

**2020 No. 114**

**TRANSPORT AND WORKS, ENGLAND**

**TRANSPORT, ENGLAND**

**The Network Rail (East West Rail) (Bicester to Bedford  
Improvements) Order 2020**

*Made* - - - - *4th February 2020*

*Coming into force* - - *25th February 2020*

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“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has the same meaning as in the 1980 Act;

“deposited plans” means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;

“deposited sections” means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

“East West Railway Company Limited” means East West Railway Company Limited (company registration number 11072935) whose registered office is at Great Minster House, 33 Horseferry Road, London, England, SW1P 4DR and includes any persons as may assume its functions prior to any transfer under article 34 (power to transfer undertaking);

“electronic transmission” means a communication transmitted—

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

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

“footpath” and “footway” have the same meanings as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“limits of deviation” means the limits of deviation for the scheduled works shown on the deposited plans;

“limits of land to be acquired or used” means the limits of land to be acquired or used shown on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (company registration number 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN;

“Order land” means the land shown on the deposited plans which is within the limits of land to be acquired or used or the limits of deviation and described in the book of reference;

“Order limits” means the limits of deviation and the limits of land to be acquired or used and shown on the deposited plans;

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

“road hump” has the same meaning as in the 1980 Act(b);

“the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;

“statutory undertaker” means—

(a) any person who is a statutory undertaker for any of the purposes of the 1990 Act; and

(b) any public communications provider within the meaning of section 151(1) of the 2003 Act;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

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(a) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c. 34). There are other amendments to section 7 which are not relevant to this Order

(b) The definition of “road hump” was inserted by section 32 of, and paragraph 1 of Schedule 6 to, the Transport Act 1981 (c. 56).

“the Winslow Station works” means works at Winslow Station permitted by a grant of planning permission under the 1990 Act, with the reference no 13/02112/AOP and dated 29th November 2013, and any variation or replacement of that planning permission; and

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

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) References in this Order to numbered plots are references to plot numbers on the deposited plans.

(4) All distances, directions and lengths referred to in this Order are approximate and distances between points on a scheduled work are taken to be measured along that work.

(5) References in this Order to points identified by letters with or without numbers, are construed as references to points so lettered on the deposited plans.

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

### **Incorporation of the Railway Clauses Acts**

**3.—**(1) The following provisions of the Railways Clauses Consolidation Act 1845(**a**) are incorporated in this Order—

section 58(**b**) (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 85E(**c**) and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(**d**);

section 103(**e**) (refusal to quit carriage at destination);

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”; and

section 145(**f**) (recovery of penalties).

(2) Section 12 (signals, watchmen etc.) of the Railways Clauses Act 1863(**g**) is incorporated in this Order.

(3) In those provisions, as incorporated in this Order—

“the company” means Network Rail;

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(a) 1845 c. 20.

(b) Section 58 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101).

(c) Section 84, as substituted, was amended by Part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c. 101) and section 46 of the Criminal Justice Act 1982 (c. 48). Section 85C, as substituted, was amended by virtue of section 17(2)(a) of the Interpretation Act 1978 (c. 30).

(d) 1923 c. 20.

(e) Section 103 was amended by the Statute Law Revision Act 1892 (c. 19), Part 3 of Schedule 7 to the Justices of the Peace Act 1949 (c.101) and section 46 of the Criminal Justice Act 1982 (c. 48).

(f) Section 145 was amended by the Statute Law Revision Act 1892 and Part 2 of Schedule 12 to the Transport Act 1962 (c. 46).

(g) 1863 c. 92.

(2) Subject to article 7 (power to deviate) the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (5), Network Rail may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) electrical equipment, signalling and permanent way works;
- (b) ramps, means of access and footpaths, bridleways and cycle tracks;
- (c) embankments, cuttings, aprons, abutments, retaining walls, wing walls and culverts;
- (d) works to install or alter the position of apparatus, including mains, sewers, drains and cables;
- (e) works to alter or remove any structure erected upon any highway or adjoining land; and
- (f) works to alter the course of, or otherwise interfere with, a watercourse other than a navigable watercourse;

(4) Subject to paragraph (5), Network Rail may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised works.

(5) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works outside the limits of deviation if such works are carried out on—

- (a) land specified in columns (1) and (2) of Schedule 2 (acquisition of land for ancillary works) for the purposes specified in column (3) of that Schedule;
- (b) land specified in columns (1) and (2) of Schedule 3 (land in which only new rights etc. may be acquired) for the purposes specified in column (3) of that Schedule; or
- (c) land specified in columns (1) and (2) of Schedule 4 (land of which temporary possession may be taken) for the purposes specified in column (3) of that Schedule relating to the authorised works specified in column (4) of that Schedule.

(6) Network Rail may, within the Order limits—

- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance and operation of the authorised works (other than works authorised by this paragraph); and
- (b) carry out and maintain works for the benefit or protection of land affected by the authorised works (other than works authorised by this paragraph).

## **Power to deviate**

7. In constructing or maintaining any of the scheduled works, Network Rail may—

- (a) deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation for that work; and
- (b) deviate vertically from the levels shown on the deposited sections—
  - (i) to any extent upwards not exceeding 3 metres; or
  - (ii) to any extent downwards as may be found to be necessary or convenient.

## *Level Crossings*

### **Closure of road level crossings**

8.—(1) Subject to paragraph (3), each of the level crossings specified in columns (1) and (2) of Parts 1 and 2 of Schedule 5 (replacement and closure of road level crossings) are to be stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 15 (provisions relating to statutory undertakers etc.), upon the stopping up and discontinuance of each of the level crossings referred to in paragraph (1), the street specified in relation to that level crossing in column (3) of Parts 1 and 2 of Schedule 5 is to be stopped up to the extent specified in column (3) and any right of way over the part of the street to be stopped up is extinguished.

(3) Paragraphs (1) and (2) are not to take effect with respect to a level crossing specified in column (2) or a street specified in column (3) of Part 1 of Schedule 5 until the new street specified in relation to it in column (4) of that Schedule has been completed to the reasonable satisfaction of the street authority and is open for use.

(4) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

### **Replacement and closure of footpath level crossings**

**9.**—(1) Subject to paragraph (3), each of the footpath level crossings specified in column (2) of Parts 1 and 2 of Schedule 6 (replacement and closure of footpath level crossings) are stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 15 (provisions relating to statutory undertakers etc.), upon the stopping up and discontinuance of a footpath level crossing referred to in paragraph (1), any right of way over the part of the footpath specified in relation to it in column (3) of Parts 1 and 2 of Schedule 6 is extinguished.

(3) Paragraphs (1) and (2) are not to take effect with respect to a footpath specified in columns (2) and (3) of Part 1 of Schedule 6 until the replacement right of way specified in relation to it in column (4) of that Part of that Schedule has been provided to the reasonable satisfaction of the street authority and is open for use.

(4) On completion of the construction of the replacement right of way specified in column (4) of Schedule 6 Network Rail must submit a written request to the street authority for written confirmation that the replacement right of way has been provided to the reasonable satisfaction of the authority, and can be opened for use, and such confirmation must not be unreasonably withheld and must be given within 28 days of the street authority receiving a request under this paragraph. If the street authority fails to notify Network Rail in writing of a decision by the expiry of 28 days from receiving the request, the street authority is deemed to have provided confirmation.

(5) If the street authority notifies Network Rail that confirmation cannot be provided under paragraph (4), the matter is to be determined in accordance with article 46 (arbitration).

(6) In providing the replacement right of way specified in column (4) of Part 1 of Schedule 6, Network Rail may within the Order limits erect barriers and signs and carry out or provide any ancillary works or conveniences, subject to the agreement of the highway authority which agreement must not be unreasonably withheld.

(7) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) Any replacement footpath or bridleway specified in column (4) of Part 1 of Schedule 6 provided under this Order is to be a public footpath or bridleway and, subject to paragraphs (9) to (12), in relation to that replacement right of way, section 28(a) (compensation for loss caused by public path creation order) of the 1980 Act applies as if the replacement right of way had been created by a public path creation order.

(9) In its application by virtue of paragraph (8), section 28 of the 1980 Act has effect with the modifications mentioned in paragraphs (10) to (12).

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(a) As amended by S.I. 2006/1177.

(10) In subsection (1), for the words “the authority by whom the order was made” there are substituted the words “Network Rail Infrastructure Limited”.

(11) For subsection (2), substitute—

“(2) A claim for compensation under this section is to be made to Network Rail Infrastructure Limited in writing before the end of the period of 6 months beginning with the day on which the public right of way first becomes exercisable and is to be served on Network Rail Infrastructure Limited by delivering it at, or by sending it by pre-paid post to, the registered office of Network Rail Infrastructure Limited.”

(12) Omit subsection (3).

(13) For the purposes of paragraphs (8) to (12), in section 307(2) (disputes as to compensation which are to be determined by Upper Tribunal and related provisions) of the 1980 Act, as it applies to section 28 of the 1980 Act by virtue of section 307(1), for “the authority from whom the compensation in question is claimed” substitute “Network Rail Infrastructure Limited”.

### **Accommodation crossings**

**10.—**(1) Subject to paragraph (2) and regardless of anything in section 68 (accommodation works by the Company) of the Railways Clauses Consolidation Act 1845 as incorporated in the Oxford and Bletchley Junction Railway Act 1846<sup>(a)</sup>, the Aylesbury and Buckingham Railway Act 1860<sup>(b)</sup> or any other enactment or instrument, all public or private rights of way (if any) across the railway by means of the accommodation facilities specified in columns (2) and (3) of Parts 1 and 2 Schedule 7 (accommodation crossings), are extinguished.

(2) Paragraph (1) does not take effect with respect to the extinguishment of the private rights of way by means of an accommodation facility specified in columns (2) and (3) of Part 1 of Schedule 7 (accommodation crossings for which a substitute is to be provided) until the accommodation facility specified in relation to it in column (4) of Part 1 of that Schedule has been provided.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

### *Streets*

### **Power to alter layout etc. of streets**

**11.—**(1) Network Rail may for the purposes of the authorised works alter the layout of, or carry out any works in, the streets specified in columns (1) and (2) of Schedule 8 (streets subject to alteration of layout) in the manner specified in relation to that street in column (3).

(2) Without limitation on the scope of the specific powers conferred by paragraph (1), but subject to paragraph (3), Network Rail may, for the purposes of constructing and maintaining any scheduled work, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of that power, Network Rail may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) temporarily remove any road hump within the street.

(3) Network Rail must restore to the reasonable satisfaction of the street authority any street which has been temporarily altered under this article.

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<sup>(a)</sup> 1846 c. lxxxii (9 & 10 Vict.).

<sup>(b)</sup> 1860 c. xcii (23 & 24 Vict.).



(4) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

(5) If within 28 days of receiving an application for consent under paragraph (4) a street authority fails to notify Network Rail of its decision or refuses consent without giving any grounds for its refusal, that street authority is deemed to have granted consent.

### **Power to execute street works**

**12.**—(1) Network Rail may, for the purposes of the authorised works, enter upon any of the streets specified in Schedule 9 (streets subject to street works) as are within the Order limits to the extent necessary and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) place apparatus in the street;
- (c) maintain apparatus in the street or change its position; and
- (d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

### **Stopping up of streets**

**13.**—(1) Subject to the provisions of this article, Network Rail may, in connection with the carrying out of the authorised works, stop up each of the streets specified in column (2) of Parts 1 and 2 of Schedule 10 (streets to be stopped up) to the extent specified in column (3) of that Part of that Schedule.

(2) No street specified in column (2) of Part 1 of Schedule 10 is to be wholly or partly stopped up under this article unless—

- (a) the new street to be constructed and substituted for it, which is specified in column (4) of that Part of that Schedule, has been constructed and completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and then maintained by Network Rail, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 10 to this Order (being a street to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

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

- (a) Network Rail is in possession of the land;
- (b) there is no right of access to the land from the street concerned;
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

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

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) Network Rail may appropriate and use for the purpose of its railway undertaking so much of the site of the street as is bounded on both sides by land owned by Network Rail.

(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

- (a) at any time before or during the construction in the vicinity of a building of any part of the authorised works; or
- (b) after the completion of the construction of that part of the authorised works in the vicinity of a building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised Network Rail may (subject to paragraph (5)) enter and survey any building falling within paragraph (1) and any land within its curtilage.

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

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building and land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

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

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building to be referred to arbitration under article 46 (arbitration).

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

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the construction or operation of that part of the authorised works,

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

(9) Without affecting article 45 (no double recovery) nothing in this article relieves Network Rail from any liability to pay compensation under section 10(2)(a) (further provision as to compensation for injurious affection) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;

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(a) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(2) This article is subject to articles 25 (power to acquire new rights) and 28 (temporary use of land for construction of works), and does not apply to any land specified in Schedule 14 (temporary use of land for access).

### **Application of Part 1 of the 1965 Act**

**23.**—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981(a) applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect subject to the following modifications.

(3) Omit section 4 (which provides a time limit for compulsory purchase of land).

(4) In section 4A(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4”, substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020(c)”.

(5) In section 11(1B)(d) (powers of entry) in a case where the notice to treat relates only to the acquisition of an easement or other right over land, for “3 months” substitute “1 month”.

(6) In section 11A(e) (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”.

(7) 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 “article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020”.

(8) In Schedule 2A(f) (counter-notice requiring purchase of land not in notice to treat)—

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

“(2) But see article 26 (power to acquire subsoil or airspace only) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, which excludes the acquisition of subsoil or airspace only from this Schedule.”; and

- (b) after paragraph 29 insert—

## **“PART 4**

### **INTERPRETATION**

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 28 (temporary use of land for construction of works) and 29 (temporary use of land for maintenance of works) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020.”

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(a) 1981 c. 67.

(b) Subsection (1B) was inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

(c) S.I. 2020/114.

(d) Subsection (1B) of section 11 was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.

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

(f) Schedule 2A was inserted by paragraph 3 of Schedule 3 to the Housing and Planning Act 2016.

## **Application of the 1981 Act**

- 24.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.
- (4) Omit section 5A(a) (time limit for general vesting declaration).
- (5) In section 5B(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020”.
- (6) In section 6(c) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981” substitute “section 14A of the Transport and Works Act 1992”.
- (7) In section 7(d) (constructive notice to treat), in subsection (1)(a), omit the words “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (8) In Schedule A1(e) (counter-notice requiring purchase of land not in general vesting declaration), for paragraph 1(2) substitute—
- “(2) But see article 26 (power to acquire subsoil or airspace only) of the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020, which excludes the acquisition of subsoil or airspace only from this Schedule.”
- (9) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land under article 22 (power to acquire land) by article 23 (application of Part 1 of the 1965 Act).

## **Power to acquire new rights**

- 25.**—(1) Subject to paragraph (2), Network Rail may acquire compulsorily such easements or other rights over any land which it is authorised to acquire under article 22 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.
- (2) In the case of the Order land specified in column (2) of Schedule 3 (land in which only new rights etc., may be acquired) Network Rail may compulsorily acquire such new rights as may be required for the purpose specified in relation to that land in column (3) of that Schedule.
- (3) In the case of plots shown numbered 0216, 0245, 0252, 0255, 0260, 0910 and 0918 on the deposited plans the power to acquire new rights under paragraph (2) extends to acquiring rights on behalf of owners of land affected by the exercise of the powers of the Order for the purpose specified in relation to those plots in column (2) of Schedule 3.
- (4) Subject to Schedule 2A (counter-notice requiring purchase of land) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 13 (modification and compensation and compulsory purchasing enactments for creation of new rights)), where Network Rail acquires a right over land under paragraphs (1) or (2) Network Rail is not required to acquire a greater interest in that land.
- (5) Schedule 13 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this Order of a right over land by the creation of a new right.

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- (a) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.
- (b) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.
- (c) Section 6 was amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.
- (d) Section 7 was amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.
- (e) Schedule 1A was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

(9) Section 13(a) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of article 23 (application of Part 1 of the 1965 Act).

(10) Paragraph (1)(a)(ii) does not authorise Network Rail to take temporary possession of any land which it is not authorised to acquire under article 22 (power to acquire land) or any land specified in Schedule 3 (land in which only new rights etc., may be acquired).

### **Temporary use of land for maintenance of works**

**29.—**(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, Network Rail may—

- (a) enter upon and take temporary possession of any Order land if such possession is reasonably required for the purpose of maintaining the work or any ancillary works connected with it; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise Network Rail to take temporary possession of—

- (a) any house or garden belonging to a house;
- (b) any building (other than a house) if it is for the time being occupied; or
- (c) any land listed in Schedule 3 (land in which only new rights etc., may be acquired) or Schedule 14 (temporary use of land for access).

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article Network Rail must serve notice of the intended entry on the owners and occupiers or the land.

(4) Network Rail may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of works for which possession of the land was taken.

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

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

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(8) Without affecting article 45 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

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

(10) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of article 23 (application of Part 1 of the 1965 Act).

(11) In this article “the maintenance period” in relation to a scheduled work means the period of 5 years beginning with the date on which the work is opened for use.

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

### **Temporary use of land for access**

**30.**—(1) Network Rail may use any land specified in Schedule 14 (land over which temporary rights of access may be exercised) for the passage of persons or vehicles (with or without materials, plant and machinery) for the purpose of or in connection with the construction of the authorised works.

(2) The power under paragraph (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 paragraph (2) does not require notice to be given in relation to land where notice under that paragraph has already been given in relation to that land.

(4) Network Rail must pay compensation to the owners and occupiers of the land to which paragraph (1) applies for any loss or damage arising from the exercise of the power conferred by that paragraph.

(5) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, shall be determined under Part 1 of the 1961 Act.

(6) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of article 23 (application of Part 1 of the 1965 Act).

### *Compensation*

### **Disregard of certain interests and improvements**

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

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

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

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

### *Supplementary*

### **Extinction or suspension of private rights of way**

**32.**—(1) Subject to paragraph (6), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by Network Rail, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by Network Rail under section 11(1)(a) (powers of entry) of the 1965 Act,

whichever is the sooner.

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(a) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

## PART 4

### MISCELLANEOUS AND GENERAL

#### **Power to transfer undertaking**

**34.**—(1) Network Rail may—

- (a) transfer to another person (the “transferee”) its right to construct, maintain, use or operate the authorised works (or any part of them) and such related statutory rights and powers as may be agreed in writing between Network Rail and the transferee; or
- (b) grant to another person (the “lessee”) for a period agreed in writing between Network Rail and the lessee the right to construct, maintain, use or operate the authorised works (or any part of them) and such related statutory rights and powers as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to Network Rail, except in paragraph (1), include references to the transferee or lessee.

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

(4) The consent of the Secretary of State is required for the exercise of the powers of paragraph (1), except where the transferee or lessee is the East West Railway Company Limited.

#### **Defence to proceedings in respect of statutory nuisance**

**35.**—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990<sup>(a)</sup> in relation to a nuisance falling within paragraph (g) of section 79(1)<sup>(b)</sup> of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by Network Rail for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to the authorised works and that the nuisance is attributable to the carrying out of the authorised works which are being carried out in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61<sup>(c)</sup> (prior consent for work on construction sites) or section 65<sup>(d)</sup> (noise exceeding registered level), of the Control of Pollution Act 1974<sup>(e)</sup>; or
- (b) that the nuisance is a consequence of the construction, operation or maintenance of the authorised works and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), do not apply where the consent

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(a) 1990 c. 43. Section 82 was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6 of Schedule 17 to the Environment Act 1995 (c. 25).

(b) Section 79(1) was amended by section 2(2) of the Noise and Statutory Nuisance Act 1993, section 120 of, and paragraph 2(a) of Schedule 17 and paragraph 89(2) of Schedule 22 to, the Environment Act 1995, sections 101(2) and 102(2) of the Clean Neighbourhoods and Environment Act 2005 (c. 16) and sections 109(2), 110(2), 111(2) and 112(2)(a) of the Public Health etc. (Scotland) Act 2008 (asp.5).

(c) Section 61 was amended by Schedule 7 to the Building Act 1984 (c. 55), paragraph 15(3) of Schedule 15 to the Environmental Protection Act 1990 (c. 43), Schedule 24 to the Environment Act 1995 and paragraph 10 of Schedule 6 to the Building (Scotland) Act 2003 (asp. 8).

(d) Section 65 was amended by paragraph 15(4) of Schedule 15 to the Environmental Protection Act 1990 and Schedule 24 to the Environment Act 1995.

(e) 1974 c. 40.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

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

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

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

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

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

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

### **Protection of interests**

**44.** Schedule 16 (protective provisions) has effect.

### **No double recovery**

**45.** Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

### **Arbitration**

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

Signed by the Secretary of State

4th February 2020

*Susan Anderson*  
Head of the Transport and Works Act Orders Unit  
Department for Transport



## SCHEDULES

### SCHEDULE 1

Article 2

#### SCHEDULED WORKS

In the County of Oxfordshire, District of Cherwell and in the County of Buckinghamshire, District of Aylesbury Vale—

Work No.1 – A railway (8,185 metres in length), on the course of the existing railway (Oxford to Bletchley line), commencing by a junction 300 metres east of the bridge carrying the Chiltern Line railway over said Oxford to Bletchley line and terminating at a point 26 metres eastwards of the bridge carrying Main Street Charndon over the existing railway.

In the County of Buckinghamshire, District of Aylesbury Vale and in the District of Milton Keynes—

Work No.2 – A railway (18,827 metres in length), on the course of the existing railway (Oxford to Bletchley line), commencing at a point 209 metres west of the intersection of existing Queen Catherine Road and the existing railway and terminating at a point 183 metres west of the intersection of Saxon Street and the existing railway (Bletchley to Bedford line).

In the District of Milton Keynes—

Work No.3 – A railway (358 metres in length) on the course of the existing railway (Denbigh Hall Flyover line), commencing at a junction with Work No.2 at a point 18,297 metres east along its commencement and terminating at a point 358 metres north of its commencement.

In the County of Oxfordshire, District of Cherwell—

Work No.4 – A footbridge carrying Jarvis' Lane Footpath over Work No.1 commencing at a point 326 metres north-west of the junction of Charbridge Way with the A4421 Charbridge Lane and terminating at a point 25 metres north of its commencement.

Work No.5 – Realignment of the A4421 Charbridge Lane (including a bridge over Work No.1) commencing at a point 25 metres north of the junction of Charbridge Way with the A4421 Charbridge Lane and terminating at the roundabout junction with Bicester Road.

Work No.6 – Realignment of The Tythe Barn rear access road, commencing at a point 124 metres north-east of the junction of Charbridge Way with the A4421 Charbridge Lane and terminating at a point 113 metres south-west of its commencement.

Work No.7 – Temporary diversion of the A4421 Charbridge Lane, commencing at a point 120 metres north of the junction of Charbridge Way with the A4421 Charbridge Lane and terminating at a point 15 metres south of the roundabout junction with Bicester Road.

Work No.8 – Temporary diversion of the A4421 Charbridge Lane, commencing at a point 23 metres south of the junction of Charbridge Way with the A4421 Charbridge Lane and terminating at a point 293 metres north of its commencement.

Work No.9 – Realignment of Manor farm access (including a bridge over Work No.1), commencing at a point 37 metres south-west of Launton Sports and Social Club building and terminating at a point 391 metres north-east of its commencement.

Work No.10 – A footbridge carrying Footpath 272/11/10 over Work No.1, commencing at a point 329 metres north of the junction of Footpath 272/11/10 with Footpath 272/12/10 and terminating at a point 33 metres north-west of its commencement.

Work No.11 – Realignment of Station Road (including a bridge over Work No.1), commencing at a point 47 metres north-east of the entrance to Upper Laurels Farm and terminating at a point 360 metres south-west of its junction with Bicester Road.

Work No.12 – An access road, forming an access to Station Cottage, commencing by a junction with Work No.11 at a point 143 metres north-east of the junction of Station Road with the entrance to Folly Cottage and terminating at a point 47 metres north of its commencement.

Work No.13 – An access road, commencing by a junction with Work No.11 at a point 78 metres south-east of Station Cottage and terminating at a point 104 metres south-east of its commencement.

In the County of Buckinghamshire, District of Aylesbury Vale—

Work No.14 – Realignment of Marsh Gibbon access (including a bridge over Work No.1), commencing at a point 70 metres north of the junction of Footpath MGI/5/1 with Footpath MGI/5/2 and terminating at a point 240 metres north of its commencement.

Work No.15 – A diversion of a high-pressure gas main, commencing at a point 269 metres north of the junction of Footpath MGI/5/1 with Footpath MGI/5/2 and terminating at a point 37 metres north-east of its commencement.

Work No.16 – A footbridge carrying footpaths POD/2/1 over Work No.1, commencing at a point 338 metres south of the junction of Footpath POD/3/1 with Footpath POD/2/1 and terminating at a point 45 metres south-east of its commencement.

Work No.17 – A footbridge carrying Footpaths TWY/2/2 and TWY/2/3 over Work No.1, commencing at a point 553 metres south of the junction of Footpath TWY/3/1 with Footpath TWY/2/2 and terminating at a point 17 metres south of its commencement.

Work No.18 – Realignment of Queen Catherine Road (including a bridge carrying the realigned road over the railway), commencing at a point 11 metres north-west of the junction of Queen Catherine Road with the entrance to Rectory Farm and terminating at a point 397 metres south-east of the junction of Buckingham Road with Queen Catherine Road.

Work No.19 – A road, forming an access to Railway Cottages, commencing by a junction with Work No.18 at a point 257 metres north-west of the junction of Queen Catherine Road with the entrance to railway cottages and terminating at a point 98 metres south-east of its commencement.

Work No.20 – A road, forming an access to the eastern fields, commencing by a junction with Work No.18 at a point 214 metres north-west of the junction of Queen Catherine Road with the entrance to Rectory Farm and terminating at a point 111 metres north-west of its commencement.

Work No.21 – A footbridge carrying Footpaths SCL/1/3 and MCL/8/1 over Work No.2, commencing at a point 205 metres north of Rectory Farm and terminating at a point 17 metres south of its commencement.

Work No.22 – A footbridge carrying the Footpaths MCL/4/1, MCL/6/1, MCL/4/2 and MCL/6/2 over Work No.2, commencing at a point 19 metres north-west of the junction of Footpath MCL/6/2 with Footpath MCL/4/2 and terminating at the said existing junction of those footpaths.

Work No.23 – Realignment of Sandhill Road, commencing at a point on that road 119 metres south-east of the bridge carrying the existing road over the existing railway and terminating at a point 269 metres north-west of its commencement. Work No.23 includes the reconstruction of the bridge carrying Sandhill Road over the existing railway.

Work No.24 – Realignment of the Littleworth Farm access road and Footpath MCL/2/1 and Footpath MCL/3/1 (including a bridge over Work No.2), commencing at a point 175 metres south-west of the entrance to the Verney Arms Hotel building on the existing Verney Road and terminating at a point 271 metres north-west of the junction of Footpath MCL/2/2 with Footpath MCL/3/2.

## SCHEDULE 2

Articles 6 and 22

### ACQUISITION OF LAND FOR ANCILLARY WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
In the County of Oxfordshire In the District of Cherwell	0036, 0041	Environmental mitigation.
	0113	Environmental mitigation.
	0127, 0128, 0136, 0141	Worksite and access for construction and maintenance and environmental mitigation.
	0133	Environmental mitigation.
	0148	Environmental mitigation.
	0166	Environmental mitigation.
	0169	Worksite and access for construction, environmental mitigation and utility diversions.
	0185	Environmental mitigation and utility diversions.
	0192	Worksite and access for construction.
	0204, 0205	Environmental mitigation.
	0217	Environmental mitigation.
	0223, 0249	Environmental mitigation utility diversions.
	0224, 0227	Maintenance compound.
	0241, 0247, 0248	Environmental mitigation and utility diversions.
	0264	Environmental mitigation.
	0270, 0271	Worksite and access for construction and maintenance.
	0292	Environmental mitigation.
	0305	Environmental mitigation.

(1) Area	(2) Number of land shown on the deposited plans	(3) Purposes for which land may be acquired
	0494	Environmental mitigation.
	0524	Environmental mitigation.
	0526	Environmental mitigation.
	0532, 0534	Worksite and access for construction and maintenance compound.
	0533	Environmental mitigation.
	0578	Environmental mitigation.
	0585	Worksite and access for construction and maintenance compound.
	0613	Environmental mitigation and creation of a new public right of way.
	0622, 0623, 0628, 0630	Worksite and access for construction and maintenance, environmental Mitigation and vehicle restraint barrier.
	0624, 0626	Environmental mitigation.
	0635	Environmental mitigation.
	0644	Environmental mitigation.
	0646	Environmental mitigation and creation of a new public right of way.
	0653	Environmental mitigation.
	0663	Environmental mitigation.
	0677	Environmental mitigation.
	0681, 0683	Environmental mitigation.
	0713	Worksite and access for construction and maintenance compound.
	0717, 0724	Environmental mitigation.

(1) Area	(2) Number of land shown on the deposited plans	(3) Purposes for which land may be acquired
	0738	Environmental mitigation.
	0745	Environmental mitigation.
	0756	Environmental mitigation.
	0786a	Environmental mitigation.
	0787	Environmental mitigation.
	0809	Worksite and access for construction and maintenance.
	0823	Environmental mitigation.
	0834	Environmental mitigation.
	0884a	Worksite and access for construction and maintenance.
	0868	Worksite and access for construction, a maintenance compound and environmental mitigation.
	0904, 0907, 0909	Worksite and access for construction and maintenance compound.
	0911, 0917, 0921, 0930	Environmental mitigation and access for maintenance.
	0912a	Worksite and access for construction and maintenance.
	0928	Environmental mitigation.
	0934	Environmental mitigation.
	0945, 0951	Worksite and access for construction and maintenance compound.
	0948, 0954, 0955	Environmental mitigation.
	0953, 0956	Worksite and access for construction and maintenance, environmental mitigation and vehicle restraint barrier.

(1) Area	(2) Number of land shown on the deposited plans	(3) Purposes for which land may be acquired
	1374	Worksite and access for construction and maintenance and vehicle restraint barrier.
	1387, 1391, 1393	Worksite and access for construction.
	1388	Reprofiling of embankments and vehicle restraint barrier.
	1400	Environmental mitigation.
	1409	Environmental mitigation.
	1422, 1424	Worksite and access for construction and maintenance compound.
	1427	Environmental mitigation.
	1444	Environmental mitigation and worksite and access for construction.
	1445	Environmental mitigation and worksite and access for construction.
	1449	Environmental mitigation.
	1456	Environmental mitigation.
	1465	Environmental mitigation.
	1469	Embankment works.
	1470	Embankment works.
	1473	Environmental mitigation.
	1474	Embankment works.
	1477	Embankment works.
	1479	Embankment works and environmental mitigation.
	1491	Environmental mitigation.

# SCHEDULE 3

Articles 6 and 25

## LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

(1) Area	(2) Number of land shown on the deposited plans	(3) Purpose for which rights may be acquired
In the County of Oxfordshire In the District of Cherwell	0043, 0046	Access for construction, maintenance and utilities.
	0091, 0092, 0104	Access for construction, maintenance and utilities.
	0162a, 0162b	Access for construction and maintenance.
	0168	Access for construction and maintenance.
	0184	Access for construction and maintenance.
	0198, 0198a	Utility diversions.
	0216	New right of access for a third party.
	0245	New right of access for a third party.
	0252	New right of access for a third party.
	0255	New right of access for a third party and utility diversions.
	0259	Utility diversions.
	0260	New right of access for a third party.
In the County of Buckinghamshire In the District of Aylesbury Vale	0356	Access for maintenance.
	0375	Access for maintenance.
	0442a, 0442b	Utilities and access for maintenance.
	0454a	Access for utilities.
	0479	Access for maintenance.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which rights may be acquired</i>
	0490a  0519c, 0519d, 0543  0647  0670  0679, 0679a  0706, 0712  0725, 0729, 0731  0799, 0806  0830, 0837  0844, 847, 856, 860  0884b  0910, 0918  0926	Access for maintenance.  Access for maintenance.  Access for construction and maintenance.  Access for maintenance.  Access for maintenance.  Access for construction and maintenance.  Access for construction and maintenance.  Access for maintenance.  Access for construction and maintenance.  Access for construction and maintenance.  Access for maintenance and a new right of access for a third party.  Right of access for maintenance.
In the County of Buckinghamshire In the District of Milton Keynes	1044  1060, 1061, 1062  1122a, 1122b, 1124  1135	Access for maintenance.  Access for construction and maintenance.  Access for construction and maintenance.  Access for construction and maintenance.
In the County of Bedfordshire In the District of Central Bedfordshire	1185, 1188, 1189, 1190, 1192	Access for construction, maintenance and creation of a new public right of way.



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which rights may be acquired</i>
	1194  1291  1316  1361a, 1370a  1346, 1347, 1348	Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for construction and maintenance.
In the County of Buckinghamshire In the District of Aylesbury Vale	1386, 1390  1393a, 1394, 1395,  1401, 1402  1426, 1429  1447  1450a, 1452, 1454  1461  1480a  1480, 1481a, 1488, 1489  1493a	Access for construction and maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for construction.  Access for utilities.  Access for maintenance.  Access for maintenance and utilities.

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0370	Worksite and access for construction.	Work No.1
	0375a	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0375b	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0375c	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0378, 0378a	Worksite and access for construction.	Work No.1
	0381	Worksite and access for construction.	Work Nos. 1 and 17
	0388, 0394, 0396	Worksite and access for construction.	Work Nos. 1 and 17
	0401	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 17
	0402	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 17
	0404, 0406	Worksite and access for construction.	Work No.1
	0419	Worksite and access for construction.	Work No.1
	0425	Worksite and access for construction.	Work No.1
	0429	Worksite and access for construction.	Work Nos. 2, 18 and 19
	0433	Worksite and access for construction.	Work Nos. 2, 18 and 19
	0436	Worksite and access for construction.	Work Nos. 2, 18 and 19

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0510	Worksite and access for construction.	Work Nos. 2, 24 and 25
	0513	Worksite and access for construction.	Work Nos. 2, 23, 24 and 25
	0516	Creation of a new public right of way.	Work Nos. 2, 24 and 25
	0519	Worksite and access for construction.	Work Nos. 2, 24 and 25
	0519a	Creation of a new public right of way.	Work Nos. 2, 24, 25 and 25A
	0519c, 0519d	Worksite and access for construction.	Work Nos. 2 and 25A
	0521	Worksite and access for construction.	Work No.2
	0531	Worksite and access for construction.	Work No.2
	0543	Worksite and access for construction.	Work Nos. 2 and 25A
	0570	Worksite and access for construction.	Work No.2
	0571	Worksite and access for construction.	Work No.2
	0577	Worksite and access for construction.	Work No.2
	0580	Worksite and access for construction and creation of a new public right of way.	Work No.2
	0585a	Worksite and access for construction.	Work No.2
	0590	Worksite and access for construction.	Work No.2
	0598	Worksite and access for construction.	Work No.2

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0600, 0605, 0608	Worksite and access for construction and creation of a new public right of way.	Work No.2
	0602	Worksite and access for construction and creation of a new public right of way.	Work No.2
	0614	Worksite and access for construction.	Work Nos. 2 and 26
	0617, 0620	Worksite and access for construction.	Work No.2
	0617a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0633a	Highway widening and worksite and access for construction	Work No.2
	0634	Worksite and access for construction.	Work No.2
	0636, 0639	Worksite and access for construction.	Work Nos. 2 and 26
	0641	Worksite and access for construction creation of a new public right of way.	Work Nos. 2 and 26
	0645	Worksite and access for construction.	Work Nos. 2 and 26
	0647	Worksite and access for construction.	Work Nos. 2 and 26
	0654	Worksite and access for construction.	Work Nos. 2 and 26
	0661	Creation of a new public right of way.	Work Nos. 2 and 26
	0669	Worksite and access for construction.	Work No.2

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0754	Worksite and access for construction.	Work Nos. 2 and 27
	0755, 0758, 0761, 0764, 0765, 0767, 0768	Creation of a new public right of way.	Work Nos. 2 and 28
	0762	Worksite and access for construction.	Work Nos. 2 and 28
	0763	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0774	Worksite and access for construction.	Work Nos. 2 and 28
	0777a	Passing Place.	Temporary highway works Work No.2
	0791, 0799, 0806	Worksite and access for construction.	Work No.2
	0796, 0797, 0798	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0802	Passing Place.	Temporary highway works and Work No.2
	0805	Worksite and access for construction and drainage works.	Work No.2
	0807	Worksite and access for construction.	Work No.2
	0815	Worksite and access for construction and drainage works.	Work No.2
	0817, 0824, 0825, 0830	Worksite and access for construction.	Work No.2
	0824a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824b	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824c	Kerb realignment and widening of road.	Temporary highway works and Work No.2

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0824d	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824e	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824f	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824g	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0822, 0828, 0835	Worksite and access for construction.	Work Nos. 2 and 29
	0840, 0840a, 0843a, 0835a	Worksite and access for construction and creation of a new public right of way.	Work Nos. 2 and 29
	0836	Worksite and access for construction.	Work Nos. 2 and 29
	0843, 0850, 0857	Worksite and access for construction.	Work Nos. 2 and 29
	0844	Worksite and access for construction and creation of a new public right of way.	Work Nos. 2 and 29
	0846	Worksite and access for construction.	Work Nos. 2 and 29
	0851, 0854, 0862	Worksite and access for construction.	Work No.2
	0870	Worksite and access for construction.	Work No.2
	0872, 0880, 0884	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0875, 0876, 0877	Drainage Works.	Work No.2
	0883	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0884b	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0890, 0892, 0894, 0898	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0902, 0906a, 0914a,	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0906, 0908, 0914, 0914e, 0923, 0931	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0910, 0918	Worksite and access for construction.	Work No.2
	0912	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0914c	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0926	Worksite and access for construction.	Work No.2
	0937, 0941	Worksite and access for construction.	Work No.2
	0939	Worksite and access for construction.	Work No.2
	0950	Worksite and access for construction.	Work No.2
	0968, 0969	Worksite and access for construction.	Work No.2
	0972, 0988	Worksite and access for construction.	Work No.2
	0973, 0974, 0975	Worksite and access for construction.	Work No.2
	0979	Worksite and access for construction.	Work No.2
	0980	Worksite and access for construction.	Work No.2
	0992, 0997	Worksite and access for construction.	Work No.2

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	1117b	Worksite and access for construction.	Work No.33
	1120, 1122a	Worksite and access for construction and creation of a new public right of way.	Work No.33
	1122	Worksite and access for construction.	Work No.33
	1122b, 1124	Worksite and access for construction.	Work No.33
	1123	Worksite and access for construction.	Work No.33
	1128	Worksite and access for construction and creation of a temporary public right of way.	Work No.33
	1130	Worksite and access for construction.	Station Works
	1143	Creation of a new public right of way.	Extinguishment of level crossing
In the County of Bedfordshire In the District of Central Bedfordshire	1191	Worksite and access for construction.	Work Nos. 34, 35 and 36
	1194	Worksite and access for construction and maintenance.	Work Nos. 34, 35 and 36
	1200, 1205, 1207	Worksite and access for construction and creation of a new public right of way.	Extinguishment of level crossing and station works
	1206, 1209, 1213, 1214, 1221	Worksite and access for construction.	Station works
	1219, 1220, 1222, 1227, 1229	Worksite and access for construction.	Station works



<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	1421, 1423	Worksite and access for construction.	Work No.40
	1421a	Creation of a temporary public right of way.	Work No.40
	1426, 1429	Worksite and access for construction.	Work No.40
	1430	Worksite and access for construction.	Work No.40
	1432, 1440	Worksite and access for construction.	Work Nos.40 and 42
	1434, 1435	Worksite and access for construction.	Work No.40
	1441	Worksite and access for construction.	Work Nos. 40 and 42
	1447	Worksite and access for construction.	Work Nos. 40 and 42
	1450	Worksite and access for construction.	Work Nos. 40 and 42
	1455	Worksite and access for construction.	Work No.40
	1457, 1462	Worksite and access for construction.	Work No.40
	1459, 1461	Worksite and access for construction.	Work No.40
	1464	Worksite and access for construction.	Work No.40
	1450a, 1452, 1454	Worksite and access for construction.	Work No.40
	1468, 1480, 1480a, 1480b	Worksite and access for construction.	Work No.40
	1475, 1476, 1481	Worksite and access for construction.	Work No.40

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Level crossing to be discontinued</i>	<i>(3)</i> <i>Street to be stopped up</i>	<i>(4)</i> <i>New street to be substituted</i>
Parish of Launton	The level crossing known as Launton Highway level crossing whereby Station Road is crossed on the existing railway between Bicester and Bletchley stations.	Station Road between points P12 and P13 and between points P14 and P15 (on sheets 4 and 5).	Work No.11
County of Buckinghamshire District of Aylesbury Vale Parishes of Steeple Claydon and Middle Claydon	The level crossing known as Queen Catherine Road level crossing whereby Queen Catherine Road is crossed on the existing railway between Bicester and Bletchley stations.	Queen Catherine Road between points P1 and P2, between points P3 and P4 and between points P5 and P6 (on sheets 15 and 16).	Work No.18, 19 and 20
County of Bedfordshire District of Bedford Parishes of Lillington	The level crossing known as Marston Road level crossing whereby Marston Road is crossed on the existing railway between Bletchley and Bedford stations.	Marston Road between points P12 and P13 (on sheet 54).	Work No.37
County of Bedfordshire District of Central Bedfordshire Parish of Stewartby	The level crossing known as Kempston Hardwick crossing whereby Manor Road is crossed on the existing railway between Bletchley and Bedford stations.	Manor Road between points P1 and P2 (on sheet 57).	Work No.38

## PART 2

### LEVEL CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Level crossing to be discontinued</i>	<i>(3)</i> <i>Highway to be stopped up</i>
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	The level crossing known as Berry Lane level crossing whereby Berry Lane is crossed on the railway between Bletchley and Bedford stations.	Berry Lane between points P1 and P2 (on sheet 49)

# SCHEDULE 6

Article 9

## REPLACEMENT AND CLOSURE OF FOOTPATH LEVEL CROSSINGS

### PART 1

#### LEVEL CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Footpath level crossing to be discontinued</i>	<i>(3) Right of way to be stopped up</i>	<i>(4) New right of way to be substituted</i>
County of Oxfordshire District of Cherwell Parish of Bicester	The level crossing known as Jarvis' Lane level crossing	Jarvis' Lane Footpath not on the definitive map between points P1 and P2 (on sheet 2).	Footpath between points P3, P4, Work No.4 and point P5 (on sheet 2).
Parish of Launton	The level crossing known as Grange Farm level crossing  The level crossing known as Launton No.1 level crossing  The level crossing known as Launton No.2 level crossing	Footpath 272/11/10 between points P1 and P4 (on sheet 3).  Footpath 272/12/10 between points P5 and P7 (on sheets 3 and 4).  Footpath 272/21/10 and path not on definitive map between points P10 and P11 (on sheet 4).	Footpath between points P1, P2, Work No.10, points P3 and P4 (on sheet 3).  Footpath between points P5, P3, Work No.10, points P2 and P8 (on sheets 3 and 4)  Footpath between points P6, P5, P3, Work No.10, points P2, P8 and P10 (on sheets 3 and 4).
County of Buckinghamshire District of Aylesbury Vale Parish of Marsh Gibbon	The level crossing known as Marsh Gibbon combined Footpath and user works level crossing	Footpath MGI/5/1 between points P1 and P2 (on sheet 7).	Footpath between points P1, P3, Work No.14, points P4 and P5 (on sheet 7).
Parish of Poundon	The level crossing known as Poundon No.2 level crossing	Footpath POD/2/1 between points P1 and P2 (on sheet 8).	Footpath between points P1, P4, Work No.16, points P3 and P2 (on sheet 8).
Parish of Charndon	The level crossing known as Charndon No.3 level crossing	Footpath CHA/3/1 between points P1 and P2 (on sheets 9 and 11).	Footpath between points P1 and P3 (on sheets 9 and 11).
Parish of Twyford	The level crossing known as Twyford No.2 level crossing	Footpath TWY/2/3 between points P1 and P3 and Footpath TWY2/2 between points P3 and P4 (on sheet 12).	Footpath between points P1, P2, Work No.17, points P3 and P4 (on sheet 12).

<i>(1) Area</i>	<i>(2) Footpath level crossing to be discontinued</i>	<i>(3) Right of way to be stopped up</i>	<i>(4) New right of way to be substituted</i>
	The level crossing known as Twyford No.3 level crossing	Footpath TWY/3/1 between points P5 and P4 (on sheet 12).	Footpath between points P5, P2, Work No.17, points P3 and P4 (on sheet 12).
Parishes of Middle Claydon and Steeple Claydon	The level crossing known as Middle Claydon Footpath No.8 level crossing	Footpath SCL/1/3, path not on definitive map and Footpath MCL/8/1 between points P1 and P3 (on sheet 17).	Footpath between points P1, Work No.21, points P2 and P3 (on sheet 17).
Parish of Middle Claydon	The level crossing known as Middle Claydon Footpaths No.4 & No.6 level crossing	Footpath MCL/4/1 between points P1 and P5, Footpath MCL/6/1 between points P2 and P5, Footpath MCL/6/2 between points P3 and P5, Footpath MCL/4/2 between points P4 and P5 (on sheet 18).	Footpath between points P1 and P6, between points P2 and P6, Work No.22, points P7 and P3 and between points P7 and P4 (on sheet 18).
Parish of Middle Claydon	The level crossing known as Verney Junction level crossing	Footpath MCL/2/1 and path not on definitive map between points P1 and P2 and Footpath MCL/3/1 and path not on definitive map between points P1 and P3 (on sheets 20 and 21).	Footpath between points P6, Work No.24, point P5 and P2 and between points P7 and P8 (on sheets 20 and 21).
Parishes of Winslow and Addington	The level crossing known as Winslow Footpath No.5 level crossing	Footpath ADD/11/1 between points P1 and P2 and Footpath WIS/5/1 between points P2 and P3 (on sheet 23).	Footpath between points P1, P4, P5 and P3 (on sheet 23).
Parish of Swanbourne	The level crossing known as Winslow Footpath No.17 level crossing The level crossing known as Moco Farm No. 2	Footpath SWA/17/1 between points P1 and P2 (on sheets 27 and 28). Footpath SWA/1/2 between points P4 and P7 (on sheet 28).	Footpath between points P1, P3, Work No.27 and point P2 (on sheets 27 and 28). Footpath between points P4, P5, Work No.28, points P6 and P7 (on sheet 28).

<i>(1) Area</i>	<i>(2) Footpath level crossing to be discontinued</i>	<i>(3) Right of way to be stopped up</i>	<i>(4) New right of way to be substituted</i>
Parishes of Little Horwood, Swanbourne and Mursley	The level crossing known as Swanbourne Old Station level crossing	Footpath LHO/27/1 between points P9 and P10, Footpath MUR/19/1 between points P10 and P11 and Footpath SWA/20/1 between points P11 and P12 (on sheets 28 and 29).	Footpath between points P9 and P8 and between points P4, P5, Work No.28, point P6 and P7 (on sheet 28).
Parishes of Little Horwood and Mursley	The level crossing known as Swan's Way level crossing	Footpath LH0/20/1 between points P1 and P5 and Footpath MUR/13/1 between points P5 and P6 (on sheet 30).	Footpath between points P1, P2, Work No.29, points P3 and P4 (on sheet 30).
County of Buckinghamshire District of Milton Keynes Parish of Woburn Sands	The level crossing known as Fisherman's Path level crossing	Woburn Sands Footpath 002 between points P1 and P2 (on sheet 46).	Footpath between points P1, P3, Work No.33, points P4, P5 and P2 (on sheets 45 and 46).
	The level crossing known as School Crossing Woburn Sands level crossing	Woburn Sands Footpath 003 between points P6 and P7 (on sheet 46).	Footpath between points P9 and P7 (on sheet 46).
County of Bedfordshire District of Central Bedfordshire Parishes of Husbourne Crawley and Brogbourgh	The level crossing known as Husbourne Crawley level crossing Footpath 10	Footpath 10 between points P1 and P2 and Footpath BRG/17/10 between points P2 and P3 (on sheets 51 and 52).	Footpath between points P1, P4, P5 and P6 (on sheets 51 and 52).
Parish of Lidlington	The level crossing known as Pilling Farm South level crossing	Footpath 1 and path not on definitive map between points P5 and P6 (on sheet 53).	Footpath between points P6, P7 and P8 and bridleway between points P5, P10 and P11 (on sheets 53 and 54)
District of Bedford Parish of Kempston	The level crossing known as Woburn Road level crossing	Footpath KEU1B (FP 1), path not on definitive map and Footpath KERA1A (FP A1) between points P1 and P2 (on sheet 58).	Footpath between points P1, P3 Work No.39, point P4 and P5 (on sheet 58).
County of Buckinghamshire District of Aylesbury Vale Parish of Waddesdon	The level crossing known as North Bucks Way No.1 level crossing	Footpath WAD/3/5 between points P1 and P4 (on sheet 61).	Footpath between points P1, P2, Work No.41, point P3 and P4 (on sheet 61).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath level crossing to be discontinued</i>	<i>(3)</i> <i>Right of way to be stopped up</i>	<i>(4)</i> <i>New right of way to be substituted</i>
Parish of Aylesbury	The level crossing known as Griffin Lane level crossing	Footpath AYL/8/1 between points P1 and P6, and Footpath AYL/7/1 between points P5 and P6 (on sheet 70).	Footpath between points P3, P4 and P5 (on sheet 70).

## PART 2

### LEVEL CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath level crossing to be discontinued</i>	<i>(3)</i> <i>Right of way to be stopped up</i>
County of Bedfordshire District of Bedford Parish of Stewartby	The level crossing known as Stewartby Brickworks level crossing	Footpath STW 5A between points P1 and P2 (on sheet 56).
District of Central Bedfordshire Parish of Lidlington	The level crossing known as School Crossing Lidlington level crossing	Footpath 6/A6 and path not on definitive map between points P1 and P2 (on sheet 53).
Parish of Marston Moretaine	The level crossing known as Millennium Park level crossing	Footpath 13 and path not on definitive map between points P1 and P2 (on sheet 55).

## SCHEDULE 7

Article 10

### ACCOMMODATION CROSSINGS

## PART 1

### ACCOMMODATION CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Accommodation facility to be discontinued</i>	<i>(3)</i> <i>Private right of way to be extinguished</i>	<i>(4)</i> <i>Accommodation facility to be substituted</i>
County of Oxfordshire District of Cherwell Parish of Launton	The level crossing known as Manor Farm level crossing whereby Manor Farm access road is crossed on the existing railway between Bicester and Bletchley stations	Manor Farm access road (on sheet 3)	Work No.9

<i>(1) Area</i>	<i>(2) Accommodation facility to be discontinued</i>	<i>(3) Private right of way to be extinguished</i>	<i>(4) Accommodation facility to be substituted</i>
County of Buckinghamshire District of Aylesbury Vale Parish of Marsh Gibbon	The level crossing known as Marsh Gibbon user works level crossing whereby Marsh Gibbon access road is crossed on the existing railway between Bicester and Bletchley stations	Marsh Gibbon access road (on sheet 7)	Work No.14
	The accommodation crossing OXD/33 known as Marsh Gibbon Accommodation Bridge	OXD/33 known as Marsh Gibbon Accommodation Bridge access (on sheet 7)	Work No.14
Parish of Middle Claydon	The level crossing known as Littleworth Farm level crossing whereby Littleworth Farm access road is crossed on the existing railway between Bicester and Bletchley stations	Littleworth Farm access (on sheet 19)	Work No.24
	The level crossing known as Verney Junction level crossing whereby Furze Farm access road is crossed on the existing railway between Bicester and Bletchley stations	Verney Junction access road (on sheet 20)	Work No.24
Parish of Swanbourne	The level crossing known as Moco Farm No.1 level crossing whereby Moco Farm access road is crossed on the existing railway between Bicester and Bletchley stations	Moco Farm access road (on sheet 27)	Work No.27
	The accommodation crossing OXD/14 known as Moco Farm Overbridge	OXD/14 Moco Farm Overbridge access (on sheet 27)	Work No. 27

<i>(1) Area</i>	<i>(2) Accommodation facility to be discontinued</i>	<i>(3) Private right of way to be extinguished</i>	<i>(4) Accommodation facility to be substituted</i>
Parish of Mursley	The level crossing known as Weasels Lodge level crossing whereby an access road is crossed on the existing railway between Bicester and Bletchley stations and OXD/10 Salden Overbridge	Weasels Lodge access road and OXD/10 Salden Overbridge (on sheet 32)	Works Nos. 30 and 31
County of Buckinghamshire District of Milton Keynes Parish of Woburn Sands and Wavendon	The level crossing known as Woodley's Farm level crossing whereby Woodley's Farm access road is crossed on the railway between Bletchley and Bedford stations	Woodley's Farm access road (on sheet 45)	Work No.33
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	The level crossing known as Berry Lane level crossing whereby Berry Lane is crossed on the railway between Bletchley and Bedford stations	Berry Lane between points P1 and P2 (on sheet 49)	Work No.34
Parish of Aspley Guise and Husbourne Crawley	The level crossing known as Long Leys level crossing whereby Long Leys access road is crossed on the railway between Bletchley and Bedford stations	Long Leys access road (on sheet 50)	Work No.35 and 36
Parish of Husbourne Crawley	The level crossing known as Matey Boys level crossing whereby an access road is crossed on the railway between Bletchley and Bedford stations.	Matey Boys access road (on sheet 50)	Work No.35 and 36



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Accommodation facility to be discontinued</i>	<i>(3)</i> <i>Private right of way to be extinguished</i>	<i>(4)</i> <i>Accommodation facility to be substituted</i>
County of Buckinghamshire District of Aylesbury Vale Parish of Waddesdon	The level crossing known as Lower Blackgrove No.1 crossing whereby an access road is crossed on the existing railway between Buckinghamshire former Railway station and Aylesbury Vale Parkway station.	Lower Blackgrove Farm access road (on sheet 64)	Work No.42

## PART 2

### ACCOMMODATION CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Accommodation facility to be discontinued</i>	<i>(3)</i> <i>Private right of way to be extinguished</i>
County of Buckinghamshire District of Aylesbury Vale Parish of Swanbourne	The level crossing known as Moco Farm No. 2	Moco Farm access road (on sheet 28).
Parish of Fleet Marston	The level crossing known as Fleet Marston Farm crossing whereby an access road is crossed on the existing railway between Buckinghamshire former Railway station and Aylesbury Vale Parkway station	Fleet Marston Farm access road (on sheet 67)
County of Bedfordshire District of Bedford Parish of Stewartby	The level crossing known as Stewartby Brickworks crossing whereby an access road is crossed on the existing railway between Bletchley and Bedford stations	Stewartby Brickworks access road (on sheet 56)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
	Footpath 129/18/20	Between points P2 and T2 (on sheet 2).
	Charbridge Way	Within Order limits (on sheet 2).
	Jarvis' Lane Footpath not on the definitive map	Between points P2, P1 and P3 (on sheet 2).
Parish of Bicester and Launton	A4421 Charbridge Lane	Within Order limits (on sheet 2).
Parish of Launton	Bicester Road	Between points T3 and T4 (on sheet 2).
	Footpath 272/7/10	Within Order limits (on sheet 2).
	Footpath 272/11/10	Within Order limits (on sheet 3).
	Footpath 272/12/10	Between points T1, P5 and P7 (on sheets 3 and 4).
	Footpath 272/20/50	Between points P7 and P9 (on sheet 4).
	Footpath 272/13/10	Within Order limits (on sheet 4).
	Footpath 272/21/10	Within Order limits (on sheet 4).
	Station Road	Between points T2 and T3 (on sheets 4 and 5).
County of Buckinghamshire District of Aylesbury Vale Parish of Marsh Gibbon	Bicester Road	Within Order limits (on sheet 6).
	Footpath MGI/5/1	Within Order limits (on sheet 7).
Parish of Poundon	Footpath POD/2/1	Between points P1, P2 and T1 (on sheet 8).
	Station Road	Between points T1, T2 and T3 (on sheets 9 and 10).
	Footpath POD/3/1	Between points T3 and P4 (on sheet 9).
	Footpath POD/4/2	Between points T8 and P1 (on sheets 9 and 10).

(1) Area	(2) <i>Street to be temporarily stopped up</i>	(3) <i>Extent of temporary stopping up</i>
	Footpath ADD/12/2	Between points P2 and T2 (on sheet 22).
	Footpath ADD/11/1	Between P1 and P2 (on sheet 23).
Parishes of Addington and Winslow	Verney Road	Between points T9 and T10 (on sheets 22), and between points T11, T12 and T13 (on sheets 22 and 23).
Parish of Winslow	Footpath WIS/5/1	Between points P2 and T1 (on sheet 23).
	Furze Lane	Between points T1 and T2 (on sheet 24).
	Footpath WIS/6/1	Between points P4, P1 and T7 (on sheet 24).
	Footpath WIS/6/2	Within Order limits (on sheet 24).
	Footpath WIS/6/9	Between points P4 and P5
	Buckingham Road	Between points T3 and T4 (on sheet 24).
	Great Horwood Road	Between points T5 and T6 (on sheet 24 and 25).
Parishes of Winslow and Little Horwood	Horwood Road	Between points T1, T2 and T3 (on sheets 25 and 26).
Parish of Swanbourne	Footpath SWA/17/1	Within Order limits (on sheets 27 and 28).
	Footpath SWA/1/1	Within Order limits (on sheet 28).
	Footpath SWA/1/2	Within Order limits (on sheet 28).
	Station Road	Between points T6 and T7 (on sheet 28).
	Footpath SWA/20/1	Between points P11 and P12 (on sheet 29).
Parishes of Swanbourne and Mursley	Station Road	Between points T5 and T3 (on sheets 28 and 29).
Parish of Little Horwood	Footpath LHO/27/1	Between points T2 and P10 (on sheets 28 and 29).
	Footpath LHO/20/1	Between points P1 and P5 (on sheet 30).

(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up
Parish of Mursley	Footpath MUR/19/1	Between points P10 and P11 (on sheet 29).
	Unnamed Road (between Mursley Road and Station Road)	Between points T3 and T6 (on sheet 29).
	Station Road (towards Main Street)	Between points T3 and T4 (on sheets 29 and 86).
	Restricted Byway MUR/18/1	Between points T3 and P6 (on sheets 29 and 30).
	Restricted Byway MUR/18/2	Within Order limits (on sheets 30 and 31).
	Footpath MUR/13/1	Within Order limits (on sheet 30).
	Whaddon Road	Between points T1 and T2 (on sheet 31).
	Salden Lane	Between points P3 and P1 (on sheet 32).
Parish of Newton Longville	Restricted Byway MUR/15/1	Between point P1 and T1 (on sheets 32 and 33).
	Restricted Byway NLO/20/1	Between points T1 and T2 (on sheets 33 and 34).
	Footpath NLO/19/1 (and path not on definitive map)	Between points T1 and T2 (on sheet and 37).
	Footpath NLO/19/2 (and path not on definitive map)	Between points T1 and T2 (on sheet and 37).
	Whaddon Road	Between points T1 and T2 (on sheet 36).
	Footpath NLO/18/1	Between points T6 and T7 (on sheets 37 and 38).
District of Aylesbury Vale Parish of Newton Longville and District of Milton Keynes Parish of West Bletchley	Bletchley Road	Bletchley Road between points T1 and T2, and between points T3 and T4 (on sheet 38).
	Newton Road	Newton Road between points T4 and T5 (on sheet 38).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
District of Milton Keynes Parish of West Bletchley	Selbourne Avenue	Between points T1 and T2 (on sheet 39).
	Footpath Bletchley 026	Between points T1 and T2 (on sheet 39).
	Footpath Bletchley 027	Between points T2 and T3 (on sheets 39 and 40).
	Wellington Place	Within Order limits (on sheet 41).
	Saxon Street	Between points T1 and T2 (on sheet 42).
Parishes of West Bletchley and Bletchley and Fenny Stratford	Water Eaton Road	Between points T1 and T2 (on sheet 41).
	Footpath Bletchley 028	Within Order limits (on sheet 40).
Parishes of Walton, Bow Brickhill and Woburn Sands	Bow Brickhill Bridleway 014	Between point P1 and P4 (on sheet 44).
Parish of Woburn Sands	Bow Brickhill Road	Between points T1 and T2 (on sheet 45).
	Newport Road	Between points T3 and T4 and between points T5 and T6 (on sheet 46).
	Station Road	Between points T6 and T7 (on sheet 46).
	Cranfield Road	Between points P8 and T8 (on sheet 46).
	Woburn Sands Footpath 002	Between points T1 and T2 (on sheet 46).
	Woburn Sands Footpath 003	Between points P6 and P7 (on sheet 46).
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	Footpath 12 (and path not on definitive map)	Between points T1 and T2 (on sheet 48).
	Salford Road	Between points T3 and T4 (on sheet 48).
	Berry Lane	Between points P1, P2 and T1 (on sheet 49).
Parish of Husborne Crawley	Footpath 6 (and path not on definitive map)	Between points T1 and T2 (on sheet 50).

<i>(1) Area</i>	<i>(2) Street to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up</i>
	Bedford Road	Between points T3, T2 and T1 (on sheets 50 and 51).
	Footpath 10	Between points T1, P1 and P2 (on sheet 51).
Parish of Brogborough	Footpath BRG/17/10	Between points P2 and P3 (on sheets 51 and 52).
Parishes of Brogborough and Husbourne Crawley	Station Road	Between points T1 and T2 (on sheet 52).
Parish of Liddington	Station Road	Between points T1 and T2 (on sheet 53).
	Church Street	Between points T2 and T3 (on sheet 53).
	Footpath 1 and path not on definitive map	Between points P5 and P6 (on sheet 53).
	Marston Road	Between points P12 and P13 (on sheet 54).
District of Bedford Parish of Stewartby	Manor Road	Between points P1, P2 and T3 (on sheet 57).
Parish of Kempston	Footpath KEU1B (FP 1), Footpath KERA1A (FP A1)	Between points P1 and P2 (on sheet 58).
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	Station Road	Between points T1 and T2 (on sheet 60).
Parish of Waddesdon	Footpath WAD/3/5	Within Order limits (on sheet 61).
	Footpath WAD/4/2	Between points T1 and T2 (on sheet 63).
	Blackgrove Road	Between points T3 and T4 (on sheet 63).
	Footpath WAD/5/3	Between points T1 and T2 (on sheet 65).
Parishes of Fleet Marston and Berry Fields	A41	Between points T1 and T2 (on sheet 69).
Parish of Aylesbury	Footpath AYL/8/1 and Footpath AYL/7/1	Between points P5, P1 and P2 (on sheet 70).
County of Oxfordshire District of Cherwell Parish of Fringford	Fringford Footpath 9	Between points T5 and T6 (on sheet 71).
Parishes of Fringford and Stratton Audley	A4421 Roman Road	Between points T1, T2 and T3 (on sheet 71).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
	Unnamed Road (between A4421 Roman Road and Mill Road)	Between points T1, T2 and T3 (on sheet 71).
Parish of Stratton Audley	Mill Road	Between points T5 and T4 (on sheet 72).
County of Oxfordshire District of Cherwell Parishes of Stratton Audley and Godington and County of Buckinghamshire District of Aylesbury Vale Parish of Poundon	Unnamed Road (between Mill Road and Main Street)	Between points T4 and T5 (on sheets 72 and 76).
County of Buckinghamshire District of Aylesbury Vale Parish of Charndon	Unnamed Road (between School Hill and Perry Hill)	Between points T13 and T1 (on sheet 77).
Parish of Gawcott with Lenborough	A413 London Road	Between points T1, T2 and T3 (on sheet 78).
	Unnamed Road (between Lenborough Road and A413 London Road)	Between points T2 and T4 (on sheet 78).
	Footpath GAW/20/1	Between points T5 and T6 (on sheet 78).
	Footpath GAW/14/1	Between points T6 and T7 (on sheet 80).
	Footpath GAW/14/2	Between points T6 and T8 (on sheet 80).
	Footpath GAW/16A/1	Between points T9 and T10 (on sheet 80).
Parishes of Gawcott with Lenborough and Padbury	Unnamed Road (between Lenborough Road and Main Street)	Between points T4 and T5 (on sheets 78 and 80).
Parish of Steeple Claydon	Herd's Hill	Between points T1 and T2 (on sheets 81 and 82).
	Footpath SCL/20/1	Between points T6 and T7 (on sheet 82).
	Footpath SCL/23/1	Between points T8 and T9 (on sheet 82).
	Footpath SCL/11/1	Between points T9 and T10 (on sheet 82).
	Footpath SCL/4/2	Between points T11 and T12 (on sheet 83).

## SCHEDULE 12

Article 16

### ACCESS TO WORKS

(1) <i>Area</i>	(2) <i>Description of access</i>
County of Oxfordshire District of Cherwell Parishes of Bicester and Launton	A4421 Charbridge Lane at a point marked on the deposited plans A4421 Skimmingdish Lane at a point marked on the deposited plans
Parish of Launton	Bicester Road (on sheet 2) at a point marked on the deposited plans Station Road at a point marked on the deposited plans Bicester Road (on sheet 6) at a point marked on the deposited plans
County of Buckinghamshire District of Aylesbury Vale Parish of Poundon	Station Road at a point marked on the deposited plans Main Street at a point marked on the deposited plans
Parish of Twyford	Main Street at a point marked on the deposited plans
Parishes of Steeple Claydon and Middle Claydon	Queen Catherine Road at a point marked on the deposited plans Sandhill Road at a point marked on the deposited plans
Parishes of Middle Claydon, East Claydon and Addington	Verney Road at a point marked on the deposited plans (on sheets 19, 20, 21 and 22)
Parish of Winslow	Furze Lane at a point marked on the deposited plans Buckingham Road at a point marked on the deposited plans Great Horwood Road at a point marked on the deposited plans
Parish of Little Horwood	Horwood Road at a point marked on the deposited plans
Parish Swanbourne	Station Road at a point marked on the deposited plans
Parish of Mursley	Station Road at a point marked on the deposited plans Unnamed Road (between Mursley Road and Station Road) at a point marked on the deposited plans Restricted Byway MUR/18/2 at a point marked on the deposited plans Whaddon Road at a point marked on the deposited plans
Parish of Newton Longville	Whaddon Road at a point marked on the deposited plans Bletchley Road at a point marked on the deposited plans



(1) <i>Area</i>	(2) <i>Description of access</i>
District of Milton Keynes Parish of West Bletchley	Selbourne Avenue Water Eaton Road at a point marked on the deposited plans Wellington Place at a point marked on the deposited plans
Parishes of Bletchley and Fenny Drayton	Saxon Street at a point marked on the deposited plans
Parish of Walton	Davenport Lea at a point marked on the deposited plans
Parish of Woburn Sands	Newport Road at a point marked on the deposited plans Station Road at a point marked on the deposited plans Cranfield Road at a point marked on the deposited plans
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	Salford Road at a point marked on the deposited plans Berry Lane at a point marked on the deposited plans
Parish of Husborne Crawley	Bedford Road at a point marked on the deposited plans
Parishes of Husborne Crawley and Brogborough	Station Road at a point marked on the deposited plans
Parish of Lidlington	Station Road at a point marked on the deposited plans Marston Road at a point marked on the deposited plans
District of Bedford Parish of Sewartby	Manor Road at a point marked on the deposited plans
Parish of Kempston	Chantry Road at a point marked on the deposited plans
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	Station Road at a point marked on the deposited plans A41 at a point marked on the deposited plans
Parish of Waddesdon	Blackgrove Road at a point marked on the deposited plans
Parish of Fleet Marston	A41 at a point marked on the deposited plans Putlowers Drive at a point marked on the deposited plans
Parishes of Coldhardbour and Aylesbury	Griffin Lane at a point marked on the deposited plans

## MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

### *Compensation enactments*

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

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

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

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 12 to the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (“the 2020 Order”);
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 12 to the 2020 Order) to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

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

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

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

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

### *Application of Part 1 of the 1965 Act*

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by article 23 (application of Part 1 of the 1965 Act) to the acquisition of land under article 22 (power to acquire land), applies to the compulsory acquisition of rights under article 25(1) or (2) (power to acquire new rights)—

- (a) with the modification specified in paragraph 5; and
- (b) with such other modifications as may be necessary.

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

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

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

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(a) 1973 c. 26.

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

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

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

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

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

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

(6) Section 20(f) (protection for interests of tenants at will etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act (as modified by article 23(7)) is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

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

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- (a) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.
  - (b) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
  - (c) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016.
  - (d) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016.
  - (e) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals Courts and Enforcement Act 2007 (c. 15).
  - (f) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) does not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that sub-paragraph, any person who is—

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

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

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, do not have effect in relation to apparatus as respects which paragraph 2, or Part 3 of the 1991 Act, applies.

(6) In this paragraph—

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

“public utility undertakers” has the same meaning as in the 1980 Act(a).

#### *Apparatus of statutory undertakers etc. in stopped up streets*

2.—(1) Where a street is stopped up under article 8 (closure of road level crossings), 9 (replacement and closure of footpath level crossings) or 13 (stopping up of streets) any statutory utility whose apparatus is under, in, upon, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) Where a street is stopped up under article 8, 9 or 13 any statutory utility whose apparatus is under, in, upon, over, along or across the street may, and if reasonably requested to do so by Network Rail must—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in that other position.

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

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

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

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(a) The definition of “public utility undertakers” was amended by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15) and section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29).

# SCHEDULE 16

## PROTECTIVE PROVISIONS

Article 44

### PART 1

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

##### Application

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

2. The provisions of paragraph 1 of Schedule 15 (provisions relating to statutory undertakers etc.), in so far as they relate to the removal of apparatus, do not apply in relation to apparatus to which this Part of this Schedule applies.

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between Network Rail and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

##### Interpretation

4. In this Part of this Schedule—

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

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the undertaker under the Water Industry Act 1991; and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

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

“functions” includes powers and duties;

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

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

“undertaker” means—

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(a) 1989 c. 29.

- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

**19.—**(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 18, must be constructed—

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

and an officer of the drainage authority is entitled to watch and inspect the construction of such works.

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

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

(4) Subject to sub-paragraph (6) and paragraph 23, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon Network Rail, 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 incurred by it in so doing is recoverable from Network Rail.

(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.

(6) If by reason of construction of the specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, Network Rail must provide such alternative means of access to allow the Agency to maintain the flood defence or use the equipment no less effectively than before the obstruction.

**20.—**(1) Subject to sub-paragraph (5) Network Rail 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 Network Rail for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which Network Rail is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require Network Rail to repair and restore the work, or any part of such work, or (if Network Rail so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) Subject to sub-paragraph (5) and paragraph 23, 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 Network Rail, Network Rail 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 incurred by it in so doing from Network Rail.

(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 an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

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

**21.** Subject to paragraph 23, if by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by Network Rail to the reasonable satisfaction of the drainage authority and if Network Rail fails to do so, the drainage authority may make good the same and recover from Network Rail the expense incurred by it in so doing.

**22.**—(1) Network Rail must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in the fishery during the construction of any specified work.

(2) If by reason of—

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

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

(3) Subject to paragraph 23, 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, Network Rail fails to take such steps as are described in sub-paragraph (2), the drainage authority may take those steps and may recover from Network Rail the expense reasonably incurred by it in doing so.

(4) Subject to paragraph 23, in any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the drainage authority may take such steps as are reasonable for the purpose, and may recover from Network Rail the reasonable cost of so doing provided that notice specifying those steps is served on Network Rail as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

**23.** Nothing in paragraphs 19(4), 20(3), 21, 22(3) and (4) authorises the drainage authority to execute works on or affecting an operational railway forming part of Network Rail's network without the prior consent in writing of Network Rail such consent not to be unreasonably withheld or delayed.

**24.** Network Rail must indemnify the drainage authority in respect of all costs, charges and expenses which the drainage authority may reasonably incur or have to pay or which it may sustain—

- (a) in the examination or approval of plans under this Part of this Schedule; and
- (b) in the inspection of the construction of the specified works or any protective works required by the drainage authority under this Part of this Schedule.

**25.**—(1) Without affecting the other provisions of this Part of this Schedule, Network Rail must indemnify the drainage authority from all claims, demands, proceedings, costs, charges, penalties,