
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 4.

ACQUISITION OF LAND WITHIN LIMITS SHOWN ON DEPOSITED PLANS

PART I

PURPOSES FOR WHICH CERTAIN LAND MAY BE ACQUIRED OR USED

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which land may be acquired or used
GREATER LONDON		
London Borough of Camden	15, 16 and 159	The provision of car parking, a working site, and access for construction purposes.
	1 to 13, 149 to 151 and 153 to 158	Road improvement works and alterations to ventilation shafts.
	37	The provision of parking, a working site and access for construction purposes.
	61	The provision of parking and a working site.
	79	The provision of access for construction purposes.
	63, 64, 74 and 76 to 78	The provision of access for protective works.
	87	The provision of access for construction purposes and a working site.
	182 and 189 to 192	The provision of access for construction purposes.
	194, 196 and 197	The provision of access for construction purposes and permanent access for operational purposes.
	198 to 200	The provision of access for construction purposes

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		and permanent access for operational purposes.
	203 and 204	The provision of access for construction purposes.
	227	The provision of access for construction purposes.
London Borough of Islington	1 and 2	Road improvement works.
	331, 333, 334, 336 and 337	The construction of a ventilation shaft, provision of permanent access thereto, and a working site.
	786 and 1048	The provision of electricity supply apparatus, access for construction purposes and permanent access for operational purposes.
	782 and 1050	The provision of access for construction purposes.
	787 and 788	The provision of access for construction purposes.
	792 and 794	The provision of protective works for public utilities' apparatus.
London Borough of Hackney	184 and 212	The construction of a ventilation shaft, provision of permanent access thereto, and a working site.
	773 to 777	The provision of access for construction purposes and river bank strengthening works.
	778 and 779	The provision of barge moorings and barge loading facilities.
	780	The provision of barge loading facilities, spoil handling plant and machinery, a temporary shaft to Work No. 6, a working site and access for construction purposes.
	781 and 782	The provision of access for construction purposes.
London Borough of Newham	1 and 2 (part)	The provision of a working site, access for construction

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	purposes and river bank strengthening works.
2 (part), 5 (part), 7 (part) and 8 (part)	Alteration of overhead electric cables for electricity supply for construction purposes.
6	The provision of access for construction purposes.
7 (part)	The provision of a working site.
1, 4, 5 (part) and 8 (part)	The provision of a working site, drainage works and river bank strengthening works and diversion of a telephone cable.
7 (part), 8 (part) and 11 (part)	The provision of permanent access for operational purposes and diversion of a telephone cable.
8 (part) and 11 (part)	The provision of a working site and permanent access for operational purposes.
8 (part)	The provision of a working site.
8 (part), 12 (part), 14 and 15	The provision of a working site, access for construction purposes and permanent access for operational purposes.
8 (part), 12 (part) and 13	The provision of a working site and access for construction purposes.
519 to 521, 541 and 550	The construction of a ventilation shaft, provision of permanent access thereto, and a working site.
1237 (part), 1244 and 1245	The construction of a ventilation shaft, provision of permanent access thereto, and a working site.
1237 (part) and 1239	The provision of a working site.
1253 and 1254 (part)	The provision of barge moorings and barge loading facilities.

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	1254 (part)	The provision of spoil handling plant and machinery, a conveyor, a working site and access for construction purposes.
	1255 and 1260	The provision of spoil handling plant and machinery, a conveyor and access for construction purposes.
	1261	The provision of spoil handling plant and machinery and a conveyor.
	1262 and 1263 (part)	The provision of access for construction purposes.
	1263 (part) and 1264 (part)	The provision of a working site and access for construction purposes.
	1264 (part), 1265 and 1268	The provision of a temporary footbridge and raising of the existing footbridge.
	1269	The provision of a working site and access for construction purposes.
London Borough of Waltham Forest	1 and 3	The provision of a working site and a temporary tunnel segments manufacturing facility, a maintenance and servicing depot, access and drainage works.
	5 to 8 (part)	The provision of drainage works.
	8 (part) and 9	The provision of access for construction of drainage works.
	10	The provision of access for construction of drainage works.
	13 and 14	The provision of drainage works.
London Borough of Barking and Dagenham	161, 166 (part), 167 (part), 168 and 169	The provision of underground electric cables for electricity supply apparatus.
	195 and 199	The provision of a turning head.

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196 (part) and 197 (part)	Reinstatement of railway sidings.
206 and 209	Alterations to a proposed service bridge and the provision of access for construction purposes.
205	The provision of access for construction purposes.
182	Road improvement works.
195, 198 (part), 200 (part) to 202	The provision of access for construction purposes.
198 (part)	The provision of a working site and diversion of high pressure gas pipelines and other public utilities' apparatus.
208 (part)	The diversion of high pressure gas pipelines, a water pipe, overhead electric cables and other public utilities' apparatus.
208 (part) and 210	The diversion of high pressure gas pipelines, a water pipe, overhead electric cables and other public utilities' apparatus.
221 to 226 (part)	The diversion of gas pipelines, overhead electric cables and other public utilities' apparatus and provision of a working site.
215 and 226 (part)	The provision of accesses for construction purposes.
217 to 219	The provision of access for construction purposes.
766 and 768	The construction of a ventilation shaft, provision of permanent access thereto and a working site.
787, 788 and 790 to 793	The provision of protective works for public utilities' apparatus and access for construction purposes.
789 and 795 (part)	The provision of a working site, access for construction purposes and permanent

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	access for operational purposes.
795 (part) and 798	The provision of electricity supply apparatus and permanent access for operational purposes.
797	The provision of electricity supply apparatus and permanent access for operational purposes.
800, 801 and 831	The provision of a working site, a conveyor, spoil handling plant and machinery, diversion of overhead electric cables and other public utilities' apparatus and access for construction purposes and permanent access for operational purposes.
802	The diversion of public utilities' apparatus
803, 804, 808 and 809	The provision of a working site, a turning head and access for construction purposes, diversion of public utilities' apparatus and alteration of watercourses.
805 to 807	The provision of access for construction purposes, diversion of overhead electric cables and other public utilities' apparatus and alteration of watercourses.
814 and 815	Provision of a turning head, alteration of watercourses and access for construction purposes.
829 and 830	The provision of a conveyor, spoil handling plant and machinery, and access for construction purposes.
839	The use of a jetty and provision of moorings in the River Thames.
841	The diversion of public utilities' apparatus.

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	818, 819, 821, 822, 842 to 845 and 846 (part)	The diversion of overhead electric cables and other public utilities' apparatus.
	846 (part) and 847 to 849	The diversion of overhead electric cables, high pressure gas pipelines and other public utilities' apparatus.
London Borough of Havering	1 to 4	The provision of access for construction purposes.
	7, 8, 10 (part), 11 and 12	The provision of electricity supply apparatus, diversion of gas pipelines, overhead electric cables and other public utilities' apparatus and provision of a working site.
	10 (part) and 15, 16, 17 (part) and 18 (part)	The diversion of high pressure gas pipelines, overhead electric cables and other public utilities' apparatus.
	10 (part)	Connection of diverted high pressure gas pipelines to the existing network.
	10 (part)	The provision of a balancing pond, a working site, diversion of public utilities' apparatus and permanent access for operational purposes.
	19 to 22	The construction of a turning head and provision of a footbridge.
	17 (part) and 18 (part)	The diversion of public utilities' apparatus.
	18 (part)	The provision of permanent access for operational purposes.
	25 to 30 and 45	The provision of a working site and access for construction purposes.
	18 (part), 50 (part), 51, and 61	The provision of flood storage land at Rainham Creek.
	50 (part) and 59 to 66	The diversion of overhead electric cables.

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55 and 56	The provision of access for construction purposes.
18 (part), 52, 53, 79 (part), 80 (part) and 81 to 83	The diversion of high pressure gas pipelines.
57, 72 and 73	The construction of a turning head and provision of a new footbridge.
79 (part) and 80 (part)	The provision of a working site, alteration of watercourses and diversion of overhead electric cables.
79 (part)	The diversion of a high pressure gas pipeline and alteration of watercourses.
79 (part), 80 (part) and 84 (part)	The diversion of a high pressure gas pipeline and provision of access for construction purposes.
84 (part) and 86 (part)	The diversion of a high pressure gas pipeline, diversion of overhead electric cables, alteration of watercourses and landscaping.
85	The provision of noise barriers.
87 (part), and 88	The provision of access for construction purposes and permanent access for operational purposes.
87 (part), 89 and 90 (part)	The provision of noise barriers and diversion of overhead electric cables.
84 (part) and 86 (part)	The provision of landscaping, alteration of watercourses and permanent access for operational purposes.
86 (part)	The alteration of watercourses.
90 (part) to 92	The alteration of watercourses.
93 and 94	The diversion of overhead electric cables, high pressure gas pipelines and other public utilities' apparatus.

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	95 to 107	The diversion of overhead electric cables.
	108	The diversion of public utilities' apparatus.
	109	The diversion of overhead electric cables.
London Borough of Hammersmith and Fulham	1, 2 and 8 to 12	The provision of access for construction purposes and permanent access for operational purposes.
COUNTY OF ESSEX		
Borough of Thurrock	4 (part)	The alteration of watercourses.
	42 and 44	The diversion of water and gas pipes.
	39 and 45	The provision of a working site and permanent access for operational purposes.
	47 and 48 (part)	The provision of landscaping.
	46, 48 (part), 49 and 51	The provision of a working site, landscaping and access for construction purposes.
	48 (part) and 50	The provision of access for construction purposes.
	54 (part) and 55 (part)	The provision of access for construction purposes.
	52, 54 (part) and 55 (part) to 67	The provision of access for construction purposes.
	81, 83, 84, 89, 93, 94, 96 and 98	The provision of a working site and access for construction purposes.
	91 and 92	The provision of a spoil disposal site.
	100	The construction of a ventilation shaft, provision of permanent access thereto and a working site.
	101 and 102	The provision of permanent access to a ventilation shaft and a working site.
	104	The diversion of overhead electric cables, provision of a working site and diversion of high pressure gas pipelines.

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	107	The provision of a working site and permanent access for operational purposes.
	108 and 155	The provision of access for construction purposes and permanent access for operational purposes.
	109 to 114	The diversion of overhead electric cables.
	120 and 126	The provision of landscaping, diversion of overhead electric cables and provision of access for construction purposes.
	128 and 129	The diversion of overhead electric cables.
	130	The provision of landscaping, diversion of overhead electric cables and access for construction purposes.
	131, 137 and 138	The diversion of overhead electric cables.
	141 and 142	The provision of access to public utilities' apparatus.
 COUNTY OF KENT		
Borough of Dartford, Parish of Swanscombe and Greenhithe	1 and 2	Use of working jetty and moorings in the River Thames.
	2 (part) and 3 (part)	The provision of working sites, spoil settlement lagoons, and spoil disposal.
	2 (part)	The provision of working sites, access for construction purposes and spoil disposal.
	2 (part)	The provision of a ventilation shaft and permanent access thereto, and a working site.
	2 (part) and 11 (part)	The provision of access for construction purposes.
	11, 13 and 14	The provision of access for construction purposes.
	15 (part)	The provision of access for construction purposes.

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	15 (part), 18, 19, 20, 24 and 25 (part)	The provision of landscaping and access for construction purposes.
	25 (part), 26 to 32 and 33 (part)	The provision of an international and domestic passenger station with ancillary development and parking, diversion of overhead electric cables and provision of access for construction purposes.
	21, 22, 23 and 25 (part)	The provision of access for construction purposes.
	25 (part)	The diversion of overhead electric cables.
	36 and 39	The diversion of overhead electric cables and provision of a new access to Northfleet West Grid sub-station.
	25 (part), 41 and 42	The provision of access for construction purposes and diversion of overhead electric cables.
	33	The diversion of overhead electric cables.
Borough of Dartford, Parish of Southfleet	11	Alteration of overhead electric cables.
	12 and 13	The provision of access for construction purposes.
	16, 19 and 32 (part)	The diversion of underground electric cables.
	26	The provision of access for construction purposes.
	19 (part)	The provision of a working site, access for construction purposes and landscaping.
	19 (part)	The provision of a working site, and diversion of overhead electric cables.
	74	The provision of a working site, protective works and landscaping.
	49 (parts)	The provision of working sites.

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	53	The provision of a working site and access for construction purposes.
	49 (part) and 54	The provision of access for construction purposes and permanent access to electrical apparatus.
	44	The provision of a balancing pond.
	11, 14 and 31, 32 (part), 33 and 34	The provision of a working site, access for construction purposes and diversion of overhead electric cables.
Borough of Dartford, Parish of Longfield and New Barn	2, 5 and 6	The provision of a balancing pond, landscaping, diversion of a high pressure gas pipeline and access for construction purposes.
	9 and 12	The diversion of a high pressure gas pipeline, provision of balancing ponds and access for construction purposes.
	10	The provision of a working site, protective works and landscaping.
Borough of Gravesham, Town of Gravesend	1	The provision of spoil settlement lagoons and spoil disposal.
	2, 3 and 4	The provision of access for construction purposes.
	10	The diversion of overhead electric cables.
	12 to 14	The provision of access for construction purposes.
	15, 16 (part) and 17 (part)	The diversion of overhead electric cables.
	16 (part) and 17 (part)	The diversion of overhead electric cables.
	16 (part), 17 (part), 22 to 30 (part), 31 (part), 32 (part), 33 (part), 34 (part), 45 (part) and 46 (part)	The provision of an international and domestic passenger station with ancillary development and parking and access for construction purposes.

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31 (part), 32 (part), 33 (part), 34 (part), 35 and 36	The diversion of overhead electric cables, landscaping and access for construction purposes.
16 (part), 45 (part) and 46 (part)	The provision of access for construction purposes.
30 (part)	The provision of protective works for a pumping station and access for construction purposes.
44, 47, 48, 62 and 63	The provision of a working site, spoil disposal site and use of jetty and rail access.
30 (part)	The provision of landscaping.
42	The provision of access for construction purposes.
70 (part)	The provision of a working site.
68	The provision of access for construction purposes and permanent access for operational purposes.
30 (part), 31 (part), 70 (part) and 71 (part)	The provision of access for construction purposes.
37 and 74 to 79	The alteration of overhead electric cables, the provision of access for construction purposes, a working site and permanent access for operational purposes.
72	The alteration of overhead electric cables.
78, 80 and 81	The provision of access for work on overhead electric cables.
88, 89 (part) and 90 to 93	The provision of a working site, a balancing pond, diversion of overhead electric cables and permanent access for operational purposes.
99, 100 (part) and 101 (part)	The provision of a working site and landscaping.
93, 100 (part), 101 (part) and 102	The provision of landscaping.

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	97	The diversion of overhead electric cables and provision of landscaping.
	105, 107 and 108	The provision of a spoil disposal site and landscaping.
	109 to 112	The provision of pedestrian access, a footbridge, a working site and access for construction purposes.
District of Sevenoaks, Parish of Horton Kirby and South Darenth	3, 4 and 5	The provision of an electricity supply to an existing railway and permanent access for operational purposes.
	2	The diversion of a high pressure gas pipeline.
District of Sevenoaks, Parish of Swanley	1	The provision of electricity supply apparatus to existing railway.
Borough of Gravesham, Parish of Cobham	1 to 6 and 7 (part)	The provision of landscaping, a spoil disposal site and permanent access for operational purposes.
	7 (part)	The diversion of a high pressure gas pipeline.
	9 (part)	The provision of a spoil disposal site and diversion of overhead electric cables.
	9 (part), 10, 11 and 12	The provision of a balancing pond, landscaping, diversion of a high pressure gas pipeline, overhead electric cables, a connection to electricity supply apparatus and permanent access for operational purposes.
	9 (part)	The provision of electricity supply apparatus, connection to the electricity supply and permanent access for operational purposes.
	23, 25, and 26	The diversion of a water pipe.
	28	The provision of a working site and temporary road diversion.
	34 (part)	The diversion of a footpath.

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	34 (part) and 40 (part)	Restoration of Repton Ponds.
	40 (part)	The provision of a working site.
	42 (part)	The provision of landscaping, diversion of a high pressure gas pipeline and permanent access for operational purposes.
	42 (part) and 47	The provision of a working site, access for construction purposes and permanent access for operational purposes.
	42 (part)	The provision of electricity supply apparatus.
	48	The diversion of pipelines, diversion of a footpath and landscaping.
Borough of Gravesham, Parish of Higham	9 and 10	The provision of access to a railhead to be used for construction purposes.
Borough of Gravesham, Parish of Shorne	1 and 2	Alteration of overhead electric cables.
	18	The provision of access to a railhead to be used for construction purposes.
City of Rochester Upon Medway, Parish of Cuxton	4	The diversion of pipelines, diversion of a footpath and landscaping.
	5 and 6	The provision of a working site, new woodland planting and landscaping.
	11 to 18, 21, 22, 27 and 29	The provision of a working site, permanent access for operational purposes to Medway Bridge (comprised in Work No. 13), access for construction purposes and landscaping.
City of Rochester Upon Medway, Town of Rochester	8, 9, 10 and 12	The provision of a spoil disposal site and access for construction purposes.
	27 to 30 (part), 33 (part) and 39 (part)	The provision of a working site and access to the River Medway for construction purposes.

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	18 to 22, 30 (part), 33 (part) and 39 (part)	The provision of drainage works.
	36, 49, 52, 53 and 62	Access for construction purposes and permanent access for operational purposes.
	39 (part)	The provision of a working site, access for construction purposes and landscaping.
	40, 45, 46, 48, 51 and 63	The provision of a working site, landscaping, and protective works to water mains.
	64 and 67	The provision of landscaping.
	65, 68, 69 and 71	The provision of access for construction purposes.
Borough of Tonbridge and Malling, Parish of Wouldham	1 and 2	The provision of access for construction purposes.
	11 and 13	The provision of new woodland planting.
Borough of Tonbridge and Malling, Parish of Aylesford	1, 4, 29 and 41	The provision of a working site and access for construction purposes.
	190 (part)	The provision of a working site and landscaping.
	190 (part) and 193 to 195	The provision of a working site, access for construction purposes, landscaping, a balancing pond, diversion of overhead electric cables and permanent access for operational purposes.
	190 (part)	The provision of electricity supply apparatus and permanent access for operational purposes.
Borough of Maidstone, Parish of Boxley	38 (part)	The provision of electricity supply apparatus and permanent access for operational purposes.
	37, 38 (part), 39, 40, 41 and 42 (part)	The diversion of overhead electric cables and landscaping.
	38 (part), 42 (part) and 43	The provision of drainage works, landscaping and

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		access for construction purposes.
	44 (part)	The provision of landscaping and diversion of overhead electric cables.
	44 (part)	The provision of a balancing pond and permanent access for operational purposes.
	44 (part) and 45 to 49	The provision of a working site, drainage works and landscaping.
	52 (part) and 53	The provision of landscaping and permanent access to a balancing pond and for operational purposes.
	52 (part) and 54 (part)	The provision of landscaping, footpath diversion and diversion of overhead electric cables.
	54 (part) and 58	The provision of drainage works.
	60	The provision of new woodland planting.
	73, 74, 80, 81, 82, and 86 (part)	The provision of a balancing pond, landscaping, diversion of a gas pipeline and permanent access for operational purposes.
	86 (part)	The provision of a working site and a footpath diversion.
	86 (part), 88 and 89 (part)	The provision of access for construction purposes.
	89 (part) and 90	The provision of new woodland planting.
Borough of Maidstone, Parish of Detling	1	The provision of a working site and access for construction purposes.
	4 and 7 (part)	The provision of access for construction purposes.
	5, 7 (part) and 8	The provision of a balancing pond, landscaping and permanent access for operational purposes.

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	14 and 17	The provision of a balancing pond and permanent access for operational purposes.
Borough of Maidstone, Parish of Thurnham	1 and 3	The provision of new woodland planting.
	5	The provision of a working site and access for construction purposes.
	8	The provision of a balancing pond, diversion of a footpath, landscaping and permanent access for operational purposes.
	14	The provision of a site for nature conservation.
Borough of Maidstone, Parish of Hollingbourne	18	The provision of a working site, landscaping and access for construction purposes.
	1, 3, 4 (part) and 5	The provision of a working site, landscaping and access for construction purposes.
	4 (part), 6, 9 and 10 (part)	The provision of access for construction purposes and permanent access for operational purposes.
	7 (part) and 8	Alteration of a watercourse, provision of a balancing pond and permanent access for operational purposes.
	7 (part), 16, 17 and 18	The provision of drainage works.
	10 (part)	The provision of drainage works, a balancing pond and permanent access for operational purposes.
	11, 13 and 14	The provision of landscaping.
	19, 20, 24 and 26	The provision of permanent access for operational purposes.
Borough of Maidstone, Parish of Leeds	29, 32 and 33	The provision of balancing ponds and permanent access for operational purposes.
	1	The provision of access for construction purposes.

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Borough of Maidstone, Parish of Harrietsham	8, 9 and 10	The provision of a balancing pond, drainage works and permanent access for operational purposes.
	13	The provision of drainage works, a balancing pond and a working site.
	2, 20, and 21	The diversion of public utilities' apparatus.
	32, 34 and 35 to 38 (part)	The provision of balancing ponds, drainage works, a working site, access for construction purposes and footpath diversions, landscaping and permanent accesses for operational purposes.
	38 (part), 41 and 42	The provision of landscaping and access for construction purposes.
	43, 45 and 46	The provision of a waste disposal site, borrow pit, protective works, landscaping and access for maintenance and construction purposes.
Borough of Maidstone, Parish of Ulcombe	1	The provision of a balancing pond, drainage works and permanent access for operational purposes.
Borough of Maidstone, Parish of Lenham	6	The provision of a waste disposal site, borrow pit, protective works, landscaping and access for maintenance and construction purposes.
	10 and 11	The provision of drainage works and access for construction purposes.
	20 (part)	The provision of a spoil disposal site and a balancing pond.
	20 (part)	The provision of a spoil disposal site.
	33 and 34	The provision of a balancing pond.

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	87 to 89 (part)	The provision of permanent access for operational purposes.
	89 (part), 90 and 91	The provision of permanent access for operational purposes.
Borough of Ashford, Parish of Charing	21 and 22	The provision of landscaping and new woodland planting.
	38 and 39	The provision of landscaping.
	51	The provision of replacement access to premises.
	66	The diversion of public utilities' apparatus.
	76 and 77	The provision of an accommodation access.
	68, 70, 71 and 72	The provision of drainage works.
Borough of Ashford, Parish of Hothfield	1 and 2	The provision of drainage works.
	6	The provision of access for construction purposes.
	7, 8 (part), 10 (part) and 12 (part)	The provision of access for construction purposes and permanent access for operational purposes.
	8 (part), 10 (part), 11, and 12 (part)	The provision of a working site, landscaping and permanent access for operational purposes.
	12 (part), 14 and 16	The provision of a working site, landscaping and permanent access for operational purposes.
Borough of Ashford, Parish of Westwell	1, 4, 5, and 20 (part)	The provision of a working site, spoil disposal site, landscaping and permanent access for operational purposes.
	16, 17, 18, 19, 20 (part) and 21 (part)	The provision of a working site and landscaping.
	21 (part), 24, 25, 26, 27, 40, 41 and 42	The provision of access for construction purposes, a working site and landscaping.
	44 and 45	The provision of landscaping.

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	47 and 48	The provision a spoil disposal site and landscaping.
	56, 57, 60 (part), 65 and 67	The provision of a borrow pit, spoil disposal site, access for construction purposes, an accommodation access and landscaping.
	49 and 60 (part)	The provision of access for construction purposes and permanent access for operational purposes.
Borough of Ashford, Town of Ashford	8	The provision of a working site and landscaping.
	6, 10, 12 (part) and 13	The provision of drainage works and diversion of a gas main.
	12 (part) and 14 (part)	The provision of accommodation access to premises, landscaping and a working site.
	14 (part) and 16	The provision of a working site.
	14 (part) and 15	The provision of a working site and access for construction purposes.
	34 to 37 and 48	The provision of a working site and access for construction purposes.
	59 to 73 and 76	The provision of a working site and access for construction purposes.
	78 (part)	The provision of a working site and access for construction purposes.
	46, 78 (part), 79 and 80	The provision of a working site and access for construction purposes.
	85, 86, 89, 94 and 95	The provision of a working site and access for construction purposes.
	84 and 88	The provision of access for construction purposes and permanent emergency access to the gas holder station and depot.

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	92, 93, 98 (part), 99 and 100	The provision of access for construction purposes and permanent emergency access to the gas holder station and depot.
	110, 111, 117 and 122	The provision of a working site and access for construction purposes.
	125 (part) and 131	The provision of a working site and access for construction purposes.
	178, 181, 183, 194 and 195	The provision of flood storage lands and access for construction purposes.
	144, 145, 177, 179, 180, 184, 185 and 186	The provision of drainage works and access for construction purposes.
	238 to 241	The provision of a working site and access for construction purposes.
Borough of Ashford, Parish of Sevington	5	The provision of drainage works, a balancing pond and permanent access for operational purposes.
	7 and 8	The provision of a working site, access for construction purposes and permanent access for operational purposes.
	9 and 12 (part)	The provision of drainage works, a balancing pond and permanent access for operational purposes.
	12 (part), 16 and 19	The provision of a railhead, a working site, a balancing pond, access for construction purposes and permanent access for operational purposes.
	28	The provision of a working site.
	34	The provision of drainage works and access for construction purposes.
	33	The provision of a spoil disposal site.

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	35	The provision of access for construction purposes, permanent access for operational purposes and dedication of road as a public highway connecting to Bad Munstereifel Road.
Borough of Ashford, Parish of Mersham	1	The provision of a spoil disposal site.
	4	The provision of drainage works, noise barriers and access for construction purposes.
	11, 14, 15, 17, 20 and 27	The provision of drainage works, a balancing pond, noise barriers, landscaping, access for construction purposes and permanent access for operational purposes.
	19, 21, 22, 25 and 26	The provision of landscaping, access for construction purposes and permanent access for operational purposes.
	37, 41, 42, 45 and 46	The provision of a working site, access for construction purposes, diversion of public utilities' apparatus, a balancing pond and permanent access for operational purposes.
	43	The provision of noise barriers and drainage works and access for construction purposes.
Borough of Ashford, Parish of Smeeth	6, 8, 13 and 16	The provision of drainage works, footpath diversions, landscaping and permanent access for construction purposes.
	24, 27	The provision of access for construction purposes.
	9, 10, 11 and 12	The provision of drainage works, a balancing pond, landscaping and permanent access for operational purposes.

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	21 and 28	The provision of flood storage lands.
	30 (part) and 31	The provision of a working site and access for construction purposes.
	30 (part)	The provision of electricity supply apparatus, landscaping and permanent access for operational purposes.
	32 to 34	The provision of access for construction purposes and alteration of overhead electric cables.
	35	The provision of noise barriers and access for construction purposes.
Borough of Ashford, Parish of Aldington	5 and 7 (part)	The provision of electricity supply apparatus, landscaping and permanent access for operational purposes.
	7 (part), 12, 13 (part) and 14	The provision of electricity supply apparatus and access for construction purposes.
	3, 6 and 10	The diversion of overhead electric cables.
	13 (part), 19 and 20	The provision of a working site, landscaping and access for construction purposes.
District of Shepway, Parish of Sellindge	3, 4 and 5	The provision of noise barriers and access for construction purposes.
	1, 2 and 6	The provision of a working site, diversion of overhead electric cables and access for construction purposes.
	8	Strengthening of railway embankment and diversion of overhead electric cables.
	9 and 11	The diversion of electric high voltage underground cables.
	12, 14 and 15	The diversion of electric high voltage underground cables and access for construction purposes.
	16, 26 and 32 (part)	The diversion of electric high voltage underground cables,

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		the provision of noise barriers and access for construction purposes.
	32 (part), 33, 46 and 47	The alteration of overhead electric cables, provision of noise barriers and access for construction purposes.
	30	The alteration of overhead electric cables.
	44, 45 and 60	The provision of access for construction purposes.
District of Shepway, Parish of Stanford	1 (part)	The provision of noise barriers and access for construction purposes.
	1 (part) and 2	The provision of landscaping and access for construction purposes.
	8 and 9 (part)	The provision of drainage works, noise barriers, a working site and access for construction purposes.
	7, 9 (part), 17, 18 and 19	The provision of access for construction purposes.
District of Shepway, Parish of Saltwood	1 and 3	The provision of a working site, accommodation works and access for construction purposes.
	7	The provision of a balancing pond and permanent access for operational purposes.
	13 to 16	The provision of a working site and access for construction purposes.
	26	The provision of a footpath.
	30	The provision of drainage works.
	37, 38 and 39	The provision of a bridleway diversion, reconstruction of a bridleway bridge, provision of a working site, diversion of public utilities' apparatus and access for construction purposes.
District of Shepway, Parish of Postling	6 and 8	The provision of permanent access for operational purposes.

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	11 and 14 to 18	The provision of a working site and access for construction purposes.
District of Shepway, Parish of Newington	3 and 4	The provision of a working site and access for construction purposes.
	6 and 9	The provision of access for construction purposes.
	17 and 27 (part)	The provision of a spoil disposal site and access for construction purposes.
	14, 15, 16, 19, 20, 21, 32 and 37	The provision of access for construction purposes.
	31 and 40	The provision of working sites and access for construction purposes.
	27 (part)	The provision of access for construction purposes.
	13, 25 and 29	The provision of access for construction purposes, and permanent access to a balancing pond and for operational purposes.
	60 and 61	The provision of access for construction purposes and permanent access for operational purposes.
	62	The provision of access for construction purposes.
District of Shepway, Parish of Hythe	1	The provision of access for construction purposes.
District of Shepway, Town of Folkestone	1	Alteration of railway track equipment.
	2 and 3	The provision of access for construction purposes, and permanent access to a balancing pond and for operational purposes.
	4 (part)	The provision of access for construction purposes and permanent access for operational purposes.
	4 (part)	The provision of lineside equipment and permanent

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	6	access for operational purposes. The provision of a working site and access for construction purposes.
District of Thanet, Parish of Minster	2	The provision of access to a railhead to be used for construction purposes.
Borough of Dover, Parish of Sandwich	1	The provision of access to a railhead to be used for construction purposes.

PART II

APPLICATION OF LEGISLATION RELATING TO COMPULSORY PURCHASE

Lands Clauses Consolidation Act 1845

- 1 The ^{M1}Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under section 4(1) above.

Marginal Citations

M1 1845 c. 18.

Compulsory Purchase Act 1965

- 2 Part I of the ^{M2}Compulsory Purchase Act 1965, so far as not inconsistent with this Part of this Act, shall apply to an acquisition of land under section 4(1) above as it applies to a compulsory purchase to which Schedule 1 to the ^{M3}Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under that Act.

Marginal Citations

M2 1965 c. 56.

M3 1981 c. 67.

- 3 (1) In its application by virtue of paragraph 2 above, the Compulsory Purchase Act 1965 shall have effect with the following modifications.
- (2) Section 4 (time limit for exercise of powers of compulsory purchase) shall be omitted.
- (3) Section 11(1) (power to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) shall have effect—
- (a) in a case where the notice to treat relates only to the acquisition of subsoil or under-surface of land or an easement or other right over land, with the substitution for “fourteen days” of “one month’s”, and

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(b) in any other case, with the substitution for “fourteen days” of “three months”.

(4) In Schedule 3 (alternative procedure for obtaining right of entry) paragraph 3(3) (requirement as to sureties in relation to bond for compensation) shall be omitted.

Compulsory Purchase (Vesting Declarations) Act 1981

4 The ^{M4}Compulsory Purchase (Vesting Declarations) Act 1981 shall apply as if this Act were a compulsory purchase order.

Marginal Citations

M4 1981 c. 66.

5 (1) In its application by virtue of paragraph 4 above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications.

(2) In section 3 (preliminary notices) for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and
- (b) published in the London Gazette.”

(3) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)”.

(4) In that section, subsections (5) and (6) shall be omitted and at the end there shall be inserted—

“(7) For the purposes of this section, a person has a relevant interest in land if—

- (a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or
- (b) he holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”

(5) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there shall be inserted “in the London Gazette”, and
- (b) subsection (2) shall be omitted.

(6) In section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the ^{M5}Acquisition of Land Act 1981)” shall be omitted.

(7) References to the ^{M6}Compulsory Purchase Act 1965 shall be construed as references to that Act as applied to the acquisition of land under section 4(1) above.

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Marginal Citations

M5 1981 c. 67.

M6 1965 c. 56.

PART III

SUPPLEMENTARY PROVISIONS

Acquisition of subsoil

- 6 (1) In the case of land specified in the following table (non-pedestrian tunnels), the power conferred by section 4(1) above shall only be exercisable in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres beneath the level of the surface of the land.

THE TABLE

Area	No. on deposited plans
GREATER LONDON	
London Borough of Islington	307 to 318, 320 to 330, 332, 335, 338 to 739, 798, 799 and 803 to 1042
London Borough of Hackney	1 to 183, 185 to 211 and 213 to 772
London Borough of Newham	16 to 518, 522 to 540, 542 to 549, 551 to 1207, 1209 to 1223, 1235, 1236, 1238, 1240 to 1243 and 1246 to 1252
London Borough of Redbridge	8 to 14
London Borough of Barking and Dagenham	227 to 765, 767, 769 to 786, 794 and 796
COUNTY OF ESSEX	
Borough of Thurrock	99 and 103
COUNTY OF KENT	
Borough of Tonbridge and Malling, Parish of Aylesford	51 to 140 and 144 to 183
Borough of Tonbridge and Malling, Parish of Burham	1 to 9

- (2) In the case of land specified in the following table (pedestrian tunnels and ground anchors), the power conferred by section 4(1) above shall only be exercisable in relation to so much of the subsoil or under-surface of the land as lies more than 2 metres beneath the level of the surface of the land.

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THE TABLE

Area	No. on deposited plans
GREATER LONDON	
London Borough of Camden	178
London Borough of Islington	740 to 771
COUNTY OF KENT	
Borough of Ashford, Parish of Mersham	39

- (3) In the case of any other land, the power conferred by section 4(1) above shall be exercisable as well in relation to the subsoil or under-surface only as in relation to the land as a whole.
- (4) Section 8(1) of the ^{M7}Compulsory Purchase Act 1965 (limitation on right to require a person to sell part only of any house, building, manufactory or park or garden belonging to a house) shall not apply where the power conferred by section 4(1) above is exercised in relation to the subsoil or under-surface of land only.
- (5) For the purposes of sub-paragraphs (1) and (2) above, the level of the surface of the land shall be taken—
- (a) in the case of any land on which a building is erected, to be the level of the surface of the ground adjoining the building, and
 - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

Marginal Citations

M7 1965 c. 56.

Acquisition of existing tunnels

- 7 In the case of land specified in the following table (existing railway tunnels), the power conferred by section 4(1) above shall only be exercisable in relation to so much of the land as is comprised in an existing railway tunnel.

THE TABLE

Area	No. on deposited plans
GREATER LONDON	
London Borough of Camden	117 to 120, 122 to 140 and 228 to 231
London Borough of Islington	20, 21 and 775 to 778
COUNTY OF KENT	
Borough of Gravesham, Town of Gravesend	49 to 61

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Acquisition of new rights

- 8 (1) The power conferred by section 4(1)(a) or (b) above shall include, in relation to any land to which the power relates, power to create and acquire such easements or other rights over land as may be required as mentioned in that provision instead of acquiring the land itself.
- (2) Part I of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of sub-paragraph (1) above—
- (a) with the modifications specified in paragraph 9 below, and
 - (b) with such other modifications as may be necessary.
- 9 (1) The modifications referred to in paragraph 8(2)(a) above are as follows.
- (2) For section 7 of the ^{M8}Compulsory Purchase Act 1965 there shall be substituted—

“7 Measure of compensation in case of purchase of new right.

In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is purchased 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 his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

- (3) In section 8 of that Act (provisions as to divided land) for subsection (1) there shall be substituted—

“(1) This subsection applies where—

- (a) a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”) has been served on a person under section 5 of this Act,
- (b) in consequence of the service of the notice, a question of disputed compensation in respect of the purchase of the right would, apart from this section, fall to be determined by the [^{F1}Upper Tribunal], and
- (c) before the [^{F2}Upper Tribunal has] determined that question, the person on whom the notice has been served satisfies [^{F3}the Upper Tribunal] that the relevant conditions are met.

(1A) The relevant conditions are—

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

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- (1B) Where subsection (1) above applies—
- (a) the compulsory purchase order shall, in relation to the person on whom the notice to treat has been served—
 - (i) cease to authorise the purchase of the right to which the notice relates, and
 - (ii) be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of a park or garden belonging to a house, the house, and
 - (b) the notice to treat shall be deemed to have been served in respect of that interest on such date as the [^{F4}Upper Tribunal directs].
- (1C) Any question as to the extent of the land in which the compulsory purchase order is deemed to authorise the purchase of an interest by virtue of subsection (1B)(a)(ii) of this section shall be determined by the [^{F5}Upper Tribunal].
- (1D) Where the [^{F6}Upper Tribunal determines] that the person on whom a notice to treat has been served has satisfied [^{F7}the Upper Tribunal] as mentioned in subsection (1)(c) of this section, the acquiring authority may withdraw the notice at any time within the period of six weeks beginning with the date of the determination.
- (1E) Subsection (1D) of this section is without prejudice to any other power of the acquiring authority to withdraw the notice to treat.”
- (4) The following provisions of that 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) namely—
- section 9(4) (failure of owners to convey),
 - paragraph 10(3) of Schedule 1 (owners under incapacity),
 - paragraph 2(3) of Schedule 2 (absent and untraced owners), and
 - paragraphs 2(3) and 7(2) of Schedule 4 (common land),
- shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.
- (5) Section 11 of that Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on [^{F8}enforcement officer's or sheriff's warrant] in the event of obstruction) of that Act shall be modified correspondingly.
- (6) Section 20 of that Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the land but taking into

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account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

- (7) Section 22 of that Act (protection of acquiring authority's possession of land where interest accidentally omitted from purchase) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.
- (8) References in that 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.
- (9) In the ^{M9}Land Compensation Act 1973, for section 44 there shall be substituted—

“44 Compensation for injurious affection.

- (1) Where a right over land is purchased from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable.
- (2) In this section “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the ^{M10}Compulsory Purchase Act 1965 as applied by paragraph 8(2) of Schedule 4 to the Channel Tunnel Rail Link Act 1996.”

- (10) For section 58 of that Act there shall be substituted—

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

In determining under section 8(1)(c) of the Compulsory Purchase Act 1965 as applied by paragraph 8(2) of Schedule 4 to the Channel Tunnel Rail Link Act 1996 whether—

- (a) a right over part of a house, building or manufactory can be taken without material detriment to the house, building or manufactory, or
- (b) a right over part of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the [^{F9}Upper Tribunal] shall take into account not only the effect of the right on the whole of the house, building or manufactory or of the house and the park or garden but also the use to be made of the rights proposed to be acquired and, in a case where 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 to be made of the other land.”

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Textual Amendments

- F1** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(2)(a)(i)** (with Sch. 5)
- F2** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 262(2)(a)(ii), **(aa)** (with Sch. 5)
- F3** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, Sch. 1 para. 262(2)(a)(ii), **(bb)** (with Sch. 5)
- F4** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(2)(b)** (with Sch. 5)
- F5** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(2)(c)** (with Sch. 5)
- F6** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(2)(d)(i)** (with Sch. 5)
- F7** Words in Sch. 4 para. 9(3) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(2)(d)(ii)** (with Sch. 5)
- F8** Words in Sch. 4 para. 9(5) substituted (1.4.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 22 para. 9**; S.I. 2007/2709, art. 5(b)
- F9** Words in Sch. 4 para. 9(10) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 262(3)** (with Sch. 5)

Marginal Citations

- M8** 1965 c. 56.
M9 1973 c. 26.
M10 1965 c. 56.

- 10 (1) The Secretary of State may by order provide, in relation to land to which this paragraph applies, that section 4(1) above, so far as relating to acquisition by virtue of paragraph 8(1) above, shall be treated as also authorising acquisition by such person as may be specified in the order.
- (2) This paragraph applies to land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used which is or will be required for use in relocating any apparatus which it is expedient to divert or replace in consequence of the carrying out of any of the works authorised by this Part of this Act.
- (3) The power to make an order under sub-paragraph (1) above includes power to make an order varying or revoking any order previously made under that provision.

Acquisition of part only of certain properties

- 11 (1) Where—
- (a) a notice to treat under Part I of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, is served in respect of land forming part only of a house, building or factory or part only of land consisting of a house with a park or garden, and

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- (b) a copy of this paragraph is served with the notice to treat, the following provisions of this paragraph, with paragraph 12 below, shall apply instead of section 8(1) of the Compulsory Purchase Act 1965.
- (2) The person on whom the notice to treat is served (“the owner”) may within the period of 21 days beginning with the day on which the notice to treat is served on him, serve on the Secretary of State a counter-notice objecting to the sale of the part (“the land subject to the notice to treat”) and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).
- (3) If no counter-notice is served under sub-paragraph (2) above, the owner shall be required to sell the land subject to the notice to treat.
- (4) If a counter-notice is served under sub-paragraph (2) above and the Secretary of State agrees to take the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (5) If a counter-notice is served under sub-paragraph (2) above and the Secretary of State does not agree to take the land subject to the counter-notice, the question as to what land the owner is to be required to sell shall be referred to the [F10Upper Tribunal].
- (6) If, on a reference under sub-paragraph (5) above, the [F11Upper Tribunal determines] that the land subject to the notice to treat can be taken—
- (a) without material detriment to the remainder of the land subject to the counter-notice, and
- (b) where the land subject to the notice to treat consists of or includes garden only land, without seriously affecting the amenity and convenience of the relevant house,
- the owner shall be required to sell the land subject to the notice to treat.
- (7) If, on such a reference, the [F11Upper Tribunal determines] that only part of the land subject to the notice to treat can be taken as mentioned in sub-paragraph (6) above, the notice to treat shall, subject to sub-paragraph (8) below, be deemed to be a notice to treat for that part.
- (8) Where the land subject to the notice to treat is not land which consists of or includes garden only land, sub-paragraph (7) above shall only have effect to deem the notice to treat to be a notice to treat for land which does consist of or include garden only land if the [F11Upper Tribunal determines] that that land can be taken without seriously affecting the amenity and convenience of the relevant house.
- (9) If, on such a reference, the [F11Upper Tribunal determines]—
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, but
- (b) that the material detriment is confined to part of the remainder of that land, then, except where sub-paragraph (10) below applies, the notice to treat shall be deemed to be a notice to treat in addition for the land to which the material detriment is confined.
- (10) If, in a case where the land subject to the notice to treat consists of or includes garden only land, the [F11Upper Tribunal determines] on such a reference that none of the

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land subject to the notice to treat can be taken without seriously affecting the amenity or convenience of the relevant house, the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.

- (11) If, on such a reference, the [^{F11}Upper Tribunal determines]—
- (a) that none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, and
 - (b) that the material detriment is not confined to part of the remainder of that land,
- the notice to treat shall be deemed to be a notice to treat in addition for the remainder of the land subject to the counter-notice.
- (12) For the purposes of this paragraph, the land subject to the notice to treat consists of or includes garden only land if it consists of the whole or part of a park or garden belonging to a house or if it includes the whole or part of such a park or garden but does not include the house (“the relevant house”) or any part of it.

Textual Amendments

- F10** Words in Sch. 4 para. 11(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 262(4)(a)** (with Sch. 5)
- F11** Words in Sch. 4 para. 11(6)-(11) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 262(4)(b)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** Sch. 4 para. 11 applied (with modifications) (19.2.1999) by [S.I. 1999/537](#), art. 13(1), **Sch. 3 para. 1-8**
 Sch. 4 para. 11 applied (with modifications) (22.3.2001) by [S.I. 2001/1451](#), art. 15(1), Sch. 3 paras. 1(d), **3(5)**

- 12 (1) Where under paragraph 11 above a notice to treat is deemed by virtue of a determination of the [^{F12}Upper Tribunal] to be a notice to treat for less land or more land than that specified in the notice, the Secretary of State may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice.
- (2) If the Secretary of State withdraws a notice to treat under sub-paragraph (1) above, he shall pay the person on whom the notice was served compensation for any loss or expense occasioned to that person by the giving and withdrawal of the notice, such compensation to be determined in case of dispute by the [^{F13}Upper Tribunal].
- (3) Where under paragraph 11 above a person is required to sell part only of a house, building or factory or of land consisting of a house with a park or garden, the Secretary of State shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of the interest acquired.
- (4) A notice to treat shall have the effect which it is deemed to have under paragraph 11(4), (9), (10) or (11) above whether or not the additional land is, apart from that provision, land which the Secretary of State is authorised to acquire compulsorily under this Part of this Act.

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Textual Amendments

- F12** Words in Sch. 4 para. 12(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 262\(5\)](#) (with Sch. 5)
- F13** Words in Sch. 4 para. 12(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 262\(5\)](#) (with Sch. 5)

Modifications etc. (not altering text)

- C2** Sch. 4 para. 12 applied (with modifications) (19.2.1999) by [S.I. 1999/537](#), art. 13(1), [Sch. 3 para. 1-8](#)
Sch. 4 para. 12 applied (with modifications) (22.3.2001) by [S.I. 2001/1451](#), art. 15(1), [Sch. 3 para. 1\(d\)](#)

Minerals

- 13 (1) Parts II and III of Schedule 2 to the ^{M11}Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of the working of mines or minerals underlying an authorised undertaking) shall have effect in relation to land to which section 4(1) above applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.
- (2) In their application by virtue of sub-paragraph (1) above, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 shall have effect with the following modifications—
- (a) references to the acquiring authority, except the second reference in paragraph 6, shall be construed as references to the nominated undertaker, and
 - (b) references to the undertaking shall be construed as references to the undertaking which the nominated undertaker is authorised by this Part of this Act to carry on.

Modifications etc. (not altering text)

- C3** [Sch. 4 para. 13](#) applied (with modifications) (19.2.1999) by [S.I. 1999/537](#), art. 13(1), [Sch. 3 para. 1-8](#)
[Sch. 4 para. 13](#) applied (with modifications) (22.3.2001) by [S.I. 2001/1451](#), art. 15(1), [Sch. 3 paras. 1\(d\), 3\(5\)](#)

Marginal Citations

- M11** 1981 c. 67.

Power to require acquisition where time limit extended

- 14 (1) If the Secretary of State makes an order under section 47(2) above, the following provisions shall have effect as from the coming into operation of that order.
- (2) If an owner or lessee of any of the land in relation to which the order is made gives notice in writing to the Secretary of State that he desires his interest in such of that land as is specified in the notice to be acquired by the Secretary of State, the Secretary of State shall, within the period of 3 months immediately following receipt of the notice—
- (a) enter into an agreement with him for the acquisition of his interest in the whole or part of the land specified in the notice,

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- (b) exercise the relevant powers of compulsory acquisition in respect of his interest in the whole or part of the land specified in the notice, or
- (c) serve on him notice in writing of the Secretary of State’s intention not to proceed with the purchase of his interest in any of the land specified in the notice.

(3) Where—

- (a) a person gives the Secretary of State notice under sub-paragraph (2) above, and
- (b) the Secretary of State—
 - (i) fails to comply with the requirements of that sub-paragraph,
 - (ii) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or
 - (iii) serves on the owner notice in compliance with paragraph (c) of that sub-paragraph,

the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person’s interest in any of the land specified in the notice under sub-paragraph (2) above.

(4) Where—

- (a) a person gives the Secretary of State notice under sub-paragraph (2) above, and
- (b) the Secretary of State acquires in pursuance of paragraph (a) or (b) of that sub-paragraph that person’s interest in some, but not all, of the land specified in the notice,

the relevant powers of compulsory acquisition shall cease to be exercisable in respect of that person’s interest in the remainder of that land.

(5) In this paragraph—

“lessee” means a person who holds an interest under a lease for a period of which not less than 21 years is unexpired at the date of the giving of any notice by that person under sub-paragraph (2) above,

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

references to the relevant powers of compulsory acquisition are to—

- (a) the power to serve a notice to treat under Part I of the ^{M12}Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, and
- (b) the power to execute a declaration under section 4 of the ^{M13}Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph 4 above.

Marginal Citations

M12 1965 c. 56.

M13 1981 c. 66.

- 15 (1) Paragraph 14 above shall not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than the relevant distance below the level of the surface of the land.

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- (2) In sub-paragraph (1) above, the reference to the relevant distance is—
- (a) in the case of a work consisting of a pedestrian tunnel or ground anchor, 2 metres, and
 - (b) in the case of any other work, 9 metres.
- (3) For the purposes of sub-paragraph (1) above, the level of the surface of the land shall be taken—
- (a) in the case of any land on which a building is erected, to be the level of the surface of the ground adjoining the building, and
 - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

Compensation

- 16 Section 4 of the ^{M14}Acquisition of Land Act 1981 (assessment of compensation in relation to a compulsory purchase where unnecessary things done with a view to obtaining compensation) shall have effect in relation to a compulsory purchase under this Part of this Act as if it were a compulsory purchase for the purposes of that Act.

Modifications etc. (not altering text)

- C4** Sch. 4 para. 16 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 para. 1-8**
Sch. 4 para. 16 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), **Sch. 3 para. 1(d)**
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Marginal Citations

- M14** 1981 c. 67.

Changes to legislation:

There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, SCHEDULE 4.