

SCHEDULE 4

CONSTRUCTION AND HANDBACK REQUIREMENTS

Part 4 Handback Requirements

1. Handback Requirements

Each element of the Project Facilities shall comply with the requirements set out below in respect of such element.

1.1 Road Pavement

1.1.1 For each 100 metre length of each lane of the Project Road, the Residual Life (85th percentile) to the onset of investigatory conditions, shall be predicted in accordance with HD29/94 (as set out in DMRB (reference 7.3.2) as amended by Part 2 of this Schedule 4).

1.1.1.1 At least 85% of each traffic lane of the Project Road shall have a Residual Life of 10 years or more.

1.1.1.2 For any one kilometre length of a lane:

1.1.1.2.1 no more than one 100 metre length shall have a Residual Life less than 10 years; and

1.1.1.2.2 no 100 metre length shall have a Residual Life of less than 0 years.

1.1.2 [NOT USED]

1.1.3 All sections of each traffic lane of the Project Facilities shall have a Mean Summer SCRIM Coefficient at least 10% greater than the Investigatory Level specified in Standard HD 28/94 (as set out in the DMRB (reference 7.3.1) as amended by Part 2 of this Schedule 4).

1.1.4 All carriageways of the Project Facilities shall be free from defects in accordance with the O&M Requirements.

1.2 Structures

1.2.1 The Residual Life of structural elements shall not be less than the values specified in Table 1 below.

- 1.2.2 All Structures shall be free from defects in accordance with the O&M Requirements.

Table 1

Residual Life of Structural Elements

Structural Element	Residual Life (years)
Reinforced Concrete	30
Prestressed Concrete	30
Structural Steelwork	30
Weathering Steel	30
Corrugated steel buried structures	30
Corrosion protection for structural steelwork	5
Deck waterproofing	5
Deck Joints:	
(a) Asphaltic plug	5
(b) Elastomeric	5
(c) Elastomeric seal (in metal runners)	5
Vehicle/pedestrian parapets	15
Pedestrian parapets	15
Bearings:	
(a) Elastomeric	15
(b) Mechanical/Roller	15
(c) PTFE coating	8
Sign/Signal Gantries	15
Reinforced Earth/Anchored Earth Structures	30
Gabions	15
Crib walls	30
Soil nails	30
Ground Anchors	30
Catenary lighting systems	8
High mast lighting	8
CCTV poles	8
Traffic signal poles	8

1.3 Mechanical and Electrical Elements

- 1.3.1 All mechanical and electrical elements of the Project Facilities (with the exception of lamps) shall have a Residual Life of at least 5 years.
- 1.3.2 All lamps shall have been renewed within the last 6 months of the Contract Period.
- 1.3.3 Each site of electrical installation shall comply with BS 7671: 1992: Regulations for Electrical Installations.

1.4 Other Elements

- 1.4.1 Subject to paragraph 1.4.2 below, each element of the Project Facilities not covered by paragraphs 1.1, 1.2 and 1.3 above shall have a Residual Life not less than the value specified for that element in Table 2 below.
- 1.4.2 If no Residual Life is specified for an element in Table 2, that element shall have a Residual Life equal to the greater of one quarter of the Serviceable Life of that element or 5 years. If the element has a Serviceable Life of less than 5 years, it shall have been renewed during the last 6 months of the Contract Period.
- 1.4.3 All elements of the Project Facilities shall be free from defects in accordance with the O&M Requirements.
- 1.4.4 All plant material on the Site or the Adjacent Areas shall be in good health and substantially free from pests, diseases and physical damage.
- 1.4.5 Installed wildlife measures and Landscape Areas on the Site or the Adjacent Areas shall have achieved their design function in accordance with the Construction Requirements and the O&M Requirements.
- 1.4.6 All reflecting road studs in the Project Facilities shall have been renewed within the last 6 months of the Contract Period, except that metal housings having a Residual Life of at least 5 years need not have been renewed.

Table 2

Residual Life of Other Elements

Element	Residual Life (years)
Earthwork Slopes	15
Footways and Cycle Tracks	5
Covers, Gratings, Frames and Boxes	15
Kerbs, Edgings and Pre-formed Channels	15
Piped Drainage Systems	15
Gullies, Catchpits and Interceptors	15
Filter Drains	5
Fin Drains	10
Headwalls, Aprons and Sluices	30
Tidal Flaps, Penstocks and Valves	10
Housings, Cabinets, Mountings and Posts for Communications Equipment	5
Boundary Fences	10
Walls	10
Environmental Barriers	10
Pedestrian Guard Rails	10
Safety Fences	5

Safety Barriers	12
Road Markings	5
Traffic Signs	5
Traffic Signals Housings, Mountings and Posts	8
Lighting Columns	8

2. Inspections

- 2.1 The Initial Inspection, the Second Inspection and the Handback Inspection shall be conducted in accordance, inter alia, with the requirements set out in this paragraph 2. Where no manner of inspection is specified in respect of a particular element of the Project Facilities, such inspection as is appropriate to the element shall be made. Any dispute as to what is an appropriate inspection may be referred by either Party to the Disputes Resolution Procedure.

2.2 Road Pavements

- 2.2.1 A survey of the road pavement of the Project Facilities shall be carried out.
- 2.2.2 The survey of the road pavement of the Project Facilities shall comply with the procedure described in Standard HD 29/94 (as set out in the DMRB as amended by Part 2 of this Schedule 4), as applicable to the type of pavement.
- 2.2.3 The Residual Life of the road pavement of the Project Facilities shall be assessed using the procedures required by Standard HD 30/94, incorporating Amendment No. 1 dated June 1994 (as set out in the DMRB (reference 7.3.3) as amended by Part 2 of this Schedule 4) and Advice Note HA 72/94 (as set out in the DMRB (reference 7.3.4) as amended by Part 2 of this Schedule 4). Where sections of road pavement more than 1 kilometre in length are shown to have a Residual Life of less than 10 years a full structural examination shall be carried out of such sections of road pavement in accordance with the procedures required by such standard HD 30/94.

2.3 Structures

- 2.3.1 A principal inspection in accordance with paragraphs 6.3.2.3 and 6.3.2.4 of Section 6 of Part 2 of Schedule 6 shall be made of all Structures.
- 2.3.2 All bridge deck expansion joints shall have a detailed examination for leakage and deterioration.
- 2.3.3 All bridge bearings shall have a detailed examination for wear and deterioration.
- 2.3.4 Chloride profiles shall be measured and plotted from surface of concrete to rebar level at key areas of reinforced concrete and prestressed concrete.

- 2.3.5 All lengths of weld shall be tested for cracking by non-destructive methods at key areas of structural steelwork.

2.4 Mechanical and Electrical Elements

- 2.4.1 Mechanical and electrical elements shall be examined and tested in a manner appropriate to the element.
- 2.4.2 If the Residual Life of an element cannot be determined by such examination and testing, then other methods may be agreed between the Department's Representative and the DBFO Co.

2.5 Other Elements

- 2.5.1 Where visual or hydraulic checks indicate that further surveys are required, all drainage shall be surveyed using closed circuit television.
- 2.5.2 The inspection of mature trees, areas of tree and shrub planting, areas of grassland, areas of habitat creation and relocation and installed wildlife measures such as badger tunnels, fencing, toad crossings, over-deepened and enlarged balancing ponds, and woodland thinning shall take place between May and September. If the time at which the Initial, Second or Handback Inspection is otherwise required to be carried out under the provisions of Clause 19 does not include any period between May and September, then the inspection of the elements referred to in this paragraph 2.5.2 shall take place during the period of May to September which is closest in time to the time required for such inspection under Clause 19.
- 2.5.3 The profile of all footways shall be measured using a profilometer.

2.6 General

Account shall be taken of maintenance and purchasing records in determining the Residual Life of proprietary products.

SCHEDULE 4 CONSTRUCTION AND HANDBACK REQUIREMENTS

Part 5 Drawings

The drawings in this Part 5 of Schedule 4 are identified in Appendix 0/4 to Annex 5 to Part 2 of this Schedule 4 and are contained in folios provided by the Secretary of State to the DBFO Co marked "A55 Llandegai to Holyhead Schedule 4 Construction and Handback Requirements Part 5 Drawings Folios 1 to 6" save for drawings numbered 964057/MI/001 to 013 and 201, 027.95.13.D and 498010/14a, 33 Rev B, 38 Rev B, 41 Rev A, 42 Rev A and 53 which are contained in this Part 5 unless otherwise stated. A list describing each folio is set out below:

Section 1 Accommodation Works

Section 1.1 Accommodation Works (Folio 1)

964057/AW/1001 Rev D, 1002 Rev D, 1003 Rev D, 1006 Rev C, 1007 Rev E, 1008 Rev C, 1011 Rev C, 1012 Rev F, 1013 Rev B, 1014 Rev F, 1015 Rev B, 1016 Rev B, 1017 Rev B, 1020 Rev E, 1021 Rev F, 1022 Rev D, 1023 Rev C, 1024 Rev D, 1025 Rev D, 1026 Rev C, 1027 Rev D, 1029 Rev B, 1030 Rev B, 1031 Rev D, 1032 Rev C, 1033 Rev B, 1034 Rev B, 1035 Rev E, 1037 Rev B, 1038 Rev C, 1040 Rev D, 1041 Rev D, 1043 Rev C, 1044 Rev E, 1046 Rev C, 1047 Rev C, 1048 Rev C, 1051 Rev B, 1053 Rev B, 1055 Rev B, 1058 Rev E, 1059 Rev E, 1060 Rev D, 1062 Rev B, 1072 Rev D, 1073 Rev E, 1092 Rev C, 1093 Rev C, 1100 Rev B, 1102 Rev C, 1103 Rev B, 1105 Rev B, 1106 Rev B, 1107 Rev B, 1108 Rev E, 1110 Rev D, 1111 Rev C, 1112 Rev B, 1113 Rev D, 1115 Rev B, 1116 Rev B, 1117 Rev B, 1118 Rev B, 1119 Rev C, 1121 Rev D, 1122 Rev B, 1123 Rev B, 1124 Rev C, 1126 Rev B, 1127 Rev D, 1128 Rev B, 1129 Rev C, 1130 Rev C, 1131 Rev C, 1132 Rev B, 1132A Rev A, 1134 Rev B, 1135 Rev D, 1137 Rev B, 1138 Rev C, 1139 Rev C, 1140 Rev B, 1141 Rev B, 1142 Rev B, 1143 Rev B, 1144 Rev B, 1145 Rev C, 1146 Rev D, 1147 Rev B, 1149 Rev D, 1150 Rev B, 1152 Rev B, 1154 Rev D, 1155 Rev D, 1159 Rev B, 1161 Rev C, 1162 Rev C, 1164 Rev A, 2001/1 Rev A, 2002/1 Rev C, 2003/1 Rev B, 2005/1 Rev B, 2006/1 Rev C, 2007/1 Rev A, 2008/1 Rev A, 2009/1 Rev A, 2010/1 Rev B, 2011/1 Rev A, 2011/2 Rev A, 2012/1 Rev B, 2013/1 Rev B, 2014/1 Rev C, 2014/2 Rev B, 2014/3 Rev A, 2015/1 Rev A, 2016/1 Rev A, 2017/1 Rev A, 2018/1 Rev B, 2019/1 Rev A, 2020/1 Rev C, 2021/1 Rev A, 2022/1 Rev B, 2023/1 Rev A, 2024/1 Rev A, 2025/1 Rev A, 3001/1 Rev B, 3001/2 Rev A, 3001/3 Rev A, 3001/4 Rev A, 3002/1 Rev A, 3003/1 Rev B, 3003/2 Rev A, 3003/3 Rev A, 3003/4 Rev A, 3003/5 Rev A, 3003/6 Rev A, 3003/7 Rev A, 3004/1 Rev A, 3005/1 Rev A, 3007/1 Rev A, 3010/1 Rev A, 3010/2 Rev B, 3010/3 Rev A, 3010/4 Rev A, 3011/1 Rev B, 3012/1 Rev B, 3013/1 Rev A, 3014/1 Rev A, 3015/1 Rev A, 3016/1 Rev A, 3017/1 Rev A and 3017/2 Rev B.

Section 1.2 Standard Details (Folio 2)

964057/SD/101 Rev D, 102 Rev B, 104 Rev C, 105 Rev D, 106 Rev B, 107 Rev B, 108 Rev C, 109 Rev C, 110 Rev B, 111 Rev B, 112 Rev B, 113 Rev A, 114 Rev C, 115 Rev C, 116 Rev C, 117 Rev D, 118 Rev B, 119 Rev B, 120 Rev A, 121 Rev C, 122 Rev A, 123 Rev A, 125 Rev A, 126 Rev B, 127 Rev A, 128 Rev A.

Section 2 Archaeology (Folio 3)

Figures 93 Rev A, 94 Rev A, C.4.1 Rev A, C.4.2 Rev A and C.5.1 Rev A.

Section 3 Construction Non-Planting Landscape Drawings (Folio 4)

964057/CNPLA/101 Rev C, 102 Rev B, 102A Rev B, 103 Rev C, 104 Rev B, 105 Rev B, 106 Rev B, 107 Rev B, 108 Rev B, 109 Rev B, 110 Rev B, 111 Rev B, 112 Rev B, 113 Rev B, 114 Rev B, 115 Rev C, 116 Rev A, 117 Rev A, 118 Rev A, 119 Rev A and 120 Rev A.

964057/CNPLA/201 Rev B, 202 Rev B, 203 Rev A, 204 Rev B, 205 Rev B, 206 Rev B, 207 Rev B and 208 Rev B.

964057/CNPLA/301 Rev A, 302 Rev B and, 303.

Section 4 Construction Planting Landscape Drawings (Folio 4)

964057/CPLA/101 Rev C, 102 Rev A, 103 Rev A, 104 Rev B, 105 Rev C, 106 Rev A, 107 Rev A, 108 Rev B, 109 Rev A, 110 Rev A, 111 Rev A, 112 Rev B, 113 Rev B, 114 Rev A, 115 Rev B, 116 Rev A and 117 Rev B.

964057/CPLA/201 Rev A, 202 Rev B, 203 Rev B, 204 Rev B, 205 Rev B, 206 Rev B, 207 Rev A and 208 Rev B.

964057/CPLA/301 Rev A and 302.

Section 5 Engineering Drawings (Folio 5)

964057/ED/101 to 109

964057/ED/201, 202 Rev A, 203 to 208

964057/ED/301 to 308

Section 6 Existing Vegetation (Folio 5)

964057/EV/101 to 108

964057/EV/301

Section 7 Habitat Creation (Folio 5)

964057/HC/201 and 202

Section 8 Miscellaneous**Section 8.1 Historic Route Signs**

964057/MI/001 to 013

Section 8.2 Accesses (Folio 3)

964057/MI/101 to 102

**Section 8.3 Sewers to be provided by the DBFO Contractor as
part of the A55 Contract (Folio 5)**

964057/MI/103 Rev C

**Section 8.4 Replacement Public Open Space for Valley
Community Council**

964057/MI/201

**Section 8.5 Environmentally Sensitive Areas prohibited for
Contractor's Use (Folio 3, unless otherwise stated)**

964057/MI/202 Rev A (Folio 5), 964057/MI/203 Rev A, 204 Rev A, 205 Rev A,
206 Rev A, 207 Rev A, 208 Rev A, 209 Rev A, 210 Rev A, 211 Rev A and 212 Rev A

**Section 8.6 Proposed Reconstruction A5025 Sant Tysilio to Bryn
Awelon (Folio 5)**

027.95.13.A, 027.95.13.C and 027.95.13.D

**Section 8.7 Trailer Swept Paths at Black/Station Bridge
Junctions (Folio 3)**

100888/SHF/0452 Rev A

Section 9 Off-Site Planting

498010/14a, 33 Rev B, 38 Rev B, 41 Rev A, 42 Rev A and 53

Section 10 Structure General Arrangement (Folio 6, unless otherwise stated)

UKH/101 Rev 3, 103 Rev 2, 103A Rev 2, 105 Rev 2, 106 Rev 2, 107 Rev 2, 108 Rev 2, 110 Rev 2,
113 Rev 2, 114 Rev 2, 115 Rev 2, 117 Rev 2, 118 Rev 2, 119 Rev 2, 120 Rev 2, 121 Rev 2, 122 Rev
2, 125 Rev 2, 129 Rev 2, 130 Rev 2, 132 Rev 2, 133 Rev 2, 134 Rev 3, 135 Rev 2, 136 Rev 2, 140
Rev 2, 140A Rev 2, 140B Rev 1, 141 Rev 2, 143 Rev 2, 144 Rev 2, 146 Rev 2, 147 Rev 2, 149 Rev 2,
244 Rev 2, 246 Rev 2, 247 Rev 2, 248 Rev 0 and 249 Rev 0

UKH/302 Rev 1, and sketches numbered 1, 1A and 6 (Annex 6 to Part 2 of Schedule 4)

964057/TAF/102, 104, 109, 111, 115, 122, 124, 125, 126, 128 Rev A, 207 RW, 208, EW, PYM, 303,
310 and 311 (Folio 5)

SCHEDULE 4**CONSTRUCTION AND HANDBACK REQUIREMENTS****Part 6****Noise Insulation Requirements****1. Interpretation**

In this Part 6 of Schedule 4:

"Assessments" means Initial Works Assessments, Further Works Assessments, Initial Use Assessments and Further Use Assessments.

"Construction Method" means the construction or alteration of a New Road in accordance with the Works Programme and the DBFO Co's design for that New Road and using the plant to be used by the DBFO Co in such construction or alteration.

"Construction Noise Insulation Requirements" means the requirements for Construction Noise Works determined in accordance with paragraphs 3.4 and 3.5 below.

"Construction Noise Works" means:

- (a) the **"insulation works"** (as defined in the Regulations) to be carried out in accordance with the Relevant Specifications; and
- (b) without limitation to paragraph (a) of this definition, the insulation works to be carried out in accordance with the requirements of paragraph 1 of the Appendix to this Part 6 of Schedule 4,

in respect of any Eligible Building to insulate such Eligible Building from noise generated or to be generated by the Construction Works.

"Construction Works" means the construction of the New Road in accordance with the Construction Method.

"Discretionary Works" means any Insulation Works which are, under the terms of the Regulations, the subject of the Secretary of State's discretion.

"Eligible Buildings" means **"eligible buildings"** as defined in the Regulations and any other buildings in respect of which insulation works are specified in the Appendix to this Part 6 of Schedule 4, and **"Eligible Building"** shall be construed accordingly.

"Further Use Assessment" means a report as to the noise effects of the use of the New Road upon the Eligible Buildings taking into account all matters relevant to assessment of the level of noise which will be generated by the use of that New Road.

"Further Works Assessment" means a report as to the noise effects upon the relevant Eligible Buildings of the Works in respect of the New Road using the Construction Method and any other matters relevant to assessment of the level of noise which is and which is likely to be generated by the construction of the New Road.

"Initial Use Assessment" means a report as to the noise effects upon the Eligible Buildings of the use of the New Road taking into account all matters relevant to assessment of the level of noise which will be generated by the use of that New Road, on the assumptions that:

- (a) the New Road had been built at the time of such assessment in accordance with the Construction Method;
- (b) the traffic on the New Road was the level of traffic forecast on the New Road for 15 years after its opening, as determined from figures used by or on behalf of the Secretary of State at the public inquiry in respect of the Scheme (or, if none, in the Order Publication Report in respect of the Scheme), adjusted if necessary to take account of any delays to the commencement of the Scheme; and
- (c) the Regulations (including without limitation the Relevant Specifications) were at the time of such assessment fully applicable in respect of the New Road.

"Initial Works Assessment" means a report as to the noise effects upon the Eligible Buildings of the Works in respect of the New Road using the Construction Method and any other matters relevant to assessment of the level of noise likely to be generated by the construction of the New Road.

"Insulation Offer" means an insulation offer containing the information specified in Regulation 8(3) of the Regulations (but on the basis that such offer is to carry out the Insulation Works in respect of the relevant Eligible Building).

"Insulation Works" means the Construction Noise Works and the Traffic Noise Works or any of them, as the context requires.

"Interest Holder" means either the occupier of or, if the relevant Eligible Building is unoccupied, the person entitled to occupy an Eligible Building or the immediate landlord or licensor of that person.

"Noise Insulation Requirements" means the Construction Noise Insulation Requirements and the Traffic Noise Insulation Requirements.

"Regulations" means the Noise Insulation Regulations 1975, as amended, and the advice contained in Circular Roads No. 114/75 published by the Department of the Environment, and reference to **"Regulation"** shall be construed accordingly.

"Relevant Specifications" means the **"relevant specifications"** as defined in the Regulations.

"Traffic Noise Insulation Requirements" means the requirements for Traffic Noise Works determined in accordance with paragraph 4.5 below.

"Traffic Noise Works" means:

- (a) the **"insulation works"** (as defined in the Regulations) to be carried out in accordance with the Relevant Specifications; and

- (b) without limitation to paragraph (a) of this definition, the insulation works set out in paragraph 2 of the Appendix to this Part 6 of Schedule 4,

in respect of an Eligible Building to insulate such Eligible Building from noise generated or to be generated by the use or anticipated use of the New Road.

"Use Assessment" means an Initial Use Assessment and a Further Use Assessment.

2. Noise Insulation Requirements

The DBFO Co shall carry out the Noise Insulation Requirements in accordance with the provisions of this Part 6 of Schedule 4.

3. Determination of the Construction Noise Insulation Requirements

- 3.1 Within 30 days after the date of this Agreement the DBFO Co shall complete an Initial Works Assessment in respect of the New Road.

3.2 Each Initial Works Assessment shall:

- 3.2.1 contain all data, analyses, research and other matters necessary in order for the Secretary of State:

3.2.1.1 to determine the full extent of, and fully discharge, his duties under the Regulations; and

3.2.1.2 to exercise lawfully and properly any discretions, powers or other rights conferred on him by the Regulations to determine whether noise from the construction works in respect of the New Road will seriously affect for a substantial period of time the enjoyment of any Eligible Buildings,

in relation to the Construction Works in respect of the New Road;

- 3.2.2 make precise recommendations, supported by appropriate evidence, as to the exercise of any such discretions, powers or other rights; and

- 3.2.3 address such other relevant matters as the Secretary of State may require.

- 3.3 The Secretary of State may require the DBFO Co at its own cost to carry out such further assessments or provide such further information as he considers necessary for the purposes referred to in paragraphs 3.2.1.1 and 3.2.1.2 above.

- 3.4 Following receipt of an Initial Works Assessment and any such further information, the Secretary of State shall determine the Construction Noise Works to be carried out in respect of the New Road and shall promptly thereafter notify the same to the DBFO Co in writing.

- 3.5 If, following the commencement of the Construction Works in respect of any New Road, an application is made by any Interest Holder to the Secretary of

State or the DBFO Co in respect of noise insulation works, then the DBFO Co shall carry out a Further Works Assessment in respect of the New Road, and the provisions of this Part 6 of Schedule 4 (other than paragraph 6) shall apply as if such Further Works Assessment was the Initial Works Assessment.

4. Determination of Traffic Noise Insulation Requirements

4.1 Within 30 days after the date of this Agreement the DBFO Co shall complete an Initial Use Assessment in respect of the New Road.

4.2 Within 30 days after the issue of the Permit to Use the DBFO Co shall complete a Further Use Assessment in respect of the New Road.

4.3 Each Use Assessment shall:

4.3.1 contain all data, analyses, research and other matters necessary in order for the Secretary of State:

4.3.1.1 to determine the full extent of, and fully discharge, his duties under the Regulations; and

4.3.1.2 to exercise lawfully and properly any discretions, powers or other rights conferred on him by the Regulations,

in relation to the use of the New Road;

4.3.2 make precise recommendations, supported by appropriate evidence, as to the discharge of such duties and the exercise of any such discretions, powers or other rights; and

4.3.3 address such other relevant matters as the Secretary of State may require.

4.4 The Secretary of State may require the DBFO Co at its own cost to carry out such further assessments or provide such further information as he considers necessary for the purposes referred to in paragraphs 4.2.1.1 and 4.2.1.2 above.

4.5 Following receipt of a Use Assessment and any such further information, the Secretary of State shall determine the Traffic Noise Works to be carried out in accordance with the Regulations and shall promptly thereafter notify the same to the DBFO Co in writing.

5. Determination Binding

Notwithstanding any other term of this Agreement (but without prejudice to paragraph 9.2 below), the Secretary of State's determination of any Discretionary Works included in the Noise Insulation Requirements shall be binding on the DBFO Co and shall not be subject to the Disputes Resolution Procedure.

6. Public Inspection

Promptly upon receipt by the DBFO Co of any notification referred to in paragraph 4.5, the DBFO Co shall promptly prepare a map or list (or both) identifying the eligible facades

and floors of the Eligible Buildings in respect of which the relevant Insulation Works are to be carried out and complying in all respects with the Regulations, and the DBFO Co shall promptly thereafter deliver a copy of the same to the Secretary of State and shall make the same available for public inspection in accordance with the Regulations.

7. Insulation Offers

- 7.1 The DBFO Co will, on behalf of the Secretary of State, issue an Insulation Offer to each relevant Interest Holder for the carrying out of the Insulation Works (as determined in accordance with paragraphs 3 and 4) in respect of the relevant Eligible Building.
- 7.2 The DBFO Co will be responsible for undertaking, at its own cost and risk, all correspondence, inspections, further assessments, liaison with third parties and other matters (administrative or otherwise, including without limitation the publication of all notices required by Regulation 13(6) of the Regulations) in connection with all Insulation Works and Insulation Offers on behalf of the Secretary of State in a proper and timely manner and will, when requested, promptly provide a written report as to the progress of such matters to the Secretary of State.

8. Timing of Insulation Works

- 8.1 Save in respect of any Eligible Building in respect of which there has been no acceptance of the relevant Insulation Offer within the time for acceptance stipulated in Regulation 5(2), the Construction Noise Works (or alternatively where requested by the relevant Interest Holder payment of the grant payable under the Regulations (or which would be payable were the provision of the relevant Insulation Works a duty of the Secretary of State under the Regulations)) in respect of any Eligible Building shall be completed by the DBFO Co prior to (or, in the case of any Construction Noise Works to be carried out as a result of a Further Works Assessment, as soon as practicable after) the commencement of any Construction Works liable to generate any noise in respect of which those Construction Noise Works are to be carried out.
- 8.2 Save in respect of any Eligible Building in respect of which there has been no acceptance of the relevant Insulation Offer within the time for acceptance stipulated in Regulation 8(7), the Traffic Noise Works:
 - 8.2.1 to be carried out to any Eligible Building following an Initial Use Assessment (or alternatively where requested by the relevant Interest Holder payment of the grant payable under the Regulations (or which would be payable were the provision of the relevant Insulation Works a duty of the Secretary of State under the Regulations)) shall be completed by the DBFO Co prior to the commencement of any Construction Works in respect of the New Road; and
 - 8.2.2 to be carried out to any Eligible Building following a Further Use Assessment (or alternatively where requested by the relevant Interest Holder payment of the grant payable under the Regulations (or which would be payable were the provision of the relevant Insulation Works a duty of the Secretary of State under the

Regulations)) shall be completed by the DBFO Co within 6 months after the date of acceptance by an Interest Holder of the relevant Insulation Offer.

9. Miscellaneous

9.1 Nothing contained in this Part 6 of Schedule 4 shall:

- 9.1.1 require the Secretary of State to implement or act upon any recommendation contained in any Assessment, any supplemental document or any other information provided by the DBFO Co pursuant to this Part 6 of Schedule 4;
- 9.1.2 fetter the discretion of the Secretary of State under the Regulations in any way and, for the avoidance of doubt, the Discretionary Works comprised in the Noise Insulation Requirements, and which the DBFO Co will accordingly be obliged to carry out, will be those determined by the Secretary of State in the exercise of the discretions, powers and rights conferred on him by the Regulations as he sees fit.

9.2 Without prejudice to any other provision of this Agreement the DBFO Co shall:

- 9.2.1 carry out all activities and works necessary to:
 - 9.2.1.1 procure that the Secretary of State's duties under the Regulations are properly, promptly and fully satisfied; and
 - 9.2.1.2 enable the Secretary of State, having taken into account all relevant considerations, freely and timeously to exercise all discretions, powers and rights conferred on him by the Regulations,

in each case, insofar as they relate to the Construction Works and the use of the New Road;
- 9.2.2 undertake all its obligations under this Part 6 of Schedule 4 entirely at its own cost and risk;
- 9.2.3 indemnify and keep indemnified the Secretary of State from and against:
 - 9.2.3.1 all Losses and Claims arising out of or in connection with the carrying out of any of the Insulation Works;
 - 9.2.3.2 any failure by the DBFO Co to observe or perform in any respect any of its obligations in respect of the Noise Insulation Requirements or under this Part 6 of Schedule 4 (including without limitation any failure to make a correct or complete assessment in respect of noise effects, any Claim by any third party against the Secretary of State in connection with the Regulations and/or any Claim by any third party in connection with

the carrying out of any Insulation Works, including in respect of any damage to property, and/or any Losses arising therefrom); and/or

- 9.2.3.3 any liability of the Secretary of State to make or provide any grant or other subsidy under or in connection with the Regulations as a result of the carrying out of the Construction Works or the use of the New Road.

- 9.3 Without prejudice to any other provision of this Agreement, the Secretary of State shall have no responsibility for the accuracy or completeness of any of the information, assessments, opinions or other data provided to the DBFO Co prior to the date of this Agreement in connection with the Noise Insulation Requirements or the Regulations and accordingly the DBFO Co is deemed to have relied on the same entirely at its own risk without recourse to the Secretary of State or any third party involved in the preparation of the same in the event of any incompleteness, error, omission or otherwise in connection therewith.

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