

---

STATUTORY INSTRUMENTS

---

**2018 No. XXXX**

**TRANSPORT AND WORKS, ENGLAND**

**TRANSPORT, ENGLAND**

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

*Made* - - - - - \*\*\*  
*Coming into force* - - - - - \*\*\*

**CONTENTS**

**PART 1**

**PRELIMINARY**

1. Citation and commencement
2. Interpretation
3. Incorporation of the Railway Clauses Acts
4. Application of the 1991 Act
5. Disapplication of legislative provisions

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

6. Power to construct and maintain works
  7. Power to deviate
- Level Crossings*
8. Closure of road level crossings
  9. Replacement and closure of footpath level crossings
  10. Accommodation crossings

*Streets*

11. Power to alter layout etc. of streets
12. Power to execute street works
13. Stopping up of streets
14. Temporary stopping up of streets
15. Construction and maintenance of new or altered highways
16. Access to works
17. Agreements with street authorities
18. Construction of bridges

*Supplemental powers*

19. Discharge of water
20. Protective works to buildings
21. Power to survey and investigate land

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of Acquisition

22. Power to acquire land
23. Application of Part 1 of the 1965 Act
24. Application of the 1981 Act
25. Power to acquire new rights
26. Power to acquire subsoil or airspace only
27. Rights under or over streets

*Temporary possession of land*

28. Temporary use of land for construction of works
29. Temporary use of land for maintenance of works
30. Temporary use of land for access

*Compensation*

31. Disregard of certain interests and improvements

*Supplementary*

32. Extinction or suspension of private rights of way
33. Time limit for exercise of powers of acquisition

PART 4

MISCELLANEOUS AND GENERAL

34. Power to transfer undertaking
35. Defence to proceedings in respect of statutory nuisance
36. Power to lop trees overhanging the authorised works
37. Power to operate and use railway
38. Planning Permission
39. Obstruction of construction of authorised works
40. Disclosure of confidential information
41. Statutory undertakers etc.
42. Certification of plans etc.
43. Service of notices
44. Protection of interests
45. No double recovery
46. Arbitration

---

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ACQUISITION OF LAND FOR ANCILLARY WORKS

- SCHEDULE 3 — LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED
- SCHEDULE 4 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN
- SCHEDULE 5 — REPLACEMENT AND CLOSURE OF ROAD LEVEL CROSSINGS
  - PART 1 — LEVEL CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — LEVEL CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 6 — REPLACEMENT AND CLOSURE OF FOOTPATH LEVEL CROSSINGS
  - PART 1 — LEVEL CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — LEVEL CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 7 — ACCOMODATION CROSSINGS
  - PART 1 — ACCOMODATION CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — ACCOMMODATION CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 8 — STREETS SUBJECT TO ALTERATION OF LAYOUT
- SCHEDULE 9 — STREETS SUBJECT TO STREET WORKS
- SCHEDULE 10 — STREETS TO BE STOPPED UP
  - PART 1 — STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
- SCHEDULE 11 — STREETS TO BE TEMPORARILY STOPPED UP
- SCHEDULE 12 — ACCESS TO WORKS
- SCHEDULE 13 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS
- SCHEDULE 14 — TEMPORARY USE OF LAND FOR ACCESS
- SCHEDULE 15 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.
- SCHEDULE 16 — PROTECTIVE PROVISIONS
  - PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS
  - PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
  - PART 3 — FOR THE PROTECTION OF DRAINAGE AUTHORITIES AND THE ENVIRONMENT AGENCY

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

[Objections to that application have been withdrawn.]

[The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

[The Secretary of State, having considered [the objections made and not withdrawn] [and the report of the person who held the inquiry], has determined to make an Order giving effect to the [proposals comprised in the application [without modifications] [with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals]] [proposals concerned with modifications which in the opinion of the Secretary of State make a substantial change in the proposals].

[The Secretary of State having considered representations duly made under section 13 of the 1992 Act, has determined to make the Order applied for with modifications.]

Notice of the Secretary of State’s determination was published in the London Gazette on [X] 201[X].

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 4, 7, 8, 10, 11 and 16 of Schedule 1 to, the 1992 Act makes the following Order:—

## PART 1 PRELIMINARY

### **Citation and commencement**

**1.** This Order may be cited as the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X] and comes into force on [ ] 201[X].

### **Interpretation**

**2.**—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(c);

“the 1965 Act” means the Compulsory Purchase Act 1965(d);

“the 1980 Act” means the Highways Act 1980(e);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(f);

---

(a) S.I. 2006/1466, as amended by S.I. 2010/439, S.I. 2001/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755 and S.I. 2017/1070.

(b) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

(c) 1961 c. 33.

(d) 1965 c. 56.

(e) 1980 c. 66.

(f) 1981 c. 66

“the 1990 Act” means the Town and Country Planning Act 1990(a);

“the 1991 Act” means the New Roads and Street Works Act 1991(b);

“the 2003 Act” means the Communications Act 2003(c);

“address” includes any number or address used for the purposes of electronic transmission;

“authorised works” means the scheduled works and any other works authorised by this Order or any part of them;

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

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

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

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

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

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

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

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

“electronic transmission” means a communication transmitted—

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

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

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

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

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

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

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

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

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

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

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

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

---

(a) 1990 c. 8.  
(b) 1991 c. 22.  
(c) 2003 c. 21.  
(d) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 of the Planning and Compensation Act 1992 (c. 34). There are other amendments to section 7 which are not relevant to this Order

“statutory undertaker” means—

- (c) any person who is a statutory undertaker for any of the purposes of the 1990 Act; and
- (d) any public communications provider within the meaning of section 151(1) of the 2003 Act;

“street” includes part of a street;

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

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

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

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

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

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

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

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

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

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

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

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

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

section 68 (accommodation works by company);

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

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

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

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

section 103(a) (refusal to quit carriage at destination);

---

(a) 1845 c. 20.

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

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

(d) 1923 c. 20.

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”; and  
section 145(b) (recovery of penalties).

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

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

“the company” means Network Rail;

“goods” includes anything conveyed on the railway authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and any other authorised works; and

“the special Act” means the Order.

### **Application of the 1991 Act**

**4.**—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or

(b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(d) (dual carriageways and roundabouts) of the 1980 Act.

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

section 56 (directions as to timing);

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

section 58 (restrictions following substantial road works);

section 73A (power to require undertaker to re-surface street);

section 73B (power to specify timing, etc., of re-surfacing);

section 73C (materials, workmanship and standard of re-surfacing);

section 78A (contributions to costs of re-surfacing by undertaker); and

Schedule 3A (restriction on works following substantial street works).

(3) The provisions of the 1991 Act mentioned in paragraph (4) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to the temporary stopping up, temporary alteration or temporary diversion of a street by Network Rail under the powers conferred by article 14 (temporary stopping up of streets) and the carrying out of works under article 12 (power to execute street

---

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

(b) As amended by the Statute Law Revision Act 1892 and Part 2 of Schedule 12 to the Transport Act 1962 (c. 46).

(c) 1863 c. 92.

(d) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

- (4) The provisions of the 1991 Act(a) referred to in paragraph (3) are—
- section 54(b) (advance notice of certain works), subject to paragraph (5);
  - section 55(c) (notice of starting date of works), subject to paragraph (5);
  - section 57(d) (notice of emergency works);
  - section 59(e) (general duty of street authority to co-ordinate works);
  - section 60 (general duty of undertakers to co-operate);
  - section 68 (facilities to be afforded to street authority);
  - section 69 (works likely to affect other apparatus in the street);
  - section 76 (liability for cost of temporary traffic regulation);
  - section 77 (liability for cost of use of alternative route); and

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

(5) Section 54 and 55 of the 1991 Act as applied by paragraph (3) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

- (6) Nothing in article 15 (construction and maintenance of new or altered Fhighways)—
- (a) prejudices the operation of section 87 (prospectively maintainable highways) of the 1991 Act; and Network Rail is not, by reason of any duty under that article to maintain a street, to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or
  - (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

### **Disapplication of legislative provisions**

**5.** The following provisions do not apply in relation to any works executed under the powers conferred by this Order—

- (a) regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(f) in relation to the carrying out of a relevant flood risk activity;
- (b) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(g);
- (c) paragraph 5 (consent required for alteration, removal or replacement of a designated feature) of Schedule 1 to the Flood and Water Management Act 2010(h);
- (d) paragraph 7 (approval required for a drainage system for construction work) of Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010;

---

(a) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(b) As amended by section 49(1) of the Traffic Management Act 2004.

(c) As also amended by sections 49(2) and 51(9) of the Traffic Management Act 2004.

(d) As also amended by section 52(3) of the Traffic Management Act 2004.

(e) As amended by section 42 of the Traffic Management Act 2004.

(f) S.I. 2016/1154.

(g) 1991 c. 59.

(h) 2010 c. 29.



- (e) the provisions of any byelaws made under, or having effect as if made under, section 66 (powers to make byelaws) of the Land Drainage Act 1991, which require consent or approval for the carrying out of the works.

## PART 2 WORKS PROVISIONS

### Principal powers

#### **Power to construct and maintain works**

6.—(1) Network Rail may construct and maintain the scheduled works.

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

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

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

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

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

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

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

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

#### **Power to deviate**

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

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

*Level Crossings*

**Closure of road level crossings**

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

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

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

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

**Replacement and closure of footpath level crossings**

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

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

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

(4) On completion of the construction of the replacement right of way specified in column (4) of Schedule 6 Network Rail must submit a written request to the highway authority for written approval for the replacement right of way which must not be unreasonably withheld and which must be given within 28 days of the street authority receiving a request for approval under this paragraph. If the highway authority fails to notify Network Rail in writing of a decision by the expiry of 28 days from receiving a request for approval, the street authority is deemed to have granted approval.

(5) If the highway authority intimates its disapproval in accordance with paragraph (4), the matter is to be determined in accordance with article 46 (arbitration).

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

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

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

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

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

(11) For subsection (2), there is substituted—

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

(12) Subsection (3) is omitted.

(13) For the purposes of paragraphs (8) to (12), section 307 of the 1980 Act (disputes as to compensation which are to be determined by Upper Tribunal and related provisions), in its application to section 28 of the 1980 Act by virtue of section 307(1), has effect as if in subsection (2) for the words “the authority from whom the compensation in question is claimed”, there were substituted the words “Network Rail Infrastructure Limited”.

### **Accommodation crossings**

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

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

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

### *Streets*

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

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

(2) Without limitation on the scope of the specific powers conferred by paragraph (1), but subject to paragraph (3), Network Rail may, for the purposes of constructing and maintaining any scheduled work, alter the layout of any street within the Order limits and the layout of any street

---

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

(b) 1846 clxxxii

(c) 1860 c. cxcii

having a junction with such a street; and, without limitation on the scope of that power, Network Rail may—

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

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

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

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

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

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

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

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

### **Stopping up of streets**

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

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

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

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

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

- (a) Network Rail is in possession of the land; or

- (b) there is no right of access to the land from the street concerned; or
  - (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
  - (d) the owners and occupiers of the land have agreed to the stopping up.
- (5) Where a street has been stopped up under this article—
- (a) all rights of way over or along the street so stopped up are extinguished; and
  - (b) Network Rail may appropriate and use for the purpose of its railway undertaking so much of the site of the street as is bounded on both sides by land owned by Network Rail.
- (6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.
- (7) Paragraphs (8) to (13) of article 9 (which provide for creation of new public rights of way) apply in relation to any replacement footpath or bridleway specified in column (4) of Schedule 10 as they apply to replacement footpaths specified in column (4) of Schedule 6.

### **Temporary stopping up of streets**

- 14.**—(1) Network Rail, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—
- (a) divert the traffic from the street; and
  - (b) subject to paragraph (3), prevent all persons from passing along the street.
- (2) Without limitation on the scope of paragraph (1), Network Rail may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.
- (3) Network Rail must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.
- (4) Without limitation on the scope of paragraph (1), Network Rail may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of Schedule 11 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.
- (5) Network Rail must not exercise the powers conferred by this article—
- (a) in relation to any street specified as mentioned in paragraph (4) without first consulting the street authority; and
  - (b) in relation to any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.
- (6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.
- (7) If within 28 days of receiving an application for consent under paragraph (5)(b) a street authority fails to notify Network Rail of its decision or refuses consent without giving any grounds for its refusal that street authority is deemed to have granted consent.

### **Construction and maintenance of new or altered highways**

- 15.**—(1) Any highway to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and, unless otherwise agreed between Network Rail and the highway authority, must be maintained by and at the expense of Network Rail for a period of 12 months from its completion and from the expiry of that period by and at the expense of the highway authority.

(2) Where a highway is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the highway authority, unless otherwise agreed with the street authority, be maintained by and at the expense of Network Rail for a period of 12 months from its completion and from the expiry of that period by and at the expense of the street authority.

(3) Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over or under any railway of Network Rail.

(4) In any action against Network Rail in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without affecting any other defence or the application of the law relating to contributory negligence) to prove that Network Rail had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court must in particular have regard to the following matters—

- (a) the character of the highway and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a highway of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the highway;
- (d) whether Network Rail knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the highway; and
- (e) where Network Rail could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed,

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

### **Access to works**

**16.**—(1) Network Rail may, for the purposes of the authorised works—

- (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 12 (access to works); and
- (b) with the approval of the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as Network Rail reasonably requires for the purposes of the authorised works.

(2) If a highway authority fails to notify Network Rail of its decision within 28 days of receiving an application for approval under paragraph (1), that highway authority is deemed to have granted approval.

### **Agreements with street authorities**

**17.**—(1) A street authority and Network Rail may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under a railway) under the powers conferred by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;

- (c) the maintenance of the structure of any bridge constructed under the powers conferred by this Order;
  - (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
  - (e) the execution in the street of any of the works referred to in article 12(1) (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

### **Construction of bridges**

**18.**—(1) Any bridge to be constructed under this Order for carrying a highway over or under a railway must be constructed in accordance with the plans and specifications approved by the highway authority (such approval not to be unreasonably withheld).

(2) If within 28 days of receiving an application for approval under paragraph (1) a highway authority fails to notify Network Rail of its decision or refuses approval without giving any grounds for its refusal that highway authority is deemed to have granted approval.

#### *Supplemental powers*

### **Discharge of water**

**19.**—(1) Network Rail may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, ~~operation~~ or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the exercise of the powers conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991(a).

(3) Network Rail must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) Network Rail must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) Network Rail must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

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

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement of environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(a) .

---

(a) 1991 c. 56. Section 106 was amended by sections 35(1) and (8) and 43(2) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

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

(9) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, or a local authority; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(b) have the same meaning as in that Act.

### **Protective works to buildings**

**20.**—(1) Subject to the following provisions of this article, Network Rail may at its own expense carry out such protective works to any building lying within the Order limits as Network Rail considers to be necessary or expedient.

(2) Protective works may be carried out—

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

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

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

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

(5) Before exercising—

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

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

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

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

---

(a) S.I. 2016/1154.  
(b) 1991 c. 57.



(8) Where—

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

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

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

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

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

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works;
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works; and
- (c) any works the purpose of which is to secure the safe operation of the authorised works or to prevent or minimise the risk of such operation being disrupted.

### **Power to survey and investigate land**

**21.**—(1) Network Rail may for the purposes of this Order—

- (a) survey or investigate any land shown within the Order limits;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as Network Rail thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land;
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
- (e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d).

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1), unless at least 7 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of Network Rail—

- (a) must, if so required, before or after entering the land produce written evidence of authority to do so including any warrant issued under paragraph (4);
- (b) may not use force unless a justice of the peace has issued a warrant under paragraph (4) authorising the person to do so; and
- (c) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

---

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

(4) A justice of the peace may issue a warrant authorising a person to use force in the exercise of the power conferred by this article if satisfied—

- (a) that another person has prevented or is likely to prevent the exercise of that power; and
- (b) that it is reasonable to use force in the exercise of that power.

(5) The force that may be authorised by a warrant is limited to that which is reasonably necessary.

(6) A warrant authorising the person to use force must specify the number of occasions on which Network Rail can rely on the warrant when entering and surveying or valuing land.

(7) The number specified must be the number which the justice of the peace considers appropriate to achieve the purpose for which the entry and survey or valuation are required.

(8) Any evidence in proceedings for a warrant under this article must be given on oath.

(9) No trial holes are to be made under this article—

- (a) in a carriageway or footway without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld.

(10) Network Rail must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) If either a highway authority or a street authority which receives an application for consent fails to notify Network Rail of its decision within 28 days of receiving the application for consent—

- (a) under paragraph (9)(a) in the case of a highway authority; or
- (b) under paragraph (9)(b) in the case of a street authority,

that authority is deemed to have granted consent.

## PART 3

### ACQUISITION AND POSSESSION OF LAND

#### Powers of Acquisition

#### **Power to acquire land**

**22.** Network Rail may acquire compulsorily—

- (a) so much of the land shown on the deposited plans as lying within the limits of deviation and described in the book of reference as may be required for the purposes of the authorised works;
- (b) so much of the land specified in columns (1) and (2) of Schedule 2 (acquisition of land for ancillary works) (being land shown on the deposited plans and described in the book of reference) as may be required for the purpose specified in relation to that land in column (3) of that Schedule; and
- (c) so much of the land shown marked 0652 on the deposited plans and described in the book of reference as may be required for the Winslow Station works.

and may use any land so acquired for those purposes, or for any other purposes that are ancillary to its railway undertaking.

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

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

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

(2) In its application by virtue of paragraph (1), the 1965 Act has effect subject to the following modifications.

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

(4) In section 4A(1)(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order), the three year period mentioned in section 4”, substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X](c)”.

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

(6) In section 11A(e) (powers of entry: further notices of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”;
- (b) in subsection (2), after “land” insert “under that provision”.

(7) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X]”.

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

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

“(2) But see article 26 (power to acquire subsoil or airspace only) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X], which excludes the acquisition of subsoil or airspace only from this Schedule.”; and

(b) after paragraph 29 insert—

## **“PART 4**

### **INTERPRETATION**

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 28 (temporary use of land for construction of works) and 29 (temporary use of land for maintenance of works) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X].”

### **Application of the 1981 Act**

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

---

(a) 1981 c. 67.

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

(c) S.I. 201[X]/xxx.

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

(e) As inserted by section 186(3) of the Housing and Planning Act 2016.

(f) As inserted by paragraph 3 of Schedule 3 to the Housing and Planning Act 2016 (c. 22).

(2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.

(3) In section 5 (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.

(4) Omit section 5A(a) (time limit for general vesting declaration).

(5) In section 5B(b) (extension of time limit during challenge) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A” substitute “section 22 of the Transport and Works Act 1992 (validity of orders under section 1 or 3), the five year period mentioned in article 33 (time limit for exercise of powers of acquisition) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X]”.

(6) In section 6(c) (notices after execution of declaration), in subsection (1)(b), for “section 15 of, or paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981” substitute “section 14A of the Transport and Works Act 1992”.

(7) In section 7(d) (constructive notice to treat), in subsection (1)(a), omit the words “(as modified by section 4 of the Acquisition of Land Act 1981)”.

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

“(2) But see article 26 (power to acquire subsoil or airspace only) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[X], which excludes the acquisition of subsoil or airspace only from this Schedule.”

(9) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land under article 22 (power to acquire land) by article 23 (application of Part 1 of the 1965 Act).

### **Power to acquire new rights**

**25.**—(1) Subject to paragraph (2), Network Rail may acquire compulsorily such easements or other rights over any land which it is authorised to acquire under article 22 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) In the case of the Order land specified in column (2) of Schedule 3 (land in which only new rights etc. may be acquired) Network Rail may compulsorily acquire such new rights as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(3) In the case of plots shown numbered 0216, 0245, 0252, 0255, 0260, 0910 and 0918 on the deposited plans the power to acquire new rights under paragraph (2) extends to acquiring rights on behalf of owners of land affected by the exercise of the powers of the Order for the purpose specified in relation to those plots in column 2 of Schedule 3.

(4) Subject to —

(a) Schedule 2A (counter-notice requiring purchase of land) to the 1965 Act (as substituted by paragraph 5 (8) of Schedule 13 (modification and compensation and compulsory purchasing enactments for creation of new rights)); and

(b) Schedule A1 to the 1981 Act (as modified by paragraph 7(7) of Schedule 13);

where Network Rail acquires a right over land under paragraphs (1) or (2) Network Rail is not required to acquire a greater interest in that land.

---

(a) As inserted by section 182(2) of the Housing and Planning Act 2016.

(b) As inserted by section 202(2) of the Housing and Planning Act 2016.

(c) As amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.

(d) As amended by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016.

(e) As inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

(5) Schedule 13 has effect for the purpose of modifying the enactments relating to compensation, and the provisions of the 1965 Act and the 1981 Act in their application in relation to the compulsory acquisition under this Order of a right over land by the creation of a new right.

(6) In any case where the acquisition of new rights under paragraph (1) or (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker Network Rail may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

(7) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (6) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by Network Rail.

### **Power to acquire subsoil or airspace only**

**26.**—(1) Network Rail may acquire compulsorily so much of, or such rights in, the subsoil of or the air-space over the land referred to in paragraph (a) or (b) of article 22 (power to acquire land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where Network Rail acquires any part of, or rights in, the subsoil of or the air-space over land under paragraph (1), Network Rail is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent Schedule 2A to the 1965 Act (as modified by article 23 (application of Part 1 of the 1965 Act)) or Schedule A1 to the 1981 Act (as modified by article 24 (application of the 1981 Act )) from applying where Network Rail acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

### **Rights under or over streets**

**27.**—(1) Network Rail may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes or any other purpose ancillary to its railway undertaking.

(2) Subject to paragraph (4), Network Rail may exercise any power conferred by paragraph (1) in relation to a street without Network Rail being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without Network Rail acquiring any part of that person's interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 (sharing of cost of necessary measures) of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

### *Temporary possession of land*

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

**28.**—(1) Network Rail may, in connection with the carrying out of the authorised works—

- (a) enter on and take temporary possession of—
  - (i) the land specified in columns (1) and (2) of Schedule 4 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works specified in column (4) of that Schedule; and
  - (ii) subject to paragraph (10), any other Order land in respect of which no notice of entry has been served under section 11(a) (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4(b) (execution of declaration) of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land; and
- (d) construct any permanent works specified in relation to that land in column (3) of Schedule 4 or any mitigation works on that land.

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

(3) Network Rail may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land specified in paragraph (1)(a)(i) after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 4; or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of this land was taken unless Network Rail has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but Network Rail is not be required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any works have been constructed under paragraph (1)(d); or
- (c) remove any ground strengthening works which have been placed in that land to facilitate construction of the authorised works.

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

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

(7) Without affecting article 45 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(c) (further provision as to compensation for injurious

---

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

(b) Section 4 was amended by sections 184 and 185 of, and paragraphs 1 and 2 of Schedule 18 to, the Housing and Planning Act 2016.

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

affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

(2) The power under paragraph (1) is exercisable on giving at least 7 days’ notice (or, where access is urgently required, such notice as is reasonably practicable) to the owners and occupiers of the land.

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

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

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

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

### *Compensation*

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

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

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

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

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

### *Supplementary*

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

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

- (a) as from the date of acquisition of the land by Network Rail, whether compulsorily or by agreement; or



- (b) on the date of entry on the land by Network Rail under section 11(1) (a)(powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to paragraph (6), all private rights of way over land owned by Network Rail which, being within the Order limits, is required for the purposes of this Order are extinguished on the appropriation of the land for any of those purposes by Network Rail.

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

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

whichever is the sooner.

(4) Subject to paragraph (6), all private rights of way over land of which Network Rail takes temporary possession under this Order are suspended and unenforceable for as long as Network Rail remains in lawful possession of the land.

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

(6) This article does not apply in relation to any right of way to which section 271 or 272(b) (extinguishment of rights of statutory undertakers etc.) of the 1990 Act or paragraph 2 of Schedule 15 (provisions relating to statutory undertakers etc.) applies.

(7) Paragraphs (1), (2), (3) and (4) have effect subject to—

- (a) any notice given by Network Rail before the completion of the acquisition of the land, Network Rail's appropriation of it, Network Rail's entry onto it or Network Rail taking temporary possession of it that any or all of those paragraphs do not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) which makes reference to this article between Network Rail and the person in or to whom the right of way in question is vested or belongs.

(8) If any such agreement as is mentioned in sub-paragraph (7)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

### **Time limit for exercise of powers of acquisition**

**33.**—(1) After the end of the period of 5 years beginning on the day on which this Order comes into force—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 23 (application of part 1 of the 1965 Act); and

---

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

(b) Section 272 was amended by paragraphs 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

- (b) no declaration is to be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 24 (application of the 1981 Act).

(2) The powers conferred by article 28 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents Network Rail remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

## PART 4

### MISCELLANEOUS AND GENERAL

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

**34.**—(1) Network Rail may:

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

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

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

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

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

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

- (a) that the nuisance relates to premises used by Network Rail for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to the authorised works and that the nuisance is attributable to the carrying out of the authorised works which are being carried out in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61(c) (prior

---

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

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

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

consent for work on construction site) or section 65(a) (noise exceeding registered level), of the Control of Pollution Act 1974(b); or

- (b) that the nuisance is a consequence of the construction, operation or maintenance of the authorised works and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), do not apply where the consent relates to the use of premises by Network Rail for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) 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 the construction, operation or maintenance of the works authorised by this Order; and
- (b) cannot reasonably be avoided.

(4) The provisions of this article do not affect the application to the authorised works of section 122 (statutory authority as a defence to actions in nuisance, etc.) of the Railways Act 1993(c) or any rule of common law having similar effect.

#### **Power to lop trees overhanging the authorised works**

**36.**—(1) Network Rail may fell or lop any tree or shrub near any part of the authorised works, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised works or any apparatus used on the authorised works; or
- (b) from constituting a danger to passengers or other persons using the authorised works.

(2) In exercising the powers conferred by paragraph (1), Network Rail must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

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

#### **Power to operate and use railway**

**37.**—(1) Network Rail may operate and use the railway and other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993.

#### **Planning Permission**

**38.** Planning permission which is deemed by a direction under section 90(2A)(d) (development with government authorisation) of the 1990 Act to be granted in relation to the authorised works is

---

(a) Section 65 was amended by paragraph 15(4) of Schedule 15 to the Environmental Protection Act 1990 and Schedule 24 to the Environment Act 1995.  
(b) 1974 c. 40.  
(c) 1993c.43. As amended by the transport Act 2000 (c.38) and the Railways Act 2005 (c. 14)/  
(d) Section 90(2A) was inserted by section 16(1) of the Transport and Works Act 1992 (c. 42).

to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operation land for the purposes of that Act) of that Act.

### **Obstruction of construction of authorised works**

**39.** Any person who, without reasonable excuse—

- (a) obstructs any person acting under the authority of Network Rail in setting out the lines of the scheduled works or in constructing any authorised work; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of Network Rail,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Disclosure of confidential information**

**40.** A person who—

- (a) enters a factory, workshop or workplace under the provisions of article 20 (protective works to buildings) or article 21 (power to survey and investigate land); and
- (b) discloses to any person any information obtained as a result of that entry and relating to any manufacturing process or trade secret,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

### **Statutory undertakers etc.**

**41.** The provisions of Schedule 15 (provisions relating to statutory undertakers etc.) have effect.

### **Certification of plans etc.**

**42.** Network Rail must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited sections and the deposited plans to the Secretary of State for certification that they are, respectively, true copies of the book of reference, the deposited sections and the deposited plans referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

### **Service of notices**

**43.—(1)** A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8) by electronic transmission.

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

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the

---

(a) 1978 c. 30.

service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

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

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

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

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

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

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

### **Protection of interests**

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

### **No double recovery**

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

### **Arbitration**

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

Signed by the Secretary of State

*Natasha Kopola*  
Head of the Transport and Works Act Orders Unit

## SCHEDULES

### SCHEDULE 1

Article 2

#### SCHEDULED WORKS

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

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

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

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

In the District of Milton Keynes–

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

In the County of Oxfordshire, District of Cherwell –

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

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

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

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

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

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

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

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

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

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

In the County of Buckinghamshire, District of Aylesbury Vale –

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

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

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

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

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

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

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

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

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

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

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

Work No.25 – Diversion of a high-pressure gas main, commencing at a point 247 metres north-west of existing Verney Junction level crossing and terminating at a point 72 metres east of its commencement.

Work No.25A – A bridge, carrying an access road over Claydon Brook, commencing at a point 276 metres north-west of the bridge carrying Verney Road over the existing railway (Oxford to Bletchley line) and terminating at a point 15 metres north-east of its commencement.

Work No.26 – A footbridge (being a replacement of the existing footbridge) carrying Footpaths WIP/6/9 and WIS/6/1 over Work No.2, commencing at a point 160 metres east of the bridge carrying Furze Lane over the existing railway (Oxford to Bletchley line) and terminating at a point 42 metres north of its commencement.

Work No.26A – A bridge, carrying an access road over Horwood Brook, commencing at a point 330 metres north-west of the bridge carrying Horwood Road under the existing railway (Oxford to Bletchley line) and terminating at a point 15 metres north of its commencement.

Work No.26B – A temporary bridge, carrying an access road over Horwood Brook, commencing at a point 124 metres south-west of the bridge carrying Horwood Road under the existing railway (Oxford to Bletchley line) and terminating at a point 15 metres north-east of its commencement.

Work No.27 – Realignment of the Moco Farm access road and Footpath SWA/17/1 (including a bridge over Work No.2), commencing at a point 138 metres south-west of the bridge carrying the existing Moco farm access road over the existing railway (Oxford to Bletchley line) and terminating at a point 332 metres west of the junction of Footpath SWA/17/1 and Footpath SWA/1/1.

Work No.28 – A footbridge carrying Footpaths SWA/1/1 and SWA/1/2 over Work No.2, commencing at a point 121 metres south-east of the junction of Footpath SWA/1/1 with Footpath SWA/17/1 and terminating at a point 17 metres north of its commencement.

Work No.28A – Diversion of Horwood Brook, commencing at a junction with Horwood Brook a point 242 metres north-east of the junction of Footpath SWA/1/1 with Footpath SWA/17/1 and terminating at a junction with Horwood Brook at a point 82 metres north-east of its commencement.

Work No.29 – A footbridge carrying Footpaths LHO/20/1 and MUR/13/1 over Work No.2, commencing at a point 56 metres north of the junction of Footpath LHO/20/1 with Byway MUR/18/2 and terminating at a point 46 metres north-west of its commencement.

Work No.30 – Realignment of Salden Lane (including a bridge over Work No.2), commencing at a point 273 metres south-west of the bridge carrying the existing Salden Wood access road over the existing railway (Oxford to Bletchley line) and terminating at a point 428 metres north of its commencement.

Work No.31 – Realignment of restricted byway MUR/15/1, commencing at a junction with Work No.30 and terminating at a point 377 metres north-east of its commencement.

Work No.32 – Diversion of a high-pressure gas main, commencing at a point 115 metres south-west of the crossing of the existing Salden Wood access road over the existing railway (Oxford to Bletchley line) and terminating at a point 73 metres north-east of its commencement.

In the County of Buckinghamshire, District of Milton Keynes –



Work No.32A – A temporary bridge carrying an access road over Water Eaton Road, commencing at a point 14 metres south-east of the viaduct carrying the existing railway (Oxford to Bletchley line) over Water Eaton Road and terminating at a point 12 metres north-east of its commencement.

Work No.33 – Realignment of Woodley’s Farm access road and Woburn Sands Footpath 002 (including a bridge over the existing railway - Bletchley to Bedford line), commencing at a point 517 metres north-west of the junction of Bow Brickhill Road with the existing Woodley’s Farm access road and terminating at a point 350 metres north-west of its commencement.

In the County of Bedfordshire, District of Central Bedfordshire –

Work No.34 – An access road, commencing at a point 16 metres north-west of Aspley Guise level crossing at a junction with Salford Road and terminating at a point 28 metres north-east of Berry Lane level crossing at a junction with Berry Lane.

Work No.35 – An access road, commencing at a point 39 metres north-east of Berry Lane level crossing at a junction with Berry Lane and terminating at a point 105 metres north of the bridge carrying the Bedford Road over the existing railway (Bletchley to Bedford line).

Work No.36 – An access road, commencing at a point 29 metres south-west of Long Leys level crossing and terminating at a point 653 metres south-east of its commencement at a junction with Bedford Road.

Work No.37 – Realignment of Marston Road (including a bridge over the existing railway - Bletchley to Bedford line), commencing at a point 44 metres east of the roundabout junction of The Lane with Marston Road and terminating at a point 595 metres north-east of its commencement.

In the County of Bedfordshire, District of Bedford –

Work No.38 – Realignment of Manor Road (including a bridge over the existing railway - Bletchley to Bedford line), commencing at a point 11 metres south-west of the Eastwood Cottage building and terminating at a point 550 metres north-west of its commencement and 478 metres south-east of the junction of Woburn Road with Manor Road.

Work No.39 – A footbridge carrying Footpaths KEU1B and KERA1A over the existing railway – (Bletchley to Bedford line), commencing at a point 52 metres north of Woburn Road level crossing level and terminating at a point 44 metres north of its commencement.

In the County of Buckinghamshire, District of Aylesbury Vale –

Work No.40 – A railway (6,899 metres in length), on the course of the existing railway (Aylesbury to Claydon Junction line), commencing at a point 381 metres north-west of the bridge carrying Station Road over the existing railway and terminating at a point 11 metres north-west of the bridge carrying Terry’s access road over the existing railway.

Work No.41 – A footbridge carrying Footpath WAD/3/5 over the Work No.40, commencing at a point 20 metres south-west of North Bucks Way level crossing and terminating at a point 27 metres north-east of its commencement and 15 metres north-west of North Bucks Way level crossing.

Work No.42 – Realignment of Lower Blackgrove Farm access road (including a bridge over Work No.40), commencing at a point 56 metres north-east of 3 Lower Blackgrove Farm Cottage building and terminating at a point 343 metres north-east of its commencement.

Work No.43 – A temporary bridge, carrying an access road over Fleet Marston brook, commencing at a point 91 metres south-west of the bridge carrying the A41 under the existing railway (Aylesbury to Claydon Junction line) and terminating at a point 21 metres east of its commencement.

## SCHEDULE 2

Articles 6 and 22

### ACQUISITION OF LAND FOR ANCILLARY WORKS

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
	0305	Environmental mitigation.
In the County of Buckinghamshire In the District of Aylesbury Vale	0324, 0329, 0332	Environmental mitigation.
	0336a	Environmental mitigation.
	0345	Worksite and access for construction and maintenance.
	0363	Environmental mitigation.
	0372, 0373	Environmental mitigation.
	0379, 0380	Worksite and access for construction.
	0382, 0383	Worksite and access for construction.
	0390	Environmental mitigation.
	0391, 0392	Worksite and access for construction.
	0393	Worksite and access for construction.
	0397	Environmental mitigation.
	0407, 0408, 0409, 0410	Worksite and access for construction and maintenance and vehicle restraint barrier.
	0414, 0415	Reprofiling of embankments and vehicle restraint barrier.
	0420, 0423	Reprofiling of embankments and vehicle restraint barrier.
	0438	Environmental mitigation.
	0450, 0455, 0459	Worksite and access for construction and maintenance compound.
	0476	Environmental mitigation.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
	0480	Environmental mitigation.
	0491	Environmental mitigation.
	0494	Environmental mitigation.
	0524	Environmental mitigation.
	0526	Environmental mitigation.
	0532, 0534	Worksite and access for construction and maintenance compound.
	0533	Environmental mitigation.
	0578	Environmental mitigation.
	0585	Worksite and access for construction and maintenance compound.
	0613	Environmental mitigation and creation of a new public right of way.
	0622, 0623, 0628, 0630	Worksite and access for construction and maintenance, environmental Mitigation and vehicle restraint barrier.
	0624, 0626	Environmental mitigation.
	0635	Environmental mitigation.
	0644	Environmental mitigation.
	0646	Environmental mitigation and creation of a new public right of way.
	0653	Environmental mitigation.
	0663	Environmental mitigation.
	0677	Environmental mitigation.
	0681, 0683	Environmental mitigation.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
	0713	Worksite and access for construction and maintenance compound.
	0717, 0724	Environmental mitigation.
	0738	Environmental mitigation.
	0745	Environmental mitigation.
	0756	Environmental mitigation.
	0786a	Environmental mitigation.
	0787	Environmental mitigation.
	0809	Worksite and access for construction and maintenance.
	0823	Environmental mitigation.
	0834	Environmental mitigation.
	0884a	Worksite and access for construction and maintenance.
	0868	Worksite and access for construction, a maintenance compound and environmental mitigation.
	0904, 0907, 0909	Worksite and access for construction and maintenance compound.
	0911, 0917, 0921, 0930	Environmental mitigation and access for maintenance.
	0912a	Worksite and access for construction and maintenance
	0928	Environmental mitigation.
	0934	Environmental mitigation.
	0945, 0951	Worksite and access for construction and maintenance compound.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
	0948, 0954, 0955  0953, 0956  0963  0965  0977, 0978  0981  0986, 0987, 0993	Environmental mitigation.  Worksite and access for construction and maintenance, environmental mitigation and vehicle restraint barrier.  Environmental mitigation.  Environmental mitigation.  Worksite and access for construction and maintenance.  Environmental mitigation.  Environmental mitigation.
In the County of Buckinghamshire In the District of Milton Keynes	1029, 1032, 1033  1056  1101, 1102, 1104, 1105, 1108, 1110, 1111  1121  1127  1131  1140, 1144	Environmental mitigation.  Worksite and access for construction and environmental mitigation.  Worksite and access for construction and creation of a new public right of way.  Environmental mitigation.  Extension of platforms.  Worksite and access for construction and permanent access to station.  Worksite and access for construction and environmental mitigation.
In the County of Bedfordshire In the District of Central Bedfordshire	1152  1154  1163, 1163a, 1163b, 1163c, 1163d	Environmental mitigation.  Environmental mitigation.  Extinguishment of level crossing and worksite and

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purposes for which land may be acquired
	1165, 1165a, 1165b, 1165c, 1165d  1171  1195  1204, 1208, 1212  1225  1238,1238a, 1238b  1255  1257  1270  1276, 1281  1287  1292	access for construction.  Extinguishment of level crossing and worksite and access for construction.  Environmental mitigation.  Environmental mitigation.  Extension of platforms.  Station improvements.  Extinguishment of level crossing.  Environmental mitigation.  Extinguishment of level crossing.  Environmental Mitigation  Environmental mitigation and worksite and access for construction  Worksite and access for construction and environmental mitigation.  Environmental mitigation.
In the County of Bedfordshire In the District of Bedford	1299, 1300  1311  1319  1320  1333, 1333b	Environmental mitigation.  Worksite and access for construction.  Environmental mitigation.  Worksite and access for construction.  Worksite and access for construction.
In the County of Buckinghamshire In the District of Aylesbury	1349	Provision of structure for environmental mitigation

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purposes for which land may be acquired
Vale	1365	Environmental mitigation.
	1370	Worksite and access for construction and maintenance and vehicle restraint barrier.
	1372	Worksite and access for construction and maintenance compound.
	1374	Worksite and access for construction and maintenance and vehicle restraint barrier.
	1387, 1391, 1393	Worksite and access for construction.
	1388	Reprofiling of embankments and vehicle restraint barrier.
	1400	Environmental mitigation.
	1409	Environmental mitigation.
	1422, 1424	Worksite and access for construction and maintenance compound.
	1427	Environmental mitigation.
	1444	Environmental mitigation and worksite and access for construction.
	1445	Environmental mitigation and worksite and access for construction.
	1449	Environmental mitigation.
	1456	Environmental mitigation.
	1465	Environmental mitigation.
	1469	Embankment works.
	1470	Embankment works.



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purposes for which land may be acquired</i>
	1473	Environmental mitigation.
	1474	Embankment works.
	1477	Embankment works.
	1479	Embankment works and environmental mitigation.
	1491	Environmental mitigation.

### SCHEDULE 3

Article 6 and 25

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

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

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purpose for which rights may be acquired
	0260	New right of access for a third party.
In the County of Buckinghamshire In the District of Aylesbury Vale	0356	Access for maintenance.
	0375	Access for maintenance.
	0442a, 0442b	Utilities and access for maintenance.
	0454a	Access for utilities.
	0479	Access for maintenance.
	0490a	Access for maintenance.
	0519c, 0519d, 0543	Access for maintenance.
	0647	Access for construction and maintenance.
	0670	Access for maintenance.
	0679, 0679a	Access for maintenance.
	0706, 0712	Access for construction and maintenance.
	0725, 0729, 0731	Access for construction and maintenance.
	0799, 0806	Access for maintenance.
	0830, 0837	Access for construction and maintenance.
	0844, 847, 856, 860	Access for construction and maintenance.
	0884b	Access for maintenance.
	0910, 0918	Access for maintenance and a new right of access for a third party.
	0926	Right of access for

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purpose for which rights may be acquired
In the County of Buckinghamshire In the District of Milton Keynes	1044  1060, 1061, 1062  1122a, 1122b, 1124  1135	maintenance Access for maintenance  Access for construction and maintenance.  Access for construction and maintenance.  Access for construction and maintenance.
In the County of Bedfordshire In the District of Central Bedfordshire	1185, 1188, 1189, 1190, 1192  1194  1291  1316  1361a, 1370a  1346, 1347, 1348	Access for construction, maintenance and creation of a new public right of way.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for construction and maintenance.
In the County of Buckinghamshire In the District of Aylesbury Vale	1386, 1390  1393a, 1394, 1395,  1401, 1402  1426, 1429  1447  1450a, 1452, 1454  1461  1480a  1480, 1481a, 1488, 1489	Access for construction and maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for maintenance.  Access for construction.  Access for utilities.  Access for maintenance.

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purpose for which rights may be acquired
	1493a	Access for maintenance and utilities.

## SCHEDULE 4

Article 6 and 28

### LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised works
In the County of Oxfordshire In the District of Cherwell	0001, 0003, 0004, 0005, 0006	Worksite for construction.	Work No.1
	0008, 0010	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 4
	0011, 0015, 0017, 0017a, 0028, 0033	Worksite and access for construction.	Work Nos. 1 and 4
	0012	Worksite and access for construction.	Work Nos. 1 and 4
	0016	Worksite and access for construction.	Work Nos. 1 and 4
	0043, 0046	Worksite and access for construction and utility diversions.	Work Nos. 1, 5, 6, 7, 8 and 9
	0058	Worksite and access for construction.	Work Nos. 1, 5, 6, 7, 8 and 9
	0085, 0095	Worksite and access for construction.	Work Nos. 1, 5, 6, 7, 8 and 9
	0091, 0092, 0104	Worksite and access for construction and utility diversions.	Work Nos. 1, 5, 6, 7, 8 and 9
	0110	Worksite and access for construction.	Work Nos. 1, 5, 6, 7, 8 and 9
0124	Worksite and access for construction.		

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0125	Worksite and access for construction and highway improvements.	Work Nos. 1, 5, 6, 7, 8 and 9
	0150, 0151, 0153, 0156, 0159	Worksite and access for construction.	Work No.1
	0155, 0168	Worksite and access for construction, utility diversions and environmental mitigation.	Work Nos. 1, 5, 6, 7, 8 and 9
	0182, 0188	Worksite and access for construction.	Work Nos. 1, 9 and 10
	0184	Worksite and access for construction.	Work Nos. 1 and 9
	0194	Worksite and access for construction.	Work Nos. 1 and 10
	0195, 0197, 0203	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 10
	0200	Worksite and access for construction.	Work Nos. 1 and 10
	0198, 0198a	Worksite and access for construction.	Work Nos. 1 and 10
	0216, 0245	Worksite and access for construction.	Work Nos. 1, 10, 11, and 12
	0221	Worksite and access for construction.	Work Nos. 1, 10, 11, and 12
	0229, 0238, 0240,	Worksite and access for construction.	Work Nos. 1, 10, 11, and 12
	0234, 0253, 0268	Worksite and access for construction.	Work Nos. 1, 10, 11, 12 and 13
	0235, 0237	Worksite and access for construction.	Work Nos. 1, 10, 11, and 12

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0252, 0255, 0260	Worksite and access for construction and utility diversions.	Work Nos. 1, 10, 11, and 12
	0259, 0263, 0272, 0278	Worksite and access for construction.	Work Nos. 1, 10, 11, 12 and 13
	0275, 0289	Worksite and access for construction.	Work No.1
	0279, 0280, 0282, 0285	Worksite and access for construction.	Work No.1
	0299	Worksite and access for construction.	Work No.1
In the County of Oxfordshire and Buckinghamshire, In the District of Cherwell and Aylesbury Vale	0303	Worksite and access for construction and utility diversions.	Work Nos. 1, 14 and 15
	0312	Worksite and access for construction.	Work Nos. 1, 14 and 15
In the County of Buckinghamshire In the District of Aylesbury Vale	0317	Worksite and access for construction.	Work Nos. 1, 14 and 15
	0319	Creation of a new public right of way.	Work No.15
	0325	Worksite and access for construction.	Work Nos. 1, 14 and 15
	0334	Worksite and access for construction.	Work Nos. 1 and 16
	0337	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 16
	0340	Passing place.	Work No.1
	0353, 0369	Worksite and access for construction.	Work No.1

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0357, 0375	Worksite and access for construction.	Work Nos. 1, 16 and 17
	0362, 0365	Worksite and access for construction.	Work No.1
	0336b	Worksite and access for construction.	Work No.1
	0370	Worksite and access for construction.	Work No.1
	0375a	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0375b	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0375c	Kerb realignment and widening of road.	Temporary highway works and Work No.1
	0378, 0378a	Worksite and access for construction.	Work No.1
	0381	Worksite and access for construction.	Work Nos. 1 and 17
	0388, 0394, 0396	Worksite and access for construction.	Work Nos. 1 and 17
	0401	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 17
	0402	Worksite and access for construction and creation of a new public right of way.	Work Nos. 1 and 17
	0404, 0406	Worksite and access for construction.	Work No.1
	0419	Worksite and access for construction.	Work No.1
	0425	Worksite and access for construction.	Work No.1

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0429	Worksite and access for construction.	Work Nos. 2, 18 and 19
	0433	Worksite and access for construction.	Work Nos. 2, 18 and 19
	0436	Worksite and access for construction.	Work Nos. 2, 18 and 19
	0442, 0442a	Worksite and access for construction and utility diversions.	Work Nos. 2, 18 and 20
	0442b	Creation of a temporary public right of way.	Work Nos. 2, 18 and 20
	0454, 0454a, 0454b	Worksite and access for construction.	Work Nos. 2, 18 and 20
	0463	Worksite and access for construction.	Work No.2
	0465	Worksite and access for construction.	Work No.2
	0466	Worksite and access for construction.	Work Nos. 2, 18 and 20
	0467	Worksite and access for construction.	Work No.2
	0470, 0478	Worksite and access for construction.	Work Nos. 2 and 21
	0472	Worksite and access for construction.	Work No.2
	0479	Worksite and access for construction.	Work Nos. 2 and 21
	0481	Worksite and access for construction.	Work No.2
	0482	Worksite and access for construction.	Work No.2
	0485	Worksite and access for construction.	Work No.2



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0486	Worksite and access for construction.	Work Nos. 2 and 22
	0488	Worksite and access for construction.	Work Nos. 2 and 22
	0490a	Worksite and access for construction.	Work Nos. 2 and 22
	0492	Worksite and access for construction.	Work Nos. 2 and 22
	0495, 0499	Worksite and access for construction.	Work Nos. 2 and 23
	0495a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499b	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499c	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499d	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499e	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499f	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499g	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0499h	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0496, 0497, 0501	Worksite and access for construction.	Work Nos. 2 and 23
	0505	Worksite and access for construction.	Work Nos. 2 and 23

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0507	Worksite and access for construction.	Work Nos. 2 and 23
	0507a	Passing place.	Temporary highway works and Work No. 2
	0509	Worksite and access for construction.	Work No.2
	0510	Worksite and access for construction.	Work Nos. 2, 24 and 25
	0513	Worksite and access for construction.	Work Nos. 2, 23, 24 and 25
	0516	Creation of a new public right of way.	Work Nos. 2, 24 and 25
	0519	Worksite and access for construction.	Work Nos. 2, 24 and 25
	0519a	Creation of a new public right of way.	Work Nos. 2, 24, 25 and 25A
	0519c, 0519d	Worksite and access for construction.	Work Nos. 2 and 25A
	0521	Worksite and access for construction.	Work No.2
	0531	Worksite and access for construction.	Work No.2
	0543	Worksite and access for construction.	Work Nos. 2 and 25A
	0570	Worksite and access for construction.	Work No.2
	0571	Worksite and access for construction.	Work No.2
	0577	Worksite and access for construction.	Work No.2
	0580	Worksite and access for construction and	Work No.2

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
		creation of a new public right of way.	
	0585a	Worksite and access for construction.	Work No.2
	0590	Worksite and access for construction.	Work No.2
	0598	Worksite and access for construction.	Work No.2
	0600, 0605, 0608	Worksite and access for construction and creation of a new public right of way.	Work No.2
	0602	Worksite and access for construction and creation of a new public right of way.	Work No.2
	0614	Worksite and access for construction.	Work Nos. 2 and 26
	0617, 0620	Worksite and access for construction.	Work No.2
	0617a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0633a	Highway widening and worksite and access for construction	Work No.2
	0634	Worksite and access for construction.	Work No.2
	0636, 0639	Worksite and access for construction.	Work Nos. 2 and 26
	0641	Worksite and access for construction creation of a new public right of way.	Work Nos. 2 and 26
	0645	Worksite and access for construction.	Work Nos. 2 and 26

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0647	Worksite and access for construction.	Work Nos. 2 and 26
	0654	Worksite and access for construction.	Work Nos. 2 and 26
	0661	Creation of a new public right of way.	Work Nos. 2 and 26
	0669	Worksite and access for construction.	Work No.2
	0670	Worksite and access for construction.	Work Nos. 2 and 26A
	0671, 0673	Worksite and access for construction.	Work No.2
	0674	Worksite and access for construction.	Work No.2
	0684, 0692	Worksite and access for construction.	Work No.2
	0685, 0690, 0693, 0699	Worksite and access for construction.	Work No.2
	0700	Worksite and access for construction.	Work Nos. 2 and 26B
	0700a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0700b	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0712	Worksite and access for construction.	Work No.2
	0716, 0725, 0729, 0731	Worksite and access for construction.	Work No.2
	0720	Worksite and access for construction.	Work No.2
	0740	Worksite and access for construction.	Work Nos. 2 and 27

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0742	Worksite and access for construction and creation of a new public right of way.	Work Nos. 2 and 27
	0744	Drainage works.	Work Nos. 2 and 27
	0751	Worksite and access for construction.	Work Nos. 2 and 27
	0752	Worksite and access for construction.	Work Nos. 2 and 27
	0754	Worksite and access for construction.	Work Nos. 2 and 27
	0755, 0758, 0761, 0764, 0765, 0767, 0768	Creation of a new public right of way.	Work Nos. 2 and 28
	0762	Worksite and access for construction.	Work Nos. 2 and 28
	0763	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0774	Worksite and access for construction.	Work Nos. 2 and 28
	0777a	Passing Place.	Temporary highway works Work No.2
	0791, 0799, 0806	Worksite and access for construction.	Work No.2
	0796, 0797, 0798	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0802	Passing Place.	Temporary highway works and Work No.2
	0805	Worksite and access for construction and drainage works.	Work No.2
	0807	Worksite and access for construction.	Work No.2

<i>(1) Area</i>	<i>(2) Number of land shown on the deposited plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised works</i>
	0815	Worksite and access for construction and drainage works.	Work No.2
	0817, 0824, 0825, 0830	Worksite and access for construction	Work No.2
	0824a	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824b	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824c	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824d	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824e	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824f	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0824g	Kerb realignment and widening of road.	Temporary highway works and Work No.2
	0822, 0828, 0835	Worksite and access for construction	Work Nos. 2 and 29
	0840, 0840a, 0843a, 0835a	Worksite and access for construction and creation of a new public right of way.	Work Nos. 2 and 29
	0836	Worksite and access for construction	Work Nos. 2 and 29
	0843, 0850, 0857	Worksite and access for construction	Work Nos. 2 and 29
	0844	Worksite and access for construction and creation of a new public right of way.	Work Nos. 2 and 29

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0846	Worksite and access for construction	Work Nos. 2 and 29
	0851, 0854, 0862	Worksite and access for construction	Work No.2
	0870	Worksite and access for construction.	Work No.2
	0872, 0880, 0884	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0875, 0876, 0877	Drainage Works.	Work No.2
	0883	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0884b	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0890, 0892, 0894, 0898	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0902, 0906a, 0914a,	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0906, 0908, 0914, 0914e, 0923, 0931	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0910, 0918	Worksite and access for construction	Work No.2
	0912	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0914c	Worksite and access for construction.	Work Nos. 2, 30, 31 and 32
	0926	Worksite and access for construction.	Work No.2
	0937, 0941	Worksite and access for construction.	Work No.2
	0939	Worksite and access for construction.	Work No.2
	0950	Worksite and access for construction.	Work No.2

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	0968, 0969	Worksite and access for construction.	Work No.2
	0972, 0988	Worksite and access for construction.	Work No.2
	0973, 0974, 0975	Worksite and access for construction.	Work No.2
	0979	Worksite and access for construction.	Work No.2
	0980	Worksite and access for construction.	Work No.2
	0992, 0997	Worksite and access for construction.	Work No.2
	1002, 1003	Worksite and access for construction	Work No.2
	1004	Worksite and access for construction	Work No.2
	1008	Worksite and access for construction	Work No.2
	1011, 1012	Worksite and access for construction	Work No.2
In the County of Buckinghamshire In the Districts of Aylesbury Vale and Milton Keynes	1015, 1023	Worksite and access for construction.	Work No.2
In the County of Buckinghamshire In the District of Milton Keynes	1015a, 1025, 1027	Worksite and access for construction.	Work No.2
	1017	Worksite and access for construction.	Work No.2
	1041, 1042, 1045	Worksite and access for construction.	Work No.2
	1044	Worksite and access for construction.	Work No.2



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	1050, 1054	Worksite and access for construction.	Work No.2
	1058, 1059	Worksite and access for construction.	Work No.2
	1106, 1107, 1109, 1112	Worksite and access for construction and creation of a new public right of way.	A public right of way diversion
	1116	Worksite and access for construction	Work No.33
	1117	Worksite and access for construction	Work No.33
	1117a	Worksite and access for construction and creation of a new public right of way	Work No.33
	1117b	Worksite and access for construction	Work No.33
	1120, 1122a	Worksite and access for construction and creation of a new public right of way	Work No.33
	1122	Worksite and access for construction	Work No.33
	1122b, 1124	Worksite and access for construction	Work No.33
	1123	Worksite and access for construction.	Work No.33
	1128	Worksite and access for construction and creation of a temporary public right of way.	Work No.33
	1130	Worksite and access for construction.	Station Works
	1143	Creation of a new public right of way.	Extinguishment of level crossing

<i>(1)</i> Area	<i>(2)</i> Number of land shown on the deposited plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised works
In the County of Bedfordshire In the District of Central Bedfordshire	1191	Worksite and access for construction.	Work Nos. 34, 35 and 36
	1194	Worksite and access for construction and maintenance.	Work Nos. 34, 35 and 36
	1200, 1205, 1207	Worksite and access for construction and creation of a new public right of way.	Extinguishment of level crossing and station works
	1206, 1209, 1213, 1214, 1221	Worksite and access for construction.	Station works
	1219, 1220, 1222, 1227, 1229	Worksite and access for construction.	Station works
	1226, 1228, 1232	Worksite and access for construction and creation of a new public right of way.	Extinguishment of level crossing
	1243	Creation of a new public right of way.	Extinguishment of level crossing
	1251, 1252, 1256, 1258, 1259	Creation of a new public right of way.	Work No.37
	1253	Worksite and access for construction.	Extinguishment of level crossing
	1254	Worksite and access for construction.	Extinguishment of level crossing
	1261	Worksite and access for construction.	Work No.37
	1262	Worksite and access for construction.	Work No.37
	1265, 1267, 1269, 1271, 1273	Worksite and access for construction.	Work No.37
In the District of Bedford	1296	Worksite and access for construction.	Extinguishment of level crossing
	1298	Worksite and access for construction.	Extinguishment of level crossing

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	1302	Worksite and access for construction.	Work No.38
	1304	Worksite and access for construction.	Work No.38
	1316	Worksite and access for construction.	Work No.38
	1317	Worksite and access for construction.	Work No.38
	1323	Worksite and access for construction.	Work No.38
	1336, 1337	Worksite and access for construction and creation of a new public right of way.	Work No.39
	1338	Worksite and access for construction.	Work No.39
	1339	Worksite and access for construction and creation of a new public right of way.	Work No.39
	1342	Worksite and access for construction.	Work No.39
	1343, 1344	Worksite and access for construction.	Work No.39
In the County of Buckinghamshire In the District of Aylesbury Vale	1361, 1361a, 1361b, 1362, 1368	Worksite and access for construction.	Work No.40
	1370a	Worksite and access for construction.	Work No.40
	1364	Worksite and access for construction.	Work No.40
	1371, 1384	Worksite and access for construction.	Work No.40

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	1391a	Worksite and access for construction.	Work No.40
	1398	Worksite and access for construction.	Work No.40
	1401, 1402	Worksite and access for construction.	Work No.40
	1410, 1412	Worksite and access for construction.	Work No.40
	1414	Worksite and access for construction.	Work Nos.40 and 41
	1415	Worksite and access for construction.	Work No.40
	1418	Worksite and access for construction.	Work Nos.40 and 41
	1419	Worksite and access for construction.	Work No.40
	1421, 1423	Worksite and access for construction.	Work No.40
	1421a	Creation of a temporary public right of way.	Work No.40
	1426, 1429	Worksite and access for construction.	Work No.40
	1430	Worksite and access for construction.	Work No.40
	1432, 1440	Worksite and access for construction.	Work Nos.40 and 42
	1434, 1435	Worksite and access for construction.	Work No.40
	1441	Worksite and access for construction.	Work Nos. 40 and 42
	1447	Worksite and access for construction.	Work Nos. 40 and 42

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised works</i>
	1450	Worksite and access for construction.	Work Nos. 40 and 42
	1455	Worksite and access for construction.	Work No.40
	1457, 1462	Worksite and access for construction.	Work No.40
	1459, 1461	Worksite and access for construction.	Work No.40
	1464	Worksite and access for construction.	Work No.40
	1450a, 1452, 1454	Worksite and access for construction.	Work No.40
	1468, 1480, 1480a, 1480b	Worksite and access for construction.	Work No.40
	1475, 1476, 1481	Worksite and access for construction.	Work No.40
	1481a, 1486, 1488, 1489, 1493, 1493a, 1493b, 1513, 1515	Worksite and access for construction.	Work No.40
	1499	Worksite and access for construction.	Work No.40
	1504, 1521	Worksite and access for construction.	Work No.40
	1518, 1520	Worksite and access for construction.	Work No.40
	1525, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1536, 1537, 1538, 1539, 1541, 1542	Worksite and access for construction.	Extinguishment of level crossing.
	1527	Worksite and access for construction and creation of a new public right of way.	Extinguishment of level crossing.

## SCHEDULE 5

Article 8

### REPLACEMENT AND CLOSURE OF ROAD LEVEL CROSSINGS

#### PART 1

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

<i>(1)</i> Area	<i>(2)</i> Level crossing to be discontinued	<i>(3)</i> Highway to be stopped up	<i>(4)</i> New highway to be substituted
County of Oxfordshire District of Cherwell Parishes of Bicester and Launton	The level crossing known as Bicester Eastern Perimeter Road level crossing whereby A4421 Charbridge Lane is crossed on the existing railway between Bicester and Bletchley stations.	A4421 Charbridge Lane between points P6 and P7 (on sheet 2).	Work No.5
Parish of Launton	The level crossing known as Launton Highway level crossing whereby Station Road is crossed on the existing railway between Bicester and Bletchley stations.	Station Road between points P12 and P13 and between points P14 and P15 (on sheets 4 and 5).	Work No.11
County of Buckinghamshire District of Aylesbury Vale Parishes of Steeple Claydon and Middle Claydon	The level crossing known as Queen Catherine Road level crossing whereby Queen Catherine Road is crossed on the existing railway between Bicester and Bletchley stations.	Queen Catherine Road between points P1 and P2, between points P3 and P4 and between points P5 and P6 (on sheets 15 and 16).	Work No.18, 19 and 20
County of Bedfordshire District of Bedford Parishes of Lillington	The level crossing known as Marston Road level crossing whereby Marston Road is crossed on the existing railway between Bletchley and Bedford stations.	Marston Road between points P12 and P13 (on sheet 54).	Work No.37
County of Bedfordshire District of Central Bedfordshire Parish of Stewartby	The level crossing known as Kempston Hardwick crossing whereby Manor Road is crossed on the existing railway between Bletchley and	Manor Road between points P1 and P2 (on sheet 57).	Work No.38

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Level crossing to be discontinued</i>	<i>(3)</i> <i>Highway to be stopped up</i>	<i>(4)</i> <i>New highway to be substituted</i>
	Bedford stations.		

## PART 2

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

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

## SCHEDULE 6

Article 9

### REPLACEMENT AND CLOSURE OF FOOTPATH LEVEL CROSSINGS

## PART 1

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

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

<i>(1)</i> Area	<i>(2)</i> Footpath level crossing to be discontinued	<i>(3)</i> Footpath to be stopped up	<i>(4)</i> New Footpath to be substituted
Vale Parish of Marsh Gibbon	Footpath and user works level crossing		P5 (on sheet 7).
Parish of Poundon	The level crossing known as Poundon No.2 level crossing	Footpath POD/2/1 between points P1 and P2 (on sheet 8).	Footpath between points P1, P4, Work No.16, points P3 and P2 (on sheet 8).
Parish of Charndon	The level crossing known as Charndon No.3 level crossing	Footpath CHA/3/1 between points P1 and P2 (on sheets 9 and 11)	Footpath between points P1 and P3 (on sheets 9 and 11).
Parish of Twyford	The level crossing known as Twyford No.2 level crossing  The level crossing known as Twyford No.3 level crossing	Footpath TWY/2/3 between points P1 and P3 and Footpath TWY2/2 between points P3 and P4 (on sheet 12). Footpath TWY/3/1 between points P5 and P4 (on sheet 12)	Footpath between points P1, P2, Work No.17, points P3 and P4 (on sheet 12).  Footpath between points P5, P2, Work No.17, points P3 and P4 (on sheet 12).
Parishes of Middle Claydon and Steeple Claydon	The level crossing known as Middle Claydon Footpath No.8 level crossing	Footpath SCL/1/3, path not on definitive map and Footpath MCL/8/1 between points P1 and P3 (on sheet 17).	Footpath between points P1, Work No.21, points P2 and P3 (on sheet 17).
Parish of Middle Claydon	The level crossing known as Middle Claydon Footpaths No.4 & No.6 level crossing	Footpath MCL/4/1 between points P1 and P5, Footpath MCL/6/1 between points P2 and P5, Footpath MCL/6/2 between points P3 and P5, Footpath MCL/4/2 between points P4 and P5 (on sheet 18).	Footpath between points P1 and P6, between points P2 and P6, Work No.22, points P7 and P3 and between points P7 and P4 (on sheet 18).
Parish of Middle Claydon	The level crossing known as Verney Junction level crossing	Footpath MCL/2/1 and path not on definitive map between points P1 and P2 and Footpath MCL/3/1 and path not on definitive map between points P1 and P3 (on sheets 20 and 21)	Footpath between points P6, Work No.24, point P5 and P2 and between points P7 and P8 (on sheets 20 and 21).
Parishes of Winslow and Addington	The level crossing known as Winslow Footpath No.5 level	Footpath ADD/11/1 between points P1 and P2 and Footpath	Footpath between points P1, P4, P5 and P3 (on sheet 23).



<i>(1)</i> Area	<i>(2)</i> Footpath level crossing to be discontinued	<i>(3)</i> Footpath to be stopped up	<i>(4)</i> New Footpath to be substituted
	crossing	WIS/5/1 between points P2 and P3 (on sheet 23).	
Parish of Swanbourne	The level crossing known as Winslow Footpath No.17 level crossing The level crossing known as Moco Farm No. 2	Footpath SWA/17/1 between points P1 and P2 (on sheets 27 and 28). Footpath SWA/1/2 between points P4 and P7 (on sheet 28).	Footpath between points P1, P3, Work No.27 and point P2 (on sheets 27 and 28). Footpath between points P4, P5, Work No.28, points P6 and P7 (on sheet 28).
Parishes of Little Horwood, Swanbourne and Mursley	The level crossing known as Swanbourne Old Station level crossing	Footpath LHO/27/1 between points P9 and P10, Footpath MUR/19/1 between points P10 and P11 and Footpath SWA/20/1 between points P11 and P12 (on sheets 28 and 29).	Footpath between points P9 and P8 and between points P4, P5, Work No.28, point P6 and P7 (on sheet 28).
Parishes of Little Horwood and Mursley	The level crossing known as Swan's Way level crossing	Footpath LH0/20/1 between points P1 and P5 and Footpath MUR/13/1 between points P5 and P6 (on sheet 30).	Footpath between points P1, P2, Work No.29, points P3 and P4 (on sheet 30).
County of Buckinghamshire District of Milton Keynes Parish of Woburn Sands	The level crossing known as Fisherman's Path level crossing  The level crossing known as School Crossing Woburn Sands level crossing	Woburn Sands Footpath 002 between points P1 and P2 (on sheet 46)  Woburn Sands Footpath 003 between points P6 and P7 (on sheet 46)	Footpath between points P1, P3, Work No.33, points P4, P5 and P2 (on sheets 45 and 46).  Footpath between points P9 and P7 (on sheet 46).
County of Bedfordshire District of Central Bedfordshire Parishes of Husbourne Crawley and Brogbourgh	The level crossing known as Husbourne Crawley level crossing Footpath 10	Footpath 10 between points P1 and P2 and Footpath BRG/17/10 between points P2 and P3 (on sheets 51 and 52).	Footpath between points P1, P4, P5 and P6 (on sheets 51 and 52).
Parish of Lidlington	The level crossing known as Pilling Farm South level crossing	Footpath 1 and path not on definitive map between points P5 and P6 (on sheet 53).	Footpath between points P6, P7 and P8 and bridleway between points P5, P10 and P11 (on sheets 53 and 54)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath level crossing to be discontinued</i>	<i>(3)</i> <i>Footpath to be stopped up</i>	<i>(4)</i> <i>New Footpath to be substituted</i>
District of Bedford Parish of Kempston	The level crossing known as Woburn Road level crossing	Footpath KEU1B (FP 1), path not on definitive map and Footpath KERA1A (FP A1) between points P1 and P2 (on sheet 58).	Footpath between points P1, P3 Work No.39, point P4 and P5 (on sheet 58).
County of Buckinghamshire District of Aylesbury Vale Parish of Waddesdon	The level crossing known as North Bucks Way No.1 level crossing	Footpath WAD/3/5 between points P1 and P4 (on sheet 61).	Footpath between points P1, P2, Work No.41, point P3 and P4 (on sheet 61).
Parish of Aylesbury	The level crossing known as Griffin Lane level crossing	Footpath AYL/8/1 between points P1 and P6, and Footpath AYL/7/1 between points P5 and P6 (on sheet 70).	Footpath between points P3, P4 and P5 (on sheet 70).

## PART 2

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

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

SCHEDULE 7

Article 10

ACCOMODATION CROSSINGS

PART 1

ACCOMODATION CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Accommodation facility to be discontinued	<i>(3)</i> Private right of way to be extinguished	<i>(4)</i> Accommodation facility to be substituted
County of Oxfordshire District of Cherwell Parish of Launton	The level crossing known as Manor Farm level crossing whereby Manor Farm access road is crossed on the existing railway between Bicester and Bletchley stations	Manor Farm access road (on sheet 3)	Work No.9
County of Buckinghamshire District of Aylesbury Vale Parish of Marsh Gibbon	The level crossing known as Marsh Gibbon user works level crossing whereby Marsh Gibbon access road is crossed on the existing railway between Bicester and Bletchley stations The accommodation crossing OXD/33 known as Marsh Gibbon Accommodation Bridge	Marsh Gibbon access road (on sheet 7)  OXD/33 known as Marsh Gibbon Accommodation Bridge access (on sheet 7)	Work No.14  Work No.14
Parish of Middle Claydon	The level crossing known as Littleworth Farm level crossing whereby Littleworth Farm access road is crossed on the existing railway between Bicester and Bletchley stations The level crossing known as Verney Junction level crossing whereby Furze Farm access road is crossed on the existing railway	Littleworth Farm access (on sheet 19)  Verney Junction access road (on sheet 20)	Work No.24  Work No.24

<i>(1)</i> Area	<i>(2)</i> Accommodation facility to be discontinued	<i>(3)</i> Private right of way to be extinguished	<i>(4)</i> Accommodation facility to be substituted
	between Bicester and Bletchley stations		
Parish of Swanbourne	The level crossing known as Moco Farm No.1 level crossing whereby Moco Farm access road is crossed on the existing railway between Bicester and Bletchley stations The accommodation crossing OXD/14 known as Moco Farm Overbridge	Moco Farm access road (on sheet 27)  OXD/14 Moco Farm Overbridge access (on sheet 27)	Work No.27  Work No. 27
Parish of Mursley	The level crossing known as Weasels Lodge level crossing whereby an access road is crossed on the existing railway between Bicester and Bletchley stations and OXD/10 Salden Overbridge	Weasels Lodge access road and OXD/10 Salden Overbridge (on sheet 32)	Works Nos. 30 and 31
County of Buckinghamshire District of Milton Keynes Parish of Woburn Sands and Wavendon	The level crossing known as Woodley's Farm level crossing whereby Woodley's Farm access road is crossed on the railway between Bletchley and Bedford stations	Woodley's Farm access road (on sheet 45)	Work No.33
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	The level crossing known as Berry Lane level crossing whereby Berry Lane is crossed on the railway between Bletchley and Bedford stations	Berry Lane between points P1 and P2 (on sheet 49)	Work No.34
Parish of Aspley Guise and Husbourne Crawley	The level crossing known as Long Leys level crossing whereby Long Leys access road is crossed on the railway between Bletchley and Bedford stations	Long Leys access road (on sheet 50)	Work No.35 and 36
Parish of Husbourne	The level crossing	Matey Boys access	Work No.35 and 36

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Accommodation facility to be discontinued</i>	<i>(3)</i> <i>Private right of way to be extinguished</i>	<i>(4)</i> <i>Accommodation facility to be substituted</i>
Crawley	known as Matey Boys level crossing whereby an access road is crossed on the railway between Bletchley and Bedford stations.	road (on sheet 50)	
County of Buckinghamshire District of Aylesbury Vale Parish of Waddesdon	The level crossing known as Lower Blackgrove No.1 crossing whereby an access road is crossed on the existing railway between Buckinghamshire former Railway station and Aylesbury Vale Parkway station.	Lower Blackgrove Farm access road (on sheet 64)	Work No.42

## PART 2

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

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

## SCHEDULE 8

Article 11

### STREETS SUBJECT TO ALTERATION OF LAYOUT

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
County of Buckinghamshire District of Aylesbury Vale Parish of Poundon	Station Road	Passing places between points T2 and T3 (on sheets 9 and 10).
	The junction of Main Street with Station Road	Kerblines realignment and widening of road (on sheet 10).
Parish of Charndon	The junction of School Hill with Main Street	Kerblines realignment and widening of road (on sheet 13).
	School Hill	Passing places between points T11 and T13 (on sheets 13 and 77).
	The junction of School Hill with an Unnamed Road (between School Hill and Perry Hill)	Kerblines realignment and widening of road (on sheet 77).
Parish of Steeple Claydon	The Junction of Buckingham Road with Queen Catherine Road	Kerblines realignment and widening of road (on sheet 15).
	Queen Catherine Road	Passing places between points T2 and P1 (on sheet 15).
Parish of Middle Claydon	Sandhill Road	Passing places between points T2 and T3 (on sheet 19).
	The Junction of Verney Road with Sandhill Road	Kerblines realignment and widening of road (on sheet 19).
Parish of Middle Claydon	Verney Road	Passing places between points T3, T4 and T5 (on sheets 19 and 20) and between points T5 and T6 (on sheets 19 and 20).
	Verney Road	Kerblines realignment and widening of road (on sheet 20).
Parish of Middle Claydon, East Claydon and Addington	Verney Road	Passing places between points T7 and T8 (on sheets 20 and 21), and between points T9 and T10 (on sheets 22), and between points T12 and T13 (on sheets 22 and 23).
Parish of Wilmslow	The junction of Furze Lane with Verney Road	Kerblines realignment and widening of road (on sheet

<i>(1)</i> Area	<i>(2)</i> Street subject to alteration of layout	<i>(3)</i> Description of alteration
	Horwood Road	24). Passing places between points T1 and T2 (on sheets 85 and 26)
Parish of Mursley and Swanbourne	Station Road	Passing places between points T5 and T3 (on sheets 28 and 29).
Parish of Mursley	The junction of Station Road with an Unnamed Road (between Mursley Road and Station Road)  Station Road	Kerblines realignment and widening of road (on sheet 29).  Passing places between points T3 and T4 (on sheets 29 and 86)
District of Milton Keynes Parish of Woburn Sands	The junction of Cranfield Road with Station Road.	Kerblines and footpath realignment and widening of road (on sheet 46).
County of Bedfordshire District of Central Bedfordshire Parish of Lidlington	Station Road between points T1 and T2 (on sheet 53)  Church Street between points T2 and T3 (on sheet 53).	Kerblines realignment and widening of road (on sheet 53).  Kerblines realignment and widening of road (on sheet 53).
District of Bedford Parish of Stewartby	Manor Road	Passing places between points P2 and T3 (on sheet 57) and between points T1 and T2 (on sheet 96).
County of Buckinghamshire District of Aylesbury Vale Parish of Waddesdon	Blackgrove Road	Passing places between points T4 and T5 (on sheet 63).
County of Oxfordshire District of Cherwell Parish of Fringford and Stratton Audley	The junction of an Unnamed Road (between A4421 Roman Road and Mill Road) with A4221 Roman Road	Kerblines realignment and widening of road (on sheet 71).
Parish of Stratton Audley	Unnamed Road (between A4421 Roman Road and Mill Road)  The junction of an Unnamed Road (between A4421 Roman Road and Mill Road) with Mill Road	Passing places between points T2 and T4 (on sheets 71 and 72).  Kerblines realignment and widening of road (on sheet 72).
County of Oxfordshire District of Cherwell and Aylesbury Vale	Unnamed Road (between Mill Road and Main Street)	Passing places between points T4 and T5 (on sheets 72 and 76).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Parishes of Stratton Audley and Godington  County of Buckinghamshire District of Aylesbury Vale Parish of Poundon		
County of Buckinghamshire District of Aylesbury Vale Parish of Gawcott with Lenborough	The Junction of an Unnamed Road (between Lenborough Road and A413 London Road) with A413 London Road  Unnamed Road (between Lenborough Road and A413 London Road)	Kerblines realignment and widening of road (on sheet 78).  Passing places between points T2 and T4 (on sheet 78).
Parish of Gawcott with Lenborough and Padbury	Unnamed Road (between Lenborough Road and Main Street)	Passing places between points T4 and T5 (on sheets 78 and 80).
Parish of Steeple Claydon	Herd's Hill  The junction of Herd's Hill with Sandhill Road  Sandhill Road	Passing places between points T1 and T2 (on sheets 81 and 82).  Kerblines realignment and widening of road (on sheet 82).  Passing places between points T2 and T3 (on sheets 82 and 84).
Parish of Steeple Claydon and Padbury	Unnamed Road (between Sandhill Road and Main Street)	Passing places between points T4 and T5 (on sheets 82 and 83).
Parish of Mursley, Stewkley and Drayton Parslow	B4032	Passing places between points T1 and T2 (on sheet 87) and between points T1 and T2 (on sheet 88).
Parish of Stewkley and Drayton Parslow	Bletchley Road	Passing places between points T2 and T3 (on sheets 88 and 91).
District of Bedford Parish of Drayton Parslow	Drayton Road	Passing places between points T1 and T2 (on sheets 92 and 93).
County of Bedfordshire District of Central Bedfordshire Parish of Lidlington	High Street  The junction of High Street with the A507	Passing places between points T1 and T2 (on sheets 94 and 95).  Kerblines realignment and widening of road (on sheet 95).



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
District of Bedford Parish Stewartby	Manor Road	Passing places between points T1 and T2 (on sheet 96).
County of Buckinghamshire District of Aylesbury Vale Parish of Edgcott	Grendon Road	Passing places between points T1 and T2 (on sheet 97).
Parish of Westcott	The junction of an Unnamed Road (between A41 and Station Road) with the A41	Kerbline realignment and widening of road (on sheet 98).
Parish of Westcott, Waddesdon and Quainton	Unnamed Road (between A41 and Station Road)	Passing places between points T2 and T3 (on sheets 98 and 99).
Parish of Waddesdon	The junction of Blackgrove Road with the A41	Kerbline realignment and widening of road (on sheet 100).

## SCHEDULE 9

Article 12

### STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
County of Oxfordshire District of Cherwell Parish of Bicester and Launton	A4421 Charbridge Lane A4421 Skimmingdish Lane
Parish of Launton	Bicester Road (on sheet 2) Station Road Bicester Road (on sheet 6)
County of Buckinghamshire District of Aylesbury Vale Parish of Poundon	Station Road Main Street
Parish of Twyford	Main Street
Arish of Charndon	Main Street
Parish of Steeple Claydon and Middle Claydon	Queen Catherine Road Sandhill Road
Parish of Middle Claydon, East Claydon and Addington	Verney Road
Parish of Winslow	Furze Lane Horwood Road Buckingham Road
Parish of Little Horwood	Horwood Road
Parish Swanbourne	Station Road
Parish of Mursley	Station Road Unnamed Road (between Mursley Road and Station Road) Salden Lane Whaddon Road
Parish of Newton Longville	Whaddon Road

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
	Bletchley Road
District of Milton Keynes Parish of West Bletchley	Selbourne Avenue Water Eaton Road Wellington Place
Parish of Bletchley and Fenny Drayton	Saxon Street
Parish of Walton	Davenport Lea
Parish of Woburn Sands	Newport Road Station Road Cranfield Road
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	Salford Road Berry Lane
Parish of Husborne Crawley	Bedford Road
Parish of Husborne Crawley and Brogborough	Station Road
Parish of Lidlington	Station Road Bye Road Church Street Marston Road
District of Bedford Parish of Sewartby	Manor Road
Parish of Kempston	Chantry Road
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	Station Road
Parish of Waddesdon	Blackgrove Road
Parish of Quainton and Fleet Marston	A41
Parish of Coldhardbour and Aylesbury	Griffin Lane
County of Oxfordshire District of Cherwell Parish of Fringford and Stratton Audley	Unnamed Road (between A4421 Roman Road and Mill Road)
Parish of Fringford	A4221 Roman Road
Parish of Stratton Audley	Unnamed Road (between A4421 Roman Road and Mill Road) Mill Road
County of Oxfordshire and Buckinghamshire District of Cherwell and Aylesbury Vale Parish of Stratton Audley, Godington and Poundon	Unnamed Road (between Mill Road and Main Street)
County of Buckinghamshire District of Aylesbury Vale Parish of Gawcott with Lenborough	Unnamed Road (between Lenborough Road and A413 London Road)  A413 London Road
Parish of Gawcott with Lenborough and Padbury	Unnamed Road (between Lenborough Road and Main Street)
Parish of Charndon	School Hill
Parish of Steeple Claydon	Herd's Hill Sandhill Road
Parish of Steeple Claydon and Padbury	Unnamed Road (between Sandhill Road and

<i>(1)</i> Area	<i>(2)</i> Street subject to street works
	Main Street)
Parish of Mursley, Stewkley and Drayton Parslow	B4032
Parish of Stewkley and Drayton Parslow	Bletchley Road
District of Bedford Parish of Drayton Parslow	Drayton Road
County of Bedfordshire District of Central Bedfordshire Parish of Lidlington	High Street  A507
Parish Stewartby	Manor Road
County of Buckinghamshire District of Aylesbury Vale Parish of Edgcott	Grendon Road
Parish of Westcott and Waddesdon	A41
Parish of Westcott, Waddesdon and Quainton	Unnamed Road (between A41 and Station Road)
Parish of Waddesdon	Blackgrove Road

## SCHEDULE 10

Article 13

### STREETS TO BE STOPPED UP

#### PART 1

##### STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> Area	<i>(2)</i> Street to be stopped up	<i>(3)</i> Extent of stopping up	<i>(4)</i> New street to be substituted
County of Oxfordshire District of Cherwell Parish of Launton	Footpath 272/13/10  Footpath 272/20/50	Between points P7 and P8 (on sheet 4)  Between points P7 and P9 (on sheet 4)	Footpath between points P5, P3, Work No.10, point P2 and P8 (on sheets 3 and 4) Footpath between points P8 and P10 (on sheet 4)
Country of Buckinghamshire District of Aylesbury Vale Parish of Middle Claydon	Footpath MCL/9/1  Sandhill Road	Between points P7 and P8 (on sheet 16)  Between points P1 and P2 (on sheet 19)	Work Nos. 18 (part) and 20  Work No.23
Parish of Addington	Footpath ADD/13/1  Footpath ADD/13/2	Between points P1 and P2 (on sheet 22) Between points	Footpath between point P4 and P5 (on sheet 22) Footpath between

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New street to be substituted</i>
		P2 and P3 (on sheet 22)	point P5 and P6 (on sheet 22)
Parish of Winslow	Footpath WIS/6/1	Between points P1 and P4 (on sheet 24)	Footpath between point P1, P2, Work No.26, point P3 and P6 (on sheet 24)
	Footpath WIS/6/2	Between points P6 and P4 (on sheet 24)	Footpath between points P3 and P6 (on sheet 24)
	Footpath WIS/6/9	Between points P4 and P5 (on sheet 24)	Footpath between points P6 and P7 (on sheet 24)
Parish of Mursley	Salden Lane	Between points P3 and P1 (on sheet 32)	Work No. 30
	Restricted Byway MUR/15/1	Between points P1 and P2 (on sheet 32)	Work No. 31
County of Buckinghamshire District of Milton Keynes Parish of Walton, Bow Brickhill and Woburn Sands	Bow Brickhill Bridleway 014	Between points P1 and P4 (on sheet 44)	Bridleway between points P1, P2, P3 and P4 (on sheet 44)

## PART 2

### STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
County of Oxfordshire District of Cherwell Parish of Launton	Bicester Road (Eastern verge)	Within Order limits (on sheet 2)
County of Buckinghamshire District of Aylesbury Vale Parish of Mursley	Restricted Byway MUR/18/1	Within the Limits of Deviation of Work No. 2 (On Sheet 29)
County of Buckinghamshire District of Milton Keynes Parish of Bletchley and Fenny Drayton	Saxon Street (Western Verge)	Within the Limits of Deviation of Work No. 2 (On Sheet 42)

## SCHEDULE 11

Article 14

### STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
County of Oxfordshire	Footpath 129/18/10	Between points T1 and P2 (on

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

	Main Street	sheets 9 and 10). Between points T4 and T5 (on sheet 10).
	Footpath POD/4/1	Between points T6 and T7 (on sheet 10).
Parish of Charndon	Footpath CHA/3/1	Within Order limits (on sheet 9).
	Bridleway CHA/1/7	Within Order limits (on sheets 10 and 11).
	Footpath CHA/4/1	Within Order limits (on sheet 11).
	Bridleway CHA/1/1	Within Order limits (on sheet 11).
	Footpath CHA/4/2	Between point P4 and P5 (on sheet 11).
	Footpath CHA/3A/1	Between point P4 and T1 (on sheet 11).
	Bridleway CHA/1/2	Between point T2 and T3 (on sheets 11 and 13).
	Bridleway CHA/1/5	Between points T3 and T8 (on sheet 13).
	Bridleway CHA/1/6	Between points T8 and T9 (on sheet 13).
	Footpath CHA/1A/1	Between points T6 and T7 (on sheet 13).
	Main Street	Between points T10, T11 and T12 (on sheets 13).
	School Hill	Between points T11 and T13 (on sheets 13 and 77).
Parish of Twyford	Bridleway TWY/1/1	Within Order limits (on sheet 10).
	Footpath TWY/2/3	Between points P3 and T4 (on sheets 12 and 13).
	Footpath TWY/3/1	Between points P4, T5 and T6 (on sheets 12 and 13).
	Footpath TWY/2/2	Between points P3 and P4 (on sheet 12).

	Footpath TWY/4/1	Within Order Limits (on sheet 14).
	Main Street	Between points T1 and T2 (on sheet 14).
Parish of Steeple Claydon	Buckingham Road	Between points T1 and T2 (on sheet 15).
	Footpath SCL/1/3	Within Order limits (on sheet 17).
Parishes of Steeple Claydon and Middle Claydon	Queen Catherine Road	Between points T3, T2, P1 and P6 (on sheets 15 and 16).
Parish of Middle Claydon	Footpath MCL/9/1	Between points P7, P8 and T1 (on sheet 16).
	Footpath MCL/8/1	Within Order limits (on sheet 17).
	Footpath MCL/4/1	Within Order limits (on sheet 18).
	Footpath MCL/6/1	Within Order limits (on sheet 18).
	Footpath MCL/6/2	Within Order limits (on sheet 18).
	Footpath MCL/4/2	Within Order limits (on sheet 18).
	Sandhill Road	Between points T1, T2 and T3 (on sheet 19).
	Footpath MCL/2/1 and path not on definitive map)	Between points P1 and P2 (on sheet 20).
	Footpath MCL/3/1 and path not on definitive map)	Between points P1 and P3 (on sheets 20 and 21).
Parishes of Middle Claydon and East Claydon	Verney Road	Between points T3, T4, T5 and T6 (on sheets 19 and 20) and between points T7 and T8 (on sheets 20 and 21).
Parish of Addington	Footpath ADD/13/1	Between points P1 and P2 (on sheet 22).
	Footpath ADD/13/2	Between points P2 and P3 (on sheet 22).
	Footpath ADD/12/1	Between points T1 and P2 (on sheet 22).
	Footpath ADD/12/2	Between points P2 and T2 (on

		sheet 22).
	Footpath ADD/11/1	Between P1 and P2 (on sheet 23).
Parishes of Addington and Winslow	Verney Road	Between points T9 and T10 (on sheets 22), and between points T11, T12 and T13 (on sheets 22 and 23).
Parish of Winslow	Footpath WIS/5/1	Between points P2 and T1 (on sheet 23).
	Furze Lane	Between points T1 and T2 (on sheet 24).
	Footpath WIS/6/1	Between points P4, P1 and T7 (on sheet 24).
	Footpath WIS/6/2	Within Order limits (on sheet 24).
	Footpath WIS/6/9	Between points P4 and P5
	Buckingham Road	Between points T3 and T4 (on sheet 24).
	Great Horwood Road	Between points T5 and T6 (on sheet 24 and 25).
Parishes of Winslow and Little Horwood	Horwood Road	Between points T1, T2 and T3 (on sheets 85 and 26).
Parish of Swanbourne	Footpath SWA/17/1	Within Order limits (on sheets 27 and 28).
	Footpath SWA/1/1	Within Order limits (on sheet 28).
	Footpath SWA/1/2	Within Order limits (on sheet 28).
	Station Road	Between points T6 and T7 (on sheet 28).
	Footpath SWA/20/1	Between points P11 and P12 (on sheet 29).
Parishes of Swanbourne and Mursley	Station Road	Between points T5 and T3 (on sheets 28 and 29).
Parish of Little Horwood	Footpath LHO/27/1	Between points T2 and P10 (on sheets 28 and 29).
	Footpath LHO/20/1	Between points P1 and P5 (on sheet 30).
Parish of Mursley	Footpath MUR/19/1	Between points P10 and P11 (on sheet 29).



	Unnamed Road (between Mursley Road and Station Road)	Between points T3 and T6 (on sheet 29).
	Station Road (towards Main Street)	Between points T3 and T4 (on sheets 29 and 86).
	Restricted Byway MUR/18/1	Between points T3 and P6 (on sheets 29 and 30).
	Restricted Byway MUR/18/2	Within Order limits (on sheets 30 and 31).
	Footpath MUR/13/1	Within Order limits (on sheet 30).
	Whaddon Road	Between points T1 and T2 (on sheet 31).
	Salden Lane	Between points P3 and P1 (on sheet 32).
	Restricted Byway MUR/15/1	Between point P1 and T1 (on sheets 32 and 33).
Parish of Newton Longville	Restricted Byway NLO/20/1	Between points T1 and T2 (on sheets 33 and 34).
	Footpath NLO/19/1 (and path not on definitive map)	Between points T1 and T2 (on sheet and 37).
	Footpath NLO/19/2 (and path not on definitive map)	Between points T1 and T2 (on sheet and 37).
	Whaddon Road	Between points T1 and T2 (on sheet 36).
	Footpath NLO/18/1	Between points T6 and T7 (on sheets 37 and 38).
	Bletchley Road	Bletchley Road between points T1 and T2, and between points T3 and T4 (on sheet 38).
District of Aylesbury Vale Parish of Newton Longville and District of Milton Keynes Parish of West Bletchley	Newton Road	Newton Road between points T4 and T5 (on sheet 38).
District of Milton Keynes Parish of West Bletchley	Selbourne Avenue	Between points T1 and T2 (on sheet 39).
	Footpath Bletchley 026	Between points T1 and T2 (on

	Footpath Bletchley 027	sheet 39). Between points T2 and T3 (on sheets 39 and 40).
	Wellington Place	Within Order limits (on sheet 41).
	Saxon Street	Between points T1 and T2 (on sheet 42).
Parishes of West Bletchley and Bletchley and Fenny Stratford	Water Eaton Road	Between points T1 and T2 (on sheet 41).
	Footpath Bletchley 028	Within Order limits (on sheet 40).
Parishes of Walton, Bow Brickhill and Woburn Sands	Bow Brickhill Bridleway 014	Between point P1 and P4 (on sheet 44).
Parish of Woburn Sands	Bow Brickhill Road	Between points T1 and T2 (on sheet 45).
	Newport Road	Between points T3 and T4 and between points T5 and T6 (on sheet 46).
	Station Road	Between points T6 and T7 (on sheet 46).
	Cranfield Road	Between points P8 and T8 (on sheet 46).
	Woburn Sands Footpath 002	Between points T1 and T2 (on sheet 46).
	Woburn Sands Footpath 003	Between points P6 and P7 (on sheet 46).
County of Bedfordshire District of Central Bedfordshire Parish of Aspley Guise	Footpath 12 (and path not on definitive map)	Between points T1 and T2 (on sheet 48).
	Salford Road	Between points T3 and T4 (on sheet 48).
	Berry Lane	Between points P1, P2 and T1 (on sheet 49).
Parish of Husborne Crawley	Footpath 6 (and path not on definitive map)	Between points T1 and T2 (on sheet 50).
	Bedford Road	Between points T3, T2 and T1 (on sheets 50 and 51).
	Footpath 10	Between points T1, P1 and P2

		(on sheet 51).
Parish of Brogborough	Footpath BRG/17/10	Between points P2 and P3 (on sheets 51 and 52).
Parishes of Brogborough and Husbourne Crawley	Station Road	Between points T1 and T2 (on sheet 52).
Parish of Lidlington	Station Road	Between points T1 and T2 (on sheet 53).
	Church Street	Between points T2 and T3 (on sheet 53).
	Footpath 1 and path not on definitive map	Between points P5 and P6 (on sheet 53).
	Marston Road	Between points P12 and P13 (on sheet 54).
District of Bedford Parish of Stewartby	Manor Road	Between points P1, P2 and T3 (on sheet 57).
Parish of Kempston	Footpath KEU1B (FP 1), Footpath KERA1A (FP A1)	Between points P1 and P2 (on sheet 58).
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	Station Road	Between points T1 and T2 (on sheet 60).
Parish of Waddesdon	Footpath WAD/3/5	Within Order limits (on sheet 61).
	Footpath WAD/4/2	Between points T1 and T2 (on sheet 63).
	Blackgrove Road	Between points T3 and T4 (on sheet 63).
	Footpath WAD/5/3	Between points T1 and T2 (on sheet 65).
Parishes of Fleet Marston and Berry Fields	A41	Between points T1 and T2 (on sheet 69).
Parish of Aylesbury	Footpath AYL/8/1 and Footpath AYL/7/1	Between points P5, P1 and P2 (on sheet 70).
County of Oxfordshire District of Cherwell Parish of Fringford	Fringford Footpath 9	Between points T5 and T6 (on sheet 71).
Parishes of Fringford and Stratton Audley	A4421 Roman Road	Between points T1, T2 and T3 (on sheet 71).
	Unnamed Road (between A4421 Roman Road and Mill Road)	Between points T1, T2 and T3 (on sheet 71).
Parish of Stratton Audley	Mill Road	Between points T5 and T4 (on sheet 72).
County of Oxfordshire District of Cherwell Parishes of Stratton Audley	Unnamed Road (between Mill Road and Main Street)	Between points T4 and T5 (on sheets 72 and 76).

and Godington and County of Buckinghamshire District of Aylesbury Vale Parish of Poundon		
County of Buckinghamshire District of Aylesbury Vale Parish of Charndon	Unnamed Road (between School Hill and Perry Hill)	Between points T13 and T1 (on sheet 77).
Parish of Gawcott with Lenborough	A413 London Road	Between points T1, T2 and T3 (on sheet 78).
	Unnamed Road (between Lenborough Road and A413 London Road)	Between points T2 and T4 (on sheet 78).
	Footpath GAW/20/1	Between points T5 and T6 (on sheet 78).
	Footpath GAW/14/1	Between points T6 and T7 (on sheet 80).
	Footpath GAW/14/2	Between points T6 and T8 (on sheet 80).
	Footpath GAW/16A/1	Between points T9 and T10 (on sheet 80).
Parishes of Gawcott with Lenborough and Padbury	Unnamed Road (between Lenborough Road and Main Street)	Between points T4 and T5 (on sheets 78 and 80).
Parish of Steeple Claydon	Herd's Hill	Between points T1 and T2 (on sheets 81 and 82).
	Footpath SCL/20/1	Between points T6 and T7 (on sheet 82).
	Footpath SCL/23/1	Between points T8 and T9 (on sheet 82).
	Footpath SCL/11/1	Between points T9 and T10 (on sheet 82).
	Footpath SCL/4/2	Between points T11 and T12 (on sheet 83).
	Footpath SCL/22/1	Between points T13 and T14 (on sheet 83).
	Footpath SCL/21/1	Between points T14 and T15 (on sheet 83).
	Sandhill Road	Between points T2 and T3 (on sheets 82 and 84).
Parishes of Steeple Claydon and Padbury	Unnamed Road (between Sandhill Road and Main	Between points T4 and T5 (on sheets 82 and 83).

	Street)	
Parishes of Mursley, Stewkley and Drayton Parslow	B4032	Between points T1 and T2 (on sheet 87).
Parish of Stewkley	B4032	Between points T1 and T2 (on sheet 88).
Parishes of Stewkley and Drayton Parslow	Bletchley Road	Between points T2 and T3 (on sheets 88 and 91).
Parishes of Drayton Parslow and Stoke Hammond	Drayton Road	Between points T1 and T2 (on sheets 92 and 93).
County of Bedfordshire District of Central Bedfordshire Parish of Lidlington	High Street	Between points T1 and T2 (on sheets 94 and 95).
	Lidlington Bridleway 33	Between points T3 and T4 (on sheet 94).
	A507	Between points T3, T2 and T4 (on sheet 95).
District of Bedford Parish of Stewartby	Manor Road	Between points T1 and T2 (on sheet 96).
County of Buckinghamshire District of Aylesbury Vale Parish of Edgcott	Grendon Road	Between points T1 and T2 (on sheet 97).
Parish of Westcott	A41	Between points T1 and T2 (on sheet 98).
Parishes of Westcott, Waddesdon and Quainton	Unnamed Road (between A41 and Station Road)	Between points T2 and T3 (on sheets 98 and 99).
Parish of Waddesdon	A41	Between points T1 and T2 (on sheet 100).
	Blackgrove Road	Between points T2 and T3 (on sheet 100).

## SCHEDULE 12

Article 16

### ACCESS TO WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
County of Oxfordshire District of Cherwell Parishes of Bicester and Launton	A4421 Charbridge Lane at a point marked on the deposited plans A4421 Skimmingdish Lane at a point marked on the deposited plans
Parish of Launton	Bicester Road (on sheet 2) at a point marked on the deposited plans Station Road at a point marked on the deposited plans Bicester Road (on sheet 6) at a point marked on the deposited plans
County of Buckinghamshire District of Aylesbury Vale	Station Road at a point marked on the deposited plans

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
Parish of Poundon	Main Street at a point marked on the deposited plans
Parish of Twyford	Main Street at a point marked on the deposited plans
Parishes of Steeple Claydon and Middle Claydon	Queen Catherine Road at a point marked on the deposited plans Sandhill Road at a point marked on the deposited plans
Parishes of Middle Claydon, East Claydon and Addington	Verney Road at a point marked on the deposited plans (on sheets 19, 20, 21 and 22)
Parish of Winslow	Furze Lane at a point marked on the deposited plans Buckingham Road at a point marked on the deposited plans Great Horwood Road at a point marked on the deposited plans
Parish of Little Horwood	Horwood Road at a point marked on the deposited plans
Parish Swanbourne	Station Road at a point marked on the deposited plans
Parish of Mursley	Station Road at a point marked on the deposited plans Unnamed Road (between Mursley Road and Station Road) at a point marked on the deposited plans Restricted Byway MUR/18/2 at a point marked on the deposited plans Whaddon Road at a point marked on the deposited plans
Parish of Newton Longville	Whaddon Road at a point marked on the deposited plans Bletchley Road at a point marked on the deposited plans
District of Milton Keynes Parish of West Bletchley	Selbourne Avenue Water Eaton Road at a point marked on the deposited plans Wellington Place at a point marked on the deposited plans
Parishes of Bletchley and Fenny Drayton	Saxon Street at a point marked on the deposited plans
Parish of Walton	Davenport Lea at a point marked on the deposited plans
Parish of Woburn Sands	Newport Road at a point marked on the deposited plans Station Road at a point marked on the deposited plans Cranfield Road at a point marked on the deposited plans
County of Bedfordshire District of Central Bedfordshire	Salford Road at a point marked on the deposited plans

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
Parish of Aspley Guise	Berry Lane at a point marked on the deposited plans
Parish of Husborne Crawley	Bedford Road at a point marked on the deposited plans
Parishes of Husborne Crawley and Brogborough	Station Road at a point marked on the deposited plans
Parish of Lidlington	Station Road at a point marked on the deposited plans Marston Road at a point marked on the deposited plans
District of Bedford Parish of Sewartby	Manor Road at a point marked on the deposited plans
Parish of Kempston	Chantry Road at a point marked on the deposited plans
County of Buckinghamshire District of Aylesbury Vale Parish of Quainton	Station Road at a point marked on the deposited plans A41 at a point marked on the deposited plans
Parish of Waddesdon	Blackgrove Road at a point marked on the deposited plans
Parish of Fleet Marston	A41 at a point marked on the deposited plans Putlowers Drive at a point marked on the deposited plans
Parishes of Coldhardbour and Aylesbury	Griffin Lane at a point marked on the deposited plans

## SCHEDULE 13

Article 25

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

#### *Compensation enactments*

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

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

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

“(5A) If—

- (a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 12 to the Network Rail ( East West Rail Bicester to Bedford Improvements) Order 201[] (“the 201[] Order”);
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 12 to the 2017 Order) to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

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

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

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

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

*Application of Part 1 of the 1965 Act*

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

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

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

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

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

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

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

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

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

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

(5) Section 11(b) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right, as well as the notice of entry

---

(a) 1973 c. 26.

(b) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of



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

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

(7) Section 22 (interests omitted from purchase) of the 1965 Act (as modified by article 24(7)) is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

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

## “SCHEDULE 2A COUNTER-NOTICE REQUIRING PURCHASE OF LAND

### *Introduction*

**1.**—(1) This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over the whole or part of a house, building or factory.

(2) But see article 26(3) (power to acquire subsoil or airspace only) of the Network Rail (East West Rail Bicester to Bedford Improvements) Order 201[ ], which excludes the acquisition of subsoil or airspace only from this Schedule.

**2.** In this Schedule “house” includes any park or garden belonging to a house.

### *Counter-notice requiring purchase of land*

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

**4.** A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

### *Response to counter-notice*

**5.** On receiving a counter-notice, the authority must decide whether to—

---

Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

- (a) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
- (b) Section 11B was inserted by section 187(2) of the Housing and Planning Act 2016.
- (c) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016).
- (d) Section 13 was amended by section 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals Courts and Enforcement Act 2007 (c. 15).
- (e) Section 20 was amended by paragraph 4 of Schedule 15 of, the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

- (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 its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

**7.** If the authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

**8.** If the authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

**9.** If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

#### *Determination by Upper Tribunal*

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

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

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

- (a) the effect of the acquisition of the right,
- (b) the proposed use of the right to be acquired, and
- (c) if the right is proposed to be acquired 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 would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

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

**14.**—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”

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

**6.**—(1) The 1981 Act, as applied by article 24 to the acquisition of land under article 22 (power to acquire land), applies to a compulsory acquisition of a right under article 25 (power to acquire new rights)—

- (a) with the modifications specified in paragraph 7; 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 of a right under article 25.

7.—(1) The modifications referred to in paragraph 6(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
- (b) the land over which the right is, or is to be, exercisable.

(3) References to the 1981 Act to the 1965 Act are to be read as references to that Act as it applies to a compulsory acquisition of a right under article 25.

(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 vests the right in the acquiring authority on the vesting date; and
- (b) that, as from the vesting date, the acquiring authority has power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen.

(5) Section 9(2) (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) of the 1981 Act 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.

(6) In section 10(1) (acquiring authority’s liability on the vesting of land) of the 1981 Act, the reference to the acquiring authority’s taking possession of the land under section 11(1) of the 1965 Act 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 [TBC 3(5)] of this Schedule.

(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), for “part only of” there were substituted “only the acquisition of a right over”,
- (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,
- (d) references to the additional land were to the house, building or factory over which the right is proposed to be exercisable.
- (e) in paragraphs 14 and 15, references to the severance of the land proposed to be acquired were to the acquisition of the right, and
- (f) in paragraph 15, after “in addition to” there were substituted “or in substitution for”.

## SCHEDULE 14

Article 30

### TEMPORARY USE OF LAND FOR ACCESS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>
In the County of Oxfordshire	0033a, 0037

In the District of Cherwell	0162a, 0162b
In the County of Buckinghamshire In the District of Aylesbury Vale	0847, 0856, 0860  0914c, 0914e, 0933 1393a, 1394, 1395 1494, 1498
In the County of Buckinghamshire In the District of Milton Keynes	1060, 1061, 1062  1041, 1042

## SCHEDULE 15

Articles 32 and 41

### PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

#### *Apparatus of statutory undertakers etc. on land acquired*

1.—(1) Sections 271 to 274(a) (power to extinguish rights of statutory undertakers etc, and power of statutory undertakers etc. to remove or re-site apparatus) of the 1990 Act apply in relation to any land acquired or appropriated by Network Rail under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282(b), which provide for the payment of compensation) have effect accordingly.

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

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

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

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

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

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

(6) In this paragraph—

- 
- (a) Sections 272 to 274 were amended by paragraph 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).
  - (b) Section 279(3) was amended by paragraph 103(1) and (2), and section 280 was amended by paragraph 104, of Schedule 17 to the Communications Act 2003. Sections 280 and 282 were amended by S.I. 2009/1307.

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

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

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

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

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

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

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

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

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

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by Network Rail, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the statutory utility by virtue of sub-paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of sub-paragraph (4)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (3) (and having regard, where relevant, to sub-paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial

---

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

benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Sub-paragraphs (3) to (6) do not apply where the authorised works constitute major transport works for the purposes of Part 3 (street works in England and Wales) of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by Network Rail and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this paragraph—

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“relocation works” means work executed, or apparatus provided, under sub-paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in paragraph 1(6).

## SCHEDULE 16

Article 44

### PROTECTIVE PROVISIONS

#### PART 1

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

##### **Application**

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

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

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

##### **Interpretation**

4. In this Part of this Schedule—

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

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that undertaker;

---

(a) 1989 c. 29.

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

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

“functions” includes powers and duties;

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

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

“undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986(a);
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and
- (h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

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

### **Acquisition of apparatus**

5. Regardless of any provision in this Order or anything shown on the deposited plans, Network Rail must not acquire any apparatus otherwise than by agreement.

### **Alternative apparatus**

6.—(1) If, in the exercise of the powers conferred by this Order, Network Rail acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of an undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker in question.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, Network Rail requires the removal of any apparatus placed in that land, it must give to the undertaker in question written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed.

(3) Any alternative apparatus to be constructed in land of Network Rail under this Part of this Schedule is to be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and Network Rail within 21 days of the service of a notice under sub-paragraph (2), or in default of such agreement settled by arbitration in accordance with article 45 (arbitration).

---

(a) 1986 c. 44.

(4) In any case where alternative apparatus is to be provided or constructed under sub-paragraph (2), or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus, Network Rail must, subject to sub-paragraph (5), afford to the undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of Network Rail and subsequently for the maintenance of that apparatus.

(5) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of Network Rail, or Network Rail is unable to afford such facilities and rights as are mentioned in sub-paragraph (4), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question must, on receipt of a written notice to that effect from Network Rail, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(6) The undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 45, and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (4) or (5), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by Network Rail to be removed under the provisions of this Part of this Schedule.

(7) Regardless of anything in sub-paragraph (6), if Network Rail gives notice in writing to the undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of Network Rail, that work, instead of being executed by the undertaker, must be executed by Network Rail without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker.

(8) Nothing in sub-paragraph (6) authorises Network Rail to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, Network Rail affords to an undertaker facilities and rights for the construction and maintenance in land of Network Rail of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between Network Rail and the undertaker in question or in default of agreement settled by arbitration in accordance with article 46 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in or along any railway of Network Rail, the arbitrator must—

- (a) give effect to all reasonable requirements of Network Rail for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of Network Rail or the traffic on the railway; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or along the railway for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by Network Rail in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by Network Rail to that undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.



### **Existing apparatus: protection and access**

8.—(1) Not less than 28 days before starting the execution of any of the authorised works that are near to, or will or may affect, any apparatus the removal of which has not been required by Network Rail under paragraph 6(2), Network Rail must submit to the undertaker in question a plan, section and description of the works to be executed.

(2) Those works are to be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and an officer of the undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by an undertaker under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If an undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by Network Rail, reasonably requires the removal of any apparatus and gives written notice to Network Rail of that requirement, paragraphs 1 to 7 apply as if the removal of the apparatus had been required by Network Rail under paragraph 6(2).

(5) Nothing in this paragraph precludes Network Rail from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) Network Rail is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

### **Expenses**

9.—(1) Subject to the following provisions of this paragraph, Network Rail must repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus (including costs or compensation payable in connection with the acquisition of land for that purpose) which may be required in consequence of the execution of any of the authorised works.

(2) The value of any apparatus removed under the provisions of this Part of this Schedule (other than apparatus that is re-used as alternative apparatus) is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions [except where this has been solely due to using the nearest currently available type](#); or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by Network Rail or, in default of agreement, is not determined by arbitration in accordance with article 45 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule 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 undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works under sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker 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.

(6) Any dispute as to whether a financial benefit is conferred in accordance with sub-paragraph (5) or as to the amount of such financial benefit which cannot be agreed is to be determined in accordance with article 46 (arbitration).

#### **Damage to apparatus: costs, losses, etc.**

**10.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the authorised works any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker or there is any interruption in any service provided or in the supply of any goods, by any undertaker Network Rail must—

- (a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on Network Rail with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an undertaker, its officers, servants, contractors or agents.

(3) An undertaker must give Network Rail reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of Network Rail which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

#### **Enactments and agreements**

**11.** Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between Network Rail and an undertaker in respect of any apparatus laid or erected in land belonging to Network Rail on the date on which this Order is made.

## **PART 2**

### **FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS**

**12.**—(1) For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between Network Rail and the operator.

(2) In this Part of this Schedule—

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7(2) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act (a);

“electronic communications code network” means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

**13.—**(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised works or their construction, or of any subsidence resulting from any of those works—

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or

(b) there is any interruption in the supply of the service provided by an operator,

Network Rail must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and must—

(i) make reasonable compensation to an operator for loss sustained by it; and

(ii) indemnify an operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence, of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on Network Rail with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give Network Rail reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand may be made without the consent of Network Rail which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between Network Rail and the operator under this paragraph is to be referred to and settled by arbitration under article 46 (arbitration).

**14.** This Part of this Schedule does not apply to—

(a) any apparatus in respect of which the relations between Network Rail and an operator are regulated by the provisions of Part 3 of the 1991 Act; or

(b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised works.

---

(a) See section 106.

15. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between Network Rail and an operator in respect of any apparatus laid or erected in land belonging to Network Rail on the date on which this Order is made.

### PART 3

#### FOR THE PROTECTION OF DRAINAGE AUTHORITIES AND THE ENVIRONMENT AGENCY

16.—(1) The following provisions of this Part of this Schedule apply for the protection of the drainage authority unless otherwise agreed in writing between Network Rail and the drainage authority.

(2) In this Part of this Schedule—

“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 Order (which includes, for the avoidance of doubt, any dredging and any geotechnical investigations that may be undertaken) as consists of—

- (a) erecting any structure (whether temporary or permanent) in, over or under a main river if the work is likely to 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) the carrying out of any work or alteration or repair of any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work; or
- (c) any work or operation that is in, on, under, over or within 16 metres of a drainage work which is or includes a main river or is otherwise likely to affect any such drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work.

“a category 2 specified work” means any of the following—

- (d) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction;
- (e) erecting a culvert in any ordinary watercourse;
- (f) altering a culvert in a manner that would be likely to affect the flow of any ordinary watercourse; or
- (g) 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(a);

“construction” includes execution, placing, altering, replacing, relaying, ~~and~~ removal and carrying out excavations in relation to a work, and “construct” and “constructed” are construed accordingly;

“the drainage authority” means—

- (h) in relation to a category 1 specified work, the Agency;
- (i) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991(b).

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

---

(a) 2010 c. 29  
(b) 1991 c. 59

“the fishery” means any waters containing fish and fish in, such waters and the spawn, habitat or food of such fish;

“a main river” and “ordinary watercourse” have the meanings given by respectively the Water Resources Act 1991 and the Land Drainage Act 1991;

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

“specified work” means a category 1 specified work or a category 2 specified work.

**17.**—(1) Before beginning to construct any specified work, Network Rail must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the receipt 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 27.

(3) Any approval of the drainage authority required under this paragraph—

(a) must not be unreasonably withheld;

(b) is deemed to have been given if it is neither given nor refused within 2 months of the receipt of the plans for approval or where further particulars are submitted under sub-paragraph (1) within 2 months of the submission of those particulars, and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and

(c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, fishery, water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The drainage authority must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

**18.** Without limitation on the scope of paragraph 17, the requirements which the drainage authority may make under that paragraph include conditions requiring Network Rail at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) 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,

by reason of any specified work.

**19.**—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 17, must be constructed—

(a) without unnecessary delay in accordance with the plans approved or settled under this Part of this Schedule; and

(b) to the reasonable satisfaction of the drainage authority,

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

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

(3) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Schedule, the drainage authority may by notice in writing require Network Rail at Network Rail’s own expense to comply with the requirements of this Part of this Schedule or (if Network Rail so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove,

alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.

(4) Subject to sub-paragraph (6) and paragraph 23, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon Network Rail, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from Network Rail.

(5) In the event of any dispute as to whether sub-paragraph (4) 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 (5) until the dispute has been finally determined.

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

**20.**—(1) Subject to sub-paragraph (5) Network Rail must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by Network Rail for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

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

(3) Subject to sub-paragraph (5) and paragraph 23, if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on Network Rail, Network Rail has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure incurred by it in so doing from Network Rail.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

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

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

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

(2) If by reason of—

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

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

(3) Subject to paragraph 23, if within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, Network Rail fails to take such steps as are described in sub-paragraph (2), the drainage authority may take those steps and may recover from Network Rail the expense reasonably incurred by it in doing so.

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

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

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

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

**25.**—(1) Without affecting the other provisions of this Part of this Schedule, Network Rail must indemnify the drainage authority from all claims, demands, proceedings, costs, charges, penalties, damages, expenses and losses, which may be made or taken against, recovered from, or incurred by, the drainage authority by reason of—

- (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
- (b) any damage to the fishery;
- (c) any raising or lowering of the water table in land adjoining the authorised works or any sewers, drains and watercourses;
- (d) any flooding or increased flooding of any such lands; or
- (e) inadequate water quality in any watercourse or other surface waters or in any groundwater,

which is caused by the construction of any of the specified works or any act or omission of Network Rail, its contractors, agents or employees whilst engaged upon the work.

(2) The drainage authority must give to Network Rail reasonable notice of any such claim or demand and no settlement or compromise may be made without the agreement of Network Rail which agreement must not be unreasonably withheld or delayed.

**26.** The fact that any work or thing has been executed or done by Network Rail in accordance with plans approved by the drainage authority, or to the drainage authority's satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve Network Rail from any liability under the provisions of this Part of this Schedule.

**27.** Any dispute arising between Network Rail and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 46 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by Network Rail or the drainage authority, after notice in writing by one to the other.



## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers powers on Network Rail Infrastructure Limited to authorise the upgrade of the partially disused Bicester to Bletchley to Bedford and Aylesbury to Claydon Junction railways together with station works at Winslow, Bletchley, Apsley Vale Parkway, Woburn Sands and Ridgmont. The Order authorises the acquisition of land and rights in land and the use of land for this purpose and confers powers in connection with the construction and operation of the railway.

Copies of the deposited plans, the deposited sections and the book of reference referred to in the Order may be inspected at the offices of Network Rail Infrastructure Limited at Network Rail National Records Centre, Unit 5, Audax Road, Clifton Moor, York, YO30 4US.