

SCHEDULES

SCHEDULE 2

Section 2.

WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

Subsidiary works

- 1 (1) The nominated undertaker may, for the purposes of or in connection with the scheduled works, do any of the following within the limits of deviation for those works or within the limits of land to be acquired or used—
- (a) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, stagings, buildings, apparatus, plant and machinery as may be necessary or convenient,
 - (b) make junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way,
 - (c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient,
 - (d) alter or remove any structure erected upon any highway or adjoining land,
 - (e) alter the position of apparatus, including mains, sewers, drains and cables,
 - (f) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses, and
 - (g) carry out and maintain such other works, of whatever description, as may be necessary or expedient.
- (2) Sub-paragraph (1) above shall not authorise the making of any cut for drainage purposes which is more than 3.35 metres wide at the bottom.

Highway accesses

- 2 Without prejudice to paragraph 1(1)(b) above, the nominated undertaker may, for the purposes of or in connection with the works authorised by this Part of this Act—
- (a) form and lay out means of access, and
 - (b) improve existing means of access,
- in the locations shown on the deposited plans.

Status: This is the original version (as it was originally enacted).

Overhead line diversions

- 3 (1) Without prejudice to paragraph 1(1)(e) above, the nominated undertaker may, for the purposes of, or in connection with, the works authorised by this Part of this Act, undertake the electric line diversions specified in the following table.

THE TABLE

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Overhead line to be taken down</i>	<i>(3)</i> <i>New overhead line to be provided</i>
GREATER LONDON		
London Borough of Barking and Dagenham	Barking corridor 275kV overhead electric cable (ZBA) between points EC106, EC107 and EC108	New overhead electric cable to be provided on land within the relevant limits between points EC106, EC109 and EC108 or thereabouts.
London Borough of Barking and Dagenham and London Borough of Havering	Barking corridor 275kV overhead electric cable (ZBA) between points EC87, EC88, EC89, EC1, EC2, EC3, EC4, EC5, EC6, EC7, EC8, EC9, EC10, EC11 and EC12	New overhead electric cable to be provided on land within the relevant limits between points EC87, EC90, EC91, EC13, EC92, EC93, EC94, EC95, EC18, EC19, EC20, EC21, EC22 and EC12 or thereabouts.
London Borough of Havering	Havering overhead electric cable (ZBA) between points EC23, EC24 and EC25	New overhead electric cable to be provided on land within the relevant limits between points EC23, EC26 and EC25 or thereabouts.
COUNTY OF ESSEX		
Borough of Thurrock	Purfleet Road 400kV overhead electric cable (ZR) between points EC103, EC27, EC28, EC29 and EC30	New overhead electric cable to be provided on land within the relevant limits between points EC103, EC104, EC28, EC105 and EC30 or thereabouts.
	Aveley 275kV overhead electric cable (ZBA) between points EC96, EC97, EC98 and EC99	New overhead electric cable to be provided on land within the relevant limits between points EC96, EC100, EC101, EC102 and EC99 or thereabouts.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Overhead line to be taken down</i>	<i>(3)</i> <i>New overhead line to be provided</i>
COUNTY OF KENT		
Borough of Dartford, Parish of Swanscombe and Greenhithe	Dartford 132kV overhead electric cable (south) (PK) between points EC48, EC49 and EC50	New overhead electric cable to be provided on land within the relevant limits between points EC48, EC51, EC52 and EC50 or thereabouts.
Borough of Dartford, Parish of Swanscombe and Greenhithe and Borough of Gravesham, Town of Gravesend	Dartford 132kV overhead electric cable (north) (PJ) between points EC40, EC41, EC42, EC43 and EC44	New overhead electric cable to be provided on land within the relevant limits between points EC40, EC45, EC42, EC46, EC47 and EC44 or thereabouts.
Borough of Dartford, Parish of Southfleet and Borough of Gravesham, Town of Gravesend	Dartford 400kV overhead electric cable (4TP) between points EC53, EC54, EC55 and EC56	New overhead electric cable to be provided on land within the relevant limits between points EC53, EC57, EC58 and EC56 or thereabouts.
Borough of Gravesham, Town of Gravesend and Borough of Dartford, Parish of Swanscombe and Greenhithe	Gravesend 400kV overhead electric cable (ZR) between points EC33, EC34, EC35 and EC36	New overhead electric cable to be provided on land within the relevant limits between points EC33, EC37, EC38, EC39 and EC36 or thereabouts.
Borough of Gravesham, Town of Gravesend	Pepper Hill 400kV overhead electric cable (YN) between points EC59, EC60, EC61 and EC62	New overhead electric cable to be provided on land within the relevant limits between points EC59, EC63, EC64, EC65 and EC62 or thereabouts.
Borough of Gravesham, Parish of Shorne	Singlewell 400kV overhead electric cable (4YN) between points EC66, EC67 and EC68	New overhead electric cable to be provided on land within the relevant limits between points EC66, EC69 and EC68 or thereabouts.
Borough of Maidstone, Parish of Boxley	Pilgrims Way 400kV overhead electric cable (TP) between points EC70, EC71 and EC72	New overhead electric cable to be provided on land within the relevant limits between points

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Overhead line to be taken down</i>	<i>(3)</i> <i>New overhead line to be provided</i>
		EC70, EC73, EC74 and EC72 or thereabouts.
	Boxley 132kV overhead electric cable (PN) between points EC75, EC76, EC77 and EC78	New overhead electric cable to be provided on land within the relevant limits between points EC75, EC76, EC79 and EC78 or thereabouts.
Borough of Ashford, Parish of Aldington	Sellindge 400kV overhead electric cable (VO) between points EC80 and EC81	New overhead electric cable to be provided on land within the relevant limits between points EC80, EC82 and EC81 or thereabouts.
District of Shepway, Parish of Sellindge	Sellindge East 132kV overhead electric cable (PV) between points EC83, EC84 and EC85	New overhead electric cable to be provided on land within the relevant limits between points EC83, EC86 and EC85 or thereabouts.

- (2) In sub-paragraph (1) above, references to land within the relevant limits are to land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.

Mitigation and protection works

- 4 The nominated undertaker may within the limits of deviation for the scheduled works or within the limits of land to be acquired or used—
- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Part of this Act, and
 - (b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Part of this Act.

Euston Road and York Way improvement works

- 5 (1) The nominated undertaker may, within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, carry out in Euston Road and York Way in the London Borough of Camden and their side roads, works for—
- (a) the variation of the relative widths of carriageways and footways, or
 - (b) the division, or variation of the division, of carriageways (including the provision, or variation, of central reservations),
- and works ancillary to any such works.
- (2) The nominated undertaker may alter or remove any works executed by it under this paragraph.

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- (3) The exercise of the powers conferred by this paragraph shall be subject to the consent of the council of the London Borough of Camden, such consent not to be unreasonably withheld.
- (4) Any dispute with the council of the London Borough of Camden under sub-paragraph (3) above shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.

Underpinning of buildings

- 6 (1) This paragraph applies where it is necessary or expedient in consequence of or in connection with the construction of any of the works authorised by this Part of this Act to underpin or strengthen a building within the relevant distance of the work.
- (2) The nominated undertaker may underpin or strengthen the building on giving at least 28 days' notice to the owners and occupiers of the building of its intention to do so.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (2) above, the person to whom the notice has been given gives to the nominated undertaker notice disputing that this paragraph applies, the question of its application shall be referred to arbitration.
- (4) If, under sub-paragraph (3) above, the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the underpinning or strengthening is to be carried out.
- (5) Where the underpinning or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work.
- (6) In case of emergency, the power conferred by sub-paragraph (2) or (5) above shall be exercisable without notice.
- (7) For the purpose of deciding how to exercise its powers under this paragraph, the nominated undertaker may at any reasonable time enter and survey—
 - (a) any building within the relevant distance of any of the works authorised by this Part of this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the Acquisition of Land Act 1981 (service of documents) shall apply to the service of notices under this paragraph with, in subsection (4), the substitution for the words from “authority” to “document is to be served” of “nominated undertaker”.
- (9) In this paragraph—

“building” includes any structure and, in the case of a work under the surface of the ground, reference to a building within the relevant distance of that work includes a reference to any building within the relevant distance of any point on the surface below which the work is situated,

“notice” means notice in writing, and

“relevant distance”, in relation to any work, means—

 - (i) where the work relates to an underground railway, 50 metres, and
 - (ii) where it does not, 35 metres.

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- 7 (1) This paragraph applies where it is necessary or expedient in consequence of or in connection with the construction of any of the works authorised by this Part of this Act further to underpin or strengthen a building which has been underpinned or strengthened under paragraph 6 above.
- (2) The nominated undertaker may, at any time within the permitted period, further underpin or strengthen the building on giving at least 28 days' notice to the owners and occupiers of the building of its intention to do so.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (2) above, the person to whom the notice has been given gives to the nominated undertaker notice disputing that this paragraph applies, the question of its application shall be referred to arbitration.
- (4) If, under sub-paragraph (3) above, the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the underpinning or strengthening is to be carried out.
- (5) Where the underpinning or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work.
- (6) In case of emergency, the power conferred by sub-paragraph (2) or (5) above shall be exercisable without notice.
- (7) For the purpose of deciding how to exercise its powers under this paragraph, the nominated undertaker may at any reasonable time enter and survey—
- (a) any building which has been underpinned or strengthened under paragraph 6 above, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the Acquisition of Land Act 1981 (service of documents) shall apply to the service of notices under this paragraph with, in subsection (4), the substitution for the words from “authority” to “document is to be served” of “nominated undertaker”.
- (9) In sub-paragraph (2) above, the reference to the permitted period is to the period beginning with the completion of the underpinning or strengthening under paragraph 6 above and ending 5 years after the date on which the work which necessitated the underpinning or strengthening was brought into general use.
- (10) In this paragraph, “notice” means notice in writing.
- 8 (1) Where the nominated undertaker exercises any power under paragraph 6 or 7 above, it shall compensate the owners and occupiers of the building or land in relation to which the power is exercised for any loss which they may suffer by reason of the exercise of the power.
- (2) Any dispute as to a person’s entitlement to compensation under sub-paragraph (1) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961.
- (3) Nothing in this paragraph shall affect liability to pay compensation under section 6 of the Railways Clauses Consolidation Act 1845, as incorporated with this Act, or section 10(2) of the Compulsory Purchase Act 1965, as applied to the acquisition of

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land under section 4(1) above, or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (1) above.

Discharge of water

- 9 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the works authorised by this Part of this Act and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used make connections with the watercourse, sewer or drain.
- (2) The nominated undertaker shall not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but shall not be unreasonably withheld.
- (3) The nominated undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The nominated undertaker shall not, in the exercise of the powers conferred by this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river.
- (5) The nominated undertaker shall 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 paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (6) This paragraph does not authorise the doing of anything prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991 (offences of polluting controlled waters).
- (7) Any dispute as to the giving of consent under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (8) In this paragraph—
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority, an urban development corporation or a harbour authority within the meaning of the Harbours Act 1964,
 - (b) “watercourse” includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain, and
 - (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meanings as in that Act.

Entry for preparatory purposes

- 10 (1) The nominated undertaker may, for the purposes of this Part of this Act—
- (a) survey or investigate any land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used or which may be affected by the works authorised by this Part of this Act,

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- (b) without prejudice to the generality of paragraph (a) above, make trial holes in such positions as it thinks fit on any such land to investigate the nature of the surface layer and subsoil and remove soil samples,
 - (c) without prejudice to the generality of paragraph (a) above, carry out archaeological investigations on any such land,
 - (d) take steps to protect or remove any flora or fauna on any such land which may be affected by the carrying out of the works authorised by this Part of this Act,
 - (e) place on, leave on and remove from any such land apparatus for use in connection with the exercise of any of the powers conferred by paragraphs (a) to (d) above, and
 - (f) enter on any such land for the purpose of exercising any of the powers conferred by paragraphs (a) to (e) above.
- (2) No land may be entered, or equipment placed or left on or removed from land, under sub-paragraph (1) above unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) The power conferred by paragraph (f) of sub-paragraph (1) above includes power to enter with such vehicles and equipment as are necessary for the purpose of exercising any of the other powers conferred by that sub-paragraph.
- (4) Any person exercising the power conferred by sub-paragraph (1)(f) above on behalf of the nominated undertaker shall, if requested to do so, produce written evidence of his authority.
- (5) This paragraph shall not authorise the making of trial holes in a carriageway or footway without the consent of the highway authority, but such consent shall not be unreasonably withheld.
- (6) Any dispute as to the giving of consent under sub-paragraph (5) above shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (7) The nominated undertaker shall compensate the owners and occupiers of land in respect of which the powers conferred by this paragraph are exercised for any loss which they may suffer by reason of the exercise of those powers.
- (8) Any dispute as to a person's entitlement to compensation under sub-paragraph (7) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961.

Temporary interference with waterways

- 11 (1) The powers conferred by this paragraph shall be exercisable for the purpose of, or in connection with, the exercise of the powers conferred by this Part of this Act in relation to Work No. 1A, 1AA, 1B, 1BB, 1C, 1CC, 1D, 1DD, 1EE, 1FF, 1HH, 1K, 2, 2A, 2AA, 2B, 2BB, 3, 3B, 3C, 5D(1), 6, 6G, 10, 10A, 10R(2), 13 or 22J.
- (2) The nominated undertaker may—
- (a) temporarily interfere with the relevant waterway, at any point within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient,

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- (b) temporarily moor or anchor barges or other vessels or craft in the relevant waterway, or
 - (c) temporarily close the relevant waterway, or a part of it, to navigation.
- (3) The power conferred by sub-paragraph (2)(c) above shall be exercised in a way which secures—
 - (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and
 - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it.
- (4) The nominated undertaker shall not be liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any closure of a waterway in accordance with this paragraph.
- (5) In this paragraph, “relevant waterway” means—
 - (a) in relation to Works Nos. 1A, 1AA, 1B, 1BB, 1C, 1CC, 1D, 1DD, 1EE, 1FF, 1HH, 1K, 2, 2A, 2AA, 2B, 2BB, 3, 3B, 3C and 5D(1), the Regent’s Canal,
 - (b) in relation to Works Nos. 6 and 6G, the River Lea,
 - (c) in relation to Works Nos. 10, 10A, 10R(2) and 22J, the River Thames, and
 - (d) in relation to Work No. 13, the River Medway.