

High Speed Rail (London - West Midlands) Bill

[AS AMENDED ON REPORT]

This Bill is divided into two Volumes. Volume I contains the Clauses and Schedules 1 to 4. Volume II contains Schedules 5 to 33 to the Bill.

[VOLUME II]

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SCHEDULE 5

Section 4(2)

ACQUISITION OF LAND FOR PARTICULAR PURPOSES

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

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<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
London Borough of Camden	4, 13, 79a, 99	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	10
	68, 69, 93, 162, 163, 236, 369, 401 to 411, 508, 522, 665, 704, 721, 724, 727, 750, 791, 792, 794 to 796, 801 to 805, 807 to 811, 901, 912, 978, 1017, 1051	Diversion or installation of, or works to, utilities apparatus	15
	78, 110, 816, 817, 819, 820, 822, 829, 834, 847, 848, 849, 852, 854, 855, 856, AP3-22	Provision of worksite and access for construction	20
	140a, 142	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	25
		Installation of ground anchors	
	90, 151 to 154, 157, 159, 177, 180, 181	Installation of ground anchors	
	363	Provision of electricity supply system and access	30
	434	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	
	AP3-5	Provision of environmental mitigation	35
	Provision of worksite and access for construction		

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
		Diversion or installation of, or works to, utilities apparatus	
London Borough of Brent	28, 29, 48, 50, 55, 58, 78, 87, 185, 374, AP4-13 to AP4-15 53a, 54a, AP4-6, AP4-10	Diversion or installation of, or works to, utilities apparatus Provision of worksite and access for construction	5
Royal Borough of Kensington & Chelsea	1 to 3 16, 19	Provision of worksite and access for construction Provision and renewal of railway systems for operational purposes and drainage Diversion or installation of, or works to, utilities apparatus	10 15
London Borough of Hammersmith & Fulham	5, 6, 50c, 67, AP4-3, AP4-7, AP4-9 to AP4-11 12, 13, 21a, 22c, 22e, 28, 29, 37, 48, 50a, 50b, 63, 66, 71, 73, 75, 76 77 AP4-1	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Provision of worksite and access for construction and maintenance	20 25
London Borough of Ealing	5, 7, 8, 9, 12, 13, 29, 30, 118a, 120a, 124a, 124b, 132, 156, 223, 229, 233, 265, 562, 787a, 788 to 790, 946 to 949 20, 21, 35, 36, 40, 41, 44, 45, 48, 49, 52, 53, 56, 57, 60, 61, 64, 65, 68, 69, 72, 73, 76, 77, 80, 81, 84, 125a, 125b, 126, 127a, 127b, 142 to 144, 145a, 152 to 154, 155a, 155b, 190, 193, 194, 196, 200, 202, 204 to 206, 209, 214, 216 to 219, 221, 222, 228, 231, 232, 235, 237, 240, 242, 251, 254 to 257, 259, 267, 269, 271, 272, 274, 277, 282 to 289, 438, 439, AP2-13, AP2-15, AP2-17, AP2-21, AP4-8, AP4-10, AP4-16, AP4-17	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of worksite and access for construction	30 35 40 45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	103, 106	Provision of worksite and access for construction	
		Provision and renewal of railway systems for operational purposes and drainage	5
		Diversion or installation of, or works to, utilities apparatus	
	119, 121, 150, 151, 157, 158, 165	Provision of worksite and access for construction	10
		Reinstatement of businesses or facilities	
		Diversion or installation of, or works to, utilities apparatus	
	133 to 139, 295, 297, 298, 314, 315, 322 to 324, 396, 406, 408, 445, 456 to 461, 471, 579, 580, 716, 770, 771, 798, 799, 805 to 807, 842 to 844, 849, 867, 898, 922, 925, 926, 942, 944, 945, 957 to 964, 973 to 975, 977, 985, 987, AP2-25, AP2-26	Diversion or installation of, or works to, utilities apparatus	15
			20
	213	Provision and renewal of railway systems for operational purposes and drainage	25
	454	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
	AP4-1	Reinstatement of businesses or facilities	30
London Borough of Hillingdon	1 to 16, 26 to 28, 39, 40, 68, 84, 85, 106, 107, 128 to 139, 175, 176, 190, 202, 203, 219, 224, 229 to 239, 371, 384, 387, 390, 447, 449, 452, 454, 463a, 464a, 476, 477, 478a, 492a, 522, 523, 523a, AP5-1b, AP5-2 to AP5-14	Diversion or installation of, or works to, utilities apparatus	35
			40
	25, 441, 442, 458, 459, 469, 471, 483a, 484, 485, 494 to 496, 537, AP4-20, AP4-25, AP4-27 to AP4-29, AP4-33 to AP4-39	Provision of environmental mitigation	45
	25a, 470, 494b	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	50, 51	Provision of access for construction and maintenance of utility diversions	
	101 to 103, 420, 422, 423, 426, 427 to 429, 466a, 467, 482, 487, 488, 502, 504, 506, AP4-12, AP4-13, AP4-15, AP4-16	Provision of worksite and access for construction and maintenance Diversion or installation of, or works to, utilities apparatus	5
	377, 379, 411, 414, 415, 535	Provision of worksite and access for construction	10
	412, 413, 416 to 419, AP4-26	Provision of worksite and access for construction and maintenance	
	424, 425, 460, 536, 540, AP4-17 to AP4-19	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus	15
	465a, 511	Provision of environmental mitigation Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus	20
	474	Provision of worksite and access for construction and maintenance Provision of environmental mitigation	25
	496a, 498, 499, 526 to 534	Provision of worksite and access for construction and maintenance Provision of environmental mitigation Diversion and installation of overhead electric lines	30
	501, 507	Diversion and installation of overhead electric lines Provision of worksite and access for construction and maintenance Diversion or installation of, or works to, utilities apparatus	35
	510, AP4-21	Provision of worksite and access for construction Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	545	Diversion and installation of overhead electric lines	
		Provision of worksite and access for construction and maintenance	5
	548, 550, 556 to 558, 563, AP2-1	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	10
		Diversion and installation of overhead electric lines	
	562	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	15
	564, 590b, AP2-3, AP2-4	Diversion and installation of overhead electric lines	
	606, 614, 615, 618	Provision of worksite and access for construction and maintenance	20
		Provision and renewal of railway systems for operational purposes and drainage	
		Provision of new public right of way	
		Diversion and installation of overhead electric lines	25
		Diversion or installation of, or works to, utilities apparatus	
	611, 613	Provision of worksite and access for construction and maintenance	
		Provision and renewal of railway systems for operational purposes and drainage	30
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	
	612	Provision of worksite and access for construction and maintenance	35
		Provision and renewal of railway systems for operational purposes and drainage	
		Diversion or installation of, or works to, utilities apparatus	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	616	Provision of worksite and access for construction and maintenance	
		Provision and renewal of railway systems for operational purposes and drainage	5
		Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	10
	496, 654, 655	Provision of environmental mitigation	
		Provision of flood mitigation measures	
	496a, 498	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	15
		Diversion and installation of overhead electric lines	
	557, 560, 561, 570 to 580, 583, 584, 588, 590, 591, 593, 594, 707, 714, 719, 720c	Diversion and installation of overhead electric lines	20
	558	Provision of worksite and access for construction and maintenance	
		Diversion and installation of overhead electric lines	25
	565	Diversion and installation of overhead electric lines	
		Provision of electricity supply system and access	
	566 to 568	Provision of access for construction and maintenance of utility diversions	30
		Provision of electricity supply system and access	
	603, 604, 643 to 645, 657 to 659, 665, 683, 693, 694, 698a, 720d, 723, 724, 728, 729, 736, 737, 739, 741, 742, 748, 749, 753, 767, 768, 770, 784, 786, 787, 789	Provision of environmental mitigation	35
			40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	621	Provision of balancing pond and associated works and access for maintenance	
		Provision of electricity supply system and access	5
		Provision of new public right of way	
	622, 624, 625, 627, 628, 630 to 632, 636, 666, 669, 671, 738	Diversion or installation of, or works to, utilities apparatus	10
	633, 676, 677, 679, 697, 741a, 747, 747a, 747b, 747d, 756, 756a, 761, 762a, 763 to 765, 771, 772, 774 to 778, 780 to 783	Provision of worksite and access for construction and maintenance	15
	642, 758	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	20
	663, 672	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	692	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	25
		Provision of electricity supply system and access	
		Provision of flood mitigation measures	
		Provision of new public right of way	30
		Diversion and installation of overhead electric lines	
	726, 731, 734, 740, 745, 746	Provision of worksite and access for construction	
	751, 755	Provision of worksite and access for construction and maintenance	35
		Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	759 AP2-5, AP2-6 AP4-40 to AP4-42	Provision of worksite and access for construction and maintenance Provision of environmental mitigation Diversion or installation of, or works to, utilities apparatus Provision of access for construction and maintenance Reinstatement of businesses or facilities	5 10
County of Buckinghamshire, District of South Bucks, Parish of Iver	AP2-1, AP2-3 AP2-9 to AP2-11, AP2-14, AP2-15	Provision and renewal of railway systems for operational purposes and drainage Provision of worksite and access for construction	15
Borough of Slough	AP2-3, AP2-5, AP2-6, AP2-14, AP2-21, AP2-25, AP2-30, AP2-33, AP2-34 AP2-12, AP2-26 AP2-13, AP2-20 AP2-17, AP2-22, AP2-23, AP2-28 AP2-35 AP2-37	Provision of worksite and access for construction Provision and renewal of railway systems for operational purposes and drainage Provision of worksite and access for construction Provision and renewal of railway systems for operational purposes and drainage Provision of worksite and access for construction Provision of flood mitigation measures Provision of access for construction and maintenance of utility diversions Diversion or installation of, or works to, utilities apparatus	20 25 30
County of Buckinghamshire, District of South Bucks, Parish of Denham	1, 2 1d, 1f 11, 17, 19, 32 25, 26, 28 to 31, 33, 46, 52	Provision of flood mitigation measures Diversion and installation of overhead electric lines Provision of environmental mitigation Provision of worksite and access for construction	35 40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	14, 15, 23, 27	Provision of balancing pond and associated works and access for maintenance	
	26	Provision of worksite and access for construction	5
	34	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	42, 43	Diversion or installation of, or works to, utilities apparatus	10
	37 to 39, 47 to 49, AP2-3	Provision of access for construction and maintenance	
	AP4-1, AP4-2, AP4-4 to AP4-9	Provision of worksite and access for construction	15
		Provision of drainage and associated works	
Parish of Wexham	AP4-1	Provision of environmental mitigation	
County of Hertfordshire District of Three Rivers	5	Provision of environmental mitigation	
		Provision of worksite and access for construction	20
		Provision of drainage and associated works	
	7, 13, 15, 17, 19, 21, 22, 24, 25, 27, 31, 38, 41, 44, 48, 54, 58, 65, 69, 104	Provision of worksite and access for construction	25
	12	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
	23, 53, 80	Provision of balancing pond and associated works and access for maintenance	30
	32, 36, 37	Provision of worksite and access for construction	
		Provision of drainage and associated works	
	40, 46, 61, 63, 64	Provision of drainage and associated works	35
	49, 55, 80a, 84, 94, 97, 120, AP4-1 to AP4-17	Provision of environmental mitigation	
	75	Provision of environmental mitigation	
		Provision of worksite and access for construction	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	107, 109	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Provision of electricity supply system and access	
	116	Diversion and installation of overhead electric lines	
		Provision of worksite and access for construction	10
		Diversion and installation of overhead electric lines	
	10	Diversion or installation of, or works to, utilities apparatus	15
	AP4-18	Reinstatement of businesses or facilities	
County of Buckinghamshire District of Chiltern Parish of Chalfont St Peter	1, 7, 21, 30, 31, 35	Provision of worksite and access for construction	
			20
	16	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	25
		Provision of new public right of way	
	19	Diversion and installation of overhead electric lines	
	70, 75, 76, 83, 85	Provision of environmental mitigation	30
Parish of Chalfont St Giles	4 to 6	Provision of environmental mitigation	
	131	Provision of worksite and access for construction	
	134, 135, 139, 141, 142, 147	Provision of environmental mitigation	35
Parish of Amersham	7, 22, 24, 28, 34, 37	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction and maintenance	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	10	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	5
	27	Diversion or installation of, or works to, utilities apparatus	
	31	Provision of environmental mitigation	
		Provision of worksite and access for construction	10
	59, 66, 67, 74, 76, 77	Provision of protective works to watercourse	
Parish of Coleshill	4	Provision of environmental mitigation	
	8	Diversion or installation of, or works to, utilities apparatus	15
Parish of Little Missenden	2 to 4	Provision of protective works to watercourse	
	11, 16	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	20
	14	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction and maintenance	
	15, 17, 19, 20	Diversion or installation of, or works to, utilities apparatus	25
	AP2-2, AP2-3	Provision of new public right of way	
Parish of Great Missenden	142, 158, 174, 178, AP4-55, AP4-56	Provision of environmental mitigation	
	135 to 137	Provision of drainage and associated works	30
	155, 184	Provision of environmental mitigation	
		Provision of drainage and associated works	
	AP4-80, AP4-81	Provision of environmental mitigation	
		Provision of new public right of way	
	170, 171	Provision of environmental mitigation	35
		Provision of worksite and access for construction	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	AP4-31, AP4-38, AP4-41, AP4-41a, AP4-42 to AP4-44, AP4-47a, AP4-48, AP4-49, AP4-59, AP4-73, AP4-74	Diversion and installation of overhead electric lines	5
	173, 179, 188, 189	Diversion or installation of, or works to, utilities apparatus	
	112, 117	Provision of environmental mitigation	10
		Diversion and installation of overhead electric lines	
		Diversion or installation of, or works to, utilities apparatus	
	157, 159 to 161, 163, 167, AP4-15	Provision of worksite and access for construction	15
	128, 139	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	20
	138, 147	Diversion and installation of overhead electric lines	
	166	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	25
		Diversion and installation of overhead electric lines	
	162a, 162b	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	30
		Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	
	180, AP4-51, AP4-52, AP4-75	Provision of environmental mitigation	35
		Diversion and installation of overhead electric lines	
	AP2-2	Provision of balancing pond and associated works and access for maintenance	40
	AP4-54, AP4-78	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	AP4-57	Provision of environmental mitigation Provision of worksite and access for construction and maintenance Diversion and installation of overhead electric lines	5
	AP4-58, AP4-69, AP4-70	Provision of new public right of way Provision of worksite and access for construction and maintenance Provision of drainage and associated works	10
	AP4-65	Provision of balancing pond and associated works and access for maintenance	
	AP4-67	Provision of environmental mitigation Provision of worksite and access for construction Provision of drainage and associated works	15
	AP4-68	Provision of environmental mitigation Provision of worksite and access for construction and maintenance Diversion and installation of overhead electric lines	20
Parish of The Lee	2, 42 to 45 5, 22, 24, 28, 34 8, 9, 26 11, 12, 18, 19, 31 16 27 32	Provision of environmental mitigation Reprofiling of ground Provision of worksite and access for construction Reprofiling of ground Provision of environmental mitigation Diversion and installation of overhead electric lines Diversion and installation of overhead electric lines Provision of environmental mitigation Reprofiling of ground Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Reprofiling of ground	25 30 35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	36	Reprofiling of ground	
		Provision of worksite and access for construction and maintenance	5
	39, 40	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	AP2-1	Provision of access for construction	
District of Aylesbury Vale Parish of Wendover	1, 3, 14, 48, 150, 153, 233	Provision of environmental mitigation	10
		Diversion and installation of overhead electric lines	
	5, 8, 15, 19, 59, 66 to 71, 74, 76 to 78, 80, 81, 123, 143, 147, 220	Provision of drainage and associated works	15
	7, 251a	Provision of environmental mitigation	
		Provision of drainage and associated works	
	9, 11, 23, 25, 50, 57, 65, 97, 98, 127, 129, 132, 146, 222, 232, 236, 238, 239, 243, 248, 250a, 257	Provision of environmental mitigation	20
	18, 42, 45, 46, 60, 120, 126, 149, 151, 182, 187, 190, 192, 224	Provision of worksite and access for construction	25
	24	Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	
	29	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	30
		Diversion or installation of, or works to, utilities apparatus	
	31	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	35
		Provision of drainage and associated works	
	32, 58, 108, 109, 142, 212, 214, 223, 241	Diversion and installation of overhead electric lines	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	34, 55, 94, 124, 204	Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	5
		Provision of worksite and access for construction	
	35, 169, 172, 185, 205, 206	Diversion or installation of, or works to, utilities apparatus	
	38 to 41, 52, 96, 103, 110, 111	Provision of environmental mitigation	10
		Provision of worksite and access for construction	
	47, 56, 62, 63, 165, 211, 235	Provision of worksite and access for construction	15
		Diversion and installation of overhead electric lines	
	54	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	20
	61, 221	Provision of worksite and access for construction	
		Provision of drainage and associated works	
	64	Provision of worksite and access for construction	25
		Diversion and installation of overhead electric lines	
		Provision of drainage and associated works	
	91, 213, 215	Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	30
	95	Provision of worksite and access for construction and maintenance	
	100	Provision of environmental mitigation	
		Provision of drainage and associated works	35
		Diversion and installation of overhead electric lines	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	135, 136	Provision of balancing pond and associated works and access for maintenance	
		Diversion and installation of overhead electric lines	5
	156, 159, 217	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	10
	171	Provision of worksite and access for construction	
		Provision of new public right of way	
	173	Installation of ground anchors	
	203	Provision of worksite and access for construction	15
		Provision of new public right of way	
		Diversion and installation of overhead electric lines	
	219	Provision of worksite and access for construction	20
		Provision of environmental mitigation	
		Provision of drainage and associated works	
		Diversion and installation of overhead electric lines	25
	230	Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	
	AP1-11	Provision of environmental mitigation	30
		Provision of worksite and access for construction and provision of balancing pond and associated works	
		Access for maintenance	
	AP2-1	Provision of balancing pond and associated works and access for maintenance	35
	AP2-3a	Minor highway alterations	
	AP2-4	Reinstatement of businesses or facilities	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
District of Wycombe Parish of Ellesborough	2	Provision of drainage and associated works	
		Diversions or installation of, or works to, utilities apparatus	5
	4, 15, 74	Provision of worksite and access for construction	
	5	Provision of environmental mitigation	
		Provision of worksite and access for construction	10
		Provision of new public right of way	
	10	Provision of environmental mitigation	
		Provision of drainage and associated works	
	13, 17, 32, 33	Diversions or installation of, or works to, utilities apparatus	15
	34, 44, 66, 70	Provision of environmental mitigation	
		Diversions or installation of, or works to, utilities apparatus	
	22, 23, 30, 35, 36, 38, 41, 47, 48, AP2-1, AP2-2	Provision of environmental mitigation	20
	50, 51, 54 to 57	Provision of flood mitigation measures	
	52	Provision of worksite and access for construction and maintenance	
	53, 61 to 64, 71, 72	Provision of drainage and associated works	25
69, 80	Diversions and installation of overhead electric lines		
11, 12	Provision of worksite and access for construction		
	Diversions or installation of, or works to, utilities apparatus	30	
AP4-1	Provision of environmental mitigation		
	Provision of worksite and access for construction		
District of Aylesbury Vale Parish of Stoke Mandeville	4, 21, 23, 26, 33, 34, 38, 81, 90, 100 to 102, 108, 112, 155, 157, 158, 161	Provision of environmental mitigation	35
	6, 69, 113	Provision of worksite and access for construction and maintenance	40
	8, 9, 94, 95, 120	Provision of flood mitigation measures	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	10	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	18	Provision of worksite and access for construction and maintenance	10
		Provision of new public right of way	
	22, 48, 56, 122, 132, 144	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	24, 59, 63, 116, 149, 151	Provision of worksite and access for construction	15
	25, 72, 75, 76, 78 to 80, 87, 88, 91, 98, 109, 117, 138, 141	Diversion or installation of, or works to, utilities apparatus	
	28	Provision of balancing pond and associated works and access for maintenance	20
	43, 84, 103, 129	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	25
	61	Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	62	Provision of drainage and associated works	30
	74, 92, 93, 152	Provision of drainage and associated works	
		Provision of environmental mitigation	
	83, AP2-2	Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	35
		Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	118	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	5
	119	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of drainage and associated works	10
	123, 131, 134, AP1-3, AP1-4, 150	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	126	Provision of environmental mitigation	15
		Provision of worksite and access for construction	
		Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	20
	146	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction and maintenance	25
District of Wycombe Parish of Great and Little Kimble cum Marsh	1	Provision of drainage and associated works	
	3, 7, 9	Provision of worksite and access for construction	30
District of Aylesbury Parish of Stone with Bishopstone and Hartwell	6, 65, 86	Diversion or installation of, or works to, utilities apparatus	35
	17, 18, 23, 32	Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	40
	27, 29, 30, 37, 69, 79, 81	Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	28, 28b	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	5
	33	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of drainage and associated works	
		Provision of worksite and access for construction	10
	35	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	15
	36	Provision of environmental mitigation	
		Provision of access for construction and maintenance	
	39	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	20
		Provision of drainage and associated works	
		Provision of access for construction and maintenance	
	40	Provision of worksite and access for construction and maintenance	25
	44, 46, 53, 57, 59	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	45	Provision of environmental mitigation	30
		Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction and maintenance	
	47	Provision of worksite and access for construction	35
		Provision of a turning head	
	48, 85, 90	Provision of worksite and access for construction	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	51, 55	Provision of worksite and access for construction	
		Provision of environmental mitigation	5
		Diversion or installation of, or works to, utilities apparatus	
	60	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	10
		Provision of a turning head	
	61, 72	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
	66a, 66b, 71b, 73b	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of environmental mitigation	20
		Provision of drainage and associated works	
		Provision of flood mitigation measures	
	74a, 75, 89	Provision of flood mitigation measures	
	76a	Provision of environmental mitigation	
		Provision of drainage and associated works	25
	87	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	30
		Provision of flood mitigation measures	
	88	Provision of flood mitigation measures	
		Provision of drainage and associated works	
	AP4-2	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
		Provision of drainage and associated works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
Parish of Aylesbury	1	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	5
	6, 18	Diversion and installation of overhead electric lines	
		Provision of environmental mitigation	
Parish of Coldharbour	2 to 7, 10, 11	Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	10
	20 to 22, 24	Provision of environmental mitigation	
Parish of Fleet Marston	4	Provision of worksite and access for construction and maintenance	15
	5, 11	Provision of environmental mitigation	
		Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	20
	6, 7	Diversion or installation of, or works to, utilities apparatus	
	8, 9	Provision of flood mitigation measures	
	10	Provision of worksite and access for construction	25
		Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	13, 26	Provision of environmental mitigation	
	14, 18, 30	Provision of drainage and associated works	30
	15, 21	Provision of worksite and access for construction	
	16, 19	Provision of environmental mitigation	
		Provision of new public right of way	
20	Provision of environmental mitigation	35	
	Provision of worksite and access for construction		

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	23	Provision of worksite and access for construction	
		Provision of drainage and associated works	5
	25	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	
	12b	Provision of environmental mitigation	10
		Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
Parish of Waddesdon	1, 16	Provision of flood mitigation measures	15
	2, 73, 79	Provision of environmental mitigation	
		Provision of new public right of way	
	3, 32, 45, 107, 128, 129	Provision of drainage and associated works	
	6	Provision of environmental mitigation	20
		Provision of drainage and associated works	
		Provision of new public right of way	
	7, 9, 113, 120, 126, 127	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
	8, 10, 11, 13, 34, 36, 41, 42, 49, 51, 53, 59, 60, 67, 69, 74, 76, 81 to 83, 85, 100, 103	Provision of environmental mitigation	
	17, 46, 52, 56, 66, 72, 78, 84, 106, 114	Provision of worksite and access for construction	30
	18	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of electricity supply system and access	35
	31, 54, 109, 112	Provision of worksite and access for construction and maintenance	
	33, 40, 58	Provision of balancing pond and associated works and access for maintenance	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	68, 93, 110, 111	Diversion or installation of, or works to, utilities apparatus	
	91	Provision of balancing pond and associated works and access for maintenance	5
		Diversion or installation of, or works to, utilities apparatus	
	94	Provision of new public right of way	
	97	Provision of environmental mitigation	10
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	
	105	Provision of drainage and associated works	15
		Provision of worksite and access for construction and maintenance	
	123	Provision of environmental mitigation	
		Provision of worksite and access for construction	20
		Provision of flood mitigation measures	
Parish of Quinton	3, 35, 61, 66	Provision of environmental mitigation	
		Provision of flood mitigation measures	
	8, 23, 59, 74, 88, 115, AP2-5, AP2-14, AP2-15, AP4-1, AP4-2	Provision of balancing pond and associated works and access for maintenance	25
	9, 12, 14, 24, 92, 98 to 100, 133, 138, 142, 177, 182, 191, 194, 199, 203, 216, 218, 248 to 250	Provision of worksite and access for construction	30
	11, 20, 27, 53, 56, 58, 62, 64, 65, 122, 125, 128, 141, 195a, 206a, 222, 223, 225, 226, 232, 240, 253, 270, 271, 273a, AP1-23, AP1-24	Provision of environmental mitigation	35
	17, 75, 127, 210, 212	Diversion or installation of, or works to, utilities apparatus	
	19	Provision of worksite and access for construction	40
		Removal of utility apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	21	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Removal of utility apparatus	
	31	Provision of balancing pond and associated works and access for maintenance	
		Removal of utility apparatus	
	32, 50, 68, 151, 219, 220, 224	Provision of flood mitigation measures	10
	33, 72	Provision of worksite and access for construction and maintenance	
	87	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
		Diversion or installation of, or works to, utilities apparatus	
	54, 71, 89, 104, 110, 113, 118b, 118d, AP1-5, AP1-16 to AP1-20	Provision of environmental mitigation	20
		Provision of worksite and access for construction	
	38	Provision of environmental mitigation	
		Provision of diversion or installation of, or works to, utilities apparatus	25
	40	Provision of environmental mitigation	
		Provision of drainage and associated works	
	46, 107, 109, 131, 146, 149, 159, 197, 244, AP2-3, AP2-4, AP2-10	Provision of drainage and associated works	30
	47	Provision of a turning head	
		Provision of environmental mitigation	
	49	Provision of a turning head	
		Diversion or installation of, or works to, utilities apparatus	35
	93	Provision of balancing pond and associated works and access for maintenance	
		Provision of flood mitigation measures	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	118c, 176	Provision of environmental mitigation Diversion and installation of overhead electric lines	5
	124	Provision of environmental mitigation Provision of worksite and access for construction Provision of new public right of way	
	135, 150, 155, 157, 158, 161, 164, 168, 170, 184a, 233	Diversion and installation of overhead electric lines	10
	136a	Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance Provision of drainage and associated works Provision of new public right of way Provision of electricity supply system and access	15
	143	Diversion and installation of overhead electric lines Provision of access for construction and maintenance	20
	160	Provision of access for construction and maintenance	25
	166	Provision of electricity supply system and access	
	173	Provision of environmental mitigation Diversion and installation of overhead electric lines Provision of drainage and associated works	30
	174, 175	Provision of worksite and access for construction Diversion and installation of overhead electric lines	35
	204	Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance Provision of flood mitigation measures	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	206b, 207a	Provision of environmental mitigation	
		Provision of electricity supply system and access	5
	243	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	
	251	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	10
	AP2-6, AP2-7 to AP2-9	Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	15
Parish of Grendon Underwood	3, 5, 10, 28, 30	Provision of environmental mitigation	
	20, 23, 26	Provision of worksite and access for construction	
	4	Provision of environmental mitigation	20
		Provision of drainage and associated works	
	21 and 24	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	12a	Provision of environmental mitigation	25
		Provision of worksite and access for construction and maintenance	
	AP2-6	Provision of worksite and access for construction and maintenance	
		Provision of new public right of way	30
	16a	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	
		Provision of new public right of way	
	29	Provision of balancing pond and associated works and access for maintenance	35
	AP1-1, AP1-5, AP1-6, AP1-9	Diversion and installation of overhead electric lines	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
Parish of Middle Claydon	1, 2	Provision of environmental mitigation	
Parish of East Claydon	4, 4a, 5, 7	Diversion and installation of overhead electric lines	5
Parish of Calvert Green	1, 9, 11	Provision of environmental mitigation	
	2	Provision of environmental mitigation	
		Provision of new public right of way	10
	AP2-1	Provision of new public right of way	
	6	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of flood mitigation measures	15
		Provision of new public right of way	
	8	Provision of flood mitigation measures	
	23	Diversion or installation of, or works to, utilities apparatus	
	24	Diversion or installation of, or works to, utilities apparatus	20
		Provision of access for construction and maintenance	
	25	Provision of worksite and access for construction	25
18a		Provision of access for construction and maintenance	
		Provision of new public right of way	
	AP4-2	Provision of access for construction	
	AP4-6	Provision of balancing pond and associated works and access for maintenance	30
Parish of Steeple Claydon	3, 4, 6, 78, 80, 110, 111, AP1-1, AP4-1, AP4-4	Provision of environmental mitigation	
	24, 26a, 27, 31, 33, 97	Provision of worksite and access for construction	35
	72	Provision of environmental mitigation	
		Provision of access for construction and maintenance	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	9c, 9d	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	5
		Provision of access for construction and maintenance	
	9a, 100, 117, 119, 120	Diversion or installation of, or works to, utilities apparatus	
	21	Provision of worksite and access for construction	10
		Provision of balancing pond and associated works and access for maintenance	
	52a, 76	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
	51a	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
	75	Diversion or installation of, or works to, utilities apparatus	20
		Provision of new public right of way	
	98, 99, 112	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	25
	109	Provision of flood mitigation measures	
	124, 125	Provision of drainage and associated works	
	69, 71	Provision of new public right of way	
	102, 103, AP1-8, AP2-1 to AP2-4	Provision of worksite and access for construction and maintenance	30
Parish of Charndon	2, 3	Diversion or installation of, or works to, utilities apparatus	
Parish of Twyford	5, 6, 13, 62, 67, 92, 101	Provision of worksite and access for construction	35
	14	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	
		Provision of new public right of way	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	24, 26, 44, 49, 54	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	5
	27, 48	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
	38, 60, 81, 82, 89, 90	Provision of flood mitigation measures	
	39	Provision of balancing pond and associated works and access for maintenance	10
		Provision of worksite and access for construction	
	47, 63, 64, 69	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
	52	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of access for construction and maintenance	20
	53, 76	Provision of worksite and access for construction and maintenance	
	58, 88	Provision of environmental mitigation	
		Provision of new public right of way	25
	71, 75, 77, 83, 84, 95, 97, 99, 100	Provision of environmental mitigation	
	72	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	30
	78	Provision of drainage and associated works	
	80	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of new public right of way	35
	87	Diversion or installation of, or works to, utilities apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	91	Provision of environmental mitigation	
	94	Provision of balancing pond and associated works and access for maintenance	5
		Provision of new public right of way	
		Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	10
Parish of Preston Bissett	1 to 4	Provision of flood mitigation measures	
	6, 13, 22, 27, 30, 31, 44, 45, 54 to 56, 58, 62, AP2-1	Provision of environmental mitigation	15
	8, 15a, 16b, 28a, 29a, 52	Provision of worksite and access for construction	
	12a, 12b, AP4-1	Provision of environmental mitigation	20
		Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	
	20, 21	Provision of environmental mitigation	
		Provision of drainage and associated works	25
	23a	Provision of environmental mitigation	
		Provision of new public right of way	
Provision of drainage and associated works			
Provision of worksite and access for construction and maintenance		30	
37	Provision of environmental mitigation		
	Provision of drainage and associated works		
	Provision of worksite and access for construction and maintenance		
16c, 16d, 18b, 41, 47 to 51	Provision of environmental mitigation	35	
	Provision of worksite and access for construction		

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	40, 42, 43, 61	Provision of environmental mitigation Provision of worksite and access for construction and maintenance	5
County of Oxfordshire	5a, 5b, 12, AP2-1	Provision of environmental mitigation	
District of Cherwell		Provision of worksite and access for construction and maintenance	
Parish of Godington			10
	6a	Provision of worksite and access for construction	
	8a, 8b, 14, 15	Provision of flood mitigation measures	
County of Buckinghamshire	1 to 3, 8, 9	Provision of flood mitigation measures	15
District of Aylesbury Vale			
Parish of Chetwode			20
	5, 12 to 14, 22 to 24, 28, 31, 35, 42, 45, 52, 53, 55, 64, 84, 87	Provision of environmental mitigation	
	17a, 17b, 17c, 17d	Provision of balancing pond and associated works and access for maintenance	25
		Provision of environmental mitigation	
		Provision of drainage and associated works	
	19 to 21, 95, 96	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	30
	25, 27, 34, 91	Provision of worksite and access for construction	
	30	Provision of environmental mitigation	
		Provision of drainage and associated works	
	41, 86, 88	Diversion or installation of, or works to, utilities apparatus	35
	51	Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	54	Provision of drainage and associated works	40
		Removal of utility apparatus	
	63	Provision of drainage and associated works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	65	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	5
	71, 90	Provision of environmental mitigation	
		Provision of new public right of way	
	76	Provision of worksite and access for construction	
		Removal of utility apparatus	10
Parish of Barton Hartshorn	2a, AP2-5	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	
	6a	Provision of environmental mitigation	15
	7a, 16	Provision of worksite and access for construction	
	9, 10, 22	Provision of flood mitigation measures	
	13	Provision of balancing pond and associated works and access for maintenance	20
		Provision of new public right of way	
	14	Provision of worksite and access for construction	
		Provision of drainage and associated works	
	19, 24	Provision of drainage and associated works	25
	25, 26	Provision of environmental mitigation	
		Provision of new public right of way	
County of Oxfordshire District of Cherwell Parish of Newton Purcell with Shelswell	1, 8, 17, 39, 49, 66	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
	4, 6, 15, 16, 19, 23, 31, 34, 36, 46, 54, 86	Provision of environmental mitigation	35
	10, 22, 27, 55, 69, 75, 82, 83	Provision of worksite and access for construction	
	21, 26, 63, 67, 74, 76	Provision of drainage and associated works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	32	Diversion or installation of, or works to, utilities apparatus	
		Removal of utility apparatus	5
		Provision of worksite and access for construction	
	37, 59	Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	10
	30, 56, 58	Provision of worksite and access for construction and maintenance	
	57, 62	Provision of flood mitigation measures	
		Provision of drainage and associated works	
	61	Provision of worksite and access for construction and maintenance	15
		Provision of new public right of way	
	64	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	20
		Provision of drainage and associated works	
	72	Provision of worksite and access for construction	
		Provision of flood mitigation measures	
	85, 88	Diversion or installation of, or works to, utilities apparatus	25
	92	Provision of worksite and access for construction	
		Provision of new public right of way	
Parish of Finmere	5, 9, 54	Provision of environmental mitigation	30
	7, 15	Provision of environmental mitigation	
		Provision of new public right of way	
	8, 12	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
	24, 33, 36, 37	Provision of worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	18	Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	5
	18a, 25, 40, 42	Diversion or installation of, or works to, utilities apparatus	
	48	Provision of access for utility works	
	52	Provision of environmental mitigation	
		Removal of utility apparatus	10
Parish of Mixbury	7, 24, 26, 40	Diversion or installation of, or works to, utilities apparatus	
	8, 13a	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
		Diversion or installation of, or works to, utilities apparatus	
	12, 17a, 45, 46, 57, AP2-8 to AP2-11	Provision of environmental mitigation	
	15a, 18, AP2-5a	Provision of environmental mitigation	20
		Diversion and installation of overhead electric lines	
	34, 43a, 43b, 51	Provision of worksite and access for construction	
	28a, 37, 38	Diversion or installation of, or works to, utilities apparatus	25
		Diversion and installation of overhead electric lines	
	31	Provision of balancing pond and associated works and access for maintenance	30
		Provision of electricity supply system and access	
	31a	Provision of environmental mitigation	
		Removal of utility apparatus	
		Diversion or installation of, or works to, utilities apparatus	35
	39	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	40b, 40c, 49	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
	41a, 63	Provision of drainage and associated works	
	48	Provision of environmental mitigation	
		Provision of new public right of way	
	53, 54	Provision of balancing pond and associated works and access for maintenance	10
		Provision of new public right of way	
		Provision of drainage and associated works	
	52	Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	15
		Provision of drainage and associated works	
		Removal of utility apparatus	
	62	Provision of flood mitigation measures	
		Removal of utility apparatus	
	66	Removal of utility apparatus	20
County of Buckinghamshire	1	Provision of environmental mitigation	
District of Aylesbury Vale		Diversion or installation of, or works to, utilities apparatus	25
Parish of Westbury		Removal of utility apparatus	
		Provision of drainage and associated works	
	1a	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	30
		Provision of new public right of way	
	5, 6	Provision of drainage and associated works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	7	Provision of environmental mitigation Provision of drainage and associated works Provision of new public right of way	5
	14	Provision of worksite and access for construction and maintenance Provision of flood mitigation measures	
	19, 21 to 25, 27	Provision of environmental mitigation	
	28	Provision of environmental mitigation Provision of new public right of way	10
	29	Provision of worksite and access for construction Provision of new public right of way	
	30, 33 to 35, 38	Provision of worksite and access for construction	15
	18, 20	Diversion or installation of, or works to, utilities apparatus	
Parish of Turweston	3, 4, 45, 46	Provision of new public right of way	20
	11	Provision of environmental mitigation Diversion or installation of, or works to, utilities apparatus	
	8, 13a, 20, 27, 50, 68, 71, 72, 76 to 79, 83, 85, 99, 100	Provision of worksite and access for construction	25
	18, 21, 89, 91	Provision of environmental mitigation	
	29	Diversion or installation of, or works to, utilities apparatus	
	62, 73	Provision of worksite and access for construction Diversion and installation of overhead electric lines Removal of utility apparatus	30
	81	Provision of worksite and access for construction and maintenance	35
	37	Diversion and installation of overhead electric lines	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	38, 104, 106	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
	40, 57	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	
	42, 61, 67	Diversion and installation of overhead electric lines	10
	43, 48	Diversion and installation of overhead electric lines	
		Provision of new public right of way	
	49	Provision of worksite and access for construction	15
		Provision of new public right of way	
	65	Provision of worksite and access for construction	
		Removal of utility apparatus	20
		Provision of balancing pond and associated works and access for maintenance	
	84	Provision of worksite and access for construction	
		Provision of balancing pond and associated works and access for maintenance	25
	88	Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	
	90	Provision of environmental mitigation	30
		Provision of worksite and access for construction	
		Provision of balancing pond and associated works and access for maintenance	
	102, 110	Provision of drainage and associated works	35
	109	Provision of environmental mitigation	
		Provision of flood mitigation measures	
	AP2-1 to AP2-4	Reinstatement of businesses or facilities	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
County of Northamptonshire District of South Northamptonshire Parish of Whitfield	1	Provision of balancing pond and associated works and access for maintenance	5
		Diversion and installation of overhead electric lines	
	4, 9, 13, 14	Provision of drainage and associated works	
	6	Provision of environmental mitigation	10
		Diversion and installation of overhead electric lines	
		Provision of worksite and access for construction	
		Provision of drainage and associated works	15
		Provision of electricity supply system, and access	
	10	Provision of environmental mitigation	
		Provision of flood mitigation measures	
		Provision of new public rights of way	20
		Provision of drainage and associated works	
	16, AP2-3	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	Provision of new public right of way	25	
20, 35	Provision of environmental mitigation		
	Provision of worksite and access for construction		
	Provision of new public right of way		
	Diversion or installation of, or works to, utilities apparatus	30	
26	Provision of environmental mitigation		
	Provision of worksite and access for construction		
	Diversion or installation of, or works to, utilities apparatus	35	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	30	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	5
	17	Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	10
	25	Provision of flood mitigation measures	
		Provision of new public right of way	
	27	Provision of flood mitigation measures	
	28	Provision of environmental mitigation	
	29, 37, 40, 42, 48 to 50	Provision of worksite and access for construction	15
	41	Provision of balancing pond and associated works and access for maintenance	
	44	Provision of environmental mitigation	
		Provision of worksite and access for construction	20
Parish of Brackley	1	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	25
	4, 6	Provision of worksite and access for construction and maintenance	
	7	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	30
	9	Provision of worksite and access for construction	
	12	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
	13	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	14, 15	Diversion or installation of, or works to, utilities apparatus	
Parish of Radstone	1, 2, 22	Provision of worksite and access for construction	5
	5, 7a	Provision of worksite and access for construction	
	6a, 6b, 20	Provision of new public right of way Provision of environmental mitigation	10
	9	Provision of worksite and access for construction Provision of environmental mitigation	15
	7	Diversion or installation of, or works to, utilities apparatus Diversion or installation of, or works to, utilities apparatus Removal of utility apparatus	20
	8a, 16a, 16c, 18a, 18c, 40, 41, 47	Provision of environmental mitigation	
	10, 17, 21, 23, 38, AP2-4, AP2-6	Provision of environmental mitigation Provision of drainage and associated works	25
	19, 26, 32, 33	Provision of environmental mitigation Provision of drainage and associated works Provision of balancing pond and associated works and access for maintenance	
	27, 37a, 37b, 41a	Provision of balancing pond and associated works and access for maintenance	30
	28, 29	Provision of flood mitigation measures	
	30	Provision of balancing pond and associated works and access for maintenance Provision of drainage and associated works Provision of environmental mitigation Provision of new public right of way Removal of utility apparatus	35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	36	Provision of environmental mitigation	
		Removal of utility apparatus	
	AP2-7	Provision of new public right of way	5
	46	Provision of flood mitigation measures	
Parish of Greatworth	1	Provision of new public right of way	
	3	Provision of drainage and associated works	
		Provision of flood mitigation measures	10
	4	Provision of environmental mitigation	
		Provision of drainage and associated works	
	5	Provision of flood mitigation measures	
	8, 11, 15, 75, 76	Provision of environmental mitigation	
	9	Provision of worksite and access for construction	15
		Provision of new public right of way	
	12, AP2-1	Provision of worksite and access for construction	
		Provision of new public right of way	20
		Removal of utility apparatus	
	13	Provision of environmental mitigation	
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	25
		Removal of utility apparatus	
		Provision of worksite and access for construction	
	19	Provision of environmental mitigation	
		Provision of new public right of way	30
		Diversion or installation of, or works to, utilities apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	15a	Provision of environmental mitigation	
	16, 17, 17a, 38	Provision of balancing pond and associated works and access for maintenance	5
	18, 48, 59, 60, 63, 64, 66, 67, 71, 72, 74, 77, 80, 82, 84 to 86, 90, 91, 98, AP4-5	Provision of new public right of way	
	10	Diversion or installation of, or works to, utilities apparatus	
	20, 21	Provision of worksite and access for construction	10
	23	Provision of environmental mitigation	
	30, 70, 73	Provision of new public right of way	
	24	Provision of drainage and associated works	15
	25	Provision of worksite and access for construction	
	39a, 39b	Provision of drainage and associated works	
		Removal of utility apparatus	
		Provision of worksite and access for construction	20
		Removal of utility apparatus	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	25
		Diversion or installation of, or works to, utilities apparatus	
		Removal of utility apparatus	
		Diversion or installation of, or works to, utilities apparatus	30
		Removal of utility apparatus	
		Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	35
		Removal of utility apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	26	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	5
	28, 31, 32, 34, 52, 56, 83, 99	Provision of worksite and access for construction	
		Provision of environmental mitigation	
	29a	Provision of environmental mitigation	10
		Diversion or installation of, or works to, utilities apparatus	
		Removal of utility apparatus	
		Provision of drainage and associated works	
		Provision of balancing pond and associated works and access for maintenance	15
	33	Provision of balancing pond and associated works and access for maintenance	
	43	Provision of flood mitigation measures	
		Diversion or installation of, or works to, utilities apparatus	20
	44	Provision of worksite and access for construction and maintenance	
	57, 61a	Provision of worksite and access for construction and maintenance	25
		Provision of new public right of way	
Parish of Marston St Lawrence	4, 23	Provision of environmental mitigation	
	5, 8, 11, 14	Provision of worksite and access for construction	30
	7, 9	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	15	Provision of worksite and access for construction	35
		Diversion or installation of, or works to, utilities apparatus	
	17	Provision of environmental mitigation	
		Provision of drainage and associated works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	AP4-1	Provision of drainage and associated works	
Parish of Sulgrave	1	Provision of environmental mitigation	
		Provision of new public right of way	5
Parish of Thorpe Mandeville	3	Provision of new public right of way	
		Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	10
		Provision of drainage and associated works	
	4, 16, 48, 54	Provision of worksite and access for construction	
	18, 47	Diversion or installation of, or works to, utilities apparatus	15
	15, 31, 35	Provision of environmental mitigation	
	25, 41, 42	Provision of drainage and associated works	
	26	Provision of environmental mitigation	
		Provision of drainage and associated works	
		Provision of balancing pond and associated works and access for maintenance	20
		Removal of utility apparatus	
	28, 33, 36, 40, 43	Provision of flood mitigation measures	
	29, 51	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
	60, 62	Provision of balancing pond and associated works and access for maintenance	
	69	Provision of environmental mitigation	
		Provision of drainage and associated works	30
		Removal of utility apparatus	
		Diversion or installation of, or works to, utilities apparatus	
	71	Provision of balancing pond and associated works and access for maintenance	35
		Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	AP2-3	Provision of a turning head Provision of access for construction	
Parish of Culworth	1	Diversion or installation of, or works to, utilities apparatus	5
	7, 8, 13, 16	Provision of environmental mitigation Provision of worksite and access for construction	
	11	Provision of environmental mitigation	10
	12, 20, 23	Provision of drainage and associated works Provision of environmental mitigation	
	17	Provision of worksite and access for construction	
	18	Provision of electricity supply system and access	15
	18	Provision of balancing pond and associated works and access for maintenance Provision of drainage and associated works	
	19, AP4-1	Provision of new public right of way	20
	19, AP4-1	Provision of balancing pond and associated works and access for maintenance	
	21a	Provision of worksite and access for construction and maintenance	
	22, 25, 44	Provision of worksite and access for construction	25
	29	Provision of drainage and associated works	
	34	Provision of worksite and access for construction	
	34	Provision of drainage and associated works	30
	39	Provision of flood mitigation measures	
Parish of Chipping Warden and Edgcote	2, 4, 9, 28, 32, 33, 95, 96, 105, AP4-1, AP4-1a, AP4-1b, AP4-2	Provision of environmental mitigation	
	35, 36, 39	Diversion or installation of, or works to, utilities apparatus	35
	11	Provision of worksite and access for construction Provision of flood mitigation measures	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	3, 14, 41	Provision of flood mitigation measures	
	15, 16, 24, 27, 38, 43, 48 to 50, 81b, 81d, 82b, 83b, 84, 86, 87a, 87b, 87c, 89a, 90, 91, 92b, 93, 104, 107, AP2-16, AP2-17, AP4-12, AP4-13	Provision of worksite and access for construction	5
	18a	Provision of environmental mitigation	10
		Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	
	25	Provision of worksite and access for construction and maintenance	15
	47, AP2-1	Provision of balancing pond and associated works and access for maintenance	
	58	Provision of environmental mitigation	
		Provision of new public right of way	
	65a	Provision of environmental mitigation	20
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	
	71, AP1-3, AP2-15	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
		Diversion or installation of, or works to, utilities apparatus	
	72a, AP2-21	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	94a, 99	Provision of worksite and access for construction	35
		Provision of new public right of way	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	AP2-3, AP2-5, AP2-13 AP2-14 AP2-9 AP4-3 AP4-10, AP4-11	Provision of balancing pond and associated works and access for maintenance Provision of drainage and associated works Provision of a turning head Provision of drainage and associated works Provision of drainage and associated works Provision of access for construction	5
Parish of Aston Le Walls	3, 32, AP4-1 9 10 17 20 23, 25, AP2-1 28a, 31, AP2-2, AP2-3 39, AP2-4	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of worksite and access for construction Provision of new public right of way Provision of environmental mitigation Provision of environmental mitigation Provision of worksite and access for construction Provision of balancing pond and associated works and access for maintenance Provision of drainage and associated works	10 15 20 25
Parish of Boddington	11, 29, 39, 52, 54, 66, AP2-1, AP4-3 3, 23, 26, 27a, 27b, 50, 51, 89, 107b, 109b, AP4-1, AP4-2 2a, 40a, 87, 96, 98, 114, 123b, AP2-2 18	Provision of drainage and associated works Provision of worksite and access for construction Provision of environmental mitigation Provision of worksite and access for construction Provision of environmental mitigation Provision of new public right of way Provision of worksite and access for construction	30 35 40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	97, 100a, 107a, 109a	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	
	85	Diversion or installation of, or works to, utilities apparatus	10
	16, 56, 86	Provision of flood mitigation measures	
	91	Diversion or installation of, or works to, utilities apparatus	
		Provision of environmental mitigation	
	25, 30a, 30b, 57, 62, 63, 71, 72, 80, 93, 115, 121	Provision of environmental mitigation	15
	97a and 99	Diversion or installation of, or works to, utilities apparatus	
		Removal of utility apparatus	
	101	Provision of worksite and access for construction and maintenance	20
	14a	Provision of balancing pond and associated works and access for maintenance	
		Provision of flood mitigation measures	
	22	Provision of environmental mitigation	25
		Provision of new public right of way	
		Provision of worksite and access for construction	
	28	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
		Provision of balancing pond and associated works and access for maintenance	
	61	Provision of environmental mitigation	
		Removal of utility apparatus	35
	69	Provision of balancing pond and associated works and access for maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	74	Provision of environmental mitigation Provision of worksite and access for construction	5
	81	Removal of utility apparatus Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance	
	103a	Provision of drainage and associated works Provision of balancing pond and associated works and access for maintenance Provision of environmental mitigation Provision of drainage and associated works Provision of worksite and access for construction and maintenance	10 15
County of Warwickshire District of Stratford-on-Avon Parish of Stoneton	5, 7, 8, 13, 14, 16a, 28	Provision of environmental mitigation	20
	15	Diversion or installation of, or works to, utilities apparatus	
	16, 18	Provision of environmental mitigation Provision of worksite and access for construction	25
	19	Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation	30
	6b, 9b, 22, 24	Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Provision of worksite and access for construction and maintenance	35
Parish of Wormleighton	21	Provision of environmental mitigation	
	12, AP2-4	Provision of environmental mitigation Provision of worksite and access for construction and maintenance	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	11, 15, 17, 18, 20	Provision of worksite and access for construction and maintenance	
	13	Diversion or installation of, or works to, utilities apparatus	5
	23, 25	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	10
	26	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	15
		Provision of access for construction and maintenance of utility diversions	
	28	Provision of environmental mitigation	
		Provision of access for construction and maintenance of utility diversions	20
	31b	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of worksite and access for construction	25
		Diversion or installation of, or works to, utilities apparatus	
	34a, 47	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
	50	Diversion or installation of, or works to, utilities apparatus	
		Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	52	Provision of environmental mitigation Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of new public right of way	5
	55	Provision of worksite and access for construction	10
Parish of Radbourn	2, 13b, 19, 28	Provision of worksite and access for construction	
	3	Provision of worksite and access for construction	
		Reprofiling of ground	15
		Provision of drainage and associated works	
	6	Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	20
	7	Provision of worksite and access for construction	
		Reprofiling of ground	
		Diversion or installation of, or works to, utilities apparatus	25
	8, 8c	Provision of flood mitigation measures	
	8b	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	30
		Diversion or installation of, or works to, utilities apparatus	
		Reprofiling of ground	
		Provision of new public right of way	35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	9	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	5
		Provision of new public right of way	
		Provision of environmental mitigation	
	11	Diversion or installation of, or works to, utilities apparatus	10
		Provision of worksite and access for construction and maintenance	
		Provision of new public right of way	
	13a	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	15
	15	Provision of environmental mitigation	
	16	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	20
	5	Diversion or installation of, or works to, utilities apparatus	
		Provision of flood mitigation measures	
		Provision of access for construction and maintenance of utility diversions	25
	8d	Provision of environmental mitigation	
		Provision of worksite and access for construction	
Parish of Ladbroke	5, 19, 20, 25 to 27	Diversion or installation of, or works to, utilities apparatus	30
	7, 12, 15, 39, 41, 42, 52	Provision of environmental mitigation	
	8, 18	Reprofiling of ground	
		Provision of drainage and associated works	
		Provision of worksite and access for construction	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	24, 28, 32	Provision of environmental mitigation Diversions or installation of, or works to, utilities apparatus Provision of worksite and access for construction	5
	29, 33, 71, 72	Provision of environmental mitigation Diversions or installation of, or works to, utilities apparatus	10
	35, 56, 62, 63, 76	Provision of environmental mitigation Provision of drainage and associated works	
	36, 61	Provision of worksite and access for construction	
	37, AP4-2, AP4-3	Provision of new public right of way	15
	53, 59, 69	Provision of environmental mitigation Provision of drainage and associated works Provision of worksite and access for construction	
	66	Provision of balancing pond and associated works and access for maintenance	20
	AP4-1	Minor highway alterations	
Parish of Southam	5, 31, 63, 65, 70, 72, 90, 93	Provision of environmental mitigation	
	54, 56, 58, 60 to 62, 87, AP1-1, AP1-2	Diversions or installation of, or works to, utilities apparatus	25
	6, 9, 111	Provision of environmental mitigation Diversions or installation of, or works to, utilities apparatus	
	13, 94, 95	Provision of worksite and access for construction Diversions or installation of, or works to, utilities apparatus	30
	8, 14, 103	Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance Diversions or installation of, or works to, utilities apparatus	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	24, 32	Provision of environmental mitigation Provision of drainage and associated works Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus	5
	34, 39, 55, 68, 80	Provision of environmental mitigation Provision of worksite and access for construction	10
	16, 41, 53, 91	Provision of worksite and access for construction	
	28, 29	Provision of drainage and associated works	
	45	Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance	15
	47	Provision of environmental mitigation Provision of worksite and access for construction	20
	49, 51, 52, AP4-1 to AP4-3	Provision of drainage and associated works Provision of new public right of way	
	75	Provision of environmental mitigation Provision of access for construction and maintenance of utility diversions	25
	100	Provision of environmental mitigation Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of flood mitigation measures	30
	107	Provision of environmental mitigation Provision of worksite and access for construction and maintenance Diversion or installation of, or works to, utilities apparatus Provision of flood mitigation measures	35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	112, 118	Provision of worksite and access for construction and maintenance	
Parish of Long Itchington	1, 15, 19, 30a, 35a, 37, 47, AP4-4	Provision of environmental mitigation	5
	2	Provision of worksite and access for construction and maintenance	
	6	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	10
	7	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	15
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	7a	Provision of drainage and associated works	
	9	Provision of environmental mitigation	20
		Provision of worksite and access for construction	
		Provision of access for construction and maintenance of utility diversions	
	12, 49, 50, 52, 63, 64	Diversion or installation of, or works to, utilities apparatus	25
20, 22, 31, 32	Provision of environmental mitigation		
	Diversion or installation of, or works to, utilities apparatus		
53	Provision of environmental mitigation	30	
	Diversion or installation of, or works to, utilities apparatus		
	Provision of worksite and access for construction and maintenance		
48, 57	Provision of worksite and access for construction	35	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	58	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	5
	59, 61	Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	10
	11a	Removal of utility apparatus	
Parish of Ufton	2	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	8, 21, 23, 24	Diversion or installation of, or works to, utilities apparatus	15
	9	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	20
		Provision of drainage and associated works	
	15	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
		Drainage and associated work	
	11, 18	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	30
		Provision of drainage and associated works	
		Provision of flood mitigation measures	
	AP4-4 to AP4-7	Provision of access for construction	
District of Warwick Parish of Offchurch	4, 6, 32, 49, 50, 51a, 54a	Provision of environmental mitigation	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	7, 10, 98a	Provision of worksite and access for construction and maintenance	
	11	Provision of environmental mitigation	5
		Provision of worksite and access for construction and maintenance	
	12, AP2-1	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	10
		Provision of drainage and associated works	
	13, 19, 28, 36, 42 to 44, 53a	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
	15	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	
	18	Provision of environmental mitigation	20
		Minor highway alterations	
	21, 45, 58, 59b, 60, 62	Provision of worksite and access for construction	
	23	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
		Diversion or installation of, or works to, utilities apparatus	
		Provision of drainage and associated works	
	24	Provision of worksite and access for construction	30
		Diversion or installation of, or works to, utilities apparatus	
		Provision of drainage and associated works	
	27	Provision of environmental mitigation	35
		Provision of worksite and access for construction	
		Provision of drainage and associated works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	29, 66, 89	Diversion or installation of, or works to, utilities apparatus	
	37, 73	Provision of balancing pond and associated works and access for maintenance	5
	57a	Provision of worksite and access for construction	
		Provision of drainage and associated works	
	68, 70, 84	Reprofiling of ground	10
		Provision of worksite and access for construction	
	69	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	15
	71, 75	Provision of new public right of way	
	78, 79, 87	Provision of environmental mitigation	
		Provision of worksite and access for construction	20
		Provision of drainage and associated works	
		Diversion or installation of, or works to, utilities apparatus	
	80	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
		Provision of new public right of way	
		Provision of access for construction and maintenance of utility diversions	
	91a	Provision of balancing pond and associated works and access for maintenance	30
		Diversion or installation of, or works to, utilities apparatus	
		Provision of flood mitigation measures	
	92a	Provision of worksite and access for construction and maintenance	35
		Diversion or installation of, or works to, utilities apparatus	
	47a	Provision of a turning head	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	51b	Provision of a turning head	
	AP2-2, AP2-3	Provision of environmental mitigation Minor highway alterations	5
Parish of Cubbington	1a	Provision of balancing pond and associated works and access for maintenance Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Provision of worksite and access for construction and maintenance Provision of worksite and access for construction Provision of environmental mitigation Diversion or installation of, or works to, utilities apparatus Provision of access for construction and maintenance Provision of access for construction and maintenance of utility diversions Provision access for construction and maintenance Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Drainage and associated works Provision of worksite and access for construction Provision of drainage and associated works Provision of worksite and access for construction Provision of environmental mitigation Provision of drainage and associated works Installation of ground anchors Provision of environmental mitigation Provision of worksite and access for construction	10 15 20 25 30 35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	44	Provision of new public right of way	
	47	Provision of access for construction and maintenance	5
	AP4-3	Provision of environmental mitigation	
Parish of Weston Under Wetherley	1, 2	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	10
	4, 5a, AP4-1 to AP4-3	Provision of environmental mitigation	
	AP4-4	Provision of worksite and access for construction and maintenance	
Parish of Stoneleigh	1, 5, 7, 10, 13, 18, 44, 119, 123, 124, 126, 129, 130, 142a, 147, 148, 152, 152a, 155, AP2-1 to AP2-3, AP4-7, AP4-8	Provision of worksite and access for construction	15
	8, 27, 50, 52, 54a, 94, 117, 122, 164, 165, 167, 179, AP4-10, AP4-11	Provision of environmental mitigation	20
	21, 24, 28, 29, 31, 34, 43, 77a, 83	Diversion or installation of, or works to, utilities apparatus	
	22, 42, 144, 158, 163	Provision of environmental mitigation	
		Provision of drainage and associated works	25
		Provision of worksite and access for construction	
	33, 62	Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	30
	48a, 66, 75, 96, 127, 128, 137, 138, 151, 173, 174, 177, AP4-10a, AP4-10b	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
	55	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	63	Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	5
		Provision of drainage and associated works	
	73, AP4-1	Provision of drainage and associated works	
	79a, 87, 112, 139	Provision of environmental mitigation	
		Provision of worksite and access for construction	10
		Diversion or installation of, or works to, utilities apparatus	
	84	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	15
		Diversion or installation of, or works to, utilities apparatus	
	136, 141	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	20
	97, 100, 143	Provision of worksite and access for construction and maintenance	
	99	Provision of worksite and access for construction and maintenance	25
		Diversion or installation of, or works to, utilities apparatus	
	104	Provision of balancing pond and associated works and access for maintenance	
	105	Provision of environmental mitigation	30
		Provision of flood mitigation measures	
	132	Provision of flood mitigation measures	
	133, AP4-12	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	35
	140b, 146	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	166, 182	Provision of environmental mitigation	
	171a	Provision of new public right of way	
		Provision of environmental mitigation	5
		Provision of balancing pond and associated works and access for maintenance	
	178	Provision of drainage and associated works	
		Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	10
		Provision of new public right of way	
	184	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
		Provision of new public right of way	
Parish of Kenilworth	12, 30a, AP2-3	Provision of environmental mitigation	
	13, 16, 21, AP2-1, AP2-2	Provision of worksite and access for construction	20
	5, 6, 23, 25a	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	9, 11, 15	Provision of environmental mitigation	
		Provision of worksite and access for construction	25
		Diversion or installation of, or works to, utilities apparatus	
	20	Provision of worksite and access for construction	30
		Provision of new public right of way	
Parish of Burton Green	4, 6, 9, 13, 14, 23a, 37a, 43a, 48, 58b, 65a, 65b, 73a, 82a, 97, AP2-7, AP2-9, AP2-10, AP2-12	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
	7, 19, 59, 63, AP4-1 to AP4-4	Provision of environmental mitigation	
	11, 21, AP1-1a	Provision of worksite and access for construction	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	28a, 28b, 28c	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	5
		Provision of new public right of way	
	29, 31	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	
	32, AP2-3	Provision of worksite and access for construction and maintenance	10
	33a	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of drainage and associated works	15
		Provision of new public right of way	
	35	Reinstatement of businesses or facilities	
	72	Provision of environmental mitigation	
		Provision of new public right of way	
	77	Provision of new public right of way	20
	98	Provision of worksite and access for construction	
		Provision of new public right of way	
	AP2-1	Provision of worksite and access for construction	25
		Provision of environmental mitigation	
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	
	AP2-6	Provision of passing places	30
District of North Warwickshire Parish of Great Packington	1, 6	Provision of worksite and access for construction	
	7, 8	Provision of balancing pond and associated works and access for maintenance	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
Parish of Little Packington	2	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	5
	4	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	10
	10, 12, 15, 16	Diversion and installation of overhead electric lines	
	17, 19	Provision of worksite and access for construction	
Parish of Coleshill	AP1-1	Diversion and installation of overhead electric lines	15
		Reinstatement of businesses or facilities	
	1c	Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	20
	1f, 1g, 1r	Provision of balancing pond and associated works and access for maintenance	
	1, 2 to 5, 7, 12, 13, 112, 127, 134, 136, 139, 145, 148, 150, 160, 204, 272, 304, 306, 397, 408, 410, 435, 445, 479, 514, AP4-1b, AP4-15, AP4-17, AP4-22	Diversion and installation of overhead electric lines	25
33, 35 to 37, 40, 41, 85, 381, 433, 454, 455, 482a, 540, 556, 558a, 561a, 565a	Diversion or installation of, or works to, utilities apparatus	30	
38	Provision of balancing pond and associated works and access for maintenance	35	
	Provision of worksite and access for construction		
48, 52, 58, 59, 63, 68, 101, 102, 106, 278, 288a, 295, 296, 365, 371, 413, 420, 581a, 589a	Provision of worksite and access for construction		

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	50	Diversion and installation of overhead electric lines Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of balancing pond and associated works and access for maintenance Provision of environmental mitigation	5 10 15
	51, 440, 495a	Provision of environmental mitigation Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus	20
	73	Provision of environmental mitigation Removal of existing utilities	
	546a	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Diversion and installation of overhead electric lines	25 30
	74, 321, 452a, 452b, 546	Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus	
	75, 233a, 322, 377, 391, 396	Provision of environmental mitigation Provision of worksite and access for construction Provision of new public right of way	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	77, 87a, 90a, 90b, 91a, 91b, 92a, 92b 103a, 103b, 108b, 108c, 152, 157, 548a	Provision of environmental mitigation Provision of worksite and access for construction	5
	112b	Diversion and installation of overhead electric lines Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	10
		Diversion and installation of overhead electric lines Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	15
	127a	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines Provision of new public right of way	20
	108a, 310, 315, 354, 506 to 508, 580a	Provision of environmental mitigation	25
		Diversion or installation of, or works to, utilities apparatus	
	100, 427	Provision of worksite and access for construction and maintenance	
	164	Provision of environmental mitigation	30
		Provision of balancing pond and associated works and access for maintenance	
		Diversion and installation of overhead electric lines	
	283, 289, 297, 312a, 335, 346, 366, 369	Provision of environmental mitigation	35
		Provision of worksite and access for construction	
	188	Provision of balancing pond and associated works and access for maintenance	40
		Provision of worksite and access for construction	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	195, 196	Provision of worksite and access for construction	
		Diversion and installation of overhead line equipment	5
	199	Provision of balancing pond and associated works and access for maintenance	
		Diversion and installation of overhead line equipment	10
	247, 257a	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	
		Provision of new public right of way	
	253, 388, 416, 451, 459, 460, 502	Provision of environmental mitigation	15
		Diversion and installation of overhead line equipment	
	308, 318, 467	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	20
	358	Diversion and installation of overhead line equipment	
		Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	25
		Provision of balancing pond and associated works and access for maintenance	
	404, 409	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	432	Provision of environmental mitigation	35
		Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	412	Provision of environmental mitigation	
		Diversion and installation of overhead line equipment	5
	419, 517a	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of new public right of way	
	481	Provision of environmental mitigation	10
		Provision of new public right of way	
	491a, 491b	Provision of environmental mitigation	
		Provision of new public right of way	
		Provision of worksite and access for construction	15
		Diversion or installation of, or works to, utilities apparatus	
	511, 559a, 559b, AP2-20	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	20
		Provision of balancing pond and associated works and access for maintenance	
	526a, 526b	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	25
		Diversion and installation of overhead electric lines	
	593a, 593b	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	30
		Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead line equipment	
	439, 485, 486	Diversion or installation of, or works to, utilities apparatus	35
		Diversion and installation of overhead electric lines	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	492, 500	Provision of worksite and access for construction Diversion and installation of overhead electric lines	5
Parish of Water Orton	6, 132 9a, 10, 27, 28, 37, 40, 43a, 82a 13a, 42, 50, 57, 64, 65, 67 to 69, 74 23, 34, 35, 38, 39, 41, 77a 43, AP4-5 44, 89a, 126, 130, 142, AP4-25, AP4-26 48 52 53, 54, 56 76	Provision of worksite and access for construction and maintenance Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Provision of worksite and access for construction Diversion or installation of, or works to, utilities apparatus Provision of environmental mitigation Provision of environmental mitigation Provision of worksite and access for construction Reinstatement of businesses or facilities Provision of worksite and access for construction Provision of environmental mitigation Provision of worksite and access for construction Provision of balancing pond and associated works and access for maintenance Provision of environmental mitigation Diversion or installation of, or works to, utilities apparatus Provision of balancing pond and associated works and access for maintenance Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance	10 15 20 25 30 35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	100a, 100b, 100c, 118	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	5
		Diversion and installation of overhead electric lines	
	119a, 123	Provision of worksite and access for construction	10
		Diversion or installation of, or works to, utilities apparatus	
	124a, 124b, 129, 139a	Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	15
	131a, 131b, 145, 146a, 146b, 149a, 149b, AP4-19, AP4-20	Diversion and installation of overhead electric lines	
	138a	Diversion or installation of, or works to, utilities apparatus	20
	133, 140, 143	Provision of worksite and access for construction and maintenance	
	155a, 155b	Diversion or installation of, or works to, utilities apparatus	25
		Diversion and installation of overhead electric lines	
		Provision of balancing pond and associated works and access for maintenance	
	AP4-14, AP4-16, AP4-17	Provision of worksite and access for construction	30
		Minor highway alterations	
Parish of Shustoke	AP4-1 to AP4-3, AP4-5, AP4-6	Provision of environmental mitigation	
Parish of Curdworth	of 1a, 49, 70, 72, 77, 78, 80, 106, 215	Diversion or installation of, or works to, utilities apparatus	35
	2	Provision of worksite and access for construction and maintenance	
		Provision of environmental mitigation	
	3a, 6, 7, 113a, 201, 202, 223, 241, 244	Provision of worksite and access for construction	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	5a, 5b, 8a, 11a, 37, 39, 40, 43, 51b, 58, 59, 61, 82a, 96, 102, 153a, 168, 170, 174, 186, 187, AP1-1, AP1-2, AP4-1, AP4-17 to AP4-24, AP4-30, AP4-32	Diversion and installation of overhead electric lines	5
	13, AP2-6	Provision of worksite and access for construction Provision of environmental mitigation	10
	16, 21 to 23, 34, 38, 57, 81, 114, 117, 118, 121, 128, 137, 140, 141, 142, 149, 152, 155, 156, 160, 192, 200, AP1-5, AP1-6, AP2-7 to AP2-9, AP4-3 to AP4-9	Provision of environmental mitigation	15
	10a, 25a, 26 to 28, 31, 32, 45, 48, 69	Provision of environmental mitigation Diversion and installation of overhead electric lines	20
	35, 191, 194	Provision of worksite and access for construction Diversion and installation of overhead electric lines	25
	210, 216, 219, 220 to 222, 225 to 227, 229, 231, 235, 236, 238, 240, 243, 245, 246	Provision of worksite and access for construction and maintenance	30
	51a, 68a	Provision of balancing pond and associated works and access for maintenance Diversion and installation of overhead electric lines	35
	65a, 66a, 81a	Provision of environmental mitigation Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	40
	71	Provision of worksite and access for construction and maintenance Diversion or installation of, or works to, utilities apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	67a, 83, 83a, 90 to 92	Diversion or installation of, or works to, utilities apparatus	
		Diversion and installation of overhead electric lines	5
	88, 209, 233, 247	Provision of new public right of way	
	98, 101, 103	Installation of ground anchors	
	99, 103a	Installation of ground anchors	
		Provision of access for utility works	10
	108a	Provision of environmental mitigation	
		Provision of access for utility works	
	153, 164, 251, 254, 256	Diversion or installation of, or works to, utilities apparatus	
		Provision of environmental mitigation	15
	228	Removal of utility apparatus	
	249	Provision of new public right of way	
		Provision of environmental mitigation	
	252	Provision of balancing pond and associated works and access for maintenance	20
		Provision of environmental mitigation	
	AP2-10	Provision of access for maintenance	
Parish of Lea Marston	1 to 4, 13, 16	Diversion or installation of, or works to, utilities apparatus	
	12, 14	Provision of environmental mitigation	25
		Provision of drainage and associated works	
	17, 24a, 26, 28 to 30, 32, 33, 35, 37, 41, 54, 55a, 59, 61, 65a, 71a, AP2-1, AP2-8 to AP2-12, AP2-17, AP2-18, AP2-25, AP4-1 to AP4-4	Provision of environmental mitigation	30
	18	Provision of balancing pond and associated works and access for maintenance	
	44, 47, 49, AP2-23	Provision of new public right of way	35
	66	Provision of new public right of way	
		Provision of worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	67	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	5
	72a, 72b, 73	Provision of new vehicular right on existing public right of way	
	74a	Provision of environmental mitigation	
		Provision of new public right of way	
	55b, 68b	Provision of environmental mitigation	10
		Minor highway alterations	
	78a, AP2-22	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	15
		Provision of environmental mitigation	
	AP2-24	Provision of new public right of way	
Parish Kingsbury	of 2, AP2-1, AP2-2	Provision of environmental mitigation	
Parish Middleton	of 4, 108	Provision of environmental mitigation	20
		Provision of flood mitigation measures	
	27, 37, 39, 47, 72 to 74, 87, 93, 95, 99, 101 to 103, 114, 115, 121, 125, 131a, 134a, 148, 160, 167, 175, AP2-6 to AP2-8, AP2-10b, AP2-18, AP2-21	Provision of environmental mitigation	25
	100, AP2-10a	Provision of environmental mitigation	
		Provision of flood mitigation measures	30
		Provision of balancing pond and associated works and access for maintenance	
	21, 30, 32	Diversion and installation of overhead electric lines	
	110, 169a	Provision of worksite and access for construction and maintenance	35
		Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	5a, 13a, 31a, 127a, 135a, AP2-10, AP2-10c, AP2-20	Provision of environmental mitigation Provision of balancing pond and associated works and access for maintenance Provision of worksite and access for construction and maintenance Provision of flood mitigation measures	5
	38, 66	Diversion or installation of, or works to, utilities apparatus	10
	41	Provision of flood mitigation measures	
	52	Provision and renewal of railway systems for operational purposes and drainage	
	11a, 57, 58, 135b, 135c, 135d, 138a, 142a, 147a, 153a, 154a, 156a, 157a, 164a, 171a, 174, AP2-3, AP2-4, AP2-4a, AP2-11b	Provision of environmental mitigation Provision of worksite and access for construction	15 20
	AP2-9	Provision of new public right of way	
	107	Provision of environmental mitigation Provision of flood mitigation measures Provision of worksite and access for construction and maintenance	25
	112, AP2-5	Provision of balancing pond and associated works and access for maintenance	
	113	Provision of balancing pond and associated works and access for maintenance Provision of worksite and access for construction and maintenance	30
	124, 129, AP2-5a	Provision of balancing pond and associated works and access for maintenance Provision of environmental mitigation	
	128	Provision of balancing pond and associated works and access for maintenance Provision of worksite and access for construction	35
County of Staffordshire District of Lichfield Parish of Drayton Bassett	2a, 3, 4a, 4b, 35, 38, 40, 43, 45, 46, 49, 52, 54, 55, 65, 75, 100, AP2-1, AP2-3, AP2-4	Provision of environmental mitigation	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	28	Diversion or installation of, or works to, utilities apparatus	
	7, 23, 29, 50, 86	Diversion and installation of overhead electric lines	5
	13a, AP4-1	Provision of worksite and access for construction and maintenance	
	16	Provision of worksite and access for construction	10
	19a, AP2-6	Provision of balancing pond and associated works and access for maintenance	
	22, 24	Provision of environmental mitigation	
		Provision of flood mitigation measures	
		Provision of worksite and access for construction	15
	30	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	
	33	Provision of environmental mitigation	20
		Provision of drainage and associated works	
	53, 92, 94, 102, AP2-7	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	58, 59, 63, 68, 71, 80	Provision of environmental mitigation	25
		Diversion and installation of overhead electric lines	
	93	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	30
	99	Provision of environmental mitigation	
		Provision of new public right of way	
	106	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
		Provision of new public right of way	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	109, 117, AP2-8 to AP2-10	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	5
		Provision of worksite and access for construction	
	114, AP2-2	Provision of balancing pond and associated works and access for maintenance	10
		Provision of environmental mitigation	
		Provision of worksite and access for construction	
Parish of Fazeley	3, 6, 8	Diversion and installation of overhead electric lines	15
Parish of Hints with Canwell	15, 17, 18, 87, 88, AP2-20	Provision of worksite and access for construction and maintenance	
	20	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	20
	21, 53, 59, 63, 68, 71a, 72, 74, 81, 122, 128, 141, 145, 147a, AP2-12, AP2-17	Provision of environmental mitigation	25
	23, 125, 129	Diversion or installation of, or works to, utilities apparatus	
	24, 50, 62b, 73a, 76a, 77b, 77c, 77d, 84a, 84b, 110, 154	Provision of environmental mitigation	
		Provision of worksite and access for construction	30
	25, 28	Provision of worksite and access for construction	
		Provision of environmental mitigation	
		Diversion and installation of overhead electric lines	35
	30, 33, 38, 45, 47, 48	Diversion and installation of overhead electric lines	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	35	Diversion and installation of overhead electric lines	
		Provision of new public right of way	5
		Provision of worksite and access for construction	
		Provision of environmental mitigation	
	37, 39	Diversion and installation of overhead electric lines	10
		Provision of new public right of way	
	55a, 62a, 62c, 73b, 77a, AP2-9a, AP2-18, AP2-19	Provision of environmental mitigation	
		Provision of new public right of way	
		Provision of worksite and access for construction	15
	58, AP2-22, AP2-23, AP2-24a	Provision of drainage and associated works	
	61	Implementation of woodland management measures	20
	65, 143	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	70	Provision of balancing pond and associated works and access for maintenance	25
		Provision of environmental mitigation	
	75a, 75b	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	
		Provision of new public right of way	30
	78a, 78b, 96a	Provision of environmental mitigation	
		Provision of flood mitigation measures	
	80	Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	82a	Provision of balancing pond and associated works and access for maintenance	
		Provision of new public right of way	5
		Implementation of woodland management measures	
	86	Provision of balancing pond and associated works and access for maintenance	
	94	Provision of balancing pond and associated works and access for maintenance	10
		Provision of new public right of way	
	101	Provision of environmental mitigation	
		Provision of new public right of way	
		Diversion or installation of, or works to, utilities apparatus	15
		Provision of worksite and access for construction	
	116 to 118, 123	Provision of worksite and access for construction	20
	131a	Diversion or installation of, or works to, utilities apparatus	
		Provision of worksite and access for construction	
		Provision of new public right of way	25
	153, 155	Provision of environmental mitigation	
		Provision of drainage and associated works	
	157a, 159	Provision of worksite and access for construction	
		Provision of drainage and associated works	30
		Provision of environmental mitigation	
Parish of Weeford	7, 24, 27	Provision of environmental mitigation	
	12, 16, 21	Provision of worksite and access for construction	
	14	Provision of access for construction and maintenance	35

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	20	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
	22	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	
	AP1-5, AP1-8, AP1-10, AP1-11	Diversion and installation of overhead electric lines	10
	AP2-1	Provision of drainage and associated works	
Parish of Swinfen and Packington	11, 16, 23	Provision of environmental mitigation	
	11a, AP2-1, AP2-2	Provision of drainage and associated works	15
	12, 15, 29	Provision of environmental mitigation	
		Provision of worksite and access for construction	
	20	Provision of environmental mitigation	
		Provision of new public right of way	20
	17a, 18a, 19, 22	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of new public right of way	
	33, 34, 42	Provision of worksite and access for construction	25
	36, 39	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	30
	37	Diversion or installation of, or works to, utilities apparatus	
Parish of Whittington	5, 17, 63, 67, AP2-25, AP2-26	Diversion or installation of, or works to, utilities apparatus	
	19a, 20a, 23, 101a, AP2-2 to AP2-4	Provision of environmental mitigation	35
	92a, 92b, AP2-5, AP2-6	Provision of environmental mitigation	
		Provision of balancing pond and associated works and access for maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	28, 29, 31, 100a, 104a, 105a, 107, 112, 114a	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	5
	32, 47, 48	Implementation of woodland management measures	
	37, 41	Implementation of woodland management measures	10
		Provision of new public right of way	
	42, 46	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Implementation of woodland management measures	15
	52, 54, 116a	Provision of worksite and access for construction and maintenance	
	58, 64, 66, 98a	Provision of worksite and access for construction	20
		Diversion or installation of, or works to, utilities apparatus	
	79, 91, AP2-28, AP2-29	Provision of worksite and access for construction	
	81a	Provision of worksite and access for construction	25
		Provision of balancing pond and associated works and access for maintenance	
	25a	Provision of environmental mitigation	
		Provision of access for maintenance	30
	AP2-10, AP2-11, AP2-38	Diversion or installation of, or works to, utilities apparatus	
		Provision of flood mitigation measures	
	AP2-20	Provision of drainage and associated works	
	94a	Provision of environmental mitigation	35
		Provision of drainage and associated works	
	103a	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
Parish of Fradley and Streethay	AP2-1, AP2-21	Provision of environmental mitigation	
	AP2-24, AP2-30, AP2-36a, AP2-37, AP2-38, AP2-44, AP2-45, AP2-66, AP2-67, AP2-70, AP2-72, AP2-72a, AP2-76, AP2-80, AP2-82, AP2-106, AP2-134, AP2-135, AP2-135a, AP2-136, AP2-138	Provision of worksite and access for construction	5
			10
	AP2-22, AP2-46, AP2-47, AP2-50, AP2-51, AP2-52, AP2-53, AP2-55, AP2-59, AP2-60, AP2-65, AP2-83, AP2-85, AP2-87, AP2-88, AP2-90, AP2-92, AP2-93, AP2-98, AP2-100, AP2-104, AP2-105, AP2-107, AP2-109, AP2-110, AP2-111, AP2-114, AP2-116, AP2-128, AP2-129, AP2-130, AP2-131a, AP2-132, AP2-133, AP2-141, AP2-143, AP2-145, AP2-146, AP2-147, AP2-150, AP2-151, AP2-155, AP2-157	Provision of environmental mitigation	15
		Provision of worksite and access for construction	20
			25
			30
	AP2-119, AP2-122	AP2-120,	35
		Provision of environmental mitigation	35
		Provision of worksite and access for construction	
		Provision of drainage and associated works	
	AP2-61, AP2-62, AP2-64	Provision of environmental mitigation	40
		Provision of worksite and access for construction	
	Provision of new public right of way		
AP2-40, AP2-43, AP2-68, AP2-71, AP2-163	Provision and renewal of railway systems for operational purposes and drainage	45	
AP2-19, AP2-20, AP2-23	Diversion or installation of, or works to, utilities apparatus		
AP2-16	Provision of environmental mitigation		
	Provision and renewal of railway systems for operational purposes and drainage	50	
	Provision of drainage and associated works		

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	AP2-117	Provision of new public right of way	
Parish of Curborough and Elmhurst	AP4-3 to AP4-7	Diversion or installation of, or works to, utility apparatus	5
Parish of Lichfield	AP4-3	Diversion or installation of, or works to, utility apparatus	
Parish of Longdon	4 to 6, 8 to 10, 13, 14	Diversion and installation of overhead electric lines	10
Parish of Kings Bromley	1, 4	Provision and renewal of railway systems for operational purposes and drainage	
	119, 160, 185, 186, 193a, 194, AP2-3, AP2-5, AP2-8, AP2-9, AP2-11 to AP2-13, AP2-27, AP2-28	Provision of environmental mitigation	
		Provision of worksite and access for construction	15
	98, 100, 114a, 118a, 124a, 130a, AP2-17, AP2-41, AP2-46a	Provision of worksite and access for construction and maintenance	20
	AP2-54	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	
		Provision of worksite and access for construction	25
	AP2-33, AP2-35a, AP2-35b, AP2-35c	Provision of worksite and access for construction	
		Provision of environmental mitigation	
		Provision of drainage and associated works	
52a, 52b, 121	Provision of worksite and access for construction	30	
165, AP2-52, AP2-52a, AP2-53	Provision of environmental mitigation		
AP2-46b, AP2-46c	Provision of environmental mitigation		
	Provision of drainage and associated works	35	
61a, 78, 81, 146, AP2-7, AP2-40, AP4-2, AP4-3, AP4-5, AP4-6, AP4-8, AP4-9	Diversion or installation of, or works to, utilities apparatus		
62, 65, 140A, 192, 192b, AP1-1 to AP1-5, AP1-7, AP1-9 to AP1-12, AP2-39, AP2-43, AP2-44, AP4-1	Diversion and installation of overhead electric lines	40	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	83, 90	Diversion and installation of overhead electric lines	
		Provision of environmental mitigation	5
	85a, 86	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	88	Provision of access for construction	
	91, 195, 196	Provision of drainage and associated works	10
	95, 168, 187	Provision of worksite and access for construction and maintenance	
		Provision of environmental mitigation	
	102, AP2-35a	Provision of environmental mitigation	
		Provision of worksite and access for construction and maintenance	15
		Diversion or installation of, or works to, utilities apparatus	
	128a	Provision of worksite and access for construction and maintenance	20
		Diversion or installation of, or works to, utilities apparatus	
	AP2-31a	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	25
		Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	138, 139, 142	Diversion or installation of, or works to, utilities apparatus	30
		Provision of worksite and access for construction	
	148	Diversion or installation of, or works to, utilities apparatus	35
		Provision of environmental mitigation	
		Provision of worksite and access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	161, 171	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Provision of new public right of way	
	AP2-15, AP2-19, AP2-20a, AP2-21a, AP2-25	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	10
	130b	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of drainage and associated works	
	140c	Diversion or installation of, or works to, utilities apparatus	15
		Diversion and installation of overhead electric lines	
		Provision of balancing pond and associated works and access for maintenance	20
		Provision of drainage and associated works	
Parish of Armitage with Handsacre	1, 4	Provision of worksite and access for construction	
	11, 14, 15	Provision of worksite and access for construction	25
		Provision of drainage and associated works	
	18, 20, 24, AP2-1 to AP2-3	Provision of worksite and access for construction and maintenance	
Parish of Colton	10, 16, 17	Provision and renewal of railway systems for operational purposes and drainage	30
Borough of Stafford Parish of Colwich	24, AP2-1	Provision and renewal of railway systems for operational purposes and drainage	
Metropolitan Borough of Solihull Parish of Berkswell	2a, 4, 28a, AP2-4	Provision of environmental mitigation	35
		Provision of worksite and access for construction	
	6a, 6b, 8, 9, 10, 12, 17, 32c, 67, AP2-8, AP2-9	Provision of worksite and access for construction	40

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	24, 26b, 47, 54, 71, 72	Diversion and installation of overhead electric lines	
	31	Provision of environmental mitigation	5
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	
	35	Provision of environmental mitigation	10
		Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utilities apparatus	
		Provision of electricity supply system and access	15
	36a, 36b	Provision of environmental mitigation	
		Diversion or installation of, or works to, utilities apparatus	
	37	Provision of electricity supply system and access	20
	42, AP2-10, AP2-11	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of new public right of way	25
	43	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Installation of ground anchors	
	53	Provision of new public right of way	30
	55	Provision of environmental mitigation	
		Provision of drainage and associated works	
		Provision of worksite and access for construction	
		Provision of new public right of way	35
	59	Provision of worksite and access for construction	
		Provision of new public right of way	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	60, 64 and 69	Provision of drainage and associated works	
		Provision of worksite and access for construction	5
	63	Provision of environmental mitigation	
		Provision of drainage and associated works	
	32b, 127, 128, 134, 145, 164a, 165c, 209, AP2-14	Provision of environmental mitigation	
	129, 136, 167, 168a, 168c, 169, 170, 172a, 174, 185, 186, 188, 191, 193, 205, 207, 216, 218, 219, 231, 236	Provision of worksite and access for construction	10
	130a, 142	Provision and renewal of railway systems for operational purposes and drainage	15
	143	Provision of a worksite and access for construction and maintenance	
		Provision of balancing pond and associated works and access for maintenance	20
	140, 141, 162, 175, 206, 211, 220, 230	Provision of worksite and access for construction and maintenance	
	147, 151, 152, 153, 155	Provision of worksite and access for construction and maintenance	
		Diversion or installation of, or works to, utility apparatus	25
		Provision of environmental mitigation	
	158	Provision of flood mitigation measures	
		Provision of worksite and access for construction and maintenance	30
	172, 221, 222	Provision of flood mitigation measures	
		Provision of worksite and access for construction	
	195, 204, 208, 238	Provision of environmental mitigation	
		Provision of worksite and access for construction	35
	223, 233	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	
Parish of Meriden	3	Provision of worksite and access for construction	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
Parish of Hampton-in-Arden	1	Provision of worksite and access for construction and maintenance	5
		Provision of new public right of way	
	2	Provision of environmental mitigation	
	4, 6, AP2-6	Provision of environmental mitigation	
		Provision of worksite and access for construction	10
	7, 15, 16, 16b, 17, 17b, 18, 27 to 29, 30a, 31a, 37b, 50a, 52, 54, 62, AP2-24	Provision of worksite and access for construction	
	8, 26, 34, 45, 55	Provision of balancing pond and associated works and access for maintenance	15
	9	Provision of drainage and associated works	
	16a, 17a, 18a, AP2-8, AP2-10, AP2-11	Provision of worksite and access for construction	
		Provision of flood mitigation measures	20
	22	Provision of worksite and access for construction and maintenance	
	24, 43	Provision of a turning head	
	36, 41	Provision of worksite and access for construction and maintenance	25
		Provision of balancing pond and associated works and access for maintenance	
	35, 42	Provision of worksite and access for construction and maintenance	
	Provision of balancing pond and associated works and access for maintenance	30	
	Provision of new public right of way		
46a	Provision of balancing pond and associated works and access for maintenance		
	Provision of new public right of way	35	
47a	Provision of worksite and access for construction		
	Diversion or installation of, or works to, utility apparatus		
49	Provision of flood mitigation measures	40	
25b, 25c	Minor highway alterations		

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	37a	Provision of balancing pond and associated works and access for maintenance	
		Provision of drainage and associated works	5
		Provision of environmental mitigation	
	47b	Provision of worksite and access for construction	
		Diversion of installation of or works to, utilities apparatus	10
		Provision of new public rights of way	
		Provision of worksite and access for construction	
	AP2-26	Provision of drainage and associated works	
Parish of Bickenhill	2, 3	Provision of balancing pond and associated works and access for maintenance	15
	6, 7, 10, 18, 22, 23, 29, 31, 32, 35, 46, 48, 57, 60, 61, 69, 71a, 74 to 76	Provision of worksite and access for construction	
	37, 40, 41b, 62, 69a	Provision of worksite and access for construction	20
		Diversion and installation of overhead electric lines	
	41	Provision of worksite and access for construction and maintenance	25
		Diversion and installation of overhead electric lines	
	12	Provision of balancing pond and associated works and access for maintenance	
	11	Provision of balancing pond and associated works and access for maintenance	30
		Minor highway alterations	
	42a, 42b, 42c, 57a, 57b, 57c	Provision and renewal of railway systems for operational purposes and drainage	
	58	Diversion or installation of, or works to, utilities apparatus	35
	71	Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	40
		Provision of balancing pond and associated works and access for maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	71b	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
		Diversion and installation of overhead electric lines	
		Provision of balancing pond and associated works and access for maintenance	
	85	Provision of environmental mitigation	10
		Diversion and installation of overhead electric lines	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	15
	87	Provision of environmental mitigation	
	90	Provision of environmental mitigation	
		Provision of worksite and access for construction	20
		Diversion or installation of, or works to, utilities apparatus	
	88	Provision of balancing pond and associated works and access for maintenance	
		Diversion or installation of, or works to, utilities apparatus	25
	91	Diversion or installation of, or works to, utilities apparatus	
		Reinstatement of businesses or facilities	
	91a	Reinstatement of businesses or facilities	30
Parish of Dickens Heath	AP4-1	Reinstatement of businesses or facilities	
Parish of Chelmsley Wood	6	Provision of worksite and access for construction and maintenance	
City of Birmingham	1a	Diversion and installation of overhead electric lines	35
	3a, 4b, 4c, AP2-11, AP2-12	Provision of worksite and access for construction	
	5a	Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	12	Provision of environmental mitigation	
		Provision of worksite and access for construction	5
	8	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion or installation of, or works to, utilities apparatus	10
	9	Provision of environmental mitigation	
		Provision of flood mitigation measures	
	9a and 9b	Provision of environmental mitigation	
		Provision of flood mitigation measures	
		Diversion and installation of overhead electric lines	15
	13a, 15, 29, 32, 33	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Provision of flood mitigation measures	20
	14, 28	Provision of environmental mitigation	
		Provision of worksite and access for construction	
		Diversion and installation of overhead electric lines	25
		Provision of flood mitigation measures	
	16, 31, 54 to 56, 69, 78, 157m, 157n, 157p, 157q, 157s, 159, 163, 194, 195, 196, 214 to 216, 218, 281, 282, 300h, 308, 315, 316, 320, 327, 328, 330, 353, 364, 385, 386, 401	Provision of worksite and access for construction	30
	23, 24, 27	Provision of worksite and access for construction	35
		Diversion and installation of overhead electric lines	
	26	Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	41	Provision of balancing pond and associated works and access for maintenance	
		Provision of environmental mitigation	5
	46, 151, 157r, 245, 264, 267, 300a, 300b, 300c, 478, 479	Provision of worksite and access for construction	
		Diversion or installation of, or works to, utility apparatus	10
	63a, 63b, 63c, 63d, 63f, 63g, 63h, 63i, 63j, 63k, 85a, 85b, 85c, 85d, 85e, 85f, 85g, 85h, 85i, 85j, 85k, 87c, 87e, 87f, 87g, 87h, 87i, AP2-5, AP2-7, AP2-9, AP4-25 to AP4-28	Reinstatement of businesses or facilities	15
	67	Provision of worksite and access for construction	20
		Provision and renewal of railway systems for operational purposes and drainage	
	102a, 102b, 102c, 102d, 157d, 157f, 157h, 157i, 157k, 246, 248, 251a, 251b, 251c, 251d, 251e, 251f, 251g, 251h, 251j, 251k, 251n, 261, 263, AP4-20 to AP4-22, AP4-24	Diversion or installation of, or works to, utility apparatus	25
	157c, 157e, 157g, 274a, 322, 355, 363, 376	Provision and renewal of railway systems for operational purposes and drainage	
	223	Provision of worksite and access for construction	
		Provision of access for construction and maintenance	35
	268	Provision and renewal of railway systems for operational purposes and drainage	
		Diversion or installation of, or works to, utility apparatus	40
	269, 271 to 273, 324, 419	Provision of worksite and access for construction	
		Provision of balancing pond and associated works and access for maintenance	
	300d, 300e	Removal of utility apparatus	45
	19, 304, 305, 306, 326, 326a	Provision of balancing pond and associated works and access for maintenance	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	332, 334, 339, 340, 345, 346, 360, 366, 379, 384, 387, 388, 395, AP4-30, AP4-31	Provision of worksite and access for construction and maintenance	5
	367, 368	Provision and renewal of railway systems for operational purposes and drainage	
		Provision of worksite and access for construction and maintenance	10
	437	Provision of worksite and access for construction	
		Provision of a turning head	
	317	Minor highway alterations	
City of Manchester	1 to 6	Modification to depot	15

SCHEDULE 6

Section 4(5)

ACQUISITION OF LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

Land Clauses Consolidation Act 1845 (c. 18)

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

Compulsory Purchase Act 1965 (c. 56)

- 2 (1) In its application by virtue of section 4(3), the Compulsory Purchase Act 1965 has effect as if it were subject to the following modifications.
- (2) Omit section 4 (time for exercise of compulsory purchase powers). 25
- (3) In section 11(1) (power to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice) –
- (a) in a case where the notice to treat relates only to the acquisition of subsoil or under-surface of land or an easement or other right over land, for “fourteen days” substitute “one month’s”, and 30
- (b) in any other case, for “fourteen days” substitute “three months”.
- (4) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “section 10(1) of the High Speed Rail (London - West Midlands) Act 2017”. 35
- (5) In Schedule 3 (alternative procedures for obtaining rights of entry), omit paragraph 3(3) (requirement as to sureties in relation to bond for compensation).

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

- 3 (1) In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if it were subject to the following modifications.
- (2) In section 3 (preliminary notices), for subsection (1) substitute – 5
- “(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in a notice which is –
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and 10
- (b) published in the London Gazette.”
- (3) In subsection (2) of section 3, for “(1)(b)” substitute “(1)”. 10
- (4) In that section, omit subsections (5) and (6) and at the end insert – 15
- “(7) For the purposes of this section, a person has a relevant interest in land if –
- (a) the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or
- (b) the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.” 20
- (5) In section 5 (earliest date for execution of declaration) –
- (a) in subsection (1), after “publication” insert “in the London Gazette”, and 25
- (b) omit subsection (2).
- (6) References to the Compulsory Purchase Act 1965 are to be read as references to that Act as applied by section 4(3) to the acquisition of land under section 4(1).

Acquisition of Land Act 1981 (c. 67) 30

- 4 (1) Section 4 of the Acquisition of Land Act 1981 (assessment of compensation in relation to compulsory purchase where unnecessary things done with view to obtaining compensation) has effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act. 35
- (2) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of working of mines or minerals underlying an authorised undertaking) have effect in relation to land to which section 4(1) applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule. 40
- (3) In their application by virtue of sub-paragraph (2), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 have effect as if –
- (a) references to the acquiring authority, except the second reference in paragraph 6, were to the nominated undertaker, and 45

- (b) references to the undertaking were to the undertaking which the nominated undertaker is authorised by this Act to carry on.

SCHEDULE 7

Section 5(3)

ACQUISITION OF RIGHTS IN LAND: POWER TO IMPOSE RESTRICTIVE COVENANTS

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which restrictive covenant may be imposed</i>	<i>5</i>
London Borough of Camden	215, 218, 224 to 228, 230 to 235, 238 to 240, 242 to 248, 253 to 255, 257 to 287, 310 to 343, 345 to 349, 391, 393 to 400, 413 to 419, 425 to 427, 430, 431, 436 to 444, 447 to 471, 474, 476 to 507, 510 to 521, 523 to 608, 610 to 642, 645 to 647, 650, 653 to 655, 657, 660 to 663, 666 to 679, 682 to 685, 688, 689, 692, 695, 696, 700 to 702, 709, 710, 714, 718, 720, 723, 729 to 740, 744, 747, 748, 752 to 754, 756 to 765, 769, 778 to 780, 814	Protection above tunnels	10 15 20
City of Westminster	11, 13 to 57, 59 to 247, 249 to 267	Protection above tunnels	
London Borough of Brent	3, 5 to 13, 15 to 24, 26, 30 to 34, 46a, 47, 65a, 66 to 68, 70 to 76, 79 to 86, 89, 93, 101, 102, 109, 111 to 118, 120 to 140, 142 to 179, 181, 182, 188, 192 to 195, 197, 199 to 217, 219 to 240, 242, 246 to 268, 270 to 311, 313, 315 to 325, 328 to 367, 369, 380, 382, 383a, 383b, 384, 386, 388, 389, 392, 393, 396	Protection above tunnels	25 30 35
Royal Borough of Kensington & Chelsea	14, 17, 18, 20	Protection above tunnels	
London Borough of Hammersmith & Fulham	1 to 4, 18, AP2-9 to AP2-12	Protection above tunnels	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which restrictive covenant may be imposed</i>	
County of Warwickshire District of Stratford-on-Avon Parish of Wormleighton	33, 45, 51, 57	Preservation of ground reprofiling	5
Parish of Stoneton	26	Preservation of ground reprofiling	
Parish of Radbourn	4	Preservation of ground reprofiling	10
Parish of Ladbroke	4, 11	Preservation of ground reprofiling	
District of Warwick Parish of Offchurch	14, 16, 46	Preservation of ground reprofiling	
District of North Warwickshire Parish of Coleshill	418	Preservation of ground reprofiling	15
Parish of Middleton	23, 86, 136, 138, 141, 142, 147, 154	Preservation of ground reprofiling	
County of Staffordshire District of Lichfield Parish of Drayton Bassett	4	Preservation of ground reprofiling	20
Parish of Whittington	86, 90	Preservation of ground reprofiling	
County of Warwickshire District of Stratford-on-Avon Parish of Long Itchington	28, 29, 34b, 38, 40 to 43, 45	Protection above tunnels	25
City of Birmingham	79, 93 to 95, 97 to 102, 103, 106, 107, 111, 112, 114 to 121, 123 to 131, 133 to 150, 152 to 157, 177 to 180	Protection above tunnels	30

SCHEDULE 8

Section 5(4)

LAND IN WHICH ONLY RIGHTS MAY BE ACQUIRED COMPULSORILY

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
London Borough of Camden	29a	Operation and maintenance of plant	5
	120 to 139, AP3-9 to AP3-20	Passage for emergency use	
	483, 485, 722, 789, 790	Installation of ground anchors	
	AP3-23	Provision of access for utility works	10
		Provision of access for construction	
Royal Borough of Kensington & Chelsea	8, AP2-1, AP2-2, AP2-3	Provision of access for construction and maintenance	15
London Borough of Hammersmith & Fulham	70	Provision of access for construction	
	78	Provision of access for construction and maintenance	
London Borough of Brent	377, 378, AP2-1	Provision of access for construction and maintenance	20
London Borough of Ealing	249, 388, 389, 390, 392 to 395, AP2-34	Provision of access for construction	
	517, 765 to 769, 875, 895, 990, 1027 to 1029	Provision of access for utility works	25
	666, 667	Provision of access for construction	
	AP4-4 to AP4-6	Provision of worksite and access for construction and maintenance	
London Borough of Hillingdon	36 to 38, 46 to 49, 113 to 116, 117 to 127, 241 to 248, 378, 680, 715a, 715b, 718, 730	Provision of access for utility works	30
	695, 721, 732, 752, 766, 767a, 769, 783a, 785, 788, 791	Provision of access for construction and maintenance	35
	722, 725	Provision of access for construction	
	AP2-2	Acquisition of rights in relation to the airspace above the land	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
County of Buckinghamshire District of South Bucks Parish of Denham	1c, 1e, 1h, 1k, 1l	Provision of access for utility works	5
District of Chiltern Parish of Amersham	70, 78	Provision of access for construction	
Parish of Little Missenden	1, 5	Provision of access for construction	
Parish of Great Missenden	148, 165, 168	Provision of access for maintenance	10
	AP4-32 to AP4-36, AP4-40	Provision of access for construction and maintenance of utility diversions	
	AP4-83	Provision of access for utility works	15
District of Aylesbury Vale Parish of Quainton	82, 108a, 108b, 114, 116, 121, 129, 130, 147, 148, 217, 252, 256	Provision of access for construction and maintenance	
	132, 134, 137, 139, 246, 268, 269, 269a, 269b, 275a, AP1-4, AP1-15	Provision of access for utility works	20
	170a, 180, 201a	Provision of access for construction and maintenance of utility diversions	25
	213, 221, 229, 247	Provision of access for maintenance	
Parish of Woodham	2 to 13	Provision of access for construction and maintenance	
Parish of Hogshaw	6a, 7, 10, 11, 12, 18	Provision of access for construction and maintenance of utility diversions	30
Parish of East Claydon	2, 3, 5a, 7a	Provision of access for construction and maintenance of utility diversions	35
Parish of Grendon Underwood	14a	Provision of access for maintenance	
	AP1-2, AP1-4, AP1-8	Provision of access for utility works	
Parish of Steeple Claydon	25	Provision of access for construction and maintenance	40
Parish of Twyford	98, 104	Provision of access for construction and maintenance	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Preston Bissett	5	Provision of access for construction	
	11, 53, 57, 60, AP1-4	Provision of access for construction and maintenance	5
County of Oxfordshire District of Cherwell Parish of Godington	4, 11, 16 to 21	Provision of access for construction and maintenance	
Parish of Finmere	13, 16, 17	Provision of access for construction and maintenance	10
	56, 58 to 60	Provision of access for construction and maintenance of utility diversions	
Parish of Mixbury	16, 42	Provision of access for construction and maintenance of utility diversions	15
County of Northamptonshire District of South Parish of Evenley	1	Provision of access for construction and maintenance of utility diversions	20
Parish of Boddington	43	Provision of access for construction and maintenance of utility diversions	25
Parish of Brackley	17	Provision of access for construction and maintenance	
Parish of Chipping Warden and Edgcote	57	Provision of access for construction and maintenance of utility diversions	30
Parish of Thorpe Manderville	45	Provision of access for construction and maintenance	
Parish of Culworth	5	Provision of access for construction and maintenance	
	1b, 7, 9a, 25, 31, 33, 35	Provision of access for construction and maintenance of utility diversions	35
County of Buckinghamshire District of Aylesbury Vale Parish of Turweston	39	Provision of access for construction and maintenance	
Parish of Chetwode	4, 6, 7, 10, 11, 18, 26, 36	Provision of access for construction and maintenance	40
	57	Provision of access for maintenance	
	66, 67, 68a, 69, 70	Provision of access for construction	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Barton Hartshorn	29, 30	Provision of access for construction and maintenance	
District of Chiltern Parish of The Lee	29, 30	Provision of access for construction and maintenance	5
District of Aylesbury Vale Parish of Wendover	26	Provision of access for construction	
	141, 253 to 256	Provision of access for construction and maintenance	10
District of Wycombe Parish of Ellesborough	4a, 65, 82	Provision of access for utility works	
	40, 49, 59, 67	Provision of access for construction and maintenance	
District of Aylesbury Vale Parish of Stoke Mandeville	5, 57, 85	Provision of access for construction and maintenance	15
	137, 139	Provision of access for utility works	
Parish of Stone with Bishopstone and Hartwell	1	Provision of access for utility works	20
	92	Provision of access for construction and maintenance	
Parish of Fleet Marston	3	Provision of access for construction and maintenance	
	22	Provision of access for construction	25
Parish of Waddesdon	86	Provision of access for maintenance	
	115 to 118	Provision of access for construction and maintenance	30
County of Warwickshire District of Stratford-on-Avon Parish of Wormleighton	19, 29, 30, 31a	Provision of access for construction and maintenance of utility diversions	
	39a	Provision of access for construction and maintenance	35
Parish of Stoneton	20	Provision of access for construction and maintenance of utility diversions	
Parish of Radbourn	8a, 31	Provision of access for construction and maintenance of utility diversions	40
Parish of Ladbroke	14, 16, 17	Provision of access for construction and maintenance of utility diversions	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Southam	38, 66, 67, 69, 88, 98, 102, 104, 108, 109	Provision of access for construction and maintenance of utility diversions	5
	44 and 50	Provision of access for construction and maintenance	
Parish of Long Itchington	3, 18, 21	Provision of access for construction and maintenance of utility diversions	10
District of Warwick Parish of Offchurch	72	Provision of access for construction and maintenance of utility diversions	
Parish of Cubbington	7	Provision of access for construction and maintenance of utility diversions	15
Parish of Stoneleigh	19	Provision of access for construction and maintenance of utility diversions	20
	90, 95, AP1-1	Provision of access for construction and maintenance	
	142, 143a, 145, 146a	Provision of access for construction and maintenance	
Parish of Kenilworth	22, 26	Provision of access for construction and maintenance of utility diversions	25
	AP4-1	Provision of access for utility works	
Parish of Burton Green	10, 24, 25, 39a, 39b, 54, 60, 71	Provision of access for construction and maintenance of utility diversions	30
District of North Warwickshire Parish of Little Packington	AP1-2, AP1-3	Provision of worksite and access for construction	
Parish of Coleshill	1t, 254a, AP2-19, AP2-22, AP2-23	Provision of access for construction and maintenance	35
	47, 270a, 319	Provision of access for utility works	
	109, 111, AP2-25, AP2-25a	Provision of access for construction and maintenance	40
	433a	Provision of access for construction and maintenance of utility diversions	
	498a, AP4-23	Provision of access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Water Orton	150	Provision of access for construction and maintenance of utility diversions	5
Parish of Shustoke	AP4-4, AP4-7, AP4-8	Provision of access for construction	
Parish of Curdworth	17, 29, 46, 108, 157, 230, 232a, AP1-8, AP1-12 to AP1-14	Provision of access for utility works	10
	84	Provision of access for construction and maintenance of utility diversions	
	AP1-4	Provision of access for construction and maintenance	15
	AP4-37	Diversion and installation of overhead electric lines	
	AP4-2, AP4-10 to AP4-14, AP4-25 to AP4-28	Provision of access for construction	20
Parish of Lea Marston	AP4-5, AP4-6, AP4-10	Provision of access for construction	
Parish of Wishaw and Moxhull	1, 2, 3, 6b, 14a, 19a, AP1-3 to AP1-5	Provision of access for utility works	
Parish of Middleton	28	Provision of access for utility works	25
	68a, AP2-22, AP2-24	Provision of access for construction and maintenance	
County of Staffordshire District of Lichfield Parish of Drayton Bassett	20b, 20c, 21a, 39, 115, AP1-10 to AP1-12, AP2-12	Provision of access for utility works	30
	34, AP2-11	Provision of access for construction and maintenance	
	41, 57, 124	Provision of new vehicular right on existing public right of way	35
Parish of Fazeley	2, 4, 5, 7	Provision of access for utility works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Hints with Canwell	12, 19, 26, 27, 29, AP1-1, AP1-2, AP2-1	Provision of access for utility works	
	136	Provision of access for construction and maintenance	5
	54a	Provision of new vehicular right on existing public right of way	
	140	Provision of access for construction and maintenance. Provision of new vehicular right on existing public right of way	10
Parish of Weeford	AP1-3a	Provision of access for utility works	
	AP1-6, AP1-7, AP1-9, AP1-12, AP1-13	Provision of access for construction	15
Parish of Whittington	43	Provision of new vehicular right on existing public right of way	
Parish of Fradley and Streethay	129, 313 to 315, AP2-103a, AP2-135a	Provision of access for construction and maintenance	20
Parish of Alrewas	1	Provision of access for construction and maintenance	
Parish of Curborough and Elmhurst	2, 3	Provision of access for construction and maintenance	
Parish of Longdon	7, 11	Provision of access for construction and maintenance	25
	1, 2	Provision of access for utility works	
Parish of Kings Bromley	3	Provision of access for construction	30
	83a, 110, AP2-37	Provision of access for construction and maintenance	
	140b, 192a	Provision of access for utility works	
	AP1-8	Provision of access for utility works	35
Parish of Colton	15, 18	Provision of access for construction and maintenance	
Metropolitan Borough of Solihull Parish of Berkswell	25, 44, 46, 70, 73, AP4-2	Provision of access for utility works	40
	135	Provision of access for construction and maintenance	
	229	Provision of access for construction	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired</i>	
Parish of Bickenhill	4, 5	Provision of access for maintenance	
	14 to 16, 33, 38, 39, AP2-1 to AP2-4	Provision of access for construction and maintenance	5
	41a	Provision of access for construction and maintenance	
	AP1-1	Diversion and installation of overhead electric lines	10
	42, 43a, 44, 45, 46a	Provision of access for construction	
City of Birmingham	17, 18	Provision of access for construction and maintenance	15
	307, AP2-3, AP2-4, AP2-6, AP2-8	Provision of access for construction and maintenance	
	AP1-1 to AP1-4	Provision of access for construction	20

SCHEDULE 9

Section 5(7)

ACQUISITION OF RIGHTS IN LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

Compulsory Purchase Act 1965 and compensation enactments

- 1 Part 1 of the Compulsory Purchase Act 1965 (referred to in this Schedule as “CPA 1965”), as applied by section 4(3) to the acquisition of land under section 4(1), and the enactments relating to compensation for the compulsory purchase of land, apply to a compulsory acquisition under section 4(1) by virtue of section 5—
 - (a) with the modifications specified in paragraph 2, and
 - (b) with such other modifications as may be necessary.
- 2 (1) The modifications referred to in paragraph 1(a) are as follows.
 - (2) References in CPA 1965 to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—
 - (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or
 - (b) the land over which the right is, or is to be, exercisable or (as the case may be) the restrictive covenant is, or is to be, enforceable.

(3) For section 7 of CPA 1965 substitute –

“7 Measure of compensation in case of purchase of new right or imposition of new restrictive covenant

In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had, not only to the extent (if any) to which the value of the land over which the right is acquired or the restrictive covenant is imposed is depreciated by the acquisition of the right or the imposition of the covenant, but also to the damage (if 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) In section 8 of CPA 1965 (provisions as to divided land), for subsection (1) substitute –

“(1) This subsection applies where – 15

- (a) a notice to treat in respect of a right over, or restrictive covenant affecting, land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”) has been served on a person under section 5 of this Act, 20
- (b) in consequence of the service of the notice, a question of disputed compensation in respect of the acquisition of the right or imposition of the covenant would, apart from this section, fall to be determined by the Upper Tribunal, and
- (c) before the Upper Tribunal has determined that question, the person on whom the notice has been served satisfies the Upper Tribunal that the relevant conditions are met. 25

(1A) The relevant conditions are –

- (a) that the person has an interest which the person is able and willing to sell in the whole of the relevant land, 30
- (b) where the relevant land consists of a house, building or manufactory, that it cannot be made subject to the right or covenant without material detriment to it, and
- (c) where the relevant land consists of a park or garden belonging to a house, that it cannot be made subject to the right or covenant without seriously affecting the amenity or convenience of the house. 35

(1B) Where subsection (1) above applies –

- (a) the compulsory purchase order shall, in relation to the person on whom the notice to treat has been served – 40
 - (i) cease to authorise the acquisition of the right or imposition of the covenant to which the notice relates, and
 - (ii) be deemed to authorise the acquisition of that person’s interest in the whole of the relevant land including, where the land consists of a park or garden belonging to a house, the house, and 45

- (b) the notice to treat shall be deemed to have been served in respect of that interest on such date as the Upper Tribunal directs.
- (1C) Any question as to the extent of the land in which the compulsory purchase order is deemed to authorise the purchase of an interest by virtue of subsection (1B)(a)(ii) of this section shall be determined by the Upper Tribunal. 5
- (1D) Where the Upper Tribunal determines that the person on whom a notice to treat has been served has satisfied the Upper Tribunal as mentioned in subsection (1)(c) of this section, the acquiring authority may withdraw the notice at any time within the period of six weeks beginning with the date of the determination. 10
- (1E) Subsection (1D) of this section is without prejudice to any other power of the acquiring authority to withdraw the notice to treat.”
- (5) The following provisions of CPA 1965 (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) – 15
- section 9(4) (failure of owners to convey),
 paragraph 10(3) of Schedule 1 (owners under incapacity),
 paragraph 2(3) of Schedule 2 (absent and untraced owners), and 20
 paragraphs 2(3) and 7(2) of Schedule 4 (common land),
 are so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be acquired compulsorily or the benefit of the covenant which is to be imposed is vested absolutely in the acquiring authority. 25
- (6) Section 11 of CPA 1965 (powers of entry) is modified so as to secure that, where the acquiring authority have served notice to treat in respect of any right or restrictive covenant as well as the notice required by subsection (1) of that section (as it applies to a compulsory acquisition under section 4(1)), they have power, exercisable in the same circumstances and subject to the same conditions, to enter for the purpose of exercising that right or enforcing that covenant; and sections 12 (penalty for unauthorised entry) and 13 (entry on enforcement officer’s or sheriff’s warrant in the event of obstruction) of that Act are modified accordingly. 30
- (7) Section 20 of CPA 1965 (compensation for short-term tenants) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the land, but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right or enforcement of the restrictive covenant in question. 35 40
- (8) Section 22 of CPA 1965 (protection of acquiring authority’s possession of land where interest accidentally omitted from purchase) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation. 45

(9) In the Land Compensation Act 1973, for section 44 substitute –

“44 Compensation for injurious affection

(1) Where –

(a) a right over land is acquired from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, or

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(b) a restrictive covenant over land is imposed on any person for the purpose of such works,

compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable or the covenant is enforceable.

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(2) In this section, “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by paragraph 1 of Schedule 9 to the High Speed Rail (London - West Midlands) Act 2017.”

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(10) For section 58 of that Act substitute –

“58 Determination of material detriment where right over part of house etc proposed for compulsory acquisition

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(1) Subsection (2) applies where the Upper Tribunal is determining under section 8(1)(c) of the Compulsory Purchase Act 1965, as applied by paragraph 1 of Schedule 9 to the High Speed Rail (London - West Midlands) Act 2017 whether –

(a) a right over or restrictive covenant affecting part of a house, building or manufactory can be taken without material detriment to the house, building or manufactory, or

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(b) a right over or restrictive covenant affecting part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house.

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(2) The Tribunal shall take into account, not only the effect of the right or covenant on the whole of the house, building or manufactory or of the house and the park or garden, but also the use to be made of the right or covenant proposed to be acquired or imposed and, in a case where the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”

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Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments

3 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”), as applied by section 4(4) to the acquisition of land under section 4(1), applies to a compulsory acquisition under section 4(1) by virtue of section 5–

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(a) with the modifications specified in paragraph 4, and

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

(2) The enactments relating to compensation for the compulsory purchase of land also apply to a compulsory acquisition under section 4(1) by virtue of section 5.

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-
- 4 (1) The modifications referred to in paragraph 3(1)(a) are as follows.
- (2) References in the 1981 Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to –
- (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or 5
 - (b) the land over which the right is, or is to be, exercisable or (as the case may be) the restrictive covenant is, or is to be, enforceable.
- (3) References in the 1981 Act to the Compulsory Purchase Act 1965 are to be read as references to that Act as it applies to a compulsory acquisition under section 4(1) by virtue of section 5. 10
- (4) Section 8(1) of the 1981 Act (vesting, and right to enter and take possession) is modified so as to secure –
- (a) that a general vesting declaration in respect of any right or restrictive covenant vests the right or the benefit of the covenant in the acquiring authority on the vesting date, and 15
 - (b) that, as from the vesting date, the acquiring authority have power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right or enforcing that covenant as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen. 20
- (5) Section 9(2) of the 1981 Act (right of entry under section 8(1) not exercisable in respect of land subject to certain tenancies, unless notice has been served on occupiers of the land) is modified so as to require a notice served by the appropriate authority under that provision to refer to the authority’s intention to enter land specified in the notice in order to exercise the right or enforce the restrictive covenant. 25
- (6) In section 10(1) of the 1981 Act (acquiring authority’s liability on vesting of land), the reference to the acquiring authority’s taking possession of the land under section 11(1) of CPA 1965 is to be read instead as a reference to the authority’s exercising the power to enter the land under that provision as modified by paragraph 2(6) of this Schedule. 30
- (7) Part 1 of Schedule 1 to the 1981 Act (divided land: buildings and gardens, etc) has effect as if –
- (a) in paragraph 2(1) (notice of objection to severance of buildings, gardens etc), for “part only of” there were substituted “only the acquisition of a right over, or the imposition of a restrictive covenant affecting”, 35
 - (b) in paragraph 3(a), the reference to the interest in respect of which a notice of objection to severance is served were to the right or the benefit of the covenant mentioned in paragraph 2(1) (as modified by paragraph (a) of this sub-paragraph) (and subsequent references to that interest are to be construed accordingly), 40
 - (c) in paragraph 8(1), the reference to the part of the land proposed to be severed which is comprised in the general vesting declaration were to the right or covenant comprised in the declaration, 45
 - (d) for paragraph 8(2) there were substituted –
- “(2) Sub-paragraph (3) applies where the Upper Tribunal is determining under this paragraph, as applied by

- paragraph 3 of Schedule 9 to the High Speed Rail (London - West Midlands) Act 2017, whether –
- (a) a right over or restrictive covenant affecting part of a house, building or factory can be taken without material detriment, or 5
 - (b) a right over or restrictive covenant affecting part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house.
- (3) The Tribunal shall take into account, not only the effect of the right or covenant on the whole of the house, building or factory or of the house and the park or garden, but also the use to be made of the right or covenant proposed to be acquired or imposed and, in a case where the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”, 10
- (e) in paragraph 9(1), the reference to a part of the land which includes the part comprised in the general vesting declaration were to a part of the land which includes the land over which the right or covenant comprised in the declaration is proposed to be exercisable or enforceable, and 15
 - (f) any reference, in relation to the acquiring authority, to entering upon or taking possession of land were to entering upon land for the purpose of exercising the right acquired or enforcing the restrictive covenant imposed. 25

SCHEDULE 10

Section 6

ACQUISITION OF PART OF LAND ONLY

- 1 (1) The person to whom the notice to treat mentioned in section 6 is given (“the owner”) may, within the period of 21 days beginning with the day on which the notice is given, give the Secretary of State a counter-notice – 30
- (a) objecting to the sale of the part (“the land subject to the notice to treat”), and
 - (b) stating that he or she is willing and able to sell the whole (“the land subject to the counter-notice”). 35
- (2) If no counter-notice is given under sub-paragraph (1), the owner is required to sell the land subject to the notice to treat.
- (3) If –
- (a) a counter-notice is given under sub-paragraph (1), and 40
 - (b) the Secretary of State agrees to take the land subject to the counter-notice,
- the notice to treat is to be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (4) If – 45
- (a) a counter-notice is given under sub-paragraph (1), and

- (b) the Secretary of State does not agree to take the land subject to the counter-notice,
the question as to what land the owner is required to sell must be referred to the Upper Tribunal.
- 2 (1) If, on a reference under paragraph 1(4), the Upper Tribunal determines that the land subject to the notice to treat can be taken – 5
- (a) without material detriment to the remainder of the land subject to the counter-notice, and
- (b) where the land subject to the notice to treat consists of or includes garden only land, without seriously affecting the amenity and convenience of the house to which the garden only land belongs, 10
the owner is required to sell the land subject to the notice to treat.
- (2) If, on such a reference, the Upper Tribunal determines that only part of the land subject to the notice to treat can be taken as mentioned in sub-paragraph (1), the notice to treat is to be deemed to be a notice to treat for that part. 15
- (3) If, on such a reference, the Upper Tribunal determines –
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, but 20
- (b) that the material detriment is confined to part of the remainder of that land,
then, except where sub-paragraph (4) applies, the notice to treat is to be deemed to be a notice to treat in addition for the land to which the material detriment is confined. 25
- (4) If, in a case where the land subject to the notice to treat consists of or includes garden only land, the Upper Tribunal determines on such a reference that none of the land subject to the notice to treat can be taken without seriously affecting the amenity or convenience of the house to which the garden only land belongs, the notice to treat is to be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice. 30
- (5) If, on such a reference, the Upper Tribunal determines –
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, and 35
- (b) that the material detriment is not confined to part of the remainder of that land,
the notice to treat is to be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (6) For the purposes of this paragraph, the land subject to the notice to treat consists of or includes “garden only land” if – 40
- (a) it consists of the whole part or part of a park or garden belonging to a house, or
- (b) it includes the whole or part of such a park or garden but does not include the house or any part of it. 45
- 3 (1) Where under paragraph 2 a notice to treat is deemed by virtue of a determination of the Upper Tribunal to be a notice to treat for less land or more land than that specified in the notice, the Secretary of State may, within

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
London Borough of Ealing	360 to 364, 366 to 368, 372, 374, 377 to 386, 391, 398, 399, 401 to 405, 411, 414 to 430, 432 to 437, 440 to 444, 446 to 450, 452a, 463 to 465, 467 to 469, 472 to 481, 483 to 491, 493, 494, 495a, 498a, 499a, 504, 505, 506a, 509 to 513, 521 to 526, 540 to 553, 557 to 561, 581, 583 to 639, 641 to 644, 646 to 659, 661, 663, 664, 670 to 674, 682 to 687, 689, 699, 700, 702 to 707	5
London Borough of Ealing	712 to 715, 718 to 764, 773 to 775, 791, 792, 794 to 797, 801, 812 to 814, 822, 823, 825, 831 to 837, 839, 840, 846, 848, 851, 853, 854, 856 to 866, 869, 870, 884 to 894, 896, 900 to 921, 924, 927, 929 to 941, 952, 971a, 978, 980 to 983, 986, 991 to 999, 1001, 1006, 1008 to 1012, 1016 to 1026, 1031, 1032, 1034 to 1036, AP2-2 to AP2-6	10 15
London Borough of Hillingdon	19, 21, 29, 31 to 35, 43 to 45, 53, 64 to 67, 70 to 73, 79 to 83, 86 to 95, 98, 108 to 116, 140 to 154, 155a, 161 to 174, 176a, 178 to 182, 183a, 186, 188, 189, 192, 194 to 196, 207 to 213, 221 to 223, 225 to 228, 249 to 347, 350 to 360, 362 to 364, 369	20
County of Buckinghamshire District of Chiltern Parish of Chalfont St. Peter	32 to 34, 43, 48, 51 to 65, 67 to 69, 74, 79, 81, 84, 86 to 88	
Parish of Chalfont St. Giles	7, 8, 10 to 45, 47 to 58, 60 to 73, 81, 86, 90, 92, 97, 100, 103 to 126	25
Parish of Coleshill	6, 7	
Parish of Amersham	12, 15, 16, 19 to 21, 35, 36, 36a, 42, 48 to 50, 52 to 55, 60, 62, 63, 68, 69, 73, 80 to 82	
Parish of Little Missenden	21 to 24, 27 to 29, 33, 35, 39 to 43, AP4-1 to AP4-6, AP4-6a	30
Parish of Great Missenden	AP4-1, AP4-1a, AP4-2 to AP4-11, AP4-18 to AP4-30	
City of Birmingham	79, 93 to 95, 97 to 102, 103, 106, 107, 111, 112, 114 to 121, 123 to 131, 133 to 150, 152 to 157, 177 to 180	
County of Warwickshire District of Stratford-on-Avon Parish of Long Itchington	28, 29, 34b, 38, 40 to 43 and 45	35

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

- 2 (1) In the case of land specified in the following table, the power under section 4(1) may be exercised only in either or both of the following ways –
- (a) in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres below the level of the surface; 40
- (b) so as to acquire rights of passage.
- (2) In this paragraph, “rights of passage” means easements or other rights over land for the passage of persons or vehicles (with or without materials, plant and machinery) for Phase One purposes. 45

<i>Area</i>	<i>Number on deposited plans</i>
London Borough of Camden	483, 485
London Borough of Ealing	391, 1031, 1032, 1034
London Borough of Hillingdon	113 to 116

Supplementary

5

- 3 (1) Paragraphs 1 and 2 are subject to any power to impose restrictive covenants by virtue of section 5(3).
- (2) Paragraphs 1 and 2 do not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where –
- (a) the building is within the Act limits, and
 - (b) the power under section 4(1) is exercisable in relation to the building.

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SCHEDULE 12

Section 9

HIGHWAYS: RESTRICTIONS ON POWERS TO USE SUBSOIL AND ACQUIRE LAND

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
London Borough of Camden	1 to 3, 5 to 8, 14, 16, 19, 20, 22 to 25, 25a, 25b, 25c, 25d, 45, 56 to 58, 64, 83 to 85, 86a, 100 to 109, 147, 148, 150, 161, 164 to 167, 186, 187, 190, 193, 195, 197, 199, 213, 214, 229, 250, 251, 252, 256, 288, 289, 290, 306, 361, 370, 380, 381, 382, 392, 412, 428, 429, 435, 445, 446, 643, 648, 649, 651, 652, 656, 658, 659, 664, 680, 681, 686, 687, 703, 707, 711, 712, 713, 715, 716, 725, 726, 728, 741, 743, 745, 770, 777, 786, 787, 788, 793, 797, 798, 799, 800, 806, 812, 813, 1062, 1064, AP3-2, AP3-7, AP3-8, AP3-24 to AP3-26	15 20 25
City of Westminster	2, 3, 4, 5, 6, 7, 8, 9, 10, 58, 248, 268	
London Borough of Brent	1, 2, 4, 25, 27, 41, 42, 43, 56, 57, 59, 88, 91, 92, 103, 104, 107, 108, 141, 180, 183, 184, 186, 187, 189, 190, 191, 196, 198, 218, 241, 243, 244, 245, 269, 312, 314, 326, 327, 368, 370, 379, 385	30
Royal Borough of Kensington and Chelsea	4, 13 and 15	
London Borough of Hammersmith and Fulham	26a, 27a, 30, 35, 36, 38, AP4-1a	35

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
London Borough of Ealing	22, 88, 89, 107, 109, 244, 246, 247, 248, 250, 252, 253, 292, 293, 296, 316, 320, 321, 350, 369, 371, 373, 375, 407, 431, 455, 462, 470, 518, 519, 520, 536, 567, 665, 675, 709, 710, 711, 717, 777, 815, 820, 821, 829, 830, 841, 845, 850, 876, 897, 943, 953, 955, 956, 967, 976, 1000, 1004, 1005, AP4-15, AP4-15a	5
London Borough of Hillingdon	55, 69, 74, 75, 77, 78, 104, 105, 155, 156, 160, 177, 198, 200, 201, 215 to 218, 348, 349, 385, 386, 407 to 410, 421, 435, 446, 514, 516, 670, 698, 699, 700, 701, 703, 708, 716, 717, 721a, 757, 762, 785a, AP4-9 to AP4-11, AP4-14, AP4-24	10
Borough of Slough	AP2-36	15
County of Buckinghamshire District of South Bucks Parish of Denham	3, AP4-3	
Parish of Wexham	AP4-2	
County of Hertfordshire District of Three Rivers	14, 16, 45, 60, 62, 66, 106, 108	20
County of Buckinghamshire District of Chiltern Parish of Chalfont St Peter	39 to 42, 66, 71, 72, 77, 78	
Parish of Chalfont St Giles	2	25
Parish of Coleshill	9	
Parish of Amersham	26, 30, 39, 41, 43, 44, 51, 56, 57, 79	
Parish of Little Missenden	9, 10	
Parish of Great Missenden	127, 154, 169, 176, 187, AP2-1, AP4-14, AP4-37, AP4-39, AP4-50, AP4-53, AP4-71, AP4-72	30
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	25, 29, 36, 48, 57, 154, 156, 169, 179, 183, 198, 211, 214, 227, 245, 275, AP1-1, AP2-6a	
Parish of Hogshaw	9, 14, 17	35
Parish of East Claydon	1, 6, 8	
Parish of Grendon Underwood	14b, AP1-3, AP1-7	
Parish of Calvert Green	26	
Parish of Steeple Claydon	28, 30, 55, 57, 59, 105, 116, 118, 122, 123, 126, 127, AP4-8	40
Parish of Charndon	1	
Parish of Twyford	12, 74, 79	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
County of Oxfordshire District of Cherwell Parish of Newton Purcell with Shelswell	60, 79	
Parish of Finmere	21	5
Parish of Mixbury	5, 22	
County of Buckinghamshire District of Aylesbury Vale Parish of Westbury	26	
County of Northamptonshire District of South Northamptonshire Parish of Boddington	31, 32, 35, 37, 49, 53, 53a, 55, 82, 104a, 105, 106a, 108a	10
Parish of Whitfield	51	
Parish of Radstone	14, 43, 45, 48, AP2-5	
Parish of Chipping Warden and Edgcote	1, 5, 8, 12, 51, 64a, 67, 75, 79, AP2-2, AP2-11	15
Parish of Aston Le Walls	7, 18	
Parish of Helmdon	1	
Parish of Greatworth	46, 47, 51, 55, 58, 78, 95a	
Parish of Marston St Lawrence	3	
Parish of Sulgrave	4	20
Parish of Thorpe Mandeville	6, 11, 13, 22, 23, 32, 52, 57, 66	
Parish of Culworth	2, 4, 24, 43	
County of Buckinghamshire District of Aylesbury Vale Parish of Turweston	30, 63	25
Parish of Chetwode	38, 75, 101	
Parish of Barton Hartshorn	31	
District of Chiltern Parish of The Lee	10, 41	
District of Aylesbury Vale Parish of Wendover	17, 22, 33, 75, 86, 104, 130, 133, 140, 144, 148, 154, 158, 164, 168, 207, 208, 209, 210, 216, 218, 225, 226, 229, 242, AP1-14, AP2-2, AP2-3, AP2-5	30
District of Wycombe Parish of Ellesborough	6, 37, 73, 81	35
District of Aylesbury Vale Parish of Stoke Mandeville	7, 37, 46, 52, 68, 89, AP2-1	
District of Wycombe Parish of Great and Little Kimble Cum Marsh	2, 8	40

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
District of Aylesbury Vale Parish of Aylesbury	23	
Parish of Coldharbour	8, 9	
Parish of Fleet Marston	27	5
Parish of Waddesdon	47, 48, 50, 108	
Parish of Preston Bissett	10	
County of Warwickshire District of Stratford-on-Avon Parish of Wormleighton	36	10
Parish of Ladbroke	43, 45	
Parish of Long Itchington	8, 33, 44, 60, 62	
Parish of Ufton	1, 3, 14, 22	
Parish of Southam	106	
District of Warwick Parish of Offchurch	2, 8, 33	15
Parish of Cubbington	56, AP4-5	
Parish of Weston Under Wetherley	AP4-5	
Parish of Stoneleigh	26, 32, 40, 47, 70, 149	
Parish of Burton Green	18, 22, 27, 66, 102	20
Metropolitan Borough of Solihull Parish of Berkswell	13, 137, 146, 150, 154, 212 to 214, AP2-12, AP2-13, AP4-3	
Parish of Chelmsley Wood	1, 2, 4, 11, 12, 13, 14, 15, 17, 18, 64, 67, 69, AP2-1, AP2-2	
Parish of Smiths Wood	1	25
Parish of Castle Bromwich	1	
County of Warwickshire District of North Warwickshire Parish of Coleshill	1e, 6, 8, 9, 10, 11, 12A, 13A, 14, 15, 17, 18, 20, 29, 30, 31, 39, 49, 54, 67, 93, 94, 151, 161, 256, 258, 259, 305, 313, 317, 430, 434, 436, 442, 444, 447, 477a, 477b, 477c, 512a, 530, 535 to 537, 541, 551a	30
Parish of Water Orton	31, 52A, 77, 81a, 81b, 84, 90a, 95a, 101, 103, 104, 111, 114a, 114b, 121a, 121b, 121c, 127a, 127b, 134, AP4-5a, AP4-8, AP4-15, AP4-18, AP4-29	35
Parish of Curdworth	52a, 79, 104, 105, 122, 161, 163, 197, 204, 206, 208, 209, 218	
Parish of Lea Marston	15, 55c, 68a	
Parish of Wishaw and Moxhull	14, AP1-1	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Parish of Middleton	33, 40, 44, 45, 62, 105a, AP2-25	
County of Staffordshire District of Lichfield Parish of Drayton Bassett	37, 89, AP4-2	5
Parish of Hints	56a, 69a, 69b, 97, 132, 135, 139	
Parish of Weeford	5, 13, 15	
Parish of Whittington	1, 8, 51, 68, 70, 110a	
Parish of Lichfield	AP4-1, AP4-2	
Parish of Fradley and Streethay	AP2-18, AP2-25, AP2-39, AP2-56, AP2-58	10
Parish of Curborough and Elmhurst	AP4-8, AP4-9	
Parish of King’s Bromley	62, 136a, AP2-4, AP2-50, AP4-4, AP4-7, AP4-10	
Parish of Colton	8A, 10A	
County of Staffordshire Borough of Stafford Parish of Colwich	10, AP2-7	15
Metropolitan Borough of Solihull Parish of Balsall	AP2-1, AP4-1	
Parish of Hampton-in Arden	16c, 23, 25a, 44a, 56, 74, 88, AP2-25	20
Parish of Bickenhill	1, 3a, 30, 33, 34, 64, 84, 89, 92, 94	
Parish of Dickens Heath	AP4-2	
County of Warwickshire District of North Warwickshire Parish of Little Packington	8	25
City of Birmingham	5, 6, 58, 60, 63e, 91, 92, 122, 132, 157a, 157b, 157j, 158, 247, 251m, 252a, 259, 260, 260a, 265, 270, 298, 299, 300f, 317, 326b, 326c, 347, 352, 365, 375, 380, 399, 400, 402, 403, 404, 405, 406, 407, 408, 436, 438, 440, 441, 448, 450, 458, 465, 466, 467, 480, 481, AP2-10, AP4-1, AP4-2, AP4-8 to AP4-10, AP4-23, AP4-29	30

SCHEDULE 13

RIGHT TO REQUIRE ACQUISITION WHERE TIME LIMIT EXTENDED

- 1 (1) If the Secretary of State makes an order under section 10(2), the following provisions have effect as from the coming into force of the order.

- (2) Those provisions do not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 9 metres below the level of the surface of the land.
- 2 (1) Sub-paragraph (2) applies if a person with a qualifying interest in any of the land in relation to which the order is made gives notice to the Secretary of State (a “relevant notice”) that the person desires his or her interest in such of that land as is specified in the notice to be acquired by the Secretary of State. 5
- (2) The Secretary of State must, within 3 months immediately following receipt of the relevant notice – 10
- (a) enter into an agreement with the person for the acquisition of the person’s interest in the whole or part of the land specified in the notice,
- (b) exercise the applicable compulsory acquisition powers in respect of the person’s interest in the whole or part of that land, or 15
- (c) give the person notice of the Secretary of State’s intention not to proceed with the purchase of the person’s interest in any of that land.
- (3) For the purposes of sub-paragraph (1) a person has a “qualifying interest” in land if the person is the owner or lessee of the land.
- 3 (1) Where a person gives the Secretary of State a relevant notice and the Secretary of State – 20
- (a) fails to comply with the requirements of sub-paragraph (2) of paragraph 2,
- (b) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or 25
- (c) gives the person a notice under paragraph (c) of that sub-paragraph, the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in any of the land specified in the relevant notice.
- (2) Where – 30
- (a) a person gives the Secretary of State a relevant notice, and
- (b) the Secretary of State acquires in pursuance of paragraph 2(2)(a) or (b) the person’s interest in some, but not all, of the land specified in the notice,
- the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in the remainder of that land. 35
- 4 (1) References in this Schedule to the “applicable compulsory acquisition powers” are to –
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and 40
- (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1).
- (2) In this Schedule – 45
- “lessee” means a person who holds an interest under a lease which has at least 21 years to run at the date of the giving of a relevant notice by that person;

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion.

SCHEDULE 14

Section 11

AMENDMENTS CONSEQUENTIAL ON THE HOUSING AND PLANNING ACT 2016		5
1	Omit section 6.	
2	In section 7(2) (acquisition of airspace), for paragraphs (a) and (b) substitute— “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat); (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration); (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).”	10 15
3	In section 8(2) (acquisition of subsoil or under-surface), for paragraphs (a) and (b) substitute— “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat); (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration); (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).”	20 25
4	In section 49 (compulsory acquisition of land for relocation)— (a) omit subsection (4)(b), and (b) in subsection (5), omit “237,”.	
5	(1) Paragraph 2 of Schedule 6 (acquisition of land: application of Compulsory Purchase Act 1965) is amended as follows. (2) For sub-paragraph (3) substitute— “(3) In section 11(1B) (power to enter on and take possession of land the subject of a notice to treat after giving the specified notice)— (a) in a case where the notice to treat relates only to one or more of the following— (i) the acquisition of subsoil or undersurface of land, where the subsoil or undersurface lies more than 9 metres below the surface; (ii) the acquisition of airspace over land; (iii) an easement, restrictive covenant or other right over land, for “3 months” substitute “1 month”, and (b) after “11A(4)” insert “or (6) and (7).”	30 35 40

(3) After that sub-paragraph insert –

- “(3A) In section 11A (powers of entry: further notices of entry) –
- (a) in subsection (1)(a), after “land” insert “under that provision”,
 - (b) in subsection (2), after “land” insert “under that provision, to the extent that the newly identified person is the owner, lessee or occupier of the land,”, 5
 - (c) in subsection (4)(a), for “14 days” substitute “7 days”, and
 - (d) at the end insert –
- “(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply. 10
- (6) The period specified in the notice must be –
- (a) in a case where the notice to treat relates only to one or more of the following – 15
 - (i) the acquisition of subsoil or under-surface of land, where the subsoil or undersurface lies more than 9 metres below the surface;
 - (ii) the acquisition of airspace over land; 20
 - (iii) an easement, restrictive covenant or other right over land,

a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and 25
 - (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served.
- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.” 30

(4) After sub-paragraph (4) insert –

- “(4A) In Schedule 2A (proposal to acquire part only of a house, building or factory) – 35
- (a) omit paragraphs 1(2) and 14(2), and
 - (b) at the end insert –

“PART 4

INTERPRETATION

- 30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017 (temporary possession and use of land).” 40

(5) Omit sub-paragraph (5).

- 6 For paragraph 3 of Schedule 6 (acquisition of rights in land: application of 45

Compulsory Purchase (Vesting Declarations) Act 1981) substitute—

- “3 In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if—
- (a) before section 4 there were inserted section 3A (as set out in paragraph 7 of Schedule 14), 5
 - (b) sections 5 and 5A (which respectively set out the earliest date, and the time limit, for the execution of a general vesting declaration) were omitted,
 - (c) in section 6 (notices after execution of general vesting declaration), the reference to the invitation under section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981 were a reference to the invitation under section 3A(3) (as inserted by paragraphs 6 and 7 of Schedule 14), 10
 - (d) in section 9 (minor tenancies and tenancies about to expire: power to enter on and take possession of land the subject of a notice to treat after giving the specified notice), for “3 months” there were substituted “14 days”, 15
 - (e) in Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration), paragraph 1(2) were omitted, and 20
 - (f) references to the Compulsory Purchase Act 1965 were to that Act as applied by section 4(3) to the acquisition of land under section 4(1).”
- 7 This is the section referred to in paragraph 3(a) of Schedule 6 (as substituted by paragraph 6 above) — 25
- “3A Preliminary notices**
- (1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority must include the particulars specified in subsection (3) in a notice which is — 30
 - (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and
 - (b) published in the London Gazette. 35
 - (2) A notice under subsection (1) must be given before the service of any notice to treat in respect of the land with respect to which the declaration is to be made.
 - (3) The notice must— 40
 - (a) contain a statement, in the form prescribed for the purposes of section 15(4)(e) of the Acquisition of Land Act 1981 (with any necessary modifications), about the effect of Parts 2 and 3 of this Act, and
 - (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 to give the acquiring authority information about the person’s name, address and interest in land, using the form prescribed for the purposes of section 15(4)(f) of the 45

Acquisition of Land Act 1981 (with any necessary modifications).		
(4)	A notice complying with the preceding provisions of this section must be sent to the Chief Land Registrar and it shall be a local land charge.	5
(5)	For the purposes of this section, a person has a relevant interest in land if—	
(a)	the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or	
(b)	the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”	10
8	(1) Paragraph 2 of Schedule 9 (acquisition of rights in land: application of Compulsory Purchase Act 1965) is amended as follows.	
	(2) Omit sub-paragraph (4).	15
	(3) After sub-paragraph (8) insert—	
	“(8A) For Schedule 2A to CPA 1965 substitute—	
	“SCHEDULE 2A	
	COUNTER-NOTICE REQUIRING PURCHASE OF LAND	
	<i>Introduction</i>	20
1	This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory.	
2	In this Schedule, “house” includes any park or garden belonging to a house.	25
	<i>Counter-notice requiring purchase of land</i>	
3	A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory.	
4	A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.	30
	<i>Response to counter-notice</i>	
5	On receiving a counter-notice, the acquiring authority must decide whether to—	35
(a)	withdraw the notice to treat,	
(b)	accept the counter-notice, or	
(c)	refer the counter-notice to the Upper Tribunal.	
6	The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).	40

- 7 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.
- 8 If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period. 5
- 9 If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory. 10

Determination by Upper Tribunal

- 10 On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would – 15
- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
 - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.
- 11 In making its determination, the Upper Tribunal must take into account – 20
- (a) the effect of the acquisition of the right or the imposition of the covenant,
 - (b) the use to be made of the right or covenant proposed to be acquired or imposed, and 25
 - (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- 12 If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take. 30
- 13 If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land. 35
- 14 (1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land. 40
- (2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice. 45

- (3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”
- (4) After sub-paragraph (8A) (inserted by sub-paragraph (3) above) insert –
- “(8B) In section 5A(5B) of the Land Compensation Act 1961 (relevant valuation date), for paragraphs (a) and (b) substitute – 5
- “(a) a right over, or restrictive covenant affecting, land is the subject of a general vesting declaration,
- (b) by virtue of paragraph 11(2) or 16(2) of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, the declaration has effect as if it included an interest in the land, 10
and
- (c) the vesting date for the right or covenant is different from the vesting date for the interest in the land.””
- (5) Omit sub-paragraph (10).
- 9 In paragraph 4 of Schedule 9 (acquisition of rights in land: application of Compulsory Purchase (Vesting Declarations) Act 1981), for sub-paragraph (7) substitute – 15
- “(7) Schedule A1 to the 1981 Act (counter-notice requiring purchase of land not in general vesting declaration) has effect as if –
- (a) in paragraph 1(1), for “part only of” there were substituted “only the acquisition of a right over, or the imposition of a restrictive covenant affecting,” 20
- (b) paragraph 1(2) were omitted,
- (c) references to the land proposed to be acquired were (subject to paragraph (e) below) to the right proposed to be acquired or the restrictive covenant proposed to be imposed, 25
- (d) references to the additional land were to the house, building or factory over which the right or covenant is proposed to be exercisable or enforceable, 30
- (e) in paragraphs 14 and 15, references to the severance of the land proposed to be acquired were to the acquisition of the right or the imposition of the restrictive covenant, and
- (f) in paragraph 15, after “in addition to” there were substituted “or in substitution for”.” 35
- 10 Omit Schedule 10.

SCHEDULE 15

Section 12

EXTINCTION OF RIGHTS OVER LAND

Land to which Schedule applies

- 1 This Schedule applies to – 40
- (a) land within the Act limits which is held by the Secretary of State for Phase One purposes, and

- (b) land within the Act limits in relation to which the Secretary of State has acquired a right (whether by creating a new right or acquiring an existing right) or imposed a restrictive covenant for Phase One purposes.

Private rights 5

- 2 (1) All private rights over land within paragraph 1(a) are extinguished at the appropriate time.
- (2) All private rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed. 10
- (3) In this Schedule, “private rights” include—
 - (a) private rights of way over land,
 - (b) rights of common,
 - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and 15
 - (d) restrictions as to the user of land arising under a contract.
- (4) Where the power under section 11(1) of the Compulsory Purchase Act 1965 (power of entry following notice to treat) is exercised in the case of land within paragraph 1(a) or (b), sub-paragraph (1) or (2) (as the case may be) has effect in relation to rights of common over the land notwithstanding anything in Schedule 4 to that Act (which preserves rights of common over land until payment of compensation). 20
- 3 (1) The Secretary of State may, in relation to a private right, direct— 25
 - (a) that paragraph 2 does not apply to the right, or
 - (b) that paragraph 2 applies to the right only to the extent specified in the direction.
- (2) A direction under sub-paragraph (1) must be given before the appropriate time. 30
- (3) Paragraph 2 does not apply to—
 - (a) a right over land which, were the land held otherwise than by the Secretary of State, would not be capable of being acquired under section 4(1), or
 - (b) a right to which section 271 or 272 of the Town and Country Planning Act 1990 (extinguishment of rights of statutory undertakers etc) applies (and see section 13 as to the application of those sections). 35
- 4 (1) Any person who suffers loss by the extinction of a private right under paragraph 2 is entitled to be compensated by the nominated undertaker.
- (2) Any dispute as to a person’s entitlement to compensation under this paragraph, or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 40
- (3) This paragraph does not apply where compensation in respect of rights of common is payable under Schedule 4 to the Compulsory Purchase Act 1965.

General rights

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

Meaning of “the appropriate time”

- 7 (1) References in this Schedule to “the appropriate time” are to be read as follows.
- (2) In the case of— 25
- (a) land held immediately before the day on which this Act is passed, or
- (b) land which, immediately before that day, was land in relation to which a right had been acquired or a restrictive covenant had been imposed,
- the appropriate time is the end of the period of 14 days beginning with that day. 30
- (3) In the case of—
- (a) land acquired on or after the day on which this Act is passed, or
- (b) land in relation to which a right has been acquired or a restrictive covenant has been imposed on or after that day, 35
- the appropriate time is the time of acquisition or (in the case of a restrictive covenant) imposition.
- (4) Sub-paragraph (3) is subject to sub-paragraphs (5) and (6) (which apply to land or a right acquired compulsorily or to a restrictive covenant imposed compulsorily). 40
- (5) Where the power under section 11(1) of the Compulsory Purchase Act 1965 has been exercised in relation to the land, the appropriate time is—
- (a) the time of entry under that provision, or
- (b) in the case of the acquisition of a right or the imposition of a restrictive covenant, the time when the power to enter the land for 45

the purpose of exercising the right or enforcing the covenant becomes exercisable under that provision (as modified in accordance with paragraph 2(6) of Schedule 9).

- (6) Where a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 has been made in relation to the land, the appropriate time is the vesting date (within the meaning of that Act). 5

Amendments to registers of common land or town or village greens

- 8 (1) This paragraph applies where –
- (a) the Secretary of State acquires land within the Act limits for Phase One purposes, or 10
 - (b) the Secretary of State acquires a right, or imposes a restrictive covenant, over land within the Act limits.
- (2) The Secretary of State must notify the commons registration authority of the acquisition or (in the case of a restrictive covenant) imposition if it relates to – 15
- (a) land registered in a register of common land as common land,
 - (b) land registered in a register of town or village greens as a town or village green, or
 - (c) a right of common registered in relation to land within paragraph (a) or (b). 20
- (3) A notice under sub-paragraph (2) must include –
- (a) a copy of this Schedule,
 - (b) a copy of the instrument by which the acquisition or imposition was effected,
 - (c) the number of the register unit and (where applicable) the number of the rights section entry in the register of common land or of town or village greens to which the notice relates, and 25
 - (d) a description of the amendment required to the register in question in consequence of the acquisition or imposition.
- (4) Sub-paragraph (5) applies where, in connection with the acquisition or imposition – 30
- (a) other land is given in exchange, or
 - (b) other land is to be made subject to a right of common equivalent to a right of common extinguished by virtue of paragraph 2.
- (5) The notice under sub-paragraph (2) must contain – 35
- (a) details of the land being given or the right of common being granted, and
 - (b) an application for (as the case may be) – 40
 - (i) the registration of the land as common land or as a town or village green, or
 - (ii) the registration of the right being granted.
- (6) The commons registration authority must make such amendments as may be necessary to a register in consequence of sub-paragraph (2) (including any amendments necessary in consequence of sub-paragraph (5)).
- (7) Nothing in – 45
- (a) regulations under section 14 of the Commons Act 2006, or

- (b) regulations under section 13 of the Commons Registration Act 1965, applies to an acquisition or imposition mentioned in sub-paragraph (1).

Interpretation

- 9 In this Schedule—
- (a) references to section 11(1) of the Compulsory Purchase Act 1965 are to that provision as applied by section 4(3) of this Act to the acquisition of land under section 4(1) of this Act; 5
- (b) references to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 are to that section as applied by section 4(4) of this Act to the acquisition of land under section 4(1) of this Act; 10
- (c) “right of common” has the same meaning as in the Commons Act 2006.

SCHEDULE 16

Section 15

TEMPORARY POSSESSION AND USE OF LAND

PART 1 15

TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

Right to enter upon and take possession of land

- 1 (1) The nominated undertaker may enter upon and take possession of the land specified in the table in Part 4 of this Schedule—
- (a) for the purpose specified in relation to the land in column (3) of the table in connection with the authorised works specified in column (4) of the table, 20
- (b) for the purpose of constructing such works as are mentioned in column (5) of the table in relation to the land, or
- (c) otherwise for Phase One purposes. 25
- (2) The nominated undertaker may (subject to paragraph 2(1)) enter upon and take possession of any other land within the Act limits for Phase One purposes.
- (3) The reference in sub-paragraph (1)(a) to the authorised works specified in column (4) of the table includes a reference to any works which are necessary or expedient for the purposes of or in connection with those works. 30

Exceptions

- 2 (1) Paragraph 1(2) does not apply in relation to—
- (a) land which is subject to a restricted power of compulsory acquisition, 35
- (b) land in respect of which a notice of entry has been served under section 11 of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant, or 40

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

Powers exercisable on land of which temporary possession has been taken

- 3 (1) Where under paragraph 1(1) or (2) the nominated undertaker has entered upon and taken possession of land, the nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act – 25
 - (a) remove any structure or vegetation from the land,
 - (b) construct such works as are mentioned in relation to the land in column (5) of the table in Part 4 of this Schedule,
 - (c) construct temporary works (including the provision of means of access) and structures on the land, and 30
 - (d) construct landscaping and other works on the land to mitigate any adverse effects of the construction, maintenance or operation of the works authorised by this Act.
- (2) The other works referred to in sub-paragraph (1)(d) include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals. 35
- (3) In this paragraph, “structure” includes any erection.

Procedure and compensation

- 4 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 1(1) or (2), the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so. 40
- (2) The nominated undertaker may not, without the agreement of the owners of the land, remain in possession of land under paragraph 1(1) or (2) after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken. 45

-
- (3) Sub-paragraph (2) does not apply, in the case of land mentioned in paragraph 1(2), if before the end of the one-year period either of the following powers has been exercised in relation to the land –
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1)); 5
 - (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as applied by section 4(4) of this Act to the acquisition of land under section 4(1)).
- (4) The nominated undertaker must pay compensation to the owners and occupiers of land of which possession is taken under paragraph 1(1) or (2) for any loss which they may suffer by reason of the exercise in relation to the land of the power or powers under that paragraph. 10
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 15
- (6) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (4). 20
- 5 (1) Before giving up possession of land of which possession has been taken under paragraph 1(1) or (2), the nominated undertaker must, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide. 25
- (2) If no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion mentioned in paragraph 4(2) in relation to the land, the scheme is to be such as may be determined by the appropriate Ministers after consulting the nominated undertaker, the owners of the land and the relevant planning authority. 30
- (3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) must provide for land to be restored to its former condition.
- (4) Sub-paragraph (3) does not require land on which works referred to in paragraph 1(1)(b) or 3(1)(d) have been constructed to be restored to its former condition. 35
- (5) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) may not provide for the nominated undertaker to replace a structure removed under paragraph 3, other than a fence.
- (6) Where the appropriate Ministers ask the relevant planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (2), they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which it reasonably incurs in meeting the request. 40
- (7) The duty under sub-paragraph (1) in relation to any land is owed separately to the owners of the land and to the relevant planning authority. 45

- (8) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may –
- (a) enter the land concerned and take that step, and
 - (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a). 5
- (9) In this paragraph –
- “appropriate Ministers” means the Secretary of State for Communities and Local Government and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly; 10
 - “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the land is situated.
- (10) But where –
- (a) the unitary authority in whose area the land is situated is a London borough council, and 15
 - (b) as a result of a Localism Act TCPA order a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for that area, 20
- the relevant planning authority is the Mayoral development corporation instead of the London borough council.
- 6 (1) The Secretary of State may make regulations modifying the operation of this Part of this Schedule –
- (a) in consequence of an order under section 198(2) of the Localism Act 2011 giving effect to a decision under section 204(2) of that Act (decision removing or restricting planning functions), or 25
 - (b) to make transitional provision relating to –
 - (i) an order mentioned in paragraph (a),
 - (ii) a Localism Act TCPA order, or
 - (iii) an order under section 217 of the Localism Act 2011 (order dissolving Mayoral development corporation). 30
- (2) Regulations under this paragraph –
- (a) must be made by statutory instrument;
 - (b) may make different provision for different purposes.
- (3) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament. 35

PART 2

TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS

Right to enter upon and take possession of land 40

- 7 (1) At any time during the maintenance period relating to any of the scheduled works, the nominated undertaker may –
- (a) enter upon and take possession of any land which is –
 - (i) within 20 metres from that work, and
 - (ii) within the Act limits, 45

if possession of the land is reasonably required for the purposes of or in connection with maintaining the work or any ancillary works connected with it, and	
(b) construct on the land such temporary works (including the provision of means of access) and structures as may be reasonably so required, unless the land is specified in the table in Part 4 of this Schedule.	5
(2) Sub-paragraph (1) does not authorise the nominated undertaker to take possession of—	
(a) a house, any other structure which is for the time being occupied, or a garden belonging to a house, or	10
(b) land which is subject to a restricted power of compulsory acquisition.	
(3) The nominated undertaker may only remain in possession of the land for so long as may be reasonably required to carry out the maintenance works for which possession of the land was taken.	15
(4) In this paragraph—	
(a) “the maintenance period”, in relation to any work, means the period beginning with the date on which the work is completed and ending 5 years after the date on which it is brought into general use;	
(b) “structure” includes any erection;	20
(c) the reference in sub-paragraph (1)(a) to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of any point on the surface below which the work is situated.	
<i>Procedure and compensation</i>	25
8 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 7, the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so.	
(2) Before giving up possession of the land, the nominated undertaker must restore the land to the reasonable satisfaction of its owners.	30
(3) The nominated undertaker must pay compensation to the owners and occupiers of the land for any loss which they may suffer by reason of the exercise in relation to the land of the powers under paragraph 7.	
(4) Any dispute as to a person’s entitlement to compensation under sub-paragraph (3), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.	35
(5) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1)), or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (3).	40

PART 3

SUSPENSION OF RIGHTS AND ENFORCEMENT

Suspension of rights relating to land

- 9 (1) All private rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 7 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 5
- (2) The nominated undertaker may, in relation to a private right, direct –
- (a) that sub-paragraph (1) does not apply to the right, or
 - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction. 10
- (3) In this paragraph, “private rights” include –
- (a) private rights of way over land,
 - (b) rights of common,
 - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and 15
 - (d) restrictions as to the user of land arising under a contract.
- (4) Any person who suffers loss by reason of the suspension of a right under sub-paragraph (1) is entitled to be compensated by the nominated undertaker. 20
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (6) This paragraph applies to a private right which is for the benefit of Crown land if the Crown authority consents (and consent may be subject to conditions). 25
- 10 (1) All general rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 7 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 30
- (2) The nominated undertaker may, in relation to a general right, direct –
- (a) that sub-paragraph (1) does not apply to the right, or
 - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction. 35
- (3) In this paragraph, references to “general rights” over land are to –
- (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act,
 - (b) other public rights over land which are conferred by an enactment, and 40
 - (c) rights exercisable as a result of trusts or incidents to which a common, town or village green, open space or allotment is subject.

Enforcement

- 11 (1) Section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) applies for the purposes of this Schedule as if –
- (a) references to the acquiring authority were to the nominated undertaker, 5
 - (b) references to compensation payable to the person refusing to give possession were to compensation payable under this Schedule, and
 - (c) in subsection (1), for “this Act” there were substituted “Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017”.
- (2) In the case of Crown land, that section does not, by virtue of sub-paragraph (1), apply as against the Crown authority for that land. 10

PART 4

LAND WHICH MAY BE OCCUPIED AND USED FOR CONSTRUCTION OF WORKS

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	15
London Borough of Camden	192, AP3-27	Provision of worksite and access for construction	1/18		20
	291 to 305 307, 308	Provision of access for utility works	1/1		
	312, 313, 314, 317, 346, 350 to 360, 771 to 776	Diversion or installation of, or works to, utilities apparatus	1/1		25
	705, 706, 708	Diversion or installation of, or works to, utilities apparatus	1/15		30
London Borough of Brent	22, 24, 30, 31, 34, 44, 45, 67, 71, 73, 382, 390 to 393	Diversion or installation of, or works to, utilities apparatus	1/15		35
	60, 61, 114, 118, 121	Diversion or installation of, or works to, utilities apparatus	1/1		40
	82, 85	Diversion or installation of, or works to, utilities apparatus	1/21		45

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
London Borough of Hammersmith & Fulham	AP2-2	Provision of access for utility works	1/52	5
	AP4-15a	Provision of worksite and access for construction	1/1	10
	15	Diversion or installation of, or works to, utilities apparatus	1/1	15
	24, 25a, 25b	Diversion or installation of, or works to utilities apparatus	1/15	
London Borough of Ealing	23	Diversion or installation of, or works to, utilities apparatus	1/40	20
	878, 879	Provision of worksite and access for construction	1/1	25
		Diversion or installation of, or works to, utilities apparatus		30
	473, 475, 478, 479, 481, 482, 485, 488, 513 to 516, 527 to 535, 537 to 539, 543, 546, 549, 552, 554, 559, 563 to 566, 568 to 578, 690, 701, 881 to 883, 965, 966, 983	Diversion or installation of, or works to, utilities apparatus	1/1	35
	676 to 682	Diversion or installation of, or works to, utilities apparatus	1/15	50

High Speed Rail (London - West Midlands) Bill (Volume II)
Schedule 16 – Temporary possession and use of land
Part 4 – Land which may be occupied and used for construction of works

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>
	708, 954	Provision of worksite and access for construction		5
	871, 874, 873,	Worksite and access for construction	1/55	10
		Diversion or installation of, or works to, utilities apparatus		15
	1028, 1029, 1031 to 1034	Provision of worksite and access for construction	Diversion or installation of, or works to, utilities apparatus	20
			Provision of environmental mitigation	25
London Borough of Hillingdon	34, 187 to 189, 249, 254	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus	30
	59, 60, 76, 174	Provision of worksite and access for construction	Diversion or installation of, or works to, utilities apparatus	35
	81, 82, 83, 86, 144 to 147, 222, 226, 228, 250, 252, 253	Diversion or installation of, or works to, utilities apparatus	1/15	40
	157, 159, 161, 162	Provision of worksite and access for construction	1/57	45
	372 to 375, 380 to 383	Diversion or installation of, or works to, utilities apparatus	1/1 and 1/15	50
	720e	Provision of access for construction	Provision of environmental mitigation	

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	598, 602, 681, 682, 684 to 687, 689 to 691	Diversion and installation of overhead electric lines	2/1		5
	703a, 703b, 704 to 706 747c, 750	Provision of worksite and access for construction	2/1		10
	720a, AP5-15 to AP5-20	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		15
	733	Diversion or installation of, or works to utilities apparatus	2/1		20
County of Buckinghamshire District of South Bucks Parish of Denham	4, 5, 5a, 6	Provision of worksite and access for construction	Provision of environmental mitigation		25
	9, 10, 13	Provision of worksite and access for construction	2/5		30
	20	Provision of worksite and access for construction	2/6		
County of Hertfordshire District of Three Rivers	118	Provision of worksite and access for construction	2/10a		35
County of Buckinghamshire District of Chiltern Parish of Chalfont St Peter	15, 17, 18, 20	Provision of worksite and access for construction	2/1		40
	73	Provision of access for construction			45
Parish of Chalfont St Giles	1, 3	Provision of access for construction			
	9, 46, 59, 93 to 95, 99, 101, 102	Provision of protective works to watercourse	2/1	Protective works to watercourse	50

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
Parish of Amersham	AP4-1, AP4-3	Reprofiling of ground	2/1	Reprofiling of ground	5
	40, 58	Dewatering operations	2/1	Dewatering operations	10
	61	Provision of access for site investigation	2/1		
	75	Provision of access for construction	2/1		15
Parish of Great Missenden	AP4-16, AP4-17	Provision of worksite and access for construction	2/14		
District of Aylesbury Vale Parish of Wendover	105, 106, AP1-2 to AP1-7, AP1-9	Diversion and installation of overhead electric lines	2/28	Diversion and installation of overhead electric lines	20
	107, AP1-1, AP1-8	Implementation of protective measures for land beneath overhead line works	2/28	Diversion and installation of overhead electric lines	25
	200, 201	Diversion and installation of overhead electric lines	2/28		30
District of Wycombe Parish of Ellesborough	1, 3, 7, 9, 29, 31, 43, AP1-2, AP1-3	Diversion and installation of overhead electric lines	2/28		35
District of Aylesbury Vale Parish of Stoke Mandeville	1 to 3, 118a, 121	Diversion and installation of overhead electric lines	2/28		40
Parish of Stone with Bishopstone and Hartwell	2, 5, 12	Diversion and installation of overhead electric lines	2/28		
	AP5-1, AP5-2	Diversion and installation of overhead electric lines	2/28	Diversion and installation of overhead electric lines	45

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Aylesbury	4, 7 to 14, 16, 17, 19, 25 to 27, AP1-1 to AP1-3	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines		5 10
Parish of Waddesdon	12, 22, 23 99	Reprofiling of ground Removal of utility apparatus	2/49		
Parish of Quainton	15, 26, 28, 30, 34 236, 238, 242, AP1-2, AP1-3, AP1-6 to AP1-14, AP1-21	Removal of utility apparatus Diversion and installation of overhead electric lines			15 20
Parish of Grendon Underwood	AP1-10, AP1-11 AP5-1, AP5-2	Diversion and installation of overhead electric lines Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		25 30
Parish of Hogshaw	3 to 6, 8, 13, 15, 16 AP5-1	Diversion and installation of overhead electric lines Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		35
Parish of Steeple Claydon	104	Provision of access for construction Provision of new public right of way			40
Parish of Chetwode	61, 81, 82	Removal of utility apparatus	2/49		45
County of Oxfordshire District of Cherwell Parish of Newton Purcell with Shelswell	69a, 87	Removal of utility apparatus			50

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
	89 to 91	Provision of new public right of way			5
Parish of Finmere	1 to 3	Provision of new public right of way			
	20, 27b, 43a, 44, AP1-5, AP1-7	Removal of utility apparatus			10
	50, 53, 61 to 66, 69, 70	Diversion and installation of overhead electric lines			15
	67 and 68	Provision of access for utility works			
Parish of Mixbury	30, 58, 59, 61	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		20
	45a	Provision of new public right of way	2/49		25
	55, 65	Removal of utility apparatus	2/49		
County of Buckinghamshire District of Aylesbury Vale Parish of Westbury	2 to 4, 15 to 17	Removal of utility apparatus	2/49		30
	10 to 13	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		35
Parish of Turweston	1, 1a, 2, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 10a, 11a, 34, 92, 93	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		40
	22, 23, 26, 27a	Removal of utility apparatus	2/49		
County of Northamptonshire District of South Northamptonshire Parish of Evenly	2 to 5	Diversion and installation of overhead electric lines			45
Parish of Greatworth	2, 8a, 40, 41	Provision of new public right of way	2/111		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
	12a, 37, 45	Removal of utility apparatus	2/111		5
	AP2-4	Provision of temporary public right of way	1/52		10
Parish of Thorpe Manderville	34, 37, 38	Removal of utility apparatus	2/111		
Parish of Culworth	3	Removal of utility apparatus	2/111		15
Parish of Chipping Warden and Edgcote	42, 55, 56, 70	Removal of utility apparatus	2/111		
	102	Provision of new public right of way	2/128b		20
Parish of Aston Le Walls	12	Provision of new public right of way	2/111		
Parish of Boddington	5	Provision of new public right of way	2/111		
	21	Diversion or installation of, or works to, utilities apparatus	2/129		25
	44, 79, 83, 84, 100, 102	Removal of utility apparatus	2/111		30
County of Warwickshire District of Stratford-on-Avon Parish of Wormleighton	33	Reprofiling of ground	2/133	Reprofiling of ground	35
	37	Provision of worksite and access for construction	2/137		40
	41	Provision of worksite and access for construction	2/133		

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
	45, 51, 57	Provision of worksite and access for construction	2/133	Reprofiling of ground	5
		Reprofiling of ground			10
Parish of Stoneton	23	Provision of worksite and access for construction and maintenance	2/133		15
	26	Provision of worksite and access for construction and maintenance	2/133	Provision of environmental mitigation	20
Parish of Radbourn	17, 27	Provision of worksite and access for construction	2/139		25
	4	Provision of worksite and access for construction	2/133	Reprofiling of ground	30
		Reprofiling of ground			30
Parish of Ladbroke	4, 11	Provision of worksite and access for construction	2/133	Reprofiling of ground	35
		Reprofiling of ground			35
Parish of Southam	20	Provision of worksite and access for construction	2/142c		40
District of Warwick Parish of Offchurch	14, 16	Provision of worksite and access for construction	2/146	Reprofiling of ground	45
	46	Reprofiling of ground			45
		Reprofiling of ground	2/146	Reprofiling of ground	50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out
	72	Provision of access for construction and maintenance	2/146	5
Parish of Cubbington	8	Provision of balancing pond and associated works and access for maintenance	Provision of balancing pond and associated works and access for maintenance	10
	63	Provision of worksite and access for construction	2/163	15
Parish of Stoneleigh	30, 46	Removal of utility apparatus	Utility diversion	20
	156	Provision of environmental mitigation	2/175	
Parish of Burton Green	36	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	25
Metropolitan Borough of Solihull Parish of Berkswell	19a, 19b, 20 to 22, 23a, 27a, 29a	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	30
	18b, 30b	Provision of access for utility works	Diversion and installation of overhead electric lines	35
	AP4-1	Provision of access for utility works		
Parish of Chelmsley Wood	10, 16, 70	Provision of worksite and access for construction	3/25	40
	19 to 63, 65, 66, 68	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines	45
Parish of Hampton-in-Arden	AP4-1, AP4-2	Provision of a temporary parking facility		50

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
County of Warwickshire District of North Warwickshire Parish of Coleshill	1d	Provision of access for utility works	Diversion and installation of overhead electric lines		5
	72, 76, 79, 80, 81, 82, 84, 86, 88, 112a, 261, 262, 265, 273, 307, 311, 356	Provision of access for utility works	Diversion and installation of overhead electric lines		10
	418	Reprofiling of ground	Reprofiling of ground		15
	421, 423, 426, 429	Removal of utility apparatus			20
	AP1-1 to AP1-10	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines		25
Parish of Curdworth	AP1-1 to AP1-10	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		30
	20, 198, 207, 232, AP4-34 to AP4-36, AP4-38	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		35
	53	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines		40
	124, 158	Provision of worksite and access for construction	3/36		
Parish of Lea Marston	AP1-9 to AP1-11	Provision of worksite and access for construction	3/45A		45
	AP4-7 to AP4-9	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Wishaw and Moxhull	4, 6c, 7, 9a, 10, AP1-6 to AP1-10	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		5
	AP1-2	Provision of worksite and access for construction	3/45A		10
Parish of Middleton	14, AP1-1 to AP1-3, AP1-4a, AP1-5 to AP1-7, AP1-12, AP2-23, AP2-26, AP2-27	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		15
	36, 64	Removal of utility apparatus	3/48A		20
	68a	Provision of access for utility works	3/50a		25
	86	Reprofiling of ground	3/48A	Reprofiling of ground	
	25a, AP1-4a	Diversion and installation of overhead electric lines			30
		Access for construction			
	37b	Removal of utility apparatus	3/48A		35
County of Staffordshire District of Lichfield Parish of Drayton Bassett	91, 125, 121, 126, 127, AP1-1 to AP1-9	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		40
Parish of Fazeley	1	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		45
Parish of Hints	32, 34, 36, 40 to 44, 46	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>
	136 to 138	Removal of utility apparatus	Diversion or installation of, or works to, utilities apparatus	5
Parish of Weeford	1, 2, 3a, 4, AP1-2, AP5-1	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	10
Parish of Swinfen and Packington	13a, AP2-3	Provision of access for construction	3/48A	15
	AP1-1, AP1-2	Implementation of protective measures for land beneath overhead line works	Diversion and installation of overhead electric lines	20
Parish of Lichfield	AP4-4 to AP4-10	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	25
	5	Provision of worksite and access for construction	3/112	
Parish of Fradley and Streethay	AP4-1, AP4-2	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	30
	139	Provision of worksite and access for construction	3/112	35
Parish of Curborough and Elmhurst	4, 5, AP4-1, AP4-2, AP4-10 to AP4-12	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	40
Parish of Longdon	12b, AP1-1a, AP1-2a, AP5-1, AP5-2	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	45
Parish of King's Bromley	153	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	
Parish of Armitage with Handsacre	21, 22	Provision of worksite and access for construction	3/106	50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Mavesyn Ridware	1, 2, 3, 4	Provision of worksite and access for construction	Installation of signal gantries	Installation of signal gantries	5
	2a	Installation of signal gantries	Installation of signal gantries	Installation of signal gantries	10
Parish of Colton	1, 20	Provision of worksite and access for construction	Installation of signal gantries	Installation of signal gantries	15
	2, 3, 5, 6, 8, 13, 14, 19, 21, 22	Provision of worksite and access for construction	Installation of signal gantries		
County of Staffordshire Borough of Stafford Parish of Colwich	1, 3, 7, 9	Provision of worksite and access for construction	Installation of signal gantries	Installation of signal gantries	20
	7a, 2, 4, 5, 6, 8, 19a, 20, 21, 22, 23, 26, AP2-2 to AP2-6	Provision of worksite and access for construction	Installation of signal gantries		25
Metropolitan Borough of Solihull Parish of Bickenhill	3b	Provision of access for utility works	Diversion and installation of overhead electric lines		30
	38	Provision of worksite and access for construction	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines	35
	41a	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		40
County of Warwickshire District of North Warwickshire Parish of Little Packington	6a	Provision of access for utility works	Diversion and installation of overhead electric lines		45
City of Birmingham	57, 59, 61	Diversion or installation of, or works to, utilities apparatus	3/200		50

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
	172, 176	174, Provision of worksite and access for construction	3/207		5
	191	Use of sidings	3/205		10
	300	Provision of worksite and access for construction Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		15
	412	Provision of drainage and associated works	Highway works	Provision of drainage and associated works	20
	446, 451	Provision of worksite and access for construction Diversion and installation of overhead electric lines	3/205	Diversion and installation of overhead electric lines	25
	AP4-3 to AP4-7, AP4-11 to AP4-19	Diversion and installation of overhead electric lines	Diversion and installation of overhead electric lines		30

SCHEDULE 17

Section 20(3) 35

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

Introductory

- | | | |
|---|--|----|
| 1 | The requirements in paragraphs 2 to 12 are conditions of deemed planning permission under section 20(1). | 40 |
|---|--|----|

Condition relating to building works

- 2 (1) To the extent that development consists of building works, it must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority.
- (2) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out. 5
- (3) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the building works to be submitted for approval. 10
- (4) Where the relevant planning authority exercises the power conferred under sub-paragraph (3), the plans and specifications referred to in sub-paragraph (1) must, as regards the specified respect, include a plan or specification showing the additional details.
- (5) If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that— 15
 - (a) the design or external appearance of the building works ought to be modified— 20
 - (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value,and is reasonably capable of being so modified, or 25
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (6) If the relevant planning authority is not a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that— 30
 - (a) the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified, or
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits. 35
- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground referred to in sub-paragraph (5) or (6) (as the case may be).
- (8) In this paragraph, “building works” means the erection, construction, alteration or extension of any building, other than a temporary building. 40
- (9) For these purposes, a building ancillary to a scheduled work is only a temporary building if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use.
- (10) The requirements in this paragraph do not apply to building works to the extent that they are ancillary to development consisting of— 45
 - (a) the disposal of waste or spoil, or

- (b) the excavation of bulk materials from borrow pits,
 (and see paragraph 7 as to such development).

Condition relating to other construction works

- 3 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority. 5
- (2) This paragraph applies to development to the extent that it consists of the construction of any of the following—
- (a) a road vehicle park; 10
 - (b) earthworks;
 - (c) sight, noise or dust screens;
 - (d) transformers, telecommunications masts or pedestrian accesses to railway lines;
 - (e) fences or walls;
 - (f) lighting equipment. 15
- (3) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1). 20
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 25
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in relation to the work in question in the following table. 30

<i>Development</i>	<i>Possible grounds for refusal of approval</i>
1. A road vehicle park.	That the design or external appearance of the works ought to, and could reasonably, be modified—
	(a) to preserve the local environment or local amenity, 35
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or 40
	(c) to preserve a site of archaeological or historic interest or nature conservation value.

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

- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground specified in the table in sub-paragraph (6) in relation to the work in question.
- (8) Any reference in sub-paragraph (2) or (6) to a description of works does not include works of that description of a temporary nature. 5
- (9) In this paragraph –
 “construction” includes erection, alteration, extension and (in the case of lighting equipment) installation;
 “earthworks” means terracing, cuttings, embankments or other earth works; 10
 “road vehicle park” does not include anything which is a building;
 “sight, noise or dust screens” means any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression;
- (10) The requirements in this paragraph do not apply where development to which this paragraph applies is ancillary to development consisting of – 15
 (a) the disposal of waste or spoil, or
 (b) the excavation of bulk materials from borrow pits,
 (and see paragraph 7 as to such development).

Condition relating to matters ancillary to development

- 4 (1) If the relevant planning authority is a qualifying authority, development must be carried out in accordance with arrangements about ancillary matters which have been approved by that authority. 20
- (2) In this paragraph “ancillary matters” means –
 (a) handling of re-useable spoil or topsoil;
 (b) storage sites for construction materials, spoil or topsoil; 25
 (c) construction camps;
 (d) works screening;
 (e) artificial lighting;
 (f) dust suppression;
 (g) road mud control measures. 30
- (3) In this paragraph, “relevant planning authority” means, subject to sub-paragraph (4) and paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) Where the development is in a non-unitary area and consists of waste or soil disposal or the excavation of bulk material from borrow pits, the relevant planning authority in respect of arrangements relating to ancillary matters is the county council. 35
- (5) The reference in sub-paragraph (1) to arrangements does not, in the case of artificial lighting, include detailed arrangements.
- (6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph – 40
 (a) on the ground that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other development

- which has deemed planning permission under section 20(1) and which is to be carried out in the authority’s area, or
 (b) on a ground specified in relation to the matter in the following table.

<i>Matters</i>	<i>Grounds</i>	
1. Handling of re-useable spoil and topsoil	That the arrangements ought to be modified to ensure that the spoil or topsoil remains in good condition, and are reasonably capable of being so modified.	5
2. Storage sites for construction materials, spoil or topsoil. 3. Construction camps. 4. Works screening.	That the arrangements ought to be modified— (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.	10 15 20
5. Artificial lighting. 6. Dust suppression.	That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.	25
7. Road mud control measures.	That the arrangements ought to be modified— (a) to preserve the local environment or local amenity, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.	30 35
(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph— (a) with the agreement of the nominated undertaker, and (b) on a ground specified in the table in sub-paragraph (6)(b) in relation to the matter in question.		40
(8) In this paragraph— “artificial lighting” means the use of artificial lighting on land within the Act limits for the purpose of carrying out the development;		45

-
- “construction camps” means sites on land within the Act limits which are to be used for the residential accommodation of persons engaged in carrying out the development;
- “construction materials” means minerals, aggregates or other construction materials required for the development; 5
- “dust suppression” means the suppression of dust caused by construction operations carried out on land within the Act limits for the purpose of carrying out the development;
- “handling of re-useable spoil and topsoil” means handling during removal, storage and re-use of any spoil or topsoil removed during the course of carrying out the development; 10
- “road mud control measures” means measures to be taken on land within the Act limits to prevent or reduce the carrying of mud on to any public highway as a result of carrying out the development;
- “storage sites” means sites on land within the Act limits at which materials are to be stored until used or re-used in carrying out the development or disposed of as waste; 15
- “works screening” means the provision where necessary on land within the Act limits of any screening for working sites on such land required for the purpose of carrying out the development. 20
- 5 (1) The Secretary of State may for the purposes of paragraph 4 make a class approval of arrangements relating to the ancillary matters referred to in paragraph 4(2)(a), (b) and (d) to (g) above.
- (2) A class approval may be made –
- (a) generally or in relation to specific areas or specific descriptions of works, and 25
- (b) subject to conditions.
- (3) A class approval may make different provision for different cases.
- (4) Before making a class approval the Secretary of State must consult the planning authorities who would be affected by it. 30
- (5) Where arrangements made by the nominated undertaker are approved under a class approval, they do not require the approval of the relevant planning authority under paragraph 4.
- (6) But the nominated undertaker may in the case of any particular arrangements request approval under paragraph 4. 35
- (7) If the relevant planning authority to which such a request is made considers that the circumstances of the case justify it, the authority may grant approval under paragraph 4 (and, accordingly, the arrangements are subject to that approval instead of the class approval).
- (8) A class approval may be varied or revoked. 40
- Condition relating to road transport*
- 6 (1) If the relevant planning authority is a qualifying authority, development must, with respect to the matters to which this paragraph applies, be carried out in accordance with arrangements approved by that authority.
- (2) The matters to which this paragraph applies are the routes by which anything is to be transported on a highway by a large goods vehicle to – 45

- (a) a working or storage site,
 - (b) a site where it will be re-used, or
 - (c) a waste disposal site.
- (3) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 5
- (4) Sub-paragraph (1) does not require arrangements to be approved in relation to –
- (a) transportation on a special road or trunk road, or
 - (b) transportation to a site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24. 10
- (5) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that –
- (a) the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 20(1) and which is to be carried out in the authority’s area, or 15
 - (b) the arrangements ought to be modified – 20
 - (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value, 25and are reasonably capable of being so modified.
- (6) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph –
- (a) with the agreement of the nominated undertaker, and
 - (b) on the ground referred to in sub-paragraph (5)(b). 30
- (7) In this paragraph –
- “large goods vehicle” has the same meaning as in Part 4 of the Road Traffic Act 1988;
 - “special road” and “trunk road” have the same meanings as in the Highways Act 1980. 35

Conditions relating to waste and soil disposal and excavation

- 7 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of – 40
- (a) waste and soil disposal, or
 - (b) the excavation of bulk materials from borrow pits.
- (3) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 45

-
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 5
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in sub-paragraph (7) or (8). 10
- (7) The grounds in this sub-paragraph are that –
- (a) the design or external appearance of disposal sites (in the case of the disposal of waste and soil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits, 15
 - (b) the methods by which such sites or pits are worked, or
 - (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits,
- ought to, and could reasonably, be modified. 20
- (8) The grounds in this sub-paragraph are that in order to –
- (a) preserve the local environment or local amenity,
 - (b) prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (c) preserve a site of archaeological or historic interest or nature conservation value, 25
- the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (9) The grounds in sub-paragraph (8) do not apply where the development is –
- (a) within the limits of deviation for the scheduled works, or 30
 - (b) consists of the use of land specified in columns (1) and (2) of Schedule 5 for a purpose specified in relation to the land in column (3) of that Part.
- (10) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph – 35
- (a) with the approval of the nominated undertaker, and
 - (b) on a ground referred to in sub-paragraph (7) or (8) (taken with sub-paragraph (9)).
- 8 (1) If the relevant planning authority is a qualifying authority, development to which paragraph 7 applies may not be begun unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out. 40
- (2) In this paragraph “relevant planning authority” has the same meaning as in paragraph 7.
- (3) The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph 45

on the ground that the scheme ought to be modified, and is reasonably capable of being modified.

- (4) The nominated undertaker must carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out the development to which paragraph 7 applies. 5
- (5) In sub-paragraph (1), the reference to restoration includes a reference to restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.

Conditions on bringing scheduled works and depots into use 10

- 9 (1) If the relevant planning authority is a qualifying authority, no work to which this paragraph applies may be brought into use without the approval of that authority.
- (2) This paragraph applies to –
- (a) any scheduled work, except to the extent that the work is underground, and
 - (b) any depot constructed, in exercise of the powers conferred under this Act, for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes. 15
- (3) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out. 20
- (4) The relevant planning authority must grant approval for the purposes of this paragraph if – 25
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
 - (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose. 30
- (5) The relevant planning authority may not refuse to approve, or impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified – 35
- (a) to preserve the local environment or local amenity,
 - (b) to preserve a site of archaeological or historic interest, or
 - (c) in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.
- (6) In this paragraph “railway vehicle” and “track” have the same meanings as in Part 1 of the Railways Act 1993. 40
- 10 Where the relevant planning authority approves a scheme for the purposes of paragraph 9(4)(b), the nominated undertaker must –
- (a) carry out the scheme, and
 - (b) comply with any condition subject to which the scheme is approved. 45

Condition relating to discontinuation of ancillary operations

- 11 Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, the operations must be discontinued as soon as reasonably practicable after the completion of the scheduled work or works. 5

Condition relating to site restoration

- 12 (1) The nominated undertaker must, after discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the relevant planning authority. 10
- (2) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out.
- (3) For the purposes of sub-paragraph (1) the nominated undertaker must, within four months of the discontinuation of the use, submit a proposed scheme to the relevant planning authority. 15
- (4) If –
- (a) the nominated undertaker fails to submit a proposed scheme in accordance with sub-paragraph (3), or
- (b) the nominated undertaker submits a proposed scheme in accordance with sub-paragraph (3) but no scheme is agreed for the purposes of sub-paragraph (1) before the end of the relevant period, 20
- the scheme for the purposes of sub-paragraph (1) is to be such as the appropriate Ministers may determine after consulting the nominated undertaker and the relevant planning authority. 25
- (5) In sub-paragraph (4)(b) “the relevant period” means –
- (a) eight weeks beginning with the date on which the proposed scheme is submitted, or
- (b) such longer period as the nominated undertaker and the relevant planning authority may agree. 30
- (6) A scheme agreed or determined for the purposes of sub-paragraph (1) may reserve particulars for subsequent agreement between the nominated undertaker and the relevant planning authority.
- (7) Where a particular reserved under sub-paragraph (6) is not agreed –
- (a) by the time specified by or determined in accordance with the scheme, or 35
- (b) by such later time as the nominated undertaker and the relevant planning authority may agree,
- that particular is to be determined by the appropriate Ministers after consulting the nominated undertaker and the authority. 40
- (8) Where, independently of any consultation under sub-paragraph (4) or (7), the appropriate Ministers ask the relevant planning authority for assistance in connection with their function under the sub-paragraph in question, they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which the authority reasonably incurs in meeting the request. 45

- (9) Sub-paragraph (1) does not apply to a site—
- (a) to the extent that the site consists of land to which a scheme under paragraph 8 (waste or spoil etc) applies, or
 - (b) in relation to which the nominated undertaker is subject to an obligation under paragraph 5(1) of Schedule 16 (obligation to put land into such condition as an agreed scheme provides, before giving up possession of the land).
- 5

PART 2

QUALIFYING AUTHORITIES

- Specification of qualifying authorities* 10
- 13 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, the Secretary of State must by order specify every planning authority which—
- (a) had, on or before the day on which the Bill for this Act was reported from Select Committee in the House of Lords, given the Secretary of State undertakings with respect to the handling of planning matters arising under this Schedule which he or she considered satisfactory, and 15
 - (b) has not subsequently been released from its undertakings.
- (2) Subject to the following provisions of this paragraph, an authority which is specified under sub-paragraph (1) is a qualifying authority for the purposes of this Schedule. 20
- (3) The Secretary of State may, if he or she considers it expedient to do so, by order provide that an authority is to cease to be a qualifying authority for the purposes of this Schedule. 25
- (4) If, in relation to a planning authority which is not a qualifying authority for the purposes of this Schedule, the Secretary of State considers that the way in which the authority carries out its functions has been significantly affected by a change of circumstances occurring since the relevant day, the Secretary of State may by order provide that the authority is to be a qualifying authority for the purposes of this Schedule. 30
- (5) In sub-paragraph (4), the reference to the relevant day is—
- (a) in relation to an authority which has never been a qualifying authority for the purposes of this Schedule, to the day mentioned in sub-paragraph (1)(a), and 35
 - (b) in relation to an authority which has been a qualifying authority for the purposes of this Schedule, to the day on which it ceased, or last ceased, to be such an authority.
- (6) Before making an order under sub-paragraph (3) or (4), the Secretary of State must consult— 40
- (a) the nominated undertaker, and
 - (b) unless the authority concerned has requested the making of the order, that authority.

Transition

- 14 (1) An order under paragraph 13 may contain such transitional provision and savings as the Secretary of State thinks fit.
- (2) Without prejudice to the generality of sub-paragraph (1), provision under that sub-paragraph may include provision with respect to the effect of the authority becoming or ceasing to be a qualifying authority in relation to an approval which has already been requested or given. 5
- (3) The Secretary of State may by agreement fetter the exercise of his or her discretion under sub-paragraph (1).

PART 3 10

APPROVALS: SUPPLEMENTARY

Requests for planning approval

- 15 A planning authority may only grant approval under Part 1 of this Schedule at the request of the nominated undertaker.
- 16 (1) A planning authority need not consider a request for approval under Part 1 of this Schedule unless – 15
- (a) the nominated undertaker has deposited with the authority a document setting out its proposed programme with respect to the making of requests under that Part to the authority, and
- (b) the request is accompanied by a document explaining how the matters to which the request relates fit into the overall scheme of the works authorised by this Act. 20
- (2) Sub-paragraph (1) does not apply to a request for approval of additional details.

Fees for requests for approval 25

- 17 (1) The appropriate Ministers may by regulations make provision about fees for requests to a planning authority for approval under Part 1 of this Schedule.
- (2) Regulations under this paragraph may, in particular, make provision –
- (a) for the payment of a fee and for the amount of a fee;
- (b) about when a fee must be paid; 30
- (c) for circumstances in which a fee is to be treated as paid;
- (d) for the remission or refunding of a fee in whole or part;
- (e) about the consequences of non-payment of a fee, including provision for the termination of the application concerned or any appeal against its refusal; 35
- (f) for the resolution of disputes.
- (3) Regulations under this paragraph may make such supplementary, incidental or consequential provision as the appropriate Ministers think fit.
- (4) Nothing in regulations under section 303 of the Town and Country Planning Act 1990 (fees for planning applications) applies to a request for approval under Part 1 of this Schedule. 40

Consultation on requests for approval

- 18 (1) This paragraph applies where a planning authority considers that a request for approval under Part 1 of this Schedule relates to matters which may affect any of the following –
- (a) nature conservation, 5
 - (b) the conservation of the natural beauty or amenity of the countryside,
 - (c) the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,
 - (d) the conservation of flora or fauna which are dependent on an aquatic environment, 10
 - (e) the use of inland or coastal waters, or land associated with them, for recreational purposes, or
 - (f) a site of archaeological or historic interest.
- (2) The planning authority must, within five days of receiving the request, invite the appropriate body or bodies to make representations. 15
- (3) The appropriate body is –
- (a) for the matters in sub-paragraph (1)(a) and (b), Natural England,
 - (b) for the matters in sub-paragraph (1)(c) to (e), the Environment Agency,
 - (c) for the matter in sub-paragraph (1)(f), the Historic Buildings and Monuments Commission for England. 20
- (4) Where under sub-paragraph (2) a planning authority has invited a body to make representations about a request for approval under Part 1 of this Schedule, it must not make any decision about the request until –
- (a) it has received representations from the body about the request, 25
 - (b) it has been informed by the body that it does not wish to make any representations, or
 - (c) 21 days have elapsed since the date of the invitation.
- (5) An invitation under sub-paragraph (2) must specify the time limit for making representations. 30

Directions restricting powers of approval

- 19 (1) The appropriate Ministers may by directions restrict a planning authority's powers in relation to the giving of approval under Part 1 of this Schedule.
- (2) Directions under this paragraph may –
- (a) be given in relation to a specified approval or approvals of a specified description, 35
 - (b) be expressed to have effect without a time-limit or during a specified period, and
 - (c) revoke or vary previous directions under this paragraph.

Compulsory reference of requests for approval

- 20 (1) The appropriate Ministers may by directions require a planning authority to refer any request for approval under Part 1 to them. 40

-
- (2) In determining a request referred to them under this paragraph, the appropriate Ministers have the same powers as the authority making the reference.
- (3) The determination by the appropriate Ministers of a request referred to them under this paragraph is final. 5
- (4) Directions under this paragraph may –
- (a) be given in relation to a specified request or requests of a specified description, and
 - (b) revoke or vary previous directions under this paragraph.
- Non-material changes to approvals* 10
- 21 (1) A planning authority may at the request of the nominated undertaker make a non-material change to any approval given under Part 1 of this Schedule.
- (2) In deciding whether a change is material, a planning authority must have regard to the effect of the change, together with any previous changes made under this paragraph, on the approval as originally given. 15
- (3) The power under sub-paragraph (1) includes power to impose new conditions or to alter or remove existing conditions.
- (4) The approval as changed must represent an approval the authority could have given originally.
- (5) The consultation requirements in this Part of this Schedule do not apply to a change under this paragraph. 20
- Appeals*
- 22 (1) Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval under Part 1 (including a decision to require additional details), it may appeal to the appropriate Ministers by giving notice of the appeal in the prescribed form to them and to the authority whose decision is appealed against within 42 days of notification of the decision. 25
- (2) On an appeal under this paragraph, the appropriate Ministers may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against, but may only make a determination involving – 30
- (a) the refusal of approval, or
 - (b) the imposition of conditions on approval,
- on a ground open to that authority.
- (3) Where, following receipt by a planning authority of a request by the nominated undertaker for approval under Part 1, the authority does not notify the undertaker within the appropriate period – 35
- (a) of its decision on the request, or
 - (b) that the request has been referred to the appropriate Ministers in accordance with directions under paragraph 20, 40
- this paragraph applies as if the authority had refused the request and notified the undertaker of its decision on the last day of the appropriate period.

- (4) For the purposes of sub-paragraph (3), the appropriate period is the period of 8 weeks beginning with the date on which the request was received by the planning authority or such extended period as may be agreed upon in writing between the authority and the nominated undertaker.
- (5) The appropriate Ministers may by regulations make provision for the extension of the appropriate period for the purposes of sub-paragraph (3) in connection with the payment of fees by means of cheque. 5
- (6) An agreement under sub-paragraph (4) may be made after, as well as before, the end of the appropriate period.
- (7) No agreement may be made under sub-paragraph (4) to extend a period after it has ended if the nominated undertaker has given notice of appeal against the refusal which is deemed under sub-paragraph (3) to have occurred because of the ending of the period. 10
- (8) Where an agreement under sub-paragraph (4) to extend a period is made after the period has ended, sub-paragraph (3) is to be treated as not having applied when the period ended. 15
- (9) In this paragraph, “prescribed” means prescribed by regulations made by the appropriate Ministers.
- (10) No appeal under section 78 of the Town and Country Planning Act 1990 (right to appeal against planning decisions and failure to take such decisions) may be made against a decision, or failure to notify a decision, in relation to which a right of appeal arises under this paragraph. 20
- 23 (1) Unless the appropriate Ministers direct otherwise, their functions in relation to the determination of an appeal under paragraph 22 must, instead of being carried out by them, be carried out by a person appointed by them for the purpose. 25
- (2) The appropriate Ministers may by a further direction revoke a direction under sub-paragraph (1) at any time before the determination of the appeal.
- (3) A direction under sub-paragraph (1) or (2) must be served on the nominated undertaker and the planning authority whose decision is appealed against. 30
- (4) At any time before the determination of an appeal by a person appointed for the purpose under this paragraph, the appropriate Ministers may revoke the appointment and appoint another person to determine the appeal instead.
- (5) Where the function of determining an appeal under paragraph 22 is transferred from one person to another, the person to whom the function is transferred must consider the matter afresh, but the fact that the function is transferred does not entitle any person to make fresh representations or to modify or withdraw any representations already made. 35
- (6) If the appropriate Ministers determine an appeal which another person was previously appointed to determine, they may, in determining it, take into account any report made to them by that person. 40
- 24 The decision of the person appointed under paragraph 23, or, as the case may be, of the appropriate Ministers, on an appeal under paragraph 22 is final.
- 25 (1) An appeal under paragraph 22 is to be dealt with on the basis of written representations, unless the person deciding the appeal directs otherwise. 45

- (2) Subject to that, the appropriate Ministers may by regulations make such provision as they think fit about procedure in relation to appeals under paragraph 22.
- (3) Regulations under this paragraph may, in particular –
- (a) make provision for a time limit within which any person entitled to make representations must submit them in writing and any supporting documents, 5
 - (b) empower the person deciding an appeal to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and 10
 - (c) empower the person deciding an appeal, after giving written notice of intention to do so to the nominated undertaker and the planning authority whose decision is appealed against, to proceed to a decision notwithstanding that no written representations were made within the time limit, if it appears to the person that there is sufficient material before the person to enable a decision on the merits of the case. 15
- (4) Regulations under this paragraph may, in relation to such a time limit as is mentioned in sub-paragraph (3)(a) –
- (a) prescribe the time limit in regulations, or 20
 - (b) enable the appropriate Ministers to give directions setting the time limit in a particular case or class of case.

Guidance by Secretary of State

- 26 (1) The Secretary of State may give guidance to planning authorities in relation to the exercise of their functions under this Schedule. 25
- (2) A planning authority must have regard to the guidance.
- (3) The guidance may make different provision for different cases.
- (4) The guidance may be varied or revoked.

PART 4

SUPPLEMENTARY AND GENERAL 30

Mayoral development corporations

- 27 (1) This paragraph applies where –
- (a) the relevant planning authority for the purposes of Part 1 of this Schedule would, but for this paragraph, be a London borough council, and 35
 - (b) as a result of a Localism Act TCPA order a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for the area where the development or work is carried out.
- (2) The Mayoral development corporation is the relevant planning authority for the purposes of Part 1 of this Schedule, instead of the London borough council (and references to a “planning authority” in Parts 2 and 3 of this Schedule are to be read accordingly). 40

- 28 The Secretary of State may make regulations modifying the operation of this Schedule—
- (a) in consequence of an order under section 198(2) of the Localism Act 2011 giving effect to a decision under section 204(2) of that Act (decision removing or restricting planning functions), or 5
 - (b) to make transitional provision relating to—
 - (i) an order mentioned in paragraph (a),
 - (ii) a Localism Act TCPA order, or
 - (iii) an order under section 217 of the Localism Act 2011 (order dissolving Mayoral development corporation). 10

Regulations and orders

- 29 (1) Regulations under this Schedule may make different provision for different cases.
- (2) Regulations and orders under this Schedule must be made by statutory instrument. 15
- (3) A statutory instrument containing regulations under this Schedule, or an order under paragraph 13(3) or (4), is subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

- 30 In this Schedule— 20
- “appropriate Ministers” means the Secretary of State for Communities and Local Government and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly;
- “building” includes any structure other than— 25
- (a) anything in the nature of plant or machinery,
 - (b) any gate, fence, wall or other means of enclosure,
 - (c) any tunnel, earthworks (within the meaning of paragraph 3) or railway track bed,
 - (d) any sight, noise or dust screens (within the meaning of paragraph 3), 30
 - (e) transformers, telecommunication masts or pedestrian accesses to railway lines,
 - (f) lighting equipment, and
 - (g) anything underground, except where forming part of a station and intended for use by members of the public without a ticket or other permission to travel; 35
- “permitted limits”, in relation to any development, means the limits of the land on which the works of which the development forms part may be carried out under this Act; 40
- “planning authority” means—
- (a) a county council;
 - (b) a district council; and
 - (c) subject to paragraph 27, a London borough council.

SCHEDULE 18

Section 25

LISTED BUILDINGS

Buildings authorised to be demolished, altered or extended

- 1 (1) This paragraph applies to –
- (a) a listed building which –
 - (i) was such a building immediately before 30 September 2013, and
 - (ii) is specified in table 1 (see the end of this Schedule), and
 - (b) a listed building which was not such a building immediately before that date.
- (2) If a listed building is one to which this paragraph applies –
- (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to works carried out in relation to the building in exercise of the powers under this Act,
 - (b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect,
 - (c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and
 - (d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act.
- (3) In the case of a building specified in table 1 in relation to which any description of works is specified in column (3) of the table, sub-paragraph (2)(a) has effect as if the reference to works carried out in exercise of the powers under this Act were, as regards demolition or alteration works (as opposed to extension works), to works so carried out which are of the specified description.
- (4) The reference in sub-paragraph (3) to alteration works does not include alteration works carried out for heritage or monitoring purposes (see paragraph 9(2)).

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

- 2 (1) This paragraph applies to a listed building which –
- (a) was such a building immediately before 30 September 2013, and
 - (b) is specified in table 2 (see the end of this Schedule).
- (2) In the case of a listed building to which this paragraph applies –

- (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to alteration or extension works which are carried out, in exercise of the powers under this Act, for heritage or monitoring purposes (see paragraph 9(2)), 5
- (b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect, 10
- (c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and 15
- (d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act. 20

Damage to buildings

- 3 Section 59 of the Listed Buildings and Conservation Areas Act (acts causing or likely to result in damage to listed buildings) does not apply to anything done in exercise of the powers under this Act with respect to works. 25

Power to disapply provision made by paragraphs 1 to 3

- 4 (1) The Secretary of State may by order make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act.
- (2) The provision referred to in sub-paragraph (1) is – 30
 - (a) provision that paragraphs 1(2)(a) and 2(2)(a) do not apply in relation to relevant works;
 - (b) provision that paragraphs 1(2)(b) to (d) and 2(2)(b) to 2(2)(d) do not apply in relation to proposed relevant works;
 - (c) provision that paragraph 3 does not apply in relation to relevant works. 35
- (3) “Relevant works” means works which are –
 - (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and 40
 - (b) begun on or after such day as may be specified in an order under that sub-paragraph.
- (4) An order under sub-paragraph (1) may make different provision for different purposes.
- (5) An order under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such an order must be laid before Parliament after being made. 45

Heritage partnership agreements

- 5 The provisions of any agreement under section 26A of the Listed Buildings and Conservation Areas Act (heritage partnership agreements) in relation to a building have effect subject to the powers under this Act with respect to works. 5

Inspection and observation of works

- 6 (1) Any person duly authorised in writing by the Historic Buildings and Monuments Commission for England (“the Commission”) or the relevant planning authority may at any reasonable time enter land for the purpose of inspecting or observing the carrying out in relation to any building on the land of decontrolled works. 10
- (2) “Relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the building is situated.
- (3) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it. 15
- (4) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions.

Recording of buildings

- 7 (1) The nominated undertaker must not carry out decontrolled works consisting of the demolition of a listed building unless – 20
- (a) notice of the proposal to carry out the works has been given to the Commission, and
- (b) the appropriate period since the giving of the notice has expired.
- (2) The appropriate period, subject to sub-paragraph (3), is – 25
- (a) 8 weeks, or
- (b) such longer period as may have been agreed between the nominated undertaker and the Commission.
- (3) In case of emergency, the appropriate period is such period as is reasonable in the circumstances. 30
- (4) In determining whether the appropriate period has expired, any day on which entry to the building is refused under paragraph 8(2) is to be disregarded.
- 8 (1) Following the giving of a notice under paragraph 7(1) in relation to a listed building, any person duly authorised in writing by the Commission may, at any reasonable time during the inspection period, enter the building for the purpose of recording it. 35
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 40

- (4) For the purposes of sub-paragraph (1), the inspection period, in relation to a building which is the subject of a notice under paragraph 7(1), is the period –
- (a) beginning when notice under that provision is given, and
 - (b) ending when the prohibition under that provision ceases to apply to the building. 5

Interpretation

- 9 (1) In this Schedule –
- “building” and “listed building” have the same meanings as in the Listed Buildings and Conservation Areas Act; 10
 - “decontrolled works” means works to which section 7 of the Listed Buildings and Conservation Areas Act would apply, but for paragraph 1(2)(a) or 2(2)(a) of this Schedule;
 - “the Listed Buildings and Conservation Areas Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990. 15
- (2) For the purposes of this Schedule, works relating to a building are carried out for heritage or monitoring purposes if the works are carried out for the purpose of –
- (a) maintaining or restoring the building’s character as a building of special architectural or historical interest, or 20
 - (b) affixing apparatus to any part of the building with a view to measuring any movement in the building or the ground on which it is erected in consequence of the carrying out of works in exercise of the powers under this Act.
- (3) Anything which, by virtue of section 1(5) of the Listed Buildings and Conservation Areas Act (objects or structures fixed to, or within curtilage of, a building), is treated as part of a building for the purposes of that Act is to be treated as part of the building for the purposes of this Schedule. 25

Tables

TABLE 1: buildings authorised to be demolished, altered or extended 30

(1) <i>Area</i>	(2) <i>Building</i>	(3) <i>Works</i>
London Borough of Camden	14 and 15 Melton Street and attached railings Grade II	35
	Monument to the Christie Family in St James’s Gardens, Hampstead Road Grade II	40
	Obelisk to Baron Southampton in south west corner of St James’s Gardens, Hampstead Road Grade II	

(1) Area	(2) Building	(3) Works	
	Drinking Fountain in St James's Gardens, Hampstead Road Grade II		5
	Statue of Robert Stephenson, Euston Station forecourt, Euston Square Grade II		10
	Two lodges in Euston Square Gardens Grade II	Alterations relating to the de-coupling of attached railings	
		Alteration to curtilage structures associated with the former underpass in connection with reconfiguration of Euston Square Gardens	15
	Railings around Euston Square Gardens Grade II		20
	War Memorial, Euston Square Grade II*		25
	Pair of stone piers with lamp standards to west end of Mornington Street Railway Bridge, Mornington Terrace Grade II		30
	Pair of stone piers with lamp standards to east end of Mornington Street Railway Bridge, Park Village East Grade II		35
	Concrete ramp and planting box in Alexandra Road Estate Grade II*	Demolition of the concrete ramp and planting to construct the Alexandra Place vent shaft	40
	Parkway Tunnel and Cutting Grade II	Demolition of the western wall of the cutting	
	Gloucester Gate Bridge Grade II	Alteration relating to utility modification works	45
County of Buckinghamshire District of Aylesbury Vale Parish of Stone with Bishopstone and Hartwell.	Glebe House Grade II		50

(1) <i>Area</i>	(2) <i>Building</i>	(3) <i>Works</i>	
	Hartwell House Grade I	Partial demolition of perimeter estate wall relating to realignment of A418	5
Parish of Steeple Claydon	Shepherd's Furze Farmhouse, Calvert Road Grade II		
County of Northamptonshire District of South Northamptonshire Parish of Thorpe Mandeville	Lower Thorpe Farmhouse Grade II		10
City of Birmingham	The Fox and Grapes Public House, 16 Freeman Street, B5 Grade II		15
Metropolitan Borough of Solihull Parish of Dickens Heath	Jerrings Hall Farm Grade II	Alterations relating to the relocation of the Island School Project	20
County of Warwickshire District of North Warwickshire Parish of Coleshill	Coleshill Hall Farmhouse, Birmingham Road Grade II		25
County of Staffordshire District of Lichfield Parish of Hints	L-shaped range of farm outbuildings to the north west of Bucks Head Farmhouse Grade II	Demolition of curtilage structures (comprising detached agricultural building and Buck's Head Farmhouse with attached agricultural structure), lying to the east and south-east of the listed building	30

TABLE 2: buildings authorised to be altered or extended for heritage or monitoring purposes 35

(1) <i>Area</i>	(2) <i>Building</i>	
London Borough of Camden	1-9 (odd and even) Melton Street and attached railings Grade II*	40
	119, 121 and 123 Parkway and attached railings Grade II	
	125 Parkway and attached railings Grade II	45

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
	York and Albany Public House, 127 and 129, Parkway Grade II	5
	2-16 (even), 22-34 (even), 36A and 36B and attached railings, Park Village East Grade II*	
	1-8 (odd and even), 10-14 (odd and even) and 17-19 (odd and even) and attached railings, Park Village West Grade II*	10
	Two lamp posts outside numbers 8 and 11 Park Village West Grade II	15
	The Royal George Public House, 8-14 (even) Eversholt Street Grade II	
	Regents Park Barracks Officers' Mess, Regents Park Barracks, Block K Grade II	20
	58 Mornington Terrace and attached wall and gate piers Grade II	
	Edinburgh Castle Public House, 57 Mornington Terrace Grade II	25
	The Engineer Public House and attached wall, 65 Gloucester Avenue Grade II	30
	Swiss Cottage Library, 88 Avenue Road Grade II	
	The Hampstead figure sculpture at Swiss Cottage Library, Avenue Road Grade II	35
	Primrose Hill Tunnels (western entrance) Grade II	
	Church of All Souls, 21 Loudon Road Grade II	
	Alexandra Road Estate, including walls, ramps and steps, community centre and boiler house to Alexandra Road Estate 1-21 (including A and B to each number) 4-119 (including A and B to each number on south side, and A-K to each number on north side) Grade II*	40 45
	The Roundhouse, Chalk Farm Road Grade II*	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
	Regency Lodge, Adelaide Road Grade II	
	Camden Incline Winding Engine House Grade II*	5
	Stanley Sidings, stables to the east of bonded warehouse Grade II	
	15-31 (odd) Gloucester Avenue Grade II	10
	1-15 (odd and even) Prince Albert Road Grade II	
London Borough of Brent	10 Cambridge Avenue Grade II	15
	Cambridge Hall, Cambridge Avenue Grade II	
	842 Harrow Road Grade II	
London Borough of Ealing	Perivale Underground Station, Horsenden Lane Grade II	20
	Former IBM distribution centre, Green Park Way, Greenford Grade II	25
Royal Borough of Kensington & Chelsea	Tomb of Andrew Ducrow, Kensal Green Cemetery Grade II*	
	Tomb of John St John Long, Kensal Green Cemetery Grade II*	30
	Tomb of Mary Gibson, Kensal Green Cemetery Grade II*	
	Tomb of William Mulready, Royal Academy, Kensal Green Cemetery Grade II*	35
	Birkbeck Mausoleum, Kensal Green Cemetery Grade II	
	Blumberg Mausoleum, Kensal Green Cemetery Grade II	40
	Mausoleum of Baron John Frederick Andrew Huth, Kensal Green Cemetery Grade II	

(1) Area	(2) Building	
	Mausoleum of Captain George Aikman, Kensal Green Cemetery Grade II	5
	Mausoleum of James Dunlop, Kensal Green Cemetery Grade II	
	Mausoleum of James Morison, Kensal Green Cemetery Grade II	10
	Mausoleum of Joseph Hudson, Kensal Green Cemetery Grade II	
	Monument to Edward Macklew, Kensal Green Cemetery Grade II	15
	Monument to Frederick Albert Winsor, Kensal Green Cemetery Grade II	20
	Monument to Major General Sir George de Lacy Evans, Kensal Green Cemetery Grade II	
	Monument to Sir Augustus Wollaston Franks, Kensal Green Cemetery Grade II	25
	Monument to Sir George Farrant, Kensal Green Cemetery Grade II	
	Monument to the Molyneux Family, Kensal Green Cemetery Grade II	30
	Monument to William Holland, Kensal Green Cemetery Grade II	35
	Monuments to Joseph Locke and Phoebe McCreery, Kensal Green Cemetery Grade II	
	Sir William Molesworth Mausoleum, Kensal Green Cemetery Grade II	40
	Tomb of Admiral Sir John Ross, Kensal Green Cemetery Grade II	
	Tomb of Alexander Bruce, Kensal Green Cemetery Grade II	45

(1) Area	(2) Building	
	Tomb of Alfred Cooke, Kensal Green Cemetery Grade II	
	Tomb of David Morris, Kensal Green Cemetery Grade II	5
	Tomb of Frederick Tillson, Kensal Green Cemetery Grade II	10
	Tomb of General Sir Warren Peacocke, Kensal Green Cemetery Grade II	
	Tomb of George Cruikshank, Kensal Green Cemetery Grade II	15
	Tomb of John Cam Hobhouse, Baron Broughton De Gyfford, Kensal Green Cemetery Grade II	20
	Tomb of John Collett, Kensal Green Cemetery Grade II	
	Tomb of John Gibson, Kensal Green Cemetery Grade II	
	Tomb of John Gordon, Kensal Green Cemetery Grade II	25
	Tomb of John Murray, Kensal Green Cemetery Grade II	
	Tomb of Joseph Allmond Cropper, Kensal Green Cemetery Grade II	30
	Tomb of Joseph Durham, Kensal Green Cemetery Grade II	
	Tomb of Lady Ann Isabella Noel Byron, Kensal Green Cemetery Grade II	35
	Tomb of Martha Ross, Kensal Green Cemetery Grade II	
	Tomb of Sarah Smith, Kensal Green Cemetery Grade II	40
	Tomb of Sir Francis Freeling, Kensal Green Cemetery Grade II	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
	Tomb of Sir John Dean Paul, Kensal Green Cemetery Grade II	5
	Tomb of the Earl of Galloway, Kensal Green Cemetery Grade II	
	Tomb of Thomas Cooke, Kensal Green Cemetery Grade II	10
	Tomb of Thomas Hood, Kensal Green Cemetery Grade II	
	Tomb of Walter Peart and Henry Dean, Kensal Green Cemetery Grade II	15
	Tomb of William Chappell, Kensal Green Cemetery Grade II	20
	Tomb to Thomas Daniell RA, Kensal Green Cemetery Grade II	
	Perimeter walls and railings including entrance gateway opposite Wakeman Road, Kensal Green Cemetery Grade II	25
London Borough of Hammersmith & Fulham	Monument to Maria Tusten, Kensal Green Cemetery Grade II	30
	Tomb of Marigold Churchill, Kensal Green Cemetery Grade II	
	Parish boundary markers, Kensal Green Cemetery Grade II	35
City of Westminster	156-170 (even) Fifth Avenue, Paddington Grade II	
	147-167 (odd) Fifth Avenue, Paddington Grade II	40
	Beethoven Street School, Beethoven Street W10 Grade II	
London Borough of Hillingdon	Highway Farmhouse Grade II	
	Forecourt walls to south of Highway Farmhouse Grade II	45

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
County of Buckinghamshire District of South Bucks Parish of Denham	Footbridge across River Colne, to north of Denham Court Grade II*	5
County of Hertfordshire District of Three Rivers	Corner Hall Grade II	
County of Buckinghamshire District of Chiltern Parish of Amersham	Barn to east of Lower Bottom Farm House Grade II	10
	Stable to south of Lower Bottom Farm House Grade II	
	Lower Bottom Farmhouse Grade II	
	Buildings and walls of the Kitchen Garden at Shardeloes Park, Amersham Grade II	15
Parish of Chalfont St.Giles	Granary to south-east of Lower Bottom Farm House Grade II	20
	Parish Church of St Giles Grade I	
	The Stone Cottage, attached barn and outbuildings Grade II	25
	Flag House Grade II	
	The Wellington Cottage and the Green Cottage Grade II	
	Peterson House Grade II	30
Parish of Great Missenden	Barns and outhouses at Hyde Farmhouse Grade II	
	Hyde Farmhouse, Hyde Lane, Hyde Heath, Grade II	35
	Stable Block at Cottage Farm Grade II	
	Granary at Cudsden Farm Grade II	
	Briarwood Grade II	40
	86 Kings Lane Grade II	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	
	Sheepcotts Cottage Grade II	
	South Heath Farmhouse with attached barn Grade II	5
Parish of The Lee	Hunts Green Farmhouse Grade II	
	Barn to north of Hunts Green Farmhouse Grade II	10
District of Aylesbury Vale Parish of Stone with Bishopstone and Hartwell	Whaddon Hill Farmhouse Grade II	
	Park Lodge Grade II	15
	Obelisk south of Hartwell House Grade II	
	Entrance arch and gates adjoining Park Lodge Grade II	
	Pair of statues south of Hartwell House Grade II	20
Parish of Chetwode	The Hermitage Grade II	
	Sunflower Farmhouse Grade II	25
Parish of Steeple Claydon	Rosehill Farmhouse Grade II	
	Outbuildings to west of Rosehill Farmhouse forming north and west sides of courtyard Grade II	30
County of Northamptonshire District of South Northamptonshire Parish of Radstone	Church of St Lawrence Grade I	
Parish of Greatworth	Greatworth Hall Grade II	35
Parish of Culworth	Trafford Bridge Grade II	
Parish of Thorpe Mandeville	Stone walls, gatepiers and gateways at entrance to Manor House Grade II	40
	Church of St John The Baptist Grade I	

(1) <i>Area</i>	(2) <i>Building</i>	
County of Warwickshire District of Stratford-on-Avon Parish of Long Itchington	Stoney Thorpe Hall Lodge (not included) gates and gatepiers approximately 7 metres south of Lodge Grade II	5
District of Warwick Parish of Stoneleigh	Stare Bridge, Stoneleigh Road, Stoneleigh Grade II*	
	East Lodge, Stoneleigh Road Grade II	10
	Dale House Farmhouse, Dalehouse Lane, Stoneleigh Grade II	
	South Hurst Farm Cottages, 90 yards north east of South Hurst Farmhouse, Crackley Lane Grade II	15
District of North Warwickshire Parish of Coleshill	Gilson Hall Grade II	
Parish of Curdworth	Barn 20m southeast of Dunton Hall, Kingsbury Road Grade II	20
County of Staffordshire District of Lichfield Parish of Fradley and Streethay	The Manor House, Ryknield Street Grade II	
	The Manor House Plunge Bath, off A517 Burton Road Grade II	25
City of Birmingham	Lawley Street Railway Viaduct, Viaduct Street Grade II	
	Old Moor Street Station, Birmingham Grade II	30
	British Rail Goods Office (Old Curzon Street Station), New Canal Street Grade I	
	1838 section of railway bridge into Curzon Street Station over Digbeth Branch Canal, Curzon Street Grade II	35
	The Woodman Public House, 106 Albert Street Grade II	40
Metropolitan Borough of Solihull Parish of Bickenhill	Park Farmhouse, Chester Road, Bickenhill Grade II*	
Parish of Berkswell	Lavender Hall Farmhouse Grade II*	
	Barn at Lavender Hall Farm Grade II	45

SCHEDULE 19

Section 26

ANCIENT MONUMENTS

Disapplication of controls

- | | | |
|---|--|----------------------------------|
| 1 | <p>(1) This paragraph has effect in relation to the Ancient Monuments and Archaeological Areas Act 1979.</p> | 5 |
| | <p>(2) Section 2 (control of works affecting scheduled monuments) does not apply to works authorised by this Act.</p> | |
| | <p>(3) The powers of entry under the following provisions are not exercisable in relation to land used for or in connection with the carrying out of any of the works authorised by this Act—</p> <p style="padding-left: 20px;">section 6(1) (entry to ascertain condition of scheduled monument);</p> <p style="padding-left: 20px;">section 6A(1) (entry to enforce control of works affecting scheduled monument);</p> <p style="padding-left: 20px;">section 26 (entry to record matters of archaeological or historical interest).</p> | 10

15 |
| | <p>(4) The provisions of the Act with respect to the functions of a person as a guardian by virtue of the Act, and the provisions of any agreement under section 17 (agreement concerning ancient monuments and land in their vicinity), have effect subject to the powers under this Act with respect to works.</p> | 20 |
| | <p>(5) Section 19 (public access to monuments under public control) does not apply in relation to a monument which is closed by the nominated undertaker for the purposes of, or in connection with or in consequence of the carrying out of any of the works authorised by this Act.</p> | |
| | <p>(6) Regulations under section 19(3) or (4A) (which may include provision prohibiting or regulating acts which would tend to injure or disfigure a monument or its amenities or to disturb the public in their enjoyment of it) do not apply to anything done in exercise of the powers under this Act with respect to works.</p> | 25 |
| | <p>(7) The power under section 19(6) (power to refuse admission to monuments under public control) is not exercisable so as to prevent or restrict the exercise of the powers under this Act with respect to works.</p> | 30 |
| | <p>(8) In section 25 (treatment of ancient monuments)—</p> <p style="padding-left: 20px;">(a) subsection (2) (superintendence by Commission) does not authorise the superintendence of the carrying out of any of the works authorised by this Act, and</p> <p style="padding-left: 20px;">(b) subsection (3) (power of Commission to charge for advice under subsection (1)) does not apply in relation to advice given in connection with the carrying out of any of those works.</p> | 35 |
| | <p>(9) Section 28 (offence of damaging certain ancient monuments) does not apply to anything done in exercise of the powers under this Act with respect to works.</p> | 40 |
| | <p>(10) Section 35 (notice required of operations in areas of archaeological importance) does not apply to operations carried out in exercise of the powers under this Act with respect to works.</p> | 45 |

- (11) Section 39(1) (power to investigate in advance of operations notice any site which may be acquired compulsorily) has effect as if operations carried out in exercise of the powers under this Act with respect to works were exempt operations for the purposes of that provision.
- (12) Section 42(1) (prohibition on use of metal detectors in protected places without consent) does not apply to the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 5
- (13) Section 42(3) (prohibition on removal without consent of object discovered by use of a metal detector in a protected place) does not apply to the removal of objects discovered by the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 10
- 2 (1) The power of entry under section 36(1) of the National Heritage Act 1983 (entry to obtain information about ancient monuments and historic buildings for the purposes of the records kept by the Commission) is only exercisable in relation to land used, or intended for use, for or in connection with the carrying out of any of the works authorised by this Act with the consent of the nominated undertaker, such consent not to be unreasonably withheld. 15 20
- (2) Consent for the purposes of sub-paragraph (1) may be granted subject to compliance with any reasonable requirements or conditions imposed for reasons of safety or for the purpose of preventing interference with or delay to the works.
- (3) Section 36(6) of the National Heritage Act 1983 (which, in relation to land on which works are being carried out, regulates the exercise of the right under section 36(1) to enter land to obtain information) does not apply in relation to land on which works authorised by this Act are being carried out. 25
- (4) Any dispute under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State for Transport and the Secretary of State for Culture, Media and Sport acting jointly. 30

Power to disapply provision made by paragraphs 1 and 2

- 3 (1) The Secretary of State may by order make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act. 35
- (2) The provision referred to in sub-paragraph (1) is –
- (a) provision that paragraph 1(2) does not apply in relation to relevant works;
- (b) provision that paragraph 1(3) does not apply in relation to land used for or in connection with the carrying out of relevant works; 40
- (c) provision that paragraph 1(8)(a) and (b) do not apply in relation to relevant works;
- (d) provision that paragraph 1(10) and (11) do not apply in relation to operations carried out in exercise of the powers under this Act which are, or are carried out in connection with, relevant works; 45

- (e) provision that paragraph 1(12) does not apply in relation to use of a metal detector for the purposes of or in connection with relevant works;
 - (f) provision that paragraph 1(13) does not apply in relation to removal of objects discovered by any such use; 5
 - (g) provision that paragraph 2(1) does not apply in relation to land used, or intended for use, for or in connection with the carrying out of relevant works;
 - (h) provision that paragraph 2(3) does not apply in relation to land on which relevant works are being carried out. 10
- (3) In this paragraph, “relevant works” means works which are –
- (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and
 - (b) begun on or after such day as may be specified in an order under that sub-paragraph. 15
- (4) An order under sub-paragraph (1) may make different provision for different purposes.
- (5) An order under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such an order must be laid before Parliament after being made. 20

Inspection and observation of works etc

- 4 (1) Any person duly authorised in writing by the Commission may at any reasonable time enter land on which (or in or under which) a scheduled monument is situated – 25
- (a) for the purpose of observing or advising upon the exercise in relation to the land of any of the powers under paragraph 1 of Schedule 2 to this Act, or
 - (b) for the purpose of inspecting, observing or advising upon the carrying out of any works on the land in exercise of any of the other powers under this Act. 30
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 35
- (4) In this paragraph, “scheduled monument” has the same meaning as in the Ancient Monuments and Archaeological Areas Act 1979.

Interpretation

- 5 In this Schedule, references to “the Commission” are to the Historic Buildings and Monuments Commission for England. 40

SCHEDULE 20

Section 27

BURIAL GROUNDS

Notice of removal of remains or monument

- 1 (1) Before removing from the land in question any remains or any monument to the deceased, the nominated undertaker must – 5
- (a) publish in each of two successive weeks in a newspaper circulating in the area where the land is situated, and
 - (b) at the same time leave displayed in a conspicuous place on or near the land,
- a notice complying with sub-paragraph (2). 10
- (2) A notice under sub-paragraph (1) must –
- (a) identify the land to which it relates,
 - (b) set out in general terms the effect of paragraphs 2 to 7 (so far as relevant to remains to which sub-paragraph (1) applies),
 - (c) state where, and in what form, an application under paragraph 2(1) may be made, and 15
 - (d) state how the nominated undertaker proposes to carry out its functions under this Schedule with respect to the disposal of the remains or monument.
- (3) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased where the Secretary of State notifies the nominated undertaker that the Secretary of State is satisfied – 20
- (a) that the remains were buried more than 100 years ago, and
 - (b) that no relative or personal representative of the deceased is likely to object to the remains or monument being removed in accordance with this Schedule. 25
- (4) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased if –
- (a) on the passing of this Act a licence under section 25 of the Burial Act 1857 (bodies not to be removed from burial grounds without licence of the Secretary of State) is in force in relation to the remains, and 30
 - (b) the holder of the licence is the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker.
- (5) In sub-paragraph (4)(b), “group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning given by section 1159 of the Companies Act 2006. 35

Removal of remains under licence

- 2 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker must issue a licence for the removal of the remains if – 40
- (a) it receives an application in writing from a relative or personal representative of the deceased, and

-
- (b) the application is received before the end of the period of 56 days after the day on which notice relating to the remains is first published under paragraph 1(1)(a).
- (2) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker must issue a licence for the removal of the remains if— 5
- (a) it receives an application in writing from a relative or personal representative of the deceased, and
- (b) the application is received before the nominated undertaker has removed the remains under paragraph 4(1). 10
- (3) A licensee under this paragraph may remove the remains to which the licence relates and bury them elsewhere or cremate them.
- (4) The nominated undertaker must pay the reasonable costs of removal and reburial or cremation under this paragraph.
- Removal of remains by nominated undertaker* 15
- 3 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker may remove the remains after the expiry of the period of 56 days referred to in paragraph 2(1)—
- (a) if no application under paragraph 2(1) has been received, or
- (b) in a case where one or more applications under paragraph 2(1) have been received, if in the case of each application— 20
- (i) a licence has been issued, and
- (ii) at least 28 days have passed since the issue of the licence without the remains having been removed.
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1)— 25
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
- (b) cremate them in a crematorium.
- (3) If— 30
- (a) an application is made to the nominated undertaker under paragraph 2(1),
- (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased, 35
- (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that he or she is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and
- (d) that period of 28 days has elapsed without the court having determined the application made to it, 40
- the nominated undertaker may remove the remains and any monument to the deceased.
- (4) The nominated undertaker must, pending the court’s determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct. 45

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- 4 (1) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker may remove the remains –
- (a) if no application under paragraph 2(2) has been received, or
 - (b) in a case where one or more applications under paragraph 2(2) have been received, if in the case of each application –
 - (i) a licence has been issued, and
 - (ii) at least 28 days have passed since the issue of the licence without the remains having been removed.
- (2) The nominated undertaker must after the removal of remains under sub-paragraph (1) –
- (a) within 12 months or such longer period as the Secretary of State may direct in relation to the case –
 - (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
 - (ii) cremate them in a crematorium, or
 - (b) deal with them in such other manner, and subject to such conditions, as the Secretary of State may direct.
- (3) If –
- (a) an application is made to the nominated undertaker under paragraph 2(2),
 - (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased,
 - (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that he or she is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and
 - (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased.
- (4) The nominated undertaker must, pending the court’s determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct.
- 5 (1) In the case of remains in relation to which paragraph 1(4) applies, the nominated undertaker may remove the remains and, if it does so, is to be treated for the purposes of this Act as acting under this paragraph and not under the licence under the Burial Act 1857.
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1) –
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
 - (b) cremate them in a crematorium.
- (3) But if the Secretary of State is satisfied that the remains were buried more than 100 years ago, the remains are to be dealt with in accordance with paragraph 4(2) instead of sub-paragraph (2).

Removal of monuments

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

Records

- 8 (1) Where any remains in relation to which paragraph 1(1) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies are removed under paragraph 5(2), the nominated undertaker must, within two months of the removal, provide the Registrar General with a certificate which— 25
- (a) identifies the remains, so far as practicable,
- (b) states the date on which, and the place from which, the remains were removed, and 30
- (c) states the date and place of reburial or cremation.
- (2) Where any remains in relation to which paragraph 1(3) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies are removed under paragraph 5(3), the nominated undertaker must, within 12 months of the removal or such longer period as the Secretary of State may direct in relation to the case, provide the Registrar General with a certificate which— 35
- (a) identifies the remains, so far as practicable,
- (b) states the date on which, and the place from which, the remains were removed, 40
- (c) if at the time the certificate is provided the remains have been reburied or cremated, states the date and place of reburial or cremation, and
- (d) if at that time the remains have not been reburied or cremated, states where and by whom they are kept. 45

- (3) Where any monument is removed under this Schedule, the nominated undertaker must, within two months of the removal –
- (a) deposit with the local authority in whose area the monument was situated prior to the removal a record which –
 - (i) identifies the monument, 5
 - (ii) gives any inscription on it,
 - (iii) states the date on which, and the place from which, it was removed, and
 - (iv) states the place, if any, to which it was moved or how it was disposed of, and 10
 - (b) provide the Registrar General with a copy of the record deposited under paragraph (a).
- (4) The nominated undertaker may require any person who removes remains or a monument under this Schedule to provide it with any information about the remains or monument removed which it needs in order to comply with sub-paragraph (1), (2) or (3). 15
- (5) In sub-paragraph (3)(a), “local authority” means the unitary authority or, in a non-unitary area, the district council.

Discharge of functions by nominated undertaker

- 9 (1) Where the nominated undertaker removes remains in relation to the removal of which a licence has been granted under paragraph 2(1) or (2), it must carry out in accordance with the reasonable requests of the licensee –
- (a) its functions under paragraph 3 or 4 with respect to disposal of the remains, and
 - (b) if it removes any monument to the deceased, the functions under paragraph 7 with respect to disposal of the monument. 20
- (2) In a case where more than one licence is granted under paragraph 2(1) or (2) and the licensees make different reasonable requests for the purposes of sub-paragraph (1), the nominated undertaker must carry out the functions referred to in that sub-paragraph in accordance with directions given by the Secretary of State. 25
- (3) Directions under sub-paragraph (2) may include directions that –
- (a) a licensee may apply to the county court to determine how remains or a monument are to be disposed of, and
 - (b) how the remains or monument are to be dealt with pending the court’s determination. 30
- 10 The Secretary of State may give such directions as the Secretary of State thinks fit with respect to the carrying out of any function under this Schedule. 35

Relatives and personal representatives 40

- 11 (1) In this Schedule, references to a relative of the deceased are to a person who –
- (a) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased, or
 - (b) is, or is a child of, a brother, sister, uncle or aunt of the deceased. 45

- (2) For the purposes of this Schedule, a person is to be taken to be a relative or personal representative of the deceased if –
- (a) the nominated undertaker is satisfied that the person is a relative or personal representative of the deceased, or
 - (b) the county court, on the application of the person, has declared that the person is a relative or personal representative of the deceased. 5

SCHEDULE 21

Section 32

WATER

Water abstraction and impounding

- 1 The restriction imposed by section 24(1) of WRA 1991 (restriction on the abstraction of water) does not apply in relation to the abstraction of water for the purposes of or in connection with the construction of the works authorised by this Act. 10
- 2 Section 25 of WRA 1991 (restrictions on impounding) does not apply to anything done in exercise of the powers conferred by this Act with respect to works. 15
- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Act.
- (2) Where – 20
- (a) the nominated undertaker causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Act, and
 - (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of WRA 1991, but for sub-paragraph (1), 25
- the nominated undertaker must compensate the other person for the loss or damage.
- (3) Compensation under sub-paragraph (2) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of WRA 1991. 30
- (4) Section 48A(5) of WRA 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under –
- (a) this paragraph, or
 - (b) Part 5 of Schedule 33. 35

Structures in, over or under a main river

- 4 (1) Regulation 12(1)(a) of the Environmental Permitting Regulations (environmental permit required for operating a regulated facility) does not apply to the carrying on of a relevant flood risk activity in exercise of the powers conferred by this Act with respect to works. 40
- (2) In this paragraph –

“Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154);
“relevant flood risk activity” means an activity within paragraph 3(1)(a), (b) or (c) of Schedule 25 to the Environmental Permitting Regulations (erection, alteration or repair of structures in, over or under a main river). 5

Floods

5 Paragraph 5 of Schedule 1 to FWMA 2010 (consent required for alteration, removal or replacement of designated feature) does not apply to anything done in exercise of the powers conferred by this Act with respect to works. 10

Drainage

6 Paragraph 7 of Schedule 3 to FWMA 2010 (approval required for drainage system for construction work) does not apply in relation to anything done in exercise of the powers conferred by this Act with respect to works.

Communication with public sewers in London 15

7 Section 106(8) of the Water Industry Act 1991 (which qualifies the general right to communicate with the public sewers of a sewerage undertaker in Greater London) does not apply where the proposed communication involves a drain or sewer serving Phase One of High Speed 2.

Eels 20

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

Interpretation

9 In this Schedule – 25
“abstraction” has the same meaning as in WRA 1991;
“FWMA 2010” means the Flood and Water Management Act 2010;
“WRA 1991” means the Water Resources Act 1991.

SCHEDULE 22

Section 33(1)

BUILDINGS 30

Building regulations

1 (1) Nothing in –
(a) Part 1 of the 1984 Act with respect to building regulations, or
(b) any building regulations,
applies to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 35

- (2) Sub-paragraph (1) does not apply in relation to a building which is a house or hotel.
- (3) Sub-paragraph (1) does not apply in relation to a building which is used as offices or showrooms unless it forms part of a railway station or other railway facility. 5
- (4) The reference in sub-paragraph (3) to a “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.
- (5) The reference in sub-paragraph (1)(b) to building regulations does not include the provisions listed in regulation 34(1) of the Building Regulations 2010 (S.I. 2010/2214) (requirements relating to energy efficiency). 10

Drain repairs

- 2 In section 61 of the 1984 Act—
- (a) subsection (2) (local authority officers to have access to drain repair works), and 15
- (b) subsection (3) (offence for failure to comply with section 61),
- do not apply to the repair, reconstruction or alteration of an underground drain which is carried out for Phase One purposes.

Drain disconnections

- 3 Where works described in section 62(1)(a), (b) or (c) of the 1984 Act (reconstruction and other drain works) are carried out for Phase One purposes, section 62 of the 1984 Act (which requires drains to be disconnected when they become disused or unnecessary in consequence of reconstruction and other works) has effect as if— 20
- (a) in subsection (1), for “as the local authority may reasonably require” there were substituted “as the person considers necessary”, 25
- (b) subsections (2) and (3) were omitted,
- (c) for subsection (4) there were substituted—
- “(4) Before carrying out works described in subsection (1)(a), (b) or (c), the person carrying out the works must give at least 48 hours’ notice to the local authority.”, and 30
- (d) subsection (5) were omitted.

Raising of chimneys

- 4 (1) This paragraph applies where—
- (a) the nominated undertaker is given a notice under section 73(1) of the 1984 Act (notice requiring chimney of adjoining building to be raised and requiring owner or occupier of that building to allow access to it for that purpose), 35
- (b) the taller building is a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, and 40
- (c) the owner or occupier of the adjoining building referred to in section 73(1)(b) of the 1984 Act serves a counter-notice on the nominated undertaker. 45

- (2) The owner or occupier of the adjoining building may not enter upon relevant Phase One land, for the purposes of carrying out the work to which the counter-notice relates, without the consent of the Secretary of State or the nominated undertaker.
- (3) “Relevant Phase One land” means land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under the Act. 5
- (4) Where, by reason of the withholding of consent for the purposes of sub-paragraph (2), the owner or occupier of the adjoining building is unable to carry out the work to which the counter-notice relates, the counter-notice ceases to have effect. 10
- (5) In this paragraph, references to “the taller building” and a “counter-notice” are to be construed in accordance with section 73 of the 1984 Act.

Construction of cellars and rooms below subsoil water level

- 5 (1) Section 74(1) of the 1984 Act (which requires local authority consent for the construction of a cellar or room below subsoil water level in, or as part of, a house, shop, inn, hotel or office) does not apply to the construction of a cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station or other railway facility which is being used, or which is intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 15 20
- (2) The reference in sub-paragraph (1) to a “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.

Interpretation 25

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

SCHEDULE 23

Section 33(2) 30

PARTY WALLS ETC

- 1 In this Schedule, “the 1996 Act” means the Party Wall etc Act 1996.
- 2 No notice under section 1(2) or (5) of the 1996 Act (notice before building on line of junction with adjoining land) is required before the building of any wall for Phase One purposes. 35
- 3 Sections 1(6) and 2 of the 1996 Act (rights of adjoining owners) do not have effect to confer rights in relation to –
(a) anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
(b) land on which there is any such thing. 40

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

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

-
- (b) in default of agreement, appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.
- (2) If the arbitrator –
- (a) refuses to act; 5
 - (b) neglects to act for a period of ten days beginning with the day on which either party serves a request on the arbitrator;
 - (c) dies before the dispute is settled; or
 - (d) becomes or deems himself or herself incapable of acting, subsection (1) applies again. 10
- (3) The arbitrator must settle by award any matter –
- (a) which is connected with any work to which this Act relates, and
 - (b) which is in dispute between the building owner and the adjoining owner. 15
- (4) An award may determine –
- (a) the right to execute any work;
 - (b) the time and manner of executing any work; and
 - (c) any other matter arising out of or incidental to the dispute including the costs of making the award. 20
- (5) But, unless otherwise agreed between the building owner and the adjoining owner, any period appointed by the award for executing any work does not begin to run until after the end of the period prescribed by this Act for service of the notice in respect of which the dispute arises or is deemed to have arisen. 25
- (6) The reasonable costs incurred in –
- (a) making or obtaining an award under this section,
 - (b) reasonable inspections of work to which the award relates, and
 - (c) any other matter arising out of the dispute, 30
- are to be paid by such of the parties as the arbitrator determines.
- (7) Where the arbitrator makes an award, the arbitrator must serve it forthwith on the parties.
- (8) The award is conclusive and must not except as provided by this section be questioned in any court. 35
- (9) Either of the parties to the dispute may appeal to the county court against the award within the period of 14 days beginning with the day on which the award is served on the party making the appeal.
- (10) On such an appeal, the county court may –
- (a) rescind the award or modify it in such manner as the court thinks fit; and 40
 - (b) make such order as to costs as the court thinks fit.”
- (3) Where the 1996 Act has effect as mentioned in sub-paragraph (2) –
- (a) section 7(5) has effect as if the words “(or surveyors acting on their behalf)” were omitted, 45

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

SCHEDULE 24

Section 34

STREET WORKS

25

Works in or near highways

- 1 (1) The following enactments (which control obstructions of the highway in connection with works relating to buildings) do not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of the powers conferred by this Act – 30
 - (a) section 15(1) of the Greater London Council (General Powers) Act 1970 (c. lxxvi), and
 - (b) section 169(1) of the Highways Act 1980.
- (2) Section 141 of the Highways Act 1980 (c. 66) (restriction on planting trees or shrubs in or near carriageway) does not apply to any tree or shrub planted for the purposes of or in connection with the exercise of the powers conferred by this Act. 35
- (3) Section 167 of the Highways Act 1980 (powers relating to retaining walls near streets) does not apply to any length of a retaining wall erected on land held by the Secretary of State or nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 40

(4)	Nothing in section 8(2) to (5) of the Greater London Council (General Powers) Act 1986 (c. iv) (power of borough councils in relation to retaining walls supporting the carriageway or footway of certain highways) applies with respect to any retaining wall erected in exercise of the powers conferred by this Act.	5
(5)	The provisions of this paragraph apply in relation to a highway for which the Secretary of State or a strategic highways company is the highway authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions).	
	<i>Street works</i>	10
2	(1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) do not apply in relation to works proposed to be, or being, carried out under the powers conferred by this Act.	
	(2) Section 56A of that Act (power to give directions as to placing of apparatus) does not apply in relation to the placing of apparatus in exercise of the powers conferred by this Act.	15
	(3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works following completion of substantial road works) has effect in relation to works carried out under the powers conferred by this Act.	20
	(4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) does not apply to the placing of apparatus in exercise of the powers conferred by this Act.	
	(5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) does not apply in relation to apparatus placed in exercise of the powers conferred by this Act.	25
	(6) Section 62(4) of that Act (power when designation as protected street commences or ceases to give directions with respect to works in progress) does not apply in relation to works being carried out under the powers conferred by this Act.	30
	(7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) does not apply in relation to works to be executed under the powers conferred by this Act.	35
	(8) The power conferred by section 73A(1) of that Act (power to require undertaker to re-surface street) may not be exercised in relation to an undertaker who is within subsection (2) of that section because of –	40
	(a) having given a notice in respect of works proposed to be carried out under the powers conferred by this Act, or	
	(b) executing, or having executed, works under those powers.	
	(9) Nothing in section 74A of that Act (power to make regulations requiring payment of charges for street works), or in regulations made under it, applies in relation to the execution of works under the powers conferred by this Act.	45

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

Permit schemes

- 3 (1) Nothing in Part 3 of the Traffic Management Act 2004 (permit schemes), or in any permit scheme or permit regulations under that Part, applies in relation to the carrying out of works under the powers conferred by this Act. 30
- (2) This paragraph applies in relation to –
- (a) a permit scheme under Part 3 of the 2004 Act in respect of a street for which the Secretary of State or a strategic highways company is the highway authority, or 35
 - (b) a permit scheme prepared by the Secretary of State under section 33(4) of the 2004 Act,
- only if the relevant authority consents (and consent may be subject to conditions).
- (3) “The relevant authority” means – 40
- (a) in relation to a permit scheme mentioned in sub-paragraph (2)(a), the person who is the highway authority in respect of the street, and
 - (b) in relation to a permit scheme mentioned in sub-paragraph (2)(b), the Secretary of State.

SCHEDULE 25

Section 35

TRAFFIC REGULATION

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

- 1 (1) This paragraph applies where—
- (a) the traffic authority for a relevant road is a person other than the Secretary of State, 5
 - (b) the authority proposes to make a traffic regulation order in relation to the road, and
 - (c) it appears to the authority that provision made by the order could significantly interfere with the use of the road by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2. 10
- (2) Before making the order, the authority must consult the Secretary of State (in addition to any other person the authority is required to consult under or by virtue of Part 3 of Schedule 9 to RTRA 1984). 15
- (3) In this paragraph—
- “heavy commercial vehicle” has the same meaning as in RTRA 1984 (see section 138 of that Act);
 - “relevant road” means a road, other than a special road or trunk road, which falls within one or more of the following paragraphs— 20
 - (a) a road which is part of a route identified in a deposited statement as a construction traffic route;
 - (b) a road which is part of a route in relation to which approval has been given under paragraph 6 of Schedule 17 (routes for transportation by large goods vehicles); 25
 - (c) where a request for approval under paragraph 6 of Schedule 17 has been made but not determined, a road which is part of a route to which the request for approval relates;
 - (d) a road any part of which is within the Act limits.
- (4) For the purposes of the definition of “relevant road”, “special road” and “trunk road” have the same meanings as in the Highways Act 1980. 30
- 2 (1) The Secretary of State may by notice designate—
- (a) a road, or part of a road, in relation to which paragraph 1(2) does not apply;
 - (b) a description of traffic regulation orders in relation to which paragraph 1(2) does not apply. 35
- (2) A notice under sub-paragraph (1)(a) has effect until further notice.
- (3) The Secretary of State must give a notice under sub-paragraph (1)(a) to the traffic authority for the road (or part of the road) to which the notice relates.
- (4) A notice under sub-paragraph (1)(b) may have effect generally or in relation to areas specified in the notice. 40
- (5) The Secretary of State must give a notice under sub-paragraph (1)(b) to every traffic authority which would be affected by the notice.

- (6) Failure by a traffic authority to comply with paragraph 1(2) in relation to a traffic regulation order does not affect the validity of the order.
- 3 (1) Paragraph 1(2) ceases to apply in relation to a traffic authority if the Secretary of State gives the authority a notice stating that –
- (a) no further works are proposed to be constructed under this Act in the authority’s area, and 5
 - (b) the use of relevant roads in the authority’s area is no longer required by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2.
- (2) Paragraph 1(2) ceases to apply in relation to a particular part of the area of a traffic authority (“the relevant part”) if – 10
- (a) the Secretary of State reasonably considers that the relevant part can be treated separately from the rest of the authority’s area for the purposes of paragraph 1(2), and
 - (b) the Secretary of State gives the authority a notice stating that – 15
 - (i) no further works are proposed to be constructed under this Act in the relevant part, and
 - (ii) the use of relevant roads in the relevant part is no longer required by heavy commercial vehicles for the purposes of the construction of Phase One of High Speed 2. 20
- (3) The Secretary of State must give a traffic authority a notice under sub-paragraph (1) or (2) as soon as reasonably practicable after the Secretary of State forms the view that the applicable requirements are met.
- (4) For the purposes of sub-paragraph (3), the applicable requirements are met – 25
- (a) in a sub-paragraph (1) case, if sub-paragraph (1)(a) and (b) apply in relation to the authority’s area, and
 - (b) in a sub-paragraph (2) case, if sub-paragraph (2)(b)(i) and (ii) apply in relation to the relevant part.
- (5) In this paragraph, “heavy commercial vehicle” and “relevant road” have the same meanings as in paragraph 1. 30

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

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is – 35
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and
 - (b) reasonable in the circumstances.
- (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph. 40
- (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State’s consent make a further traffic regulation order which contains –
- (a) provision varying or revoking the relevant order, or 45
 - (b) provision as respects any length of road for any purpose where –

- (i) an order has been made as respects that length of road for a similar purpose, and
- (ii) that order has been varied or revoked by the relevant order.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph. 5
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1, 6 or 9 of RTRA 1984.
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule. 10
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if –
- (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted, 15
- (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders) –
- (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and 20
- (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and
- (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted. 25
- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if –
- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and 30
- (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
- 6 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984. 35
- (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
- (3) The order has effect for the period specified or described in the direction.
- (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of Phase One of High Speed 2. 40
- Further powers of Secretary of State (including in relation to variation or revocation of orders)*
- 7 (1) The Secretary of State may direct a traffic authority to revoke a traffic regulation order made by the authority in pursuance of a direction under paragraph 4. 45

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- (2) The Secretary of State may direct a traffic authority to vary a traffic regulation order made by the authority in pursuance of a direction under paragraph 4, where –
- (a) the Secretary of State considers that the variation is –
 - (i) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and 5
 - (ii) reasonable in the circumstances, or
 - (b) the effect of the variation is to remove or relax a restriction imposed by the order on the use of any road.
- 8 (1) Where a traffic authority fails to comply with a direction under paragraph 4, the Secretary of State may make the traffic regulation order required by the direction. 10
- (2) Where a traffic authority fails to comply with a direction under paragraph 7, the Secretary of State may by order vary or revoke the traffic regulation order (as required by the direction). 15
- 9 (1) The Secretary of State may by order made by statutory instrument vary or revoke a traffic regulation order (whenever made) if the Secretary of State considers the variation or revocation –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of Phase One of High Speed 2, and 20
 - (b) reasonable in the circumstances.
- (2) This paragraph has effect without prejudice to the powers conferred on the Secretary of State by paragraphs 7 and 8.
- 10 (1) This paragraph applies to an order under paragraph 8 or 9.
- (2) Paragraph 4 of Schedule 9 to RTRA 1984 (reserve powers of Secretary of State, including power to recover expenses) applies to the order as it applies to an order made by virtue of paragraph 3 of that Schedule. 25
- (3) Parts 3 and 4 of Schedule 9 to RTRA 1984, and regulations made under paragraph 24 of that Schedule, apply to the order as they apply to an order made by virtue of the relevant paragraph of that Schedule, but as if – 30
- (a) any provision in the regulations relating to the holding of a public inquiry were omitted, and
 - (b) for the purposes of the application of paragraph 28 of that Schedule (provision about the variation or revocation of certain orders) –
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 10(5) of this Schedule, and 35
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 10(5) of this Schedule.
- (4) For the purposes of sub-paragraph (3), “the relevant paragraph” of Schedule 9 to RTRA 1984 is – 40
- (a) in the case of an order under paragraph 8 of this Schedule, paragraph 3 of that Schedule, and
 - (b) in the case of an order under paragraph 9 of this Schedule, paragraph 7 of that Schedule. 45

- (5) Where the Secretary of State makes an order to which this paragraph applies, the relevant authority may not without the Secretary of State's consent make a further traffic regulation order which contains –
- (a) provision varying or revoking the Secretary of State's order, or
 - (b) provision as respects any length of road for any purpose where –
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the Secretary of State's order.
- (6) Paragraph 16 of Schedule 9 to RTRA 1984 (powers of Secretary of State where an order is submitted for consent) applies for the purposes of sub-paragraph (5) as if the further traffic regulation order had been submitted for consent under Part 2 of that Schedule.

Power to restrict traffic authority from making or implementing traffic regulation order

- 11 (1) The Secretary of State may give a direction to a traffic authority prohibiting the authority from making or bringing into operation a traffic regulation order (whenever made) if the Secretary of State considers that such an order could significantly interfere with the use of any road for the purposes of the construction of Phase One of High Speed 2.
- (2) A prohibition imposed by virtue of this paragraph may be expressed –
- (a) so as to have effect generally or for a period specified in the direction;
 - (b) so as to prohibit the making or bringing into operation of a traffic regulation order without the Secretary of State's consent.
- (3) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.

Consultation requirements applicable to Secretary of State

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

Guidance

- 13 (1) The Secretary of State must prepare a statement setting out, in general terms –
- (a) guidance in connection with the duty under paragraph 1(2) (which requires a traffic authority to consult the Secretary of State before making a traffic regulation order), and

- (b) how the Secretary of State proposes to exercise the powers conferred on the Secretary of State by the preceding provisions of this Schedule.
- (2) The Secretary of State may from time to time revise the statement.
- (3) In preparing or revising the statement, the Secretary of State must consult – 5
 - (a) the nominated undertaker, and
 - (b) those traffic authorities which the Secretary of State considers are likely to be subject to the duty under paragraph 1(2) or to be affected by the exercise of the powers mentioned in sub-paragraph (1)(b) (or both). 10

Removal of vehicles

- 14 (1) An authorised person may remove a vehicle, or arrange for its removal, where conditions 1 and 2 are met.
- (2) Condition 1 is that the vehicle has been permitted to remain at rest, or has broken down and remained at rest – 15
 - (a) on any road in contravention of a prohibition or restriction imposed by a traffic regulation order, or
 - (b) on any road which is stopped up under paragraph 2 or 6 of Schedule 4.
- (3) Condition 2 is that it appears to the authorised person that the vehicle is likely, if it is not removed – 20
 - (a) to obstruct the carrying out of any of the works authorised by this Act, or
 - (b) to be at risk of being damaged in consequence of the doing of anything for the purposes of the construction of Phase One of High Speed 2. 25
- (4) References in sub-paragraphs (1) and (3) to the removal of a vehicle are to its removal to another position on the road in question or to another road.
- (5) Before exercising the power under sub-paragraph (1), an authorised person must give notice to – 30
 - (a) the local authority (as defined by section 100(5) of RTRA 1984) in whose area the vehicle is situated, and
 - (b) the chief officer of the police force in whose area the vehicle is situated.
- (6) A person removing a vehicle under or by virtue of sub-paragraph (1) may do so – 35
 - (a) by towing or driving the vehicle, or
 - (b) in such other manner as the person thinks necessary, and may take such measures in relation to the vehicle as the person thinks necessary to enable its removal. 40
- (7) This paragraph is without prejudice to provision made by regulations under section 99 of RTRA 1984.
- (8) In this paragraph – 45
 - “authorised person” means a person authorised by the nominated undertaker for the purposes of this paragraph;

“vehicle” has the same meaning as in section 99 of RTRA 1984.

Interpretation

- 15 In this Schedule –
- “road” has the same meaning as in RTRA 1984 (see section 142(1) of that Act); 5
 - “RTRA 1984” means the Road Traffic Regulation Act 1984;
 - “traffic authority” has the same meaning as in RTRA 1984 (see section 121A of that Act);
 - “traffic regulation order” means an order section 1, 6, 9 or 14 of RTRA 1984. 10

SCHEDULE 26

Section 36

LORRIES

Lorry ban orders

- 1 (1) In this Schedule “lorry ban order” means –
- (a) the Greater London (Restriction of Goods Vehicles) Traffic Order 1985, or 15
 - (b) any other order made at any time under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984 which to any extent imposes –
 - (i) a prohibition or restriction on the use of heavy commercial vehicles, or any class of such vehicles, in an area, zone or place, or on a road, specified in the order, or 20
 - (ii) a requirement that heavy commercial vehicles, or any class of such vehicles, use a specified through route.
- (2) The reference in sub-paragraph (1)(b)(i) to a prohibition or restriction on the use of heavy commercial vehicles on a road does not include a prohibition or restriction on their use on part of the width of a road. 25
- (3) It is immaterial for the purposes of sub-paragraph (1)(b) whether the prohibition, restriction or requirement is subject to exceptions.
- (4) This paragraph applies in relation to a lorry ban order made by the Secretary of State or a strategic highways company only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 30

Required provision in lorry ban orders

- 2 (1) If a lorry ban order referred to in paragraph 1(1)(b) does not contain the required provision, it is to be treated as if it did. 35
- (2) The required provision is provision to the effect that –
- (a) a person proposing to use heavy commercial vehicles in connection with authorised works in a way which would otherwise constitute a breach of the prohibition, restriction or requirement referred to in paragraph 1(1)(b) may apply for the issue of a permit in respect of that use, and 40

- (b) the use authorised by such a permit does not constitute a breach of the prohibition, restriction or requirement.

Issue of emergency permits

- 3 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey – 5
 - (a) proposed to be undertaken in connection with the carrying out of authorised works, and
 - (b) for which a permit under a lorry ban order is required if the prohibition, restriction or requirement is not to be breached.
- (2) The person may apply for a permit under the lorry ban order for the journey by giving the details mentioned in sub-paragraph (3) by telephone or by electronic means to the authority responsible for dealing with permits under the order. 10
- (3) The details referred to above are –
 - (a) the identity of the applicant, 15
 - (b) how the applicant may be contacted by telephone or by electronic means,
 - (c) the registration number of the vehicle to which the application relates,
 - (d) the authorised works in connection with which the journey is to be undertaken, 20
 - (e) whether any approved arrangements are relevant to the application and, if so, what they are,
 - (f) the date when the journey is proposed to be undertaken, and
 - (g) in the case of an order made otherwise than by the Secretary of State or a strategic highways company, whether it is proposed to stop in the relevant area for delivery or collection purposes and, if so, the place or places and time or times at which it is proposed to do so, and 25
 - (h) in the case of an order made by the Secretary of State or a strategic highways company, such details of the place or places and time or times at which it is proposed to stop for delivery or collection purposes as may be set out in conditions attaching to consent given under paragraph 1(4). 30
- (4) In sub-paragraph (3)(g) “relevant area” means –
 - (a) Greater London, if the area, zone, place or road specified in the order is in Greater London, and 35
 - (b) the area of the traffic authority, in any other case.
- 4 (1) An authority responsible for dealing with permits under a lorry ban order must make arrangements enabling applications under paragraph 3 to be made at any time. 40
- (2) Once an application for a permit has been made under paragraph 3, then, for the purpose of any relevant journey, the application is to be treated as granted subject to such conditions as the Secretary of State may by order specify.
- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) if it is begun before the authority to which the application is made has 45

communicated its decision on the application to the applicant by the means specified by the application under paragraph 3(3)(b).

- (4) The power to make an order under sub-paragraph (2) includes –
- (a) power to make different provision for different cases, and
 - (b) power to make an order varying or revoking any order previously made under that provision. 5

Grant of applications for permit

- 5 (1) This paragraph applies where an application for the issue of a permit under a lorry ban order –
- (a) is made under paragraph 3, or 10
 - (b) is otherwise expressed to be made in connection with the carrying out of authorised works.
- (2) The application must be granted if the issue of a permit is reasonably required –
- (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or 15
 - (b) for the purpose of enabling authorised works to be carried out in accordance with approved arrangements.
- (3) If the application is granted, no condition may be imposed which is likely to obstruct the carrying out of authorised works – 20
- (a) in a timely and efficient manner, or
 - (b) in accordance with approved arrangements.
- (4) An applicant aggrieved by a decision under sub-paragraph (2) or (3) may appeal to the Secretary of State by giving notice of the appeal to – 25
- (a) the Secretary of State, and
 - (b) the authority whose decision is appealed against, within 28 days of notification of the decision.
- (5) On an appeal under sub-paragraph (4), the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against. 30
- (6) If, on an appeal under sub-paragraph (4) against a decision under sub-paragraph (3), the Secretary of State varies the decision, the variation has effect from and including the date on which the appeal was constituted or such later date as the Secretary of State may specify.
- (7) The applicant may not challenge a decision under sub-paragraph (3) otherwise than by an appeal under sub-paragraph (4). 35

Supplementary interpretation

- 6 (1) In this Schedule –
- “approved arrangements” means arrangements approved for the purposes of paragraph 6 of Schedule 17; 40
 - “authorised works” means works authorised by this Act;
 - “electronic means” includes e-mail and the internet;
 - “heavy commercial vehicle” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 138 of that Act);

“traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act);

“working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

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- (2) In this Schedule references to the issuing of a permit include the giving of any consent.

SCHEDULE 27

Section 37

NOISE

Control of noise on construction sites 10

- 1 (1) In the Control of Pollution Act 1974, sections 60 (control of noise on construction sites) and 61 (prior consent for work on construction sites) each have effect, in relation to works carried out in exercise of the powers conferred by this Act, as if—

- (a) in subsection (7) (appeal against notice or against failure to give consent or the giving of qualified consent), for “a magistrates’ court” there were substituted “the Secretary of State”, and

- (b) after that subsection there were inserted—

“(7A) If within seven days of the giving of notice of appeal under subsection (7) of this section the appellant and the local authority so agree, the appeal shall, instead of being determined by the Secretary of State, be referred to arbitration.” 20

- (2) The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly may, in relation to appeals which (by virtue of sub-paragraph (1)) are referred to arbitration under section 60(7A) or 61(7A) of the Control of Pollution Act 1974, by regulations make any such provision as may be made by regulations under section 70 of that Act in relation to appeals under Part 3 of that Act to the Secretary of State. 25 30

- (3) Regulations under sub-paragraph (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Defences to proceedings relating to statutory nuisance 35

- 2 In proceedings for an offence under section 80(4) of the Environmental Protection Act 1990 (offence of contravening abatement notice) in respect of a statutory nuisance falling within section 79(1)(g) or (ga) of that Act where the offence consists in contravening requirements imposed by virtue of section 80(1)(a) or (b) of that Act, it is a defence to show that the nuisance—

- (a) is a consequence of—

- (i) the construction or maintenance of the works authorised by this Act, or

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- (ii) the operation of Phase One of High Speed 2, and
(b) cannot reasonably be avoided.
- 3 (1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by person aggrieved by statutory nuisance) in relation to – 5
- (a) a statutory nuisance falling within section 79(1)(g) of that Act (noise emitted from premises), or
- (b) a statutory nuisance falling within section 79(1)(ga) of that Act (noise emitted by vehicle, machinery or equipment in a street),
- no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that sub-paragraph (2) or (3) applies. 10
- (2) This sub-paragraph applies if the nuisance –
- (a) relates to premises or, as the case may be, to a vehicle, machinery or equipment, used by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works, and 15
- (b) is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974.
- (3) This sub-paragraph applies if the nuisance – 20
- (a) is a consequence of –
- (i) the construction or maintenance of the works authorised by this Act, or
- (ii) the operation of Phase One of High Speed 2, and
- (b) cannot reasonably be avoided. 25
- 4 The following provisions of the Control of Pollution Act 1974 –
- (a) 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), and
- (b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded), 30
- do not apply where the consent relates to the use of premises or, as the case may be, of a vehicle, machinery or equipment by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works. 35

SCHEDULE 28

Section 38

LOCAL ACTS

London Squares Preservation Act 1931 (c. xciii)

- 1 (1) Nothing in section 3 of the London Squares Preservation Act 1931 (protection of squares) has effect in relation to anything done for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works. 40
- (2) Nothing in any agreement under section 9 of that Act (agreements between local authority and owner of a protected square) has effect to prohibit,

restrict or impose any condition on the exercise of the powers conferred by this Act with respect to works.

London Overground Wires &c. Act 1933 (c. xlv)

- 2 Nothing in the London Overground Wires &c. Act 1933, or in any byelaw made under that Act, extends or applies to any wires or part of a wire erected or placed, proposed to be erected or placed, or for the time being maintained, by the nominated undertaker in exercise of the powers conferred by this Act. 5

London Building Acts (Amendment) Act 1939 (c. xcvi)

- 3 (1) The following provisions of the London Building Acts (Amendment) Act 1939 do not apply to anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act— 10
- (a) Part 3 (construction of buildings and structures generally),
 - (b) Part 4 (construction of special and temporary buildings and structures), and 15
 - (c) Part 5 (means of escape in case of fire).
- (2) Sub-paragraph (1) does not apply in relation to a building which is a house or a hotel.
- (3) Sub-paragraph (1) does not apply in relation to a building which is used as offices or showrooms unless it forms part of a railway station or other railway facility. 20
- (4) The reference in sub-paragraph (3) to a “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway. 25

West Midlands County Council Act 1980 (c. xi)

- 4 (1) Section 11 of the West Midlands County Council Act 1980 (floodlighting) does not apply to floodlighting provided for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works. 30
- (2) Section 15 of that Act (dust) does not apply to building operations carried out in exercise of the powers conferred by this Act.
- (3) Section 16 of that Act (noise from air-powered tools and compressors) does not apply to equipment used for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works. 35
- (4) Section 21 of that Act (powers of entry for Prevention of Damage by Pests Act 1949) does not apply in relation to any land held by the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (5) Section 46 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 40

(6) Part 7 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.

(7) Section 84 of that Act (works erected etc over watercourses) does not apply to a work (as defined in that section) belonging to the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 5

Staffordshire Act 1983 (c. xviii)

5 (1) Section 7 of the Staffordshire Act 1983 (plans for new streets) does not apply to any work carried out in exercise of the powers conferred by this Act. 10

(2) Section 10(1)(b) of that Act (ornamental or mown land) does not apply to the use of a vehicle which is reasonably necessary –

(a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or 15

(b) for the purposes of the nominated undertaker's undertaking under this Act.

(3) Section 12 of that Act (dust) does not apply to building operations carried out in exercise of the powers conferred by this Act.

(4) Section 16 of that Act (powers of entry for Prevention of Damage by Pests Act 1949) does not apply in relation to any land held by the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 20

(5) Section 26 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 25

(6) Part 7 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 30

Oxfordshire Act 1985 (c. xxxiv)

6 (1) Section 5(2)(a) of the Oxfordshire Act 1985 (grass verges and open spaces) does not apply to the use of a vehicle, or the leaving of a vehicle, which is reasonably necessary – 35

(a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or

(b) for the purposes of the nominated undertaker's undertaking under this Act.

(2) Section 10 of that Act (culverting of ditches) does not apply to anything done in exercise of the powers conferred by this Act with respect to works. 40

Greater London Council (General Powers) Act 1986 (c. iv)

- 7 The following provisions of the Greater London Council (General Powers) Act 1986 do not apply to anything done in exercise of the powers conferred by this Act with respect to works –
- (a) section 5(1) (consent of borough council required for demolition of works under a street), 5
 - (b) section 6(1) (consent of borough council required for works preventing access to premises under a street), and
 - (c) section 7(1) (consent of borough council required for infilling in premises under a street). 10

SCHEDULE 29

Section 42

APPLICATION OF OTHER RAILWAY LEGISLATION ETC

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

- 1 The Highway (Railway Crossings) Act 1839 does not apply to a railway authorised by this Act. 15

Railway Regulation Act 1840 (c. 97)

- 2 (1) In its application to Phase One of High Speed 2, or a train all or part of whose journey is on Phase One of High Speed 2, section 16 of the Railway Regulation Act 1840 (obstruction of officers of railway company or trespass upon railway) has effect as if – 20
- (a) the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 1), and
 - (b) the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding 51 weeks (in the case of an offence committed in England and Wales) or 12 months (in the case of an offence committed in Scotland). 25
- (2) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (1)(b) to 51 weeks is to be read as a reference to one month. 30

Railway Regulation Act 1842 (c. 55)

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

Railways Clauses Consolidation Act 1845 (c. 20) 35

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

	sections 2 to 4, 6, 16, 18, 21, 24, 30, 31, 37 and 38 (so far as relating to section 31), 46, 67 to 70, 73, 86, 97, 103, 105, 140, 142, 144, 145 and 162 to 164.	
(2)	In their application by virtue of sub-paragraph (1) –	
	(a) section 2 has effect with the substitution for “so incorporated as aforesaid” of “incorporated”;	5
	(b) section 6 has effect with the omission of “and to take lands for that purpose”, “taken or” and “for the value of the lands so taken or used, and”;	
	(c) sections 18 and 21 do not apply in any case where the relations between the nominated undertaker and any other person are regulated by sections 84 and 85 of the New Roads and Street Works Act 1991 or Part 2 of Schedule 33 to this Act (protective provisions relating to utility undertakers);	10
	(d) section 46 has effect with the omission of the words from “of the height” to “in that behalf provided”;	15
	(e) section 68 has effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”.	
	<i>Railways Clauses Act 1863 (c. 92)</i>	20
5	(1) Sections 4 and 12 of the Railways Clauses Act 1863 (and section 3 of that Act so far as relating to those sections) are incorporated with this Act, in so far as applicable for the purposes of this Act and not inconsistent with its provisions.	
	(2) In its application by virtue of sub-paragraph (1), section 4 has effect with the omission of –	25
	(a) the words “and subject to the limitations contained in sections eleven, twelve, and fifteen of those Acts respectively,”, and	
	(b) the words from “Provided that nothing” to the end.	
	<i>Regulation of Railways Act 1889 (c. 57)</i>	30
6	In its application to Phase One of High Speed 2, or a train all or part of whose journey is on Phase One of High Speed 2, section 5 of the Regulation of Railways Act 1889 has effect as follows –	
	(a) section 5(1) (failure to produce ticket, pay fare or give name and address) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 2 on the standard scale (instead of level 1);	35
	(b) section 5(2) (power to arrest passenger who fails to produce ticket and refuses to give name and address) has effect as if after “refuses” there were inserted “or fails”;	40
	(c) section 5(3) (travel with intent to avoid payment of fare) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 2).	

British Transport Commission Act 1949 (c xxix)

- 7 (1) Section 55 of the British Transport Commission Act 1949 (penalty for trespass on railways etc) also applies in relation to any railway, siding, tunnel, railway embankment, cutting or similar work constructed in exercise of the powers conferred by this Act. 5
- (2) Section 56 of that Act (penalty for stone throwing etc on railways) also applies in relation to any railway or siding constructed in exercise of the powers conferred by this Act.

North Pole Depot

- 8 (1) Clause 12 of the 1987 North Pole Depot undertaking (restriction on the operation of diesel locomotives on the site) does not apply in relation to— 10
- (a) the western part of the site, or
- (b) the use of any railway or siding on any other part of the site for the purposes of access to, or stabling in connection with, a depot on the western part of the site. 15
- (2) For the purposes of this paragraph—
- “the 1987 North Pole Depot undertaking” means the undertaking of the British Railways Board to the London Borough of Ealing and the London Borough of Hammersmith and Fulham in relation to a proposed North Pole Depot, dated 30 March 1987; 20
- “the site” has the meaning given by clause 1 of the undertaking;
- “the western part of the site” means any part of the site which is situated on land west of Scrubs Lane.

SCHEDULE 30

Section 43(4)

ARBITRATION BETWEEN RAILWAY OPERATORS 25

Directions as to results to be achieved

- 1 (1) This paragraph applies where a difference is referred under section 43(3) to arbitration.
- (2) The parties must notify the Secretary of State of the referral without delay after the commencement of the arbitral proceedings. 30
- (3) The Secretary of State may, on request or otherwise, direct the arbitrator as to results that are to be achieved by the agreement for which terms are to be determined by the arbitration.
- (4) A direction under this paragraph may be made even though the making of the direction affects the outcome of proceedings to which the Secretary of State, or a body in which the Secretary of State has an interest, is a party. 35
- (5) A request for a direction under this paragraph may be made by the arbitrator (as well as by a party).
- (6) For the purpose of determining whether or not the arbitrator has to comply with a direction under this paragraph, the rule is that the arbitrator must 40

comply with the direction in determining terms of the agreement if the direction –

- (a) is relevant to the determination of those terms, and
- (b) is given to the arbitrator before the award determining those terms is made.

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- (7) For the purpose of determining what the arbitrator has to do to comply with a direction under this paragraph, the rule is that the arbitrator must carry out the function of determining terms of the agreement so as to secure, so far as is reasonably practicable, that the results concerned are achieved by the agreement.

10

Directions as to consolidation and grouping of proceedings

- 2 (1) The Secretary of State may, on request or otherwise, direct –
- (a) that a group of proceedings is to be consolidated, or
 - (b) that concurrent hearings are to be held in a group of proceedings.

- (2) In sub-paragraph (1) “group of proceedings” means a group consisting of –
- (a) section 43(3) proceedings, and
 - (b) any one or more of the following –

15

- (i) other section 43(3) proceedings,
- (ii) arbitral proceedings related to the proceedings mentioned in paragraph (a), and
- (iii) arbitral proceedings related to section 43(3) proceedings that are to be consolidated with the proceedings mentioned in paragraph (a).

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- (3) A request for a direction under this paragraph may be made by the arbitrator or any of the arbitrators (as well as by a party).

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- (4) A direction under this paragraph must specify the terms on which the proceedings are to be consolidated or on which concurrent hearings are to be held.

- (5) Where a direction under this paragraph provides for the consolidation of proceedings that do not all have the same arbitrator, the terms that may be specified in the direction include (in particular) –

30

- (a) terms specifying the person who is to be the arbitrator in the consolidated proceedings;
- (b) terms under which that person is to be determined.

- (6) For the purposes of this section –
- (a) “section 43(3) proceedings” means proceedings on arbitration of a difference referred under section 43(3), and

35

- (b) arbitral proceedings are “related” to section 43(3) proceedings if –
 - (i) the arbitral proceedings are not section 43(3) proceedings,
 - (ii) at least one of the parties to the arbitral proceedings is also a party to the section 43(3) proceedings, and
 - (iii) the Secretary of State considers that the subject-matter of the arbitral proceedings is connected with the subject-matter of the section 43(3) proceedings.

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SCHEDULE 31

Section 46

TRANSFER SCHEMES: FURTHER PROVISION

Property, rights and liabilities

- 1 (1) The property, rights and liabilities that may be the subject of a transfer scheme include in particular – 5
- (a) rights and liabilities relating to contracts of employment;
 - (b) property, rights and liabilities that would not otherwise be capable of being transferred or assigned by the transferor;
 - (c) property acquired after the making of the scheme and rights and liabilities arising after the making of the scheme; 10
 - (d) rights and liabilities under an enactment.
- (2) A transfer scheme may –
- (a) create rights or interests in relation to property for whose transfer the scheme provides or property retained by the transferor;
 - (b) create rights and liabilities as between the transferor and a transferee or as between different transferees. 15
- (3) A transfer scheme may contain provision about enforcement, by or against any one or more of the transferor and the transferee or transferees, of a right or liability for whose transfer or creation the scheme provides.
- (4) A transfer scheme may define the property, rights and liabilities to be transferred or property to be retained by the transferor – 20
- (a) by specifying it or them;
 - (b) by describing it or them.
- (5) A description of property, rights or liabilities may be framed in particular –
- (a) by reference to the transferor’s undertaking; 25
 - (b) by reference to a specified part of that undertaking.
- 2 The power under section 46 to make a scheme for the transfer of any property from one person (A) to another (B) may be exercised instead so as to make a scheme for the creation by A in favour of B of an interest in or right in relation to the property. 30

Transfer of employees and continuity of employment

- 3 (1) This paragraph applies where rights, powers, duties and liabilities relating to a person’s contract of employment are transferred in accordance with a transfer scheme.
- (2) The transfer does not break the continuity of the person’s employment, and accordingly – 35
- (a) the person is not to be regarded for the purposes of Part 11 of the Employment Rights Act 1996 (redundancy) as having been dismissed by virtue of the transfer, and
 - (b) the person’s period of employment with the transferor counts, for the purposes of that Act, as a period of employment with the transferee. 40
- 4 (1) This paragraph applies where –

-
- (a) a transfer scheme provides for the transfer of rights, powers, duties and liabilities relating to a person's contract of employment, but
- (b) before the transfer takes effect, the person informs the transferor or transferee that the person objects to the transfer.
- (2) Those rights, powers, duties and liabilities are not transferred to the transferee. 5
- (3) The person's contract of employment is terminated immediately before the day on which the transfer would have occurred.
- (4) The person is not, for any purpose, to be regarded as having been dismissed.
- (5) Nothing in this paragraph affects the person's right to terminate the contract of employment if, apart from the change of employer, a substantial change is made to the person's detriment in his or her working conditions. 10
- 5 (1) If a transfer scheme provides for the transfer of rights, powers, duties and liabilities relating to a person's contract of employment, it may include provision with respect to the person's eligibility to become a member of a pension scheme by virtue of employment with the transferee. 15
- (2) The transfer scheme may include provision with respect to rights of, or rights or liabilities in respect of, the person under –
- (a) a pension scheme of which the person may become a member by virtue of employment with the transferee, or 20
- (b) a pension scheme of which the person is a member by virtue of employment immediately before the transfer.
- 6 Where a person holds employment in the civil service of the State on terms which do not constitute a contract of employment –
- (a) the person is to be treated for the purposes of this Schedule as employed under a contract of employment, 25
- (b) the terms of the employment in the civil service of the State are to be treated for those purposes as the terms of that contract, and
- (c) the reference in paragraph 4 to dismissal is to be read as a reference to termination of the employment in the civil service of the State. 30
- Provision for contraventions etc to be treated as not occurring*
- 7 (1) A transfer scheme may provide for a transfer to take effect as if there were no contravention or liability, or interference with any interest or right, that there would otherwise be as a result of a provision which has effect (whether under an enactment or agreement or otherwise) in relation to – 35
- (a) the terms on which the transferor is entitled to the property or right for whose transfer the scheme provides, or
- (b) the terms on which the transferor is subject to the liability for whose transfer the scheme provides.
- (2) A transfer scheme may provide for the creation of an interest in or right in relation to property to take effect as if there were no contravention or liability, or interference with any interest or right, that there would otherwise be as a result of a provision which has effect (whether under an enactment or agreement or otherwise) in relation to –
- (a) the terms on which the transferor is entitled to the property, or 45

- (b) the terms on which a subsidiary of the transferor is entitled or subject to anything immediately before the creation of the interest or right takes effect.
- 8 (1) This paragraph applies where a transfer scheme provides for the transfer of shares in a subsidiary of the transferor. 5
- (2) The scheme may provide for the transfer to take effect as if there were no contravention or liability, or interference with any right or interest, that there would otherwise be as a result of a provision which has effect (whether under an enactment or agreement or otherwise) in relation to the terms on which the subsidiary is entitled or subject to anything immediately before the transfer takes effect. 10

Power to modify interests, rights and liabilities of third parties

- 9 (1) A transfer scheme may modify interests, rights or liabilities of third parties in relation to anything to which the scheme relates.
- (2) In sub-paragraph (1), “third party”, in relation to a scheme, means a person other than the transferor or a transferee. 15
- 10 (1) Where a person would (apart from this paragraph) have a qualifying entitlement in consequence of –
 - (a) property, rights or liabilities having been, or being likely to be, transferred under a transfer scheme, 20
 - (b) interests, rights or liabilities having been, or being likely to be, created under a transfer scheme, or
 - (c) anything else having been done, or being likely to be done, by or under a transfer scheme,that entitlement is enforceable, in consequence of the circumstances mentioned in paragraph (a), (b) or (c), only to the extent specified in the scheme. 25
- (2) In this paragraph, “qualifying entitlement”, in relation to a transfer scheme, means an entitlement –
 - (a) to terminate, modify, acquire or claim an interest or right to which the transferor, or a subsidiary of the transferor, is entitled or subject, or 30
 - (b) to treat an interest or right to which the transferor, or a subsidiary of the transferor, is entitled or subject as modified or terminated.

Obligations to enter into agreements or execute instruments 35

- 11 (1) A transfer scheme may contain provision for imposing, on the transferor or a transferee, obligations –
 - (a) to enter into agreements with persons specified in the scheme, or
 - (b) to execute instruments in favour of persons specified in the scheme.
- (2) Any person may be specified by virtue of sub-paragraph (1)(a) or (b) (including the transferor or a transferee). 40
- (3) Where a scheme contains provision for imposing an obligation of the kind mentioned in sub-paragraph (1) –
 - (a) the scheme must specify or describe the agreement or instrument to which the obligation relates, and 45

- (b) the obligation may be enforced in any authorised way by the person –
 - (i) with whom the agreement is to be entered into, or
 - (ii) in favour of whom the instrument is to be executed.
- (4) In sub-paragraph (3)(b), “enforced in any authorised way” means enforced –
 - (a) in civil proceedings for an injunction,
 - (b) in civil proceedings for any other appropriate remedy or relief, or
 - (c) in any other way authorised by the scheme.
- (5) The scheme may provide that sub-paragraph (4)(a) or (b) –
 - (a) does not apply in relation to the obligation, or
 - (b) applies in relation to the obligation subject to restrictions imposed by the scheme.

Supplementary provisions of schemes

- 12 (1) A transfer scheme may include consequential, supplementary, incidental, and transitional provision. 15
- (2) That includes, in particular, provision –
 - (a) saving the effect of things done by or in relation to the transferor,
 - (b) for a transferee to be treated as the same person in law as the transferor, 20
 - (c) for things done by or in relation to the transferor to be treated as done by or in relation to a transferee,
 - (d) for things (including legal proceedings) being done by or in relation to the transferor to be continued by or in relation to a transferee, and
 - (e) for references in a document (other than in an enactment) to the transferor, or to an employee or office-holder of the transferor, to have effect with modifications specified in the scheme. 25

Effect of scheme

- 13 (1) At the time appointed for the purpose by a transfer scheme, property, rights and liabilities for whose transfer the scheme provides are transferred in accordance with the scheme. 30
- (2) A scheme may appoint different times for the transfer of different things.
- (3) References in this paragraph to the transfer of property, rights and liabilities include references to the creation of interests, rights or liabilities under paragraph 1 or 2 (and “transferred”, in relation to property, rights or liabilities, is to be read accordingly). 35

Modification of scheme by agreement

- 14 (1) Where the transferor, and the transferee or transferees, under a transfer scheme so agree, the scheme is to be treated for all purposes as having been made with such modifications as may be agreed. 40
- (2) Sub-paragraph (1) does not apply in the case of an agreement relating to rights and liabilities under a contract of employment unless the employee is a party to the agreement.

- (3) Sub-paragraph (1) does not apply in the case of an agreement that adversely affects the property or rights of a person other than the transferor or a transferee unless that person is a party to the agreement.
- (4) An agreement under sub-paragraph (1) may make –
 - (a) any provision that could have been contained in the scheme, and
 - (b) consequential, supplementary, incidental or transitional provision in connection with giving effect to any such provision.
- (5) Provision under sub-paragraph (4) may be made so as to have effect from when the scheme was made (or any later time).

Provision of information to person making scheme 10

- 15 (1) Where the Secretary of State proposes to make a transfer scheme, the Secretary of State may direct –
 - (a) a proposed transferor,
 - (b) a proposed transferee, or
 - (c) High Speed Two (HS2) Limited,to provide the Secretary of State with such information as the Secretary of State considers necessary to enable the scheme to be made. 15
- (2) A direction under sub-paragraph (1) must specify the period (of not less than 28 days beginning with the day when the direction is given) within which the information is to be provided. 20
- (3) If a person fails to comply with the direction, the Secretary of State may give the person a notice requiring the person –
 - (a) to produce to the Secretary of State, at a time and place specified in the notice, any documents which are specified or described in the notice and are in the person’s custody or control, or
 - (b) to provide to the Secretary of State, at a time and place and in the form and manner specified in the notice, such information as may be specified or described in the notice. 25
- (4) No person may be required under sub-paragraph (3) –
 - (a) to produce a document which the person could not be compelled to produce in civil proceedings in the High Court, or
 - (b) to provide information which the person could not be compelled to give in evidence in such proceedings. 30
- (5) If a person fails to comply with a notice under sub-paragraph (3), the High Court may, on the application of the Secretary of State, make such order as the court thinks fit for requiring the failure to be made good. 35
- (6) Any order under sub-paragraph (5) may include provision requiring all the costs and expenses of and incidental to the application to be borne by one or more of –
 - (a) the person in default, and
 - (b) any officers of a body corporate or other association who are responsible for its default. 40
- (7) In this paragraph, a reference to producing a document includes a reference to producing a legible and intelligible copy of information recorded otherwise than in legible form. 45

Agreements relating to schemes

- 16 The Secretary of State may by agreement fetter the exercise of his or her discretion relating to his or her powers under this Schedule.

Power to make provision about tax consequences of schemes

- 17 (1) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to –
- (a) any property, rights or liabilities transferred in accordance with a transfer scheme, or
 - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with a transfer scheme.
- (2) The provision that may be made under sub-paragraph (1)(a) includes, in particular, provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
 - (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.
- (3) The provision that may be made under sub-paragraph (1)(b) includes, in particular, provision for –
- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
 - (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or to be treated in a specified way;
 - (c) the Secretary of State to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, or in consequence of, the transfer.
- (4) Regulations under this paragraph may make –
- (a) supplementary, incidental or consequential provision;
 - (b) different provision for different purposes.
- (5) In this paragraph –
- (a) “relevant tax” means income tax, corporation tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax;
 - (b) “tax provision” means a provision of an enactment about a relevant tax.
- (6) References in this paragraph to the transfer of property, rights or liabilities, in accordance with a transfer scheme include references to –
- (a) the creation of interests, rights or liabilities under paragraph 1, 2 or 11, and

- (b) the modification of interests, rights or liabilities under paragraph 9, (and “transferred”, in relation to property, rights or liabilities, is to be read accordingly).
- (7) Regulations under this paragraph must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of the House of Commons. 5

Interpretation

- 18 (1) In this Schedule –
- “enactment”, except in paragraph 17, includes a Scottish enactment (as well as the instruments and provisions specified in the definition in section 68(1)); 10
 - “Scottish enactment” means an Act of the Scottish Parliament or an instrument made under such an Act (or a provision of such an Act or instrument);
 - “subsidiary” has the meaning given by section 1159 of the Companies Act 2006; 15
 - “transfer scheme” means a scheme under section 46;
 - “transferee”, in relation to a transfer scheme, means a person who is a transferee in respect of property, rights or liabilities for whose transfer the scheme provides (or the person in whose favour any interest or right is created under paragraph 2); 20
 - “transferor”, in relation to a transfer scheme, means the person for the transfer of whose property, rights or liabilities the scheme provides (or the person by whom any interest or right is created under paragraph 2). 25
- (2) References in this Schedule to a right or entitlement include references to an entitlement to exercise a right (and references to a right’s arising include references to its becoming exercisable).

SCHEDULE 32

Section 47

EXTENSION OF PLANNING PERMISSION FOR STATUTORY UNDERTAKERS 30

Case where planning permission extended

- 1 (1) Article 3(10) of the General Permitted Development Order (which excepts development requiring an environmental assessment from the general planning permission granted by that Order) does not apply to development which – 35
- (a) falls within a class of development described as permitted development in a provision of Schedule 2 to that Order that is listed in sub-paragraph (2), and
 - (b) is covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill. 40
- (2) The provisions of Schedule 2 to the General Permitted Development Order that are referred to in sub-paragraph (1)(a) are –
- in Part 8, classes A, B, C, D and E;

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

Condition of extended planning permission

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

Controls on proposed development

- 3 (1) Where –
- (a) it appears to the Secretary of State that a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a), and 30
- (b) the Secretary of State is of the opinion that the proposed development is not covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill, the Secretary of State may give notice of that opinion to the proposed developer. 35
- (2) The power conferred under sub-paragraph (1) includes power, exercisable in the same manner, to withdraw a notice under that sub-paragraph.
- (3) Where a notice under sub-paragraph (1) has been given (and not withdrawn), paragraph 1 is to be treated as not applying to the carrying out of the development by the proposed developer. 40
- 4 (1) Where it appears to the Secretary of State that –
- (a) a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a),

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

Notices

- 5 (1) A notice under this Schedule must – 15
- (a) specify the person to whom it is given,
 - (b) specify the development to which it relates,
 - (c) explain the reasons for it, and
 - (d) in the case of a notice under paragraph 3, explain its effect.
- (2) The Secretary of State must, when giving a notice under this Schedule, give a copy to the unitary authority or, in a non-unitary area, the district council in whose area the development is or is to be carried out. 20
- (3) But where –
- (a) the unitary authority for the purposes of sub-paragraph (2) is a London borough council, and
 - (b) as a result of a Localism Act TCPA order a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for the area where the development is or is to be carried out, 25
- the Secretary of State must give a copy of the notice to the Mayoral development corporation instead of the London borough council. 30

Mayoral development corporations: regulations

- 6 (1) The Secretary of State may make regulations modifying the operation of this Schedule –
- (a) in consequence of an order under section 198(2) of the Localism Act 2011 giving effect to a decision under section 204(2) of that Act (decision removing or restricting planning functions), or 35
 - (b) to make transitional provision relating to –
 - (i) an order mentioned in paragraph (a),
 - (ii) a Localism Act TCPA order, or
 - (iii) an order under section 217 of the Localism Act 2011 (order dissolving Mayoral development corporation). 40
- (2) Regulations under this paragraph –
- (a) must be made by statutory instrument;
 - (b) may make different provision for different purposes.

- (3) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 33

Section 48

PROTECTIVE PROVISIONS

5

PART 1

HIGHWAYS AND TRAFFIC

- | | | |
|---|--|----|
| 1 | <p>(1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the highway authority concerned.</p> <p>(2) In this Part—
 “plans” includes sections and specifications;
 “property of the highway authority” means any apparatus of the highway authority affixed to or placed under any highway.</p> <p>(3) Part 3 of the New Roads and Street Works Act 1991 does not apply in relation to any matter which is regulated by this Part.</p> | 10 |
| 2 | <p>Wherever in this Part provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and subject to such reasonable terms and conditions as the highway authority may require, but must not be unreasonably withheld.</p> | 20 |
| 3 | <p>In exercising the powers conferred by this Act in relation to any highway the nominated undertaker must—</p> <p>(a) have regard to the potential disruption of traffic which may be caused, and</p> <p>(b) seek to minimise such disruption so far as is reasonably practicable.</p> | 25 |
| 4 | <p>(1) This paragraph applies to the construction of any tunnel, subway or other structure authorised by this Act under and within 8 metres of the surface of any highway which comprises a carriageway.</p> <p>(2) The nominated undertaker must not, without the consent of the highway authority, carry out works to which this paragraph applies except in accordance with plans submitted to, and approved by, the highway authority.</p> <p>(3) If, within 28 days after such plans have been submitted, the highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted.</p> <p>(4) This paragraph does not apply to street works within the meaning of Part 3 of the New Roads and Street Works Act 1991.</p> | 30 |
| 5 | <p>In the construction of any part of the works to which paragraph 4 applies under a highway no part of it may, except with the consent of the highway authority, be so constructed as to—</p> | 40 |

- (a) interfere with the provision of proper means of drainage of the surface of the highway, or
 - (b) be nearer than two metres to the surface of the highway.
- 6 (1) The provisions of this paragraph have effect in relation to, and in relation to the construction of, any new bridge, or any extension or alteration of an existing bridge, which carries—
 - (a) any part of the works authorised by this Act over a highway, or
 - (b) a highway over any part of those works.Any such new bridge, or (as the case may be) any bridge so extended or altered, is referred to in this paragraph as “the bridge”.
 - (2) Before commencing the construction of, or the carrying out of any work in connection with, the bridge which involves interference with a highway, the nominated undertaker must submit to the highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating to the work, and the bridge must not be constructed and the works must not be carried out except in accordance with the plans submitted to, and approved by, the highway authority.
 - (3) If, within 28 days after the plans have been submitted, the highway authority has not approved or disapproved them, it is to be deemed to have approved the plans as submitted.
 - (4) If the bridge carries any part of the works authorised by this Act over any highway—
 - (a) it must be constructed in such manner as to prevent so far as may be reasonably practicable the dripping of water from the bridge, and
 - (b) the highway authority may, at the cost of the nominated undertaker, provide and place such lamps and apparatus as may from time to time be reasonably necessary for efficiently lighting any highway under or in the vicinity of the bridge.
- 7 The nominated undertaker must—
 - (a) secure that so much of the works authorised by this Act as is constructed under any highway must be so designed, constructed and maintained as to carry the appropriate loading recommended for highway bridges by the Secretary of State at the time of construction of the works, and
 - (b) indemnify the highway authority against, and make good to the highway authority, the expenses which the highway authority may reasonably incur in the maintenance or repair of any highway, or any tunnels, sewers, drains or apparatus in the highway, by reason of non-compliance with the provisions of this paragraph.
- 8 (1) Any officer of the highway authority duly appointed for the purpose may at all reasonable times, on giving to the nominated undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the works authorised by this Act which—
 - (a) is in, over or under any highway, or
 - (b) which may affect any highway or any property of the highway authority,during the carrying out of the works.
 - (2) The nominated undertaker must give to such officer all reasonable facilities for such inspection and, if the officer is of the opinion that the construction

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- of the work is attended with danger to any highway or to any property of the highway authority on or under any highway, the nominated undertaker must adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway. 5
- 9 (1) The nominated undertaker must not alter, disturb or in any way interfere with any property of the highway authority on or under any highway, or the access to that property, without the consent of the highway authority.
- (2) Any alteration, diversion, replacement or reconstruction of any such property which may be necessary must be made by the highway authority or the nominated undertaker as the highway authority thinks fit, and the expense reasonably incurred by the highway authority in so doing must be repaid to the highway authority by the nominated undertaker. 10
- (3) If, within 28 days after a request for consent has been submitted, the highway authority has not given or refused such consent, it is to be deemed to have consented to the request as submitted. 15
- 10 The nominated undertaker must not remove any soil or material from any highway except so much as is excavated in the carrying out of the works authorised by this Act.
- 11 (1) If the highway authority, after giving to the nominated undertaker not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any additional expense in consequence of the construction of the works authorised by this Act – 20
- (a) in the signposting of traffic diversions,
- (b) in the taking of other measures in relation to those diversions, or 25
- (c) in the repair of any highway by reason of the diversion of traffic from a road of a higher standard,
- the nominated undertaker must repay to the highway authority the amount of any such expense reasonably so incurred.
- (2) Sub-paragraph (3) applies in respect of an amount which, but for that sub-paragraph, would be payable to the highway authority by virtue of sub-paragraph (1) in respect of the repair of any highway. 30
- (3) If the highway fell or would have fallen due for repair as part of the maintenance programme of the highway authority at any time within ten years of the repair being carried out by the nominated undertaker, so as to confer on the highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the highway authority is liable or by deferment of the time for such work in the ordinary course), the amount payable to the highway authority must be reduced by the amount which represents that benefit. 35 40
- 12 The nominated undertaker must not, except with the consent of the highway authority –
- (a) deposit any soil or material, or store any plant, in or over a highway to which the public continues to have access so as to obstruct or render less safe the use of the highway, 45
- (b) deposit any soils or materials on any such highway outside a hoarding,
- (c) erect or retain on or over such a highway any scaffolding or other structure which obstructs the highway unless the structure

- comprises screening which has been approved under Schedule 17 (planning conditions),
but if within 28 days after request for it any such consent is neither given nor refused it is to be deemed to have been given.
- 13 The nominated undertaker must, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the nominated undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Act, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway. 5
10
- 14 (1) Where any part of any highway has been broken up or disturbed by the nominated undertaker and not permanently stopped up or diverted, the nominated undertaker must— 15
(a) make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and
(b) maintain the same to the reasonable satisfaction of the highway authority for such time as may reasonably be required for the permanent reinstatement of the highway. 20
- (2) The reinstatement of that part of the highway must be carried out by the nominated undertaker to the reasonable satisfaction of the highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the New Roads and Street Works Act 1991. 25
- 15 (1) This paragraph applies where damage to any highway or property of the highway authority on or under any highway is caused by, or results from—
(a) the construction of any work authorised by this Act, or
(b) any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon such work. 30
- (2) In the case of damage to a highway, the nominated undertaker may make good such damage to the reasonable satisfaction of the highway authority.
- (3) The nominated undertaker must pay compensation to the highway authority— 35
(a) in a case where the nominated undertaker does not make good such damage to a highway;
(b) in the case of damage to property of the highway authority.
- 16 The fact that any act or thing may have been done in accordance with plans approved by the highway authority must not (if it was not attributable to the act, neglect or default of the highway authority or of any person in its employ or its contractors or agents) exonerate the nominated undertaker from any liability, or affect any claim for damages, under this Part or otherwise. 40
- 17 (1) Any dispute arising between the nominated undertaker and the highway authority under this Part is to be determined by arbitration if— 45
(a) the parties agree, or
(b) the dispute relates to the amount of any sum payable under this Part,

but must otherwise be determined by a person appointed by the Secretary of State.

- (2) Any person appointed by the Secretary of State under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the Secretary of State on making the appointment. 5

PART 2

ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

- 18 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and the undertakers concerned. 10
- (2) In this Part—
- “alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their functions as effectively as is achievable using the apparatus which the alternative apparatus is to replace; 15
- “apparatus” means—
- (a) in the case of electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989) belonging to, or maintained by, such undertakers; 20
- (b) in the case of gas undertakers, mains, pipes or other apparatus belonging to, or maintained by, a gas transporter for the purposes of the conveyance or storage of gas;
- (c) in the case of water undertakers—
- (i) mains, pipes or other apparatus belonging to, or maintained by, such undertakers for the purposes of water supply; and 25
- (ii) any water mains or service pipes (or part of a water main or service pipe) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991; 30
- (d) in the case of sewerage undertakers—
- (i) any sewer, drain or works vested in a sewerage undertaker under the Water Industry Act 1991 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 work; and 35
- (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; 40
- and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; 45
- “construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation;
- “functions” includes powers and duties;

- “in” in a context referring to apparatus in land includes under, over, across, along or upon land;
- “plans” includes sections and method statements;
- “removed” and “removal” in a context referring to the removal of apparatus includes the disconnection and abandonment of apparatus where the retention of decommissioned apparatus would not affect the construction and use of the works authorised by this Act; 5
- “service obligations” means any service obligation imposed on the undertakers by or under the enactments authorising them to carry on their respective undertakings; 10
- “undertakers” means any of the following, namely, a licence holder within the meaning of Part 1 of the Electricity Act 1989, a gas transporter within the meaning of Part 1 of the Gas Act 1986, a water undertaker within the meaning of the Water Industry Act 1991, a sewerage undertaker within Part 1 of that Act and any local authority which is a relevant authority for the purposes of section 97 of that Act; and, in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained. 15
- (3) Except in paragraphs 26(3) and 27, the provisions of this Part are not to apply to any apparatus in respect of which the relations between the nominated undertaker and the undertakers are regulated by the provisions of Part 3 of the New Roads and Street Works Act 1991. 20
- (4) The exercise of the powers under paragraphs 2 to 6 of Schedule 2 in relation to apparatus to which this Part applies is subject to paragraph 25 of this Part, and paragraphs 28 and 29 of this Part apply instead of paragraph 14 of Schedule 2 in relation to the exercise of those powers. 25
- 19 (1) The following provisions of this paragraph have effect in any case where the Secretary of State or the nominated undertaker, in exercise of the powers of this Act, acquires any interest in or temporarily occupies any land in which apparatus is placed. 30
- (2) Unless a certificate is issued by the appropriate Ministers under subparagraph (3) the apparatus must not be removed under this Part, and any right of the undertakers to maintain, repair, renew, adjust, alter or inspect the apparatus in that land is not to be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers. 35
- (3) Where the appropriate Ministers certify in relation to any apparatus that—
- (a) failure to remove the apparatus would cause undue delay to the construction of the scheduled works, and 40
- (b) the removal of the apparatus before the provision of alternative apparatus in accordance with this paragraph would not substantially prejudice the ability of the undertakers to meet any relevant service obligations,
- that apparatus may be removed (or required by the nominated undertaker to be removed) under this Part before any necessary alternative apparatus has been constructed or is in operation to the reasonable satisfaction of the undertakers. 45
- (4) In this paragraph “appropriate Ministers” means the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, 50

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- Food and Rural Affairs or the Secretary of State for Business, Energy and Industrial Strategy.
- 20 (1) This paragraph applies where –
- (a) the nominated undertaker for the purpose of constructing any work authorised by this Act in, on or under any land, requires the removal of any apparatus placed in that land, and gives the undertakers not less than 28 days' written notice of that requirement, together with a plan of the proposed work, and of the proposed position of the alternative apparatus to be provided or constructed, or 5
 - (b) in consequence of the exercise of any of the powers of this Act, the undertakers reasonably require to remove any apparatus. 10
- (2) Where it is reasonably practicable to do so, the nominated undertaker or the Secretary of State must afford the undertakers the requisite facilities and rights for the construction of any necessary alternative apparatus in other land which is available for the purpose and which is held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which either of them has sufficient rights or interests and subsequently for the maintenance, repair, renewal and inspection of such apparatus. 15
- (3) Sub-paragraph (4) applies where facilities and rights required for the construction of apparatus under sub-paragraph (2) are to be afforded elsewhere than in such other land and neither the nominated undertaker nor the Secretary of State is able to afford such facilities and rights. 20
- (4) The undertakers must, on receipt of a written notice from the nominated undertaker that this sub-paragraph applies, as soon as reasonably possible use their best endeavours to obtain the necessary facilities and rights; and neither the nominated undertaker nor the Secretary of State is obliged to provide such facilities and rights in the other land. 25
- 21 (1) Any alternative apparatus to be constructed by the undertakers in pursuance of paragraph 20 in land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which the undertakers have obtained the necessary facilities and rights, must be constructed in such manner, and in such line or situation and in accordance with such programme, as is – 30
- (a) agreed between the undertakers and the nominated undertaker with a view to securing, among other things, the efficient implementation of the necessary work, the avoidance of unnecessary delay and the continued fulfilment by the undertakers of their service obligations to a standard no less than that achieved prior to the removal of the apparatus which the alternative apparatus replaces, or 35
 - (b) in default of agreement, determined in accordance with paragraph 31. 40
- (2) If the undertakers fail to comply with an agreement made under sub-paragraph (1), or with a determination under paragraph 31, they must compensate the nominated undertaker in respect of any loss or damage directly resulting from the failure, other than loss or damage arising from matters outside the reasonable control of the undertakers or loss of, or arising from delayed receipt of, operating revenue due to delayed opening of Phase One of High Speed 2. 45
- 22 (1) This paragraph applies where – 50

- (a) the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or determined as provided under paragraph 21, and
 - (b) any such facilities and rights as are referred to in paragraph 20 have been granted to or obtained by the undertakers, or an undertaking has been given that such facilities or rights will be granted. 5
- (2) The undertakers must proceed with all reasonable despatch to—
 - (a) construct and bring into operation the alternative apparatus, and
 - (b) remove any apparatus required by the nominated undertaker to be removed under the provisions of this Part. 10
- (3) If the undertakers fail to comply with sub-paragraph (2)(b), the nominated undertaker may remove the apparatus.
- (4) Following the removal of apparatus under the provisions of this Part, or its abandonment, any rights of the undertakers relating to that apparatus in or over the land in which it was or is situated are extinguished and all responsibility of the undertakers for any apparatus which is abandoned is to cease. 15
- 23 (1) This paragraph applies where the nominated undertaker gives notice to the undertakers that it desires to carry out any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as is or will be situated in any lands—
 - (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
 - (b) held by the Secretary of State. 25
- (2) Such work, instead of being carried out by the undertakers, must be carried out by the nominated undertaker—
 - (a) in accordance with plans and specifications and in a position agreed between the undertakers and the nominated undertaker, or, in default of agreement, determined in accordance with paragraph 31, and
 - (b) with all reasonable despatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers. 30
- (3) Nothing in this paragraph authorises the nominated undertaker to carry out any connection to or disconnection of any existing apparatus or to carry out any works associated with a connection or disconnection within 600 millimetres of the point of connection or disconnection. 35
- 24 (1) This paragraph applies where, in accordance with the provisions of this Part, the nominated undertaker or the Secretary of State affords to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land—
 - (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
 - (b) held by the Secretary of State. 40
- (2) Those facilities and rights must be granted upon such terms and conditions as may be—
 - (a) agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the undertakers, or 45

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- (b) in default of agreement, determined in accordance with paragraph 31.
- (3) In determining such terms and conditions in respect of alternative apparatus, a person making a determination under paragraph 31 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (4); and must— 5
- (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the works authorised by this Act and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the nominated undertaker or the use of the same, and 10
- (b) have regard to the undertakers’ ability to fulfil their service obligations.
- (4) For the purposes of determining the matters under sub-paragraph (3) the appropriate Ministers must consult the undertakers to which paragraph 24 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after this Act comes into force must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions. 15 20
- (5) The independent person making a determination under sub-paragraph (4) is to be appointed by the President of the Royal Institution of Chartered Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (3)(a) and (b). 25
- (6) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the undertakers in respect of the difference as is reasonable having regard to all the circumstances of the case. 30
- (7) In this paragraph “the appropriate Ministers” means the Secretary of State for Transport acting jointly with the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Business, Energy and Industrial Strategy. 35
- 25 (1) Not less than 28 days before commencing to construct any work authorised by this Act which is near to, or will or may affect, any apparatus the removal of which has not been required by the nominated undertaker under paragraph 20, the nominated undertaker must submit to the undertakers a plan and description of the work and of any protective measures which the nominated undertaker proposes to take in respect of that apparatus, together with a specification of such measures where appropriate. 40
- (2) The work must be constructed only in accordance with the plan and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access to the apparatus, and the undertakers are to be entitled by their officer to watch and inspect the construction of the work. 45 50

- (3) If the undertakers within 14 days after the submission to them of any such plan and description, in consequence of the works proposed by the nominated undertaker, reasonably require the removal of any apparatus and give written notice to the nominated undertaker of that requirement, this Part has effect as if the removal of such apparatus had been required by the nominated undertaker under paragraph 20. 5
- (4) Nothing in sub-paragraphs (1) to (3) precludes the nominated undertaker from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of the work, a new plan and description of it in lieu of the plan and description previously submitted, and having done so the provisions of those sub-paragraphs apply to and in respect of the new plan and description. 10
- (5) The nominated undertaker is not required to comply with sub-paragraphs (1) to (3) in a case of emergency but in such a case it must give notice to the undertakers as soon as reasonably practicable and a plan and description of those works as soon as reasonably practicable subsequently, and must comply with those sub-paragraphs so far as reasonably practicable in the circumstances. 15
- 26 (1) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the nominated undertaker must, so far as reasonably practicable, provide alternative means of access to such apparatus which is no less convenient than the access enjoyed by the undertakers prior to the obstruction. 20
- (2) The nominated undertaker must, so far as is reasonably practicable, so exercise its powers under paragraphs 2 to 6 of Schedule 2 as not to obstruct or render less convenient the access to any apparatus. 25
- (3) Notwithstanding the temporary stopping up or diversion of any highway under paragraph 6 of Schedule 4, the undertakers may do all such works and things in any such highway as may be reasonably necessary to enable them to inspect, repair, maintain, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that highway. 30
- 27 Where, in consequence of this Act, any part of any highway in which any apparatus is situate ceases to be part of a highway, the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph is to affect any right of the nominated undertaker or of the undertakers to require removal of that apparatus under this Part or the power of the nominated undertaker to construct works in accordance with paragraph 25. 35
- 28 (1) Subject to the following provisions of this paragraph, the nominated undertaker must repay to the undertakers the reasonable expenses incurred by the undertakers in, or in connection with— 40
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus under any provision of this Part,
- (b) the cutting off of any apparatus from any other apparatus in consequence of the exercise by the nominated undertaker of any power under this Act, and 45
- (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the nominated undertaker of any such power. 50

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- (2) The value of any apparatus removed under the provisions of this Part is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.
- (3) Sub-paragraph (4) applies where, in pursuance of the provisions of this Part— 5
- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type, or
- (b) apparatus (whether existing apparatus or alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated. 10
- (4) If the placing of apparatus of that type or capacity or of those dimensions, or the placing of apparatus at that depth, as the case may be, is not agreed by the nominated undertaker or, in default of agreement, is not determined to be necessary in accordance with paragraph 31, then, if it involves cost in the construction of works under paragraph 23 exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertakers by virtue of sub-paragraph (1) is to be reduced by the amount of that excess 15
- (5) For the purposes of sub-paragraphs (3) and (4)— 20
- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended serves a purpose (either additional to or instead of that served by the existing apparatus) which was not served by the existing apparatus, and 25
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined. 30
- (6) An amount which apart from this sub-paragraph would be payable to the undertakers in respect of works by virtue of this paragraph must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus or of the system of which it forms part in the ordinary course, be reduced by the amount which represents that benefit. 35
- (7) In any case where work is carried out by the nominated undertaker pursuant to paragraph 23 and, if such work had been carried out by the undertakers, the repayment made to the undertakers under this paragraph would fall to be reduced pursuant to sub-paragraphs (3) to (6), the undertakers must pay to the nominated undertaker such sum as represents the amount of that reduction. 40
- 29 (1) This paragraph applies where, by reason of the construction of any of the works authorised by this Act, or any subsidence resulting from any of those works, any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal 45

- for the purposes of those works) or property of the undertakers, or there is any interruption in any service provided by any of the undertakers
- (2) Subject to sub-paragraphs (3) and (4), the nominated undertaker must –
- (a) bear and pay the cost reasonably incurred by the undertakers in making good such damage or restoring the supply 5
 - (b) make reasonable compensation to the undertakers for loss sustained by them by reason of any such damage or interruption, and
 - (c) indemnify the undertakers against claims, demands, proceedings, and damages which may be made or taken against, or recovered from the undertakers by reason of any such damage or interruption. 10
- (3) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or agents.
- (4) The undertakers must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand must be made without the consent of the nominated undertaker which, if it withholds such consent, must have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 15
20
- 30 In any case where Network Rail Infrastructure Limited (“Network Rail”) is the nominated undertaker the provisions of this Part have effect subject to any existing agreement between Network Rail and an undertaker relating to apparatus laid or erected on land belonging to Network Rail.
- 31 (1) Any dispute arising between the nominated undertaker and the undertakers under this Part is to be determined by arbitration if – 25
- (a) the parties agree, or
 - (b) the dispute relates to the amount of any sum payable under this Part, but otherwise is to be determined by a person appointed by the appropriate Ministers. 30
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment.
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct. 35
- (4) In this paragraph “the appropriate Ministers” means the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, Food and Rural Affairs or the Secretary of State for Energy and Climate Change. 40

PART 3

ELECTRONIC COMMUNICATIONS CODE NETWORKS

- 32 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the 45

- case may be, and an operator of an electronic communications code network.
- (2) In this Part—
- “alternative apparatus” means apparatus provided in replacement of electronic communications apparatus in connection with the construction of the authorised works; 5
 - “the appropriate Ministers” means the Secretary of State for Transport and the Secretary of State for Culture Media and Sport acting jointly;
 - “the authorised works” means the works authorised by this Act;
 - “construction” includes installation (and “construct” is to be construed accordingly); 10
 - “electronic communications code” means the electronic communications code contained in Schedule 2 to the Telecommunications Act 1984;
 - “operator”, “electronic communications apparatus”, and “electronic communications code network” have the meanings given by paragraph 1(1) of Schedule 17 to the Communications Act 2003. 15
- 33 (1) Subject to sub-paragraph (2), paragraph 23 of the electronic communications code applies for the purposes of the authorised works.
- (2) Paragraphs 21 and 23 of the electronic communications code do not apply for the purposes of the authorised works— 20
- (a) insofar as such works are regulated by the New Roads and Street Works Act 1991 or any regulation made under that Act,
 - (b) where the nominated undertaker exercises a right under subsection (4)(b) of section 272 of the Town and Country Planning Act 1990 or under an order made under that section to remove electronic communications apparatus, or 25
 - (c) in respect of any matter regulated by sub-paragraphs (3) to (8) of paragraph 35.
- 34 The temporary stopping up or diversion of any highway under paragraph 6 of Schedule 4 does not affect any right of an operator under paragraph 9 of the electronic communications code in respect of any apparatus which at the time of the stopping up or diversion is in the highway. 30
- 35 (1) Where a highway is stopped up under paragraph 2 or 3 of Schedule 4, any operator of an electronic communications code network whose electronic communications apparatus is under, over, in, on, along or across that highway may exercise the same rights of access in order to inspect, maintain, adjust, repair or alter that apparatus as if this Act had not been passed, but this is subject to sub-paragraph (2). 35
- (2) Nothing in sub-paragraph (1) affects any right of the nominated undertaker or the operator to require removal of that apparatus under this Part or the power of the nominated undertaker to alter or remove apparatus in accordance with paragraph 23 of the electronic communications code. 40
- (3) The nominated undertaker must give not less than 28 days’ notice of its intention to stop up any highway under paragraph 2 or 3 of Schedule 4 to any operator of an electronic communications code network whose apparatus is under, over, in, on, along or across the highway. 45

- (4) Where a notice under sub-paragraph (3) has been given, the operator, if it reasonably considers that it is necessary for the safe and efficient operation and maintenance of the apparatus, may, and if reasonably requested so to do by the nominated undertaker in the notice, must, as soon as reasonably practicable after the service of the notice – 5
- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the operator may reasonably determine and have power to place it, or
 - (b) provide other apparatus in substitution for the existing apparatus and place it in such other position as described in paragraph (a). 10
- (5) Subject to the following provisions of this paragraph the nominated undertaker must pay to any operator of an electronic communications code network an amount equal to the cost reasonably incurred by the operator in or in connection with –
- (a) the execution of relocation works required in consequence of the stopping up of the highway, and 15
 - (b) the doing of any other work or thing rendered necessary by the execution of relocation works.
- (6) Sub-paragraph (7) applies where –
- (a) in the course of the execution of relocation works under sub-paragraph (4) – 20
 - (i) apparatus of better type, greater capacity or greater dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or smaller dimensions, except where this has been solely due to using the nearest currently available type, capacity or dimension, or 25
 - (ii) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which existing apparatus was, and
 - (b) the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the nominated undertaker, or, in default of agreement, is not determined to be necessary in consequence of the construction of the authorised works in order to ensure the continued efficient operation of the electronic communications code network of the operator. 30 35
- (7) If the execution of the relocation works involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the operator by virtue of sub-paragraph (5) is to be reduced by the amount of that excess. 40
- (8) For the purposes of sub-paragraphs (6) and (7) –
- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended provides more than an equivalent service, and 45
 - (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole (in either case of such type, capacity and dimensions as is 50

- reasonably appropriate) is to be treated as if it also had been agreed or had been so determined.
- (9) The amount which apart from this sub-paragraph would be payable to an operator in respect of works by virtue of sub-paragraph (5) (and having regard, where it applies, to sub-paragraph (7)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the operator any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit. 5
- (10) Sub-paragraphs (5) to (9) do not apply where the authorised works constitute major transport works or major highway works for the purpose of Part 3 of the New Roads and Street Works Act 1991 (including that provision as applied by paragraph 8 of Schedule 4 to this Act), but instead – 10
- (a) the allowable costs of any relocation works are to be determined in accordance with section 85 of that Act (sharing of costs of necessary measures) and any regulations for the time being having effect under that section, and 15
- (b) the allowable costs are to be borne by the nominated undertaker and the operator in such proportions as may be prescribed by any such regulations. 20
- 36 (1) Where the nominated undertaker or the Secretary of State affords to an operator facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, those facilities and rights must be granted upon such terms and conditions as may be agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the operator or, in default of agreement, determined in accordance with paragraph 39. 25
- (2) In determining such terms and conditions, a person making a determination under paragraph 39 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (3); and must – 30
- (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the authorised works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the nominated undertaker or the use of the same; and 35
- (b) have regard to the operator’s ability to fulfil its service obligations. 40
- (3) For the purposes of determining the matters under sub-paragraph (2) the appropriate Ministers must consult the operators to which paragraph 36 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after this Act comes into force must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions. 45
- (4) The independent person making a determination under sub-paragraph (3) is to be appointed by the President of the Royal Institution of Chartered

- Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (2)(a) and (b).
- (5) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted are more or less favourable on the whole to the operator than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the operator in respect of the difference as is reasonable having regard to all the circumstances of the case.
- 37 (1) Sub-paragraph (2) applies where, by reason of the construction of the authorised works or any subsidence resulting from any of those works –
- (a) damage is caused to any electronic communications apparatus, other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works,
 - (b) damage is caused to property of the operator of an electronic communications code network, or
 - (c) there is any interruption in the supply of the service provided by the operator.
- (2) The nominated undertaker must –
- (a) bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply,
 - (b) make reasonable compensation to the operator for loss sustained by it, and
 - (c) indemnify the operator against all claims, demands, proceedings, or damages which may be made or taken against, or recovered from, the operator, by reason of any such damage or interruption.
- But this is subject to sub-paragraphs (3) to (5).
- (3) Sub-paragraph (2) does not apply in connection with any apparatus in respect of which the relations between the nominated undertaker and the operator are regulated by the provisions of Part 3 of the New Roads and Street Works Act 1991.
- (4) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the operator, its officers, servants, contractors or agents.
- (5) The operator must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.
- (6) This paragraph applies instead of paragraph 14 of Schedule 2 in relation to the exercise of the powers of paragraphs 2 to 6 of that Schedule.
- 38 In any case where Network Rail Infrastructure Limited (“Network Rail“) is the nominated undertaker the provisions of this Part have effect subject to any existing agreement between Network Rail and an operator relating to apparatus laid or erected on land belonging to Network Rail.

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

PART 4

CANAL & RIVER TRUST 15

- 40 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and Canal & River Trust.
- (2) In this Part –
- “the canal” means any canal or waterway owned or managed by Canal & River Trust, and includes any works connected therewith for the maintenance of which Canal & River Trust is responsible and any lands held or used by Canal & River Trust for the purposes of the canal including the towpath beside a canal or waterway; 20
 - “construction” includes execution, placing, altering, replacing and relaying and includes removal; 25
 - “plans” includes sections, drawings, specifications and method statements;
 - “specified work” means so much of any permanent or temporary work authorised by this Act as is in, across, under, or within 15 metres of, or may in any way affect, the canal. 30
- 41 The Secretary of State must not under the powers under section 4(1) acquire compulsorily any land of Canal & River Trust or any easement or other right over such land other than such land, or easements or other rights, as is reasonably necessary for, or in connection with, the construction, maintenance or operation of works authorised by this Act having regard also to the statutory duties of Canal & River Trust. 35
- 42 (1) Before beginning to construct any specified work, the nominated undertaker must submit to Canal & River Trust plans of the work and such further particulars available to it as Canal & River Trust may within 14 days of the submission of the plans reasonably require. 40
- (2) Any specified work must not be constructed except in accordance with such plans as may be approved in writing by Canal & River Trust or determined under paragraph 50.
- (3) Any approval of Canal & River Trust required under this paragraph must not be unreasonably withheld and – 45

- (a) is to be deemed to have been given if it is neither given nor refused (with an indication of the grounds for refusal) within 28 days of the submission of the plans for approval or where further particulars are submitted under paragraph 42(1), within 28 days of the submission of those particulars; and 5
- (b) may be given subject to such reasonable requirements as Canal & River Trust may make for the purpose of ensuring the safety or stability of the canal, including requirements as to the construction of protective works.
- 43 (1) Any specified work, and any protective works required by Canal & River Trust under paragraph 42(3)(b), must be constructed with all reasonable despatch to the reasonable satisfaction of Canal & River Trust, and in such manner as to cause as little damage to the canal as may be reasonably practicable and as little interference as may be reasonably practicable with the passage of vessels using the canal and use of the towpath, and Canal & River Trust is to be entitled by its officer at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect the construction of such work or works. 10 15
- (2) The nominated undertaker must give to Canal & River Trust not less than 28 days' notice of its intention to commence construction of any specified work or any protective works and also, except in emergency (when the nominated undertaker is to give such notice as may be reasonably practicable), of its intention to carry out any works for the repair or maintenance of any specified work insofar as such works of repair or maintenance affect or interfere with the canal. 20 25
- 44 (1) The nominated undertaker must not deposit any polluting material on, in or over the canal and must not without the consent of Canal & River Trust—
- (a) deposit any other materials on, in or over the canal (other than materials comprised in a specified work); or
- (b) notwithstanding anything in this Act, discharge any water directly or indirectly into the canal. 30
- (2) Any consent of Canal & River Trust required under this paragraph is not to be unreasonably withheld and—
- (a) is to be deemed to have been given if it is neither given nor refused within 28 days of the submission of the request for it; and 35
- (b) may be given subject to such reasonable requirements as Canal & River Trust may make—
- (i) in the case of a deposit, so as to ensure that the use of the canal is not obstructed or rendered less safe, and
- (ii) in the case of a discharge, concerning the reimbursement by the nominated undertaker of expenses incurred by Canal & River Trust in disposing of the water so discharged, being expenses which Canal & River Trust would not have incurred but for the discharge. 40
- 45 In its application to the discharge of water into the canal, paragraph 8(5) of Schedule 2 has effect subject to the terms of any conditions attached to the consent under paragraph 44(2) and, where such discharge includes a deposit to which consent has been given under paragraph 44(1), to any conditions attached to that consent. 45

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- 46 (1) If as a result of the construction of any specified work any part of the towpath or access way beside the canal, or any public right of way giving access to that path or way, is temporarily closed to pedestrians or cyclists and there is no way which provides a reasonable alternative, the nominated undertaker must, so far as reasonably practicable and to the extent that it is consistent with safety, provide a substitute path or paths for such time as the closure continues. 5
- (2) This paragraph is without prejudice to the requirements of paragraph 6(2) or (5) of Schedule 4.
- 47 (1) If any canal work is abandoned, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition. 10
- (2) If any canal work is in such condition that it is, or is likely to become, a danger to or to interfere with navigation, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice – 15
- (a) to repair and restore the work or part of it, or
- (b) if the nominated undertaker so elects, to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition. 20
- (3) If –
- (a) a work which consists of a canal work and a non-canal work is abandoned or falls into decay; and
- (b) the non-canal work is in such a condition as to interfere with the right of navigation in the relevant canal or as to interfere with the rights of access or use of land adjacent to the relevant canal, 25
- Canal & River Trust may include the non-canal work, or any part of it, in any notice under this paragraph.
- (4) If after such reasonable period as may be specified in a notice under this paragraph the nominated undertaker has failed to begin taking steps to comply with the requirements of the notice or after beginning has failed to make reasonably expeditious progress towards their implementation, Canal & River Trust may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker. 30
- (5) In this paragraph “canal work” means so much of any specified work or any other work of which the nominated undertaker is in possession under the powers of this Act as is in or over a canal owned or managed by Canal & River Trust and “non-canal work” means so much of any such work as is not in or over a canal. 35
- 48 (1) The nominated undertaker must indemnify Canal & River Trust from all claims, demands, proceedings or damages, which may be made or given against, or recovered from Canal & River Trust by reason of any damage to the canal which is caused by the construction of any specified work or protective work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work and from any costs reasonably incurred in making good such damage. 45

- (2) Canal & River Trust must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it notifies Canal & River Trust that it desires to do so, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 5
- 49 (1) Nothing in paragraph 48 is to impose any liability on the nominated undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of Canal & River Trust, its officers, servants, contractors or agents. 10
- (2) But the fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by Canal & River Trust, or to its satisfaction, or in accordance with a determination under paragraph 50, does not (in the absence of negligence on the part of Canal & River Trust, its officers, servants, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part. 15
- 50 (1) Any dispute arising between the nominated undertaker and Canal & River Trust under this Part of this Schedule is to be determined by arbitration if –
- (a) the parties agree, or
 - (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed by the appropriate Ministers. 20
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment. 25
- (3) In this paragraph, the reference to the appropriate Ministers is to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs acting jointly.

PART 5 30

LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES

- 51 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the drainage authority concerned.
- (2) In this Part – 35
- “the Agency” means the Environment Agency;
 - “a category 1 specified work” means so much of any permanent or temporary work or operation authorised by this Act (which includes, for the avoidance of doubt, any dredging and any geotechnical investigations that may be undertaken) as is likely to – 40
- (a) affect any drainage work which is or includes a main river or the volumetric rate of flow of water in or flowing to or from any main river,
 - (b) affect the flow, purity or quality of water in any main river or other surface waters or ground water, or 45
 - (c) affect the conservation, distribution or use of water resources;

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- “a category 2 specified work” means any of the following –
- (a) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction, 5
 - (b) erecting a culvert in an ordinary watercourse, 5
 - (c) altering a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, or 5
 - (d) altering, removing or replacing a structure or feature designated by a local drainage authority under Schedule 1 to the Flood and Water Management Act 2010; 10
- “construction” includes execution, placing, altering, replacing, relaying and removal and “construct” and “constructed” are construed accordingly;
- “the drainage authority” means –
- (a) in relation to a category 1 specified work, the Agency; 15
 - (b) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991; 15
- “drainage work” means any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring, and includes land which provides or is to provide flood storage capacity for any watercourse; 20
- “fishery” means any waters containing fish and fish in, or migrating to or from such waters and the spawn, spawning grounds or food of such fish; 25
- “local drainage authority” means a drainage authority other than the Agency;
- “a main river” and “ordinary watercourse” have the meanings given by respectively the Water Resources Act 1991 and the Land Drainage Act 1991; 30
- “plans” includes sections, drawings, specifications and method statements;
- “watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer as defined by the Water Industry Act 1991. 35
- (3) Where any approval is required under this Part from a local drainage authority, that authority must –
- (a) have regard, in imposing any conditions or requirements, to any model conditions issued by the Agency (following consultation with the other drainage authorities and the nominated undertaker); 40
 - (b) consult the Agency in any case where it proposes to impose conditions or requirements, or to refuse approval, and must specifically seek the Agency’s advice concerning any proposal to depart from the model conditions; 45
 - (c) provide the nominated undertaker with reasons and supporting evidence in any case where it gives a decision which does not accord with the view or advice of the Agency given in response to consultation under paragraph (b). 50

- 52 (1) Before beginning to construct any specified work, the nominated undertaker must submit to the drainage authority plans of the work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require.
- (2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or determined under paragraph 61. 5
- (3) Any approval of the drainage authority required under this paragraph –
- (a) must not be unreasonably withheld,
 - (b) is to be deemed to have been given if it is neither given nor refused within 56 days of the submission of the plans for approval or where further particulars are submitted under sub-paragraph (1), within 56 days of the submission of those particulars, and 10
 - (c) may be given subject to such reasonable requirements or conditions as the drainage authority may make for the protection of any drainage work or fishery or for the protection of water resources, or for the prevention of flooding or pollution or in the discharge of its statutory environmental duties. 15
- 53 The requirements which the drainage authority may make under paragraph 52 include conditions requiring the nominated undertaker at its own expense to construct such protective works (including any new works as well as alterations to existing works) as are reasonably necessary –
- (a) to safeguard any drainage work against damage, or
 - (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased, 25
- by reason of the specified work.
- 54 (1) Any specified work, and all protective works required by the drainage authority under paragraph 52, must be constructed to the reasonable satisfaction of the drainage authority and an officer of the drainage authority is entitled on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works. 30
- (2) The nominated undertaker must give to the drainage authority not less than 14 days' notice of its intention to commence construction of any specified work and notice of its completion not later than 7 days after the date on which it is brought into use. 35
- (3) If any part of the works comprising a structure in, over or under a watercourse is constructed otherwise than in accordance with the requirements of this Part, the drainage authority may by notice require the nominated undertaker at the nominated undertaker's own expense to comply with the requirements of this Part or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires. 40
- (4) Subject to sub-paragraph (5), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the nominated undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority 45

- may execute the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker.
- (5) 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. 5
- 55 (1) Subject to sub-paragraph (5) the nominated undertaker must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the nominated undertaker for the purposes or in connection with the specified works, whether the drainage work is constructed under this Act or is already in existence. 10
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- (2) If any such drainage work is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice require the nominated undertaker to repair and restore the work, or any part of it, or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the drainage work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires. 20
- (3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the nominated undertaker, the nominated undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the nominated undertaker. 25
30
- (4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers of sub-paragraph (3) until the dispute has been finally determined. 35
- (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 under an obligation to maintain and is not prescribed by the powers of the Act from doing so; 40
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by the Act and carried out in accordance with the provisions of this Part.
- 56 (1) If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that work is otherwise damaged, so as to require remedial action, such impairment or damage must be made good by the nominated undertaker to the reasonable satisfaction of the drainage authority and if the nominated undertaker fails to do so, the drainage authority may make good 45
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- the same and recover from the nominated undertaker the expense reasonably incurred by it in doing so.
- (2) In any case where immediate action by the drainage authority is reasonably required in order to secure that the imminent flood risk is avoided or reduced, the drainage authority may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the drainage authority has taken, or commenced to take, the steps specified in the notice. 5
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- (3) Nothing in paragraphs 54, 55 or 56 authorises the drainage authority to execute works on or affecting an operational railway without the prior consent in writing of the nominated undertaker, such consent not to be unreasonably withheld.
- 57 (1) The nominated undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in any fishery during the construction of any specified work. 15
- (2) If by reason of –
(a) the construction of any specified work, or
(b) the failure of any such work, 20
damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the nominated undertaker requiring it to take such steps as may be reasonably practicable to make good the damage or, as the case may be, to protect the fishery against such damage. 25
- (3) If, within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the nominated undertaker fails to take such steps as are described in sub-paragraph (2), the Agency may take those steps and may recover from the nominated undertaker the expense reasonably incurred by it in doing so. 30
- (4) In any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to a fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice. 35
- 58 (1) The nominated undertaker must indemnify the drainage authority from all claims, demands, proceedings or damages, which may be made or taken against, or recovered from the drainage authority by reason of – 40
(a) any damage to any drainage work so as to impair its efficiency for flood defence purposes,
(b) any damage to a fishery,
(c) any raising or lowering of the water table in land adjoining the works authorised by this Act or adjoining any sewers, drains and watercourses, or 45
(d) any flooding or increased flooding of any such lands,

- which is caused by, or results from, the construction of any specified work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work.
- (2) The drainage authority must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 5
- 59 Nothing in paragraph 58 requires the nominated undertaker to indemnify the drainage authority in respect of any claim, demand, proceedings or damages which the drainage authority could reasonably make, take against or recover from any other person. 10
- 60 The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any determination under paragraph 51, does not (in the absence of negligence on the part of the drainage authority, its officers, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part. 15
- 61 Any dispute arising between the nominated undertaker and the drainage authority under this Part is to be determined by arbitration. 20

High Speed Rail (London - West Midlands) Bill

A

B I L L

[AS AMENDED ON REPORT]

To make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.

Brought from the Commons on 23rd March 2016

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