (working of mines) as originally enacted and as incorporated with this Act (see paragraph 46 of this Schedule), have effect in relation to the working of mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) as if references to the company in section 70 were references to the Secretary of State.” 30
- 35
- (4) Paragraph 5 is to be read as if –
- (a) in sub-paragraph (3), the reference to section 26 of the Highways Act 1980 were a reference to section 31 of the Countryside (Scotland) Act 1967,
- (b) in sub-paragraphs (3) and (4), the references to section 28 of the Highways Act 1980 were references to section 37 of the Countryside (Scotland) Act 1967, 40
- (c) sub-paragraph (4)(c) were omitted,
- (d) for sub-paragraph (5), there were substituted –
- “(5) In its application to a claim under section 37 of that Act (as applied by virtue of sub-paragraph (3)), section 70 of that Act (determination of disputes as to compensation) has effect as if, in subsection (3), for “the body from whom the 45

compensation in question is claimed” there were substituted “the Secretary of State”.

- (5) Paragraph 10 is to be read as if –
- (a) in sub-paragraph (1)(a), for “section 86(3)(a), (c) to (e), (g) or (h)” there were substituted “section 145(3)(a) to (d), (f) and (g)”, 5
  - (b) in sub-paragraph (1)(b), for “section” to the end, there were substituted “section 63 (new access over verges and footways) of the Roads (Scotland) Act 1984”.
- (6) Paragraphs 12(1)(b) and 17(1)(b) are to be read as if the references to carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991 were references to carrying out road works within the meaning of Part 4 of that Act. 10
- (7) Paragraph 14(3) is to be read as if –
- (a) for “section 64 or 184 of the Highways Act 1980”, there were substituted “section 63 of the Roads (Scotland) Act 1984”, 15
  - (b) the reference to section 86(3) of the New Roads and Street Works Act 1991 were a reference to section 145 of that Act.
- (8) Paragraph 15 is to be read as if the references to the Secretary of State were to the Secretary of State acting in consultation with the Scottish Ministers.
- (9) Paragraph 17(9) is to be read as if the reference to section 87 of the New Roads and Street Works Act 1991 were a reference to section 146 of that Act. 20
- (10) Paragraph 20 is to be read as if the reference to section 46 of the Railways Clauses Consolidation Act 1845 were a reference to section 39 of the Railways Clauses Consolidation (Scotland) Act 1845, as incorporated with this Act (see paragraph 46 of this Schedule). 25

*Compulsory acquisition of land*

- 35 (1) Schedule 13 (right to require acquisition) is modified as follows.
- (2) In paragraph 8(1) –
- (a) in sub-paragraph (a) –
    - (i) the reference to Part 1 of the Compulsory Purchase Act 1965 is to be read as a reference to section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, 30
    - (ii) the reference to section 4(3) (of this Act) is to be read as a reference to section 4B(1) of this Act (see paragraph 3 of this Schedule), 35  - (b) in sub-paragraph (b) –
    - (i) the reference to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 is to be read as a reference to paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 40
    - (ii) the reference to section 4(4) (of this Act) is to be read as a reference to section 4I(2) of this Act (see paragraph 3 of this Schedule).
- (3) In paragraph 8(2), the definition of “owner” is to be read as if the words “the fee simple of” were omitted. 45

*Extinction and exclusion of rights over land*

- 36 (1) Schedule 14 (extinction of rights over land) is modified as follows.
- (2) References to the imposition of restrictive covenants are to be read as references to the creation of real burdens (within the meaning given by section 1 of the Title Conditions (Scotland) Act 2003), and any reference to the enforcement of such covenants are to be read accordingly. 5
- (3) In paragraph 2—
- (a) in sub-paragraph (3)(c), the reference to easements is to be read as a reference to servitudes,
- (b) in sub-paragraph (4)— 10
- (i) the reference to section 11(1) of the Compulsory Purchase Act 1965 is to be read as a reference to section 4H (advance entry on land to be acquired) of this Act (see paragraph 3 of this Schedule),
- (ii) the reference to Schedule 4 to the Compulsory Purchase Act 1965 is to be read as a reference to sections 93 to 98 of the Lands Clauses Consolidation (Scotland) Act 1845. 15
- (4) In paragraph 3(3)(b), the reference to section 271 or 272 of TCPA 1990 is to be read as a reference to section 224 or 225 of the Town and Country Planning (Scotland) Act 1997. 20
- (5) In paragraph 4—
- (a) in sub-paragraph (2), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963,
- (b) in sub-paragraph (3), the reference to Schedule 4 to the Compulsory Purchase Act 1965 is to be read as a reference to sections 93 to 98 of the Lands Clauses Consolidation (Scotland) Act 1845. 25
- (6) In paragraph 5(3)(a), the reference to section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act is to be read as a reference to section 1 of the Land Reform (Scotland) Act 2003. 30
- (7) Paragraph 7 is to be read as if—
- (a) in sub-paragraph (5), the reference to section 11(1) of the Compulsory Purchase Act 1965 were a reference to section 4H (advance entry on land to be acquired) of this Act (see paragraph 3 of this Schedule), 35
- (b) in sub-paragraph (5)(b)—
- (i) the reference to enforcing the covenant were a reference to enforcing the real burden (within the meaning given by section 1 of the Title Conditions (Scotland) Act 2003), 40
- (ii) the words from “(as modified” to the end were omitted,
- (c) for sub-paragraph (6), there were substituted—
- “(6) Where a declaration under paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997 has been made in relation to the land, the appropriate time is the time that the land has vested in the Secretary of State under paragraph 7 of that Schedule.” 45

(8) The Schedule is to be read as, if for paragraph 9, there were substituted –

“9 In this Schedule, references to paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997 are to that paragraph as applied by section 4I(2) of this Act (see paragraph 3 of this Schedule) to the acquisition of land under section 4(1) of this Act.” 5

*Temporary possession and use of land*

37 (1) Schedule 15 (temporary possession and use of land) is modified as follows.

(2) References to the imposition of restrictive covenants are to be read as references to the creation of real burdens (within the meaning given by section 1 of the Title Conditions (Scotland) Act 2003). 10

(3) Paragraph 2(1) is to be read as if –

(a) in sub-paragraph (b) –

(i) the reference to section 11 of the Compulsory Purchase Act 1965 were a reference to section 4H (advance entry on land to be acquired) of this Act (see paragraph 3 of this Schedule), 15  
(ii) the words from “(as applied” to “section 4(1)),” were omitted,

(b) in sub-paragraph (c) –

(i) the reference to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 were a reference to paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 20  
(ii) the reference to section 4(4) (of this Act) were a reference to section 4I(2) of this Act (see paragraph 3 of this Schedule).

(4) In paragraph 4 – 25

(a) in sub-paragraph (3)(a) –

(i) the reference to Part 1 of the Compulsory Purchase Act 1965 is to be read as a reference to section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, 30  
(ii) the reference to section 4(3) (of this Act) is to be read as a reference to section 4B(1) of this Act (see paragraph 3 of this Schedule),

(b) in sub-paragraph (3)(b) –

(i) the reference to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 is to be read as a reference to paragraph 1 of Schedule 15 to the Town and Country Planning (Scotland) Act 1997, 35

(ii) the reference to section 4(4) (of this Act) is to be read as a reference to section 4I(2) of this Act (see paragraph 3 of this Schedule), 40

(c) in sub-paragraph (6), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963,

(d) in sub-paragraph (7), the reference to section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) is to be read as a reference to section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act (see paragraph 46 of this Schedule). 45

- (5) Paragraph 5(9) is to be read as if –
- (a) for the definition of “appropriate Ministers”, there were substituted –
    - ““appropriate Ministers” means the Secretary of State acting in consultation with the Scottish Ministers;”, 5
  - (b) for the definition of “relevant planning authority”, there were substituted –
    - ““relevant planning authority” means the planning authority within the meaning of the Town and Country Planning (Scotland) Act 1997”. 10
- (6) In paragraph 7 –
- (a) in sub-paragraph (4), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963,
  - (b) in sub-paragraph (5), the reference to section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) is to be read as a reference to section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act (see paragraph 46 of this Schedule). 15
- (7) In paragraph 8 – 20
- (a) in sub-paragraph (3)(c), the reference to easements is to be read as a reference to servitudes,
  - (b) in sub-paragraph (5), the reference to Part 1 of the Land Compensation Act 1961 is to be read as a reference to Parts 2 and 3 of the Land Compensation (Scotland) Act 1963. 25
- (8) Paragraph 9(3)(a) is to be read as if –
- (a) the reference to section 2(1) of the Countryside and Rights of Way Act 2000 were a reference to section 1 of the Land Reform (Scotland) Act 2000,
  - (b) the words “or an enactment mentioned in section 15 of that Act” were omitted. 30
- (9) Paragraph 10 is to be read as if –
- (a) in sub-paragraph (1), the reference to section 13 of the Compulsory Purchase Act 1965 were a reference to section 89 of the Lands Clauses Consolidation (Scotland) Act 1845, 35
  - (b) in sub-paragraph (1)(a), for “the acquiring authority” there were substituted “promoters of the undertaking”.

### *Planning*

- 38 (1) Schedule 17 (conditions of deemed planning permission) is modified as follows. 40
- (2) References to the relevant planning authority are to be read as references to the planning authority within the meaning of the Town and Country Planning (Scotland) Act 1997.
- (3) In paragraph 17(4), the reference to section 303 of TCPA 1990 is to be read as a reference to section 252 of the Town and Country Planning (Scotland) Act 1997 (fees for planning applications etc.). 45

- (4) In paragraph 18—
- (a) in sub-paragraph (1)—
    - (i) the sub-paragraph is to be read as if, for paragraphs (g) and (h), there were substituted—
      - “(g) a battlefield which is included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979, 5
      - (h) a garden or landscape which is included in the inventory of gardens and designed landscapes compiled and maintained under section 32A of that Act,” 10
    - (ii) in paragraph (i), the reference to a listed building which is classified as grade I or II\* is to be read as a reference to a category A listed building, 15
  - (b) in sub-paragraph (3)—
    - (i) in paragraph (a), the reference to Natural England is to be read as a reference to Scottish Natural Heritage,
    - (ii) in paragraph (b), the references to the Canal & River Trust are to be read as references to the British Waterways Board, 20
    - (iii) in paragraph (c), the reference to the Environment Agency is to be read as a reference to Scottish Natural Heritage,
    - (iv) in paragraph (d), the reference to the Environment Agency is to be read as a reference to the Scottish Environment Protection Agency, 25
    - (v) in paragraph (e), the reference to the Historic Buildings and Monuments Commission for England is to be read as a reference to Historic Environment Scotland,
  - (c) in sub-paragraph (8)— 30
    - (i) the sub-paragraph is to be read as if, for the definition of “listed building”, there were substituted—
      - ““category A listed building” means a building specified as being category A in a list of buildings compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;”, 35
    - (ii) in the definition of “site of special scientific interest”, the reference to Part 2 of the Wildlife and Countryside Act 1981 is to be read as a reference to section 58(1) of the Nature Conservation (Scotland) Act 2004. 40
- (5) In paragraph 21(5)—
- (a) in paragraph (a), the reference to a claim for judicial review is to be read as a reference to an application to the supervisory jurisdiction of the Court of Session,
  - (b) in paragraph (b), the reference to the claim form being filed is to be read as a reference to the application being made. 45
- (6) In paragraph 24—
- (a) in sub-paragraph (3)—
    - (i) the references to costs are to be read as references to expenses,

<ul style="list-style-type: none"> <li style="margin-left: 40px;">(ii) the sub-paragraph is to be read as if, for the words from “every such order” to the end, there were substituted “any such order may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issue by the sheriff court of any sheriffdom in Scotland.”,</li> <li style="margin-left: 20px;">(b) in sub-paragraph (11), the reference to section 78 of TCPA 1990 is to be read as a reference to section 47 of the Town and Country Planning (Scotland) Act 1997 (right of appeal against planning decisions and failure to take such decisions).</li> </ul> <p>(7) In paragraph 26(3) –</p> <ul style="list-style-type: none"> <li style="margin-left: 20px;">(a) in paragraph (a), the reference to a claim for judicial review is to be read as a reference to an application to the supervisory jurisdiction of the Court of Session,</li> <li style="margin-left: 20px;">(b) in paragraph (b), the reference to the claim form being filed is to be read as a reference to the application being made.</li> </ul> <p>(8) Paragraph 30 is to be read as if –</p> <ul style="list-style-type: none"> <li style="margin-left: 20px;">(a) for the definition of “appropriate Ministers”, there were substituted – <ul style="list-style-type: none"> <li>““appropriate Ministers” means the Secretary of State acting in consultation with the Scottish Ministers;”,</li> </ul> </li> <li style="margin-left: 20px;">(b) for the definition of “planning authority”, there were substituted – <ul style="list-style-type: none"> <li>““planning authority” means a planning authority within the meaning of the Town and Country Planning (Scotland) Act 1997.”</li> </ul> </li> </ul> <p><i>Deregulation</i></p> <p>39 (1) Schedule 18 (listed buildings) is modified as follows.</p> <p>(2) The Schedule is to be read as if paragraph 6 were omitted.</p> <p>(3) Paragraph 3 is to be read as if –</p> <ul style="list-style-type: none"> <li style="margin-left: 20px;">(a) in sub-paragraph (2)(a), the reference to section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,</li> <li style="margin-left: 20px;">(b) in sub-paragraph (2)(b), the reference to section 38(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 34(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,</li> <li style="margin-left: 20px;">(c) in sub-paragraph (2)(c), the reference to section 42(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 38(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,</li> <li style="margin-left: 20px;">(d) in sub-paragraph (2)(d), the reference to section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</li> </ul> <p>(4) Paragraph 4 is to be read as if the reference to section 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 53 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>
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- (5) Paragraph 7 is to be read as if –
- (a) in sub-paragraph (1), the reference to the Historic Buildings and Monuments Commission were a reference to Historic Environment Scotland,
  - (b) in sub-paragraph (2), for “the unitary authority or, in a non-unitary area, the district council”, there were substituted “the planning authority within the meaning of the Town and Country Planning (Scotland) Act 1997”. 5
- (6) Paragraph 8 is to be read as if, in sub-paragraphs (1)(a) and (2)(b), the references to the Commission were references to Historic Environment Scotland. 10
- (7) Paragraph 9(1) is to be read as if the reference to the Commission were a reference to Historic Environment Scotland.
- (8) Paragraph 10 is to be read as if –
- (a) in sub-paragraph (1) – 15
    - (i) in the definition of “building” and “listed building” the reference to the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
    - (ii) in the definition of “decontrolled works” the reference to section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 6 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, 20
  - (b) in sub-paragraph (4), the reference to section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 were a reference to section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. 25
- 40 (1) Schedule 19 (ancient monuments) is modified as follows.
- (2) In paragraph 5, the reference to the Historic Buildings and Monuments Commission for England were a reference to Historic Environment Scotland. 30
- 41 (1) Schedule 20 (burial grounds) is modified as follows.
- (2) In paragraphs 1(3), 3(4), 4(3), 4(5), 4(7), 5(3), 5(4), 5(6), 8(2) and 9(2), references to the Secretary of State are to be read as references to the Secretary of State acting in consultation with the Scottish Ministers. 35
- (3) Paragraph 1 is to be read as if –
- (a) in sub-paragraph (4)(a), for “a court has granted a faculty”, there were substituted “a sheriff has granted a warrant”,
  - (b) sub-paragraph (4)(b) were omitted, 40
  - (c) in sub-paragraph (5), the definition of “court” were omitted.
- (4) Paragraph 3 is to be read as if –
- (a) in sub-paragraph (3), references to the county court were references to a sheriff,
  - (b) in sub-paragraph (4), the reference to the court’s determination were a reference to the sheriff’s determination. 45
- (5) Paragraph 4 is to be read as if –

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- (a) in sub-paragraph (3)(a)(iii), the words from “where” to “consecrated land,” were omitted,
- (b) in sub-paragraphs (3)(a)(iii) and (4)(a), the references to the Commission were references to Historic Environment Scotland,
- (c) sub-paragraphs (4)(b) and (8) were omitted, 5
- (d) in sub-paragraph (6), references to the county court were references to a sheriff,
- (e) in sub-paragraph (7), the reference to the court’s determination were a reference to the sheriff’s determination.
- (6) Paragraph 5 is to be read as if – 10
- (a) in sub-paragraph (1)(b), for “faculty or licence” there were substituted “warrant”,
- (b) in sub-paragraph (4)(a)(iii), the words from “where” to “consecrated land,” were omitted,
- (c) in sub-paragraphs (4)(a)(iii) and (5)(a), the references to the Commission were references to Historic Environment Scotland, 15
- (d) sub-paragraphs (5)(b) and (7) were omitted.
- (7) Paragraph 7(3) is to be read as if –
- (a) for “a faculty or a licence under section 25 of the Burial Act 1857,” there were substituted “a warrant granted by a sheriff”, 20
- (b) for “the faculty is granted or the licensee (as the case may be)” there were substituted “the warrant is granted”.
- (8) Paragraph 8 is to be read as if, at the end, there were inserted –
- “(7) In sub-paragraphs (1), (2) and (3), “the Registrar General” means the Registrar General for Births, Deaths and Marriages in Scotland.” 25
- (9) Paragraph 8(6) is to be read as if, for “the unitary authority or, in a non-unitary area, the district council” there were substituted “a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”. 30
- (10) Paragraph 9(3) is to be read as if references to the county court were references to a sheriff.
- (11) Paragraph 11(2)(b) is to be read as if the reference to the county court were a reference to a sheriff.
- 42 (1) Schedule 21 (water) is modified as follows. 35
- (2) The Schedule is to be read as if, after paragraph 8, there were inserted –
- “Controlled activities in the water environment: Scotland*
- 8A (1) Regulation 4 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (S.S.I. 2011/209) does not apply to an activity mentioned in regulation 3(1)(a) or (c) to (g) of those regulations carried out in the exercise of the powers conferred by this Act with respect to works. 40
- (2) Regulation 4 of those regulations does not apply to an activity mentioned in regulation 3(1)(b) of the Regulations (abstraction of water from the water environment) for the purposes of or in 45

connection with the construction of the works authorised by this Act.”

- 43 (1) Schedule 22 (buildings) is modified as follows.
- (2) In paragraph 1 –
- (a) in sub-paragraph (1)(a), the reference to Part 1 of the 1984 Act is to be read as a reference to Parts 1 and 2 of the Building (Scotland) Act 2003, 5
- (b) the paragraph is to be read as if sub-paragraph (5) were omitted.
- (3) In paragraph 7, in the definition of “building regulations” –
- (a) the references to the 1984 Act are to be read as references to the Building (Scotland) Act 2003, 10
- (b) the reference to section 122 of the 1984 Act is to be read as a references to section 56(1) of the Building (Scotland) Act 2003.
- 44 (1) Schedule 24 (street works) is modified as follows.
- (2) Paragraph 1 is to be read as if, at the end, there were inserted – 15
- “(5) Sections 56 to 60 (control of works and excavations) of the Roads (Scotland) Act 1984 do not apply to anything done in exercise of the powers conferred by this Act with respect to works.”
- (3) In paragraph 2 –
- (a) in sub-paragraph (1), the reference to section 56(1) and (1A) of the New Roads and Street Works Act 1991 is to be read as a reference to section 115(1) and (1A) of that Act, 20
- (b) in sub-paragraph (2), the reference to section 56A of that Act is to be read as a reference to section 115A of that Act,
- (c) in sub-paragraph (3), the reference to section 58(1) of that Act is to be read as a reference to section 117(1) of that Act, 25
- (d) in sub-paragraph (4), the reference to section 61(1) of that Act is to be read as a reference to section 120(1) of that Act,
- (e) in sub-paragraph (5), the reference to section 62(2) of that Act is to be read as a reference to section 121(2) of that Act, 30
- (f) in sub-paragraph (6), the reference to section 62(4) of that Act is to be read as a reference to section 121(4) of that Act,
- (g) in sub-paragraph (7), the reference to section 63(1) of that Act is to be read as a reference to section 122(1) of that Act,
- (h) in sub-paragraph (8), the references to section 73A(1) and (2) of that Act are to be read as a references to section 132A(1) and (2) respectively of that Act, 35
- (i) in sub-paragraph (10), the reference to section 78A(1)(b) of that Act is to be read as a reference to section 137A(1)(b) of that Act.
- 45 (1) Schedule 26 (noise) is modified as follows. 40
- (2) In paragraph 1(2), the reference to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly is to be read as a reference to the Secretary of State acting in consultation with the Scottish Ministers.

*Railway matters*

46 (1) Schedule 28 (application of other railway legislation etc) is modified as follows.

(2) The Schedule is to be read as if, after paragraph 4, there were inserted –

“*Railway Clauses Consolidation (Scotland) Act 1845 (c. 33)* 5

4A (1) The following provisions only of the Railways Clauses Consolidation (Scotland) Act 1845 are incorporated with this Act, in so far as they are applicable for the purposes of this Act and not inconsistent with its provisions –

sections 2 to 4, 6, 16, 18, 21, 25, 26, 30 and 31 (so far as relating to section 26), 39, 60 to 62, 65, 70 to 78 (as originally enacted), 79, 90, 96 to 98, 132, 134, 136, 137, 146, 147, 150, 153 and 154. 10

(2) In their application by virtue of sub-paragraph (1) –

(a) section 2 has effect with the substitution for “so incorporated as aforesaid” of “incorporated”; 15

(b) section 6 has effect with the omission of “and to take lands for that purpose”, “taken or” and “for the value of the lands so taken or used, and”; 20

(c) sections 18 and 21 do not apply in any case where the relations between the nominated undertaker and any other person are regulated by sections 143 and 144 of the New Roads and Street Works Act 1991 or Part 2 of Schedule 32 (protective provisions relating to utility undertakers); 25

(d) section 39 has effect with the omission of the words from “of the height” to “in that behalf provided”; 25

(e) section 60 has effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles.”

*Statutory undertakers* 30

47 (1) Schedule 31 (extension of planning permission for statutory undertakers) is modified as follows.

(2) In paragraph 1 –

(a) in sub-paragraph (1), the references to article 3(10) of, and Schedule 2 to, the General Permitted Development Order are to be read as references to article 3(8) of, and Schedule 1 to, respectively of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223), 35

(b) in sub-paragraph (2), the references to various Parts and classes of Schedule 2 to the General Permitted Development Order are to be read as references to the following provisions of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223) – 40

Part 13, classes 34, 35, 36 and 37,

Part 13, class 41,

Part 13, classes, 38 and 43A, 45

- Part 13, classes 39 and 40,
  - Part 20, class 67,
  - Part 21, class 68,
  - Part 13, class 43,
- (c) in sub-paragraph (3), the reference to the General Permitted Development Order is to be read as a reference to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223). 5

# High Speed Rail (Crewe - Manchester) Bill

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## B I L L

To make provision for a railway between a junction with Phase 2a of High Speed 2 south of Crewe in Cheshire and Manchester Piccadilly Station; for a railway between Hoo Green in Cheshire and a junction with the West Coast Main Line at Bamfurlong, south of Wigan; and for connected purposes.

*Presented by Secretary Grant Shapps  
supported by  
The Prime Minister,  
Secretary Dominic Raab,  
The Chancellor of the Exchequer,  
Secretary Priti Patel,  
Secretary Michael Gove,  
Secretary Kwasi Kwarteng, and  
Secretary Alister Jack.*

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*Ordered, by The House of Commons,  
to be Printed, 24th January 2022.*

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