

**2001 No. 1451**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

**The Channel Tunnel Rail Link (Stratford Station and  
Subsidiary Works) Order 2001**

*Made - - - - 1st March 2001*

*Coming into force 22nd March 2001*

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Whereas an application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992<sup>(a)</sup> made under section 6, 7 and 10 of the Transport and Works Act 1992<sup>(b)</sup> (“the 1992 Act”), for an Order under sections 1, 3 and 5 of the 1992 Act;

And whereas each House of Parliament has passed a resolution approving the proposals to which the application relates pursuant to section 9 of the 1992 Act as modified by section 42 of the Channel Tunnel Rail Link Act 1996<sup>(c)</sup>;

And whereas the Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act;

And whereas the Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 23rd February 2001;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1, 3 and 5 of, and paragraphs 1 to 5, 7 to 12 and 15 to 17 of Schedule 1 to, the 1992 Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

#### PART I

#### PRELIMINARY

##### Citation and commencement

1. This Order may be cited as the Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001 and shall come into force on 22nd March 2001.

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<sup>(a)</sup> S.I. 1992/2902.

<sup>(b)</sup> 1992 c. 42.

<sup>(c)</sup> 1996 c. 61.

## Interpretation

### 2.—(1) In this Order—

“the 1965 Act” means the Compulsory Purchase Act 1965<sup>(a)</sup>;

“authorised works” means the scheduled works and any other works authorised by this Order;

“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;

“deemed planning permission” means a planning permission which is deemed by a direction under section 90(2A) of the Town and Country Planning Act 1990<sup>(b)</sup> to be granted in relation to any authorised works;

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

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

“highway” has the same meaning as in the Highways Act 1980<sup>(c)</sup>;

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

“the limit for Stratford station” means the limit for Stratford station which is shown on the deposited plans;

“the Order limits” means any of the limits of deviation or the limit for Stratford station;

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“the principal Act” means the Channel Tunnel Rail Link Act 1996<sup>(d)</sup>;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“Stratford station” has the meaning given to it in Schedule 1 to this Order;

“Union Railways” means Union Railways (North) Limited.

(2) Unless the context otherwise requires, other expressions used in this Order and in the principal Act have the same meaning as in that Act.

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

(4) All directions, distances, lengths and points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, length and point.

(5) Unless the context otherwise requires, any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order.

(6) References in this Order to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the relevant deposited plan.

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<sup>(a)</sup> 1965 c. 56.

<sup>(b)</sup> 1990 c. 8.

<sup>(c)</sup> 1980 c. 66.

<sup>(d)</sup> 1996 c. 61.

## PART II

### WORKS

#### Construction and maintenance of scheduled works

3.—(1) Union Railways may construct and maintain the scheduled works, being—

- (a) works for a station at Stratford in London for use in connection with the rail link,
- (b) railways near St Pancras in London providing access between the rail link and the West Coast Main Line by means of a connection to the North London Line, and
- (c) works ancillary to the works mentioned in sub-paragraphs (a) and (b) above.

(2) Subject to paragraph (5) below, the scheduled works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Union Railways may, for the purposes of or in connection with the scheduled works, do any of the following within the Order limits—

- (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.

(4) Union Railways may within the Order limits—

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

(5) In constructing or maintaining any scheduled work, Union Railways may—

- (a) as regards a scheduled work not comprising Stratford station, deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation for that work;
- (b) as regards the scheduled work comprising Stratford station, construct that work within the limit for Stratford station;
- (c) in any case, deviate vertically from the levels shown on the deposited sections—
  - (i) to any extent not exceeding 3 metres upwards, or
  - (ii) to any extent downwards.

(6) Without prejudice to the generality of paragraphs (3) and (4) above, Union Railways may construct a pedestrian link at Stratford in the London Borough of Newham either—

- (a) between points X and Y, or
- (b) between point X and the existing subway serving Stratford station which is within the limit of deviation of Work No. 1E and identified on the deposited plans, with such works within that limit as may be necessary or expedient to make a connection of the link with that subway.

(7) The power conferred by paragraph (3)(b) above does not include a power to extinguish any public right of way over any highway.

### **Stopping up of highways**

4.—(1) Union Railways may exercise the power conferred by paragraph 1(1) of Schedule 3 to the principal Act to stop up York Way between points L1 and L2 (which points are shown on the deposited plans)—

- (a) for the relevant purposes, and
- (b) in relation to that part of York Way within the London Borough of Islington as well as the part within the London Borough of Camden.

(2) Paragraph (1) above has effect without prejudice to article 15(2) below and subject to paragraph 1(3) of Schedule 3 to the principal Act.

(3) In paragraph (1) above, “the relevant purposes” means purposes connected with the construction of the authorised works or the works authorised by Part I of the principal Act.

### **Highway access**

5. Without prejudice to article 3(3)(b) above, Union Railways may, for the purposes of or in connection with the authorised works, form and lay out means of access at points AJ, AM and AN in the London Borough of Camden.

### **Temporary interference with waterways**

6.—(1) The powers conferred by this article shall be exercisable for the purpose of, or in connection with, the exercise of the powers conferred by this Order in relation to Work No. 1C.

(2) Union Railways may—

- (a) temporarily interfere with the River Lea, at any point within the Order limits, by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient.
- (b) temporarily moor or anchor barges or other vessels or craft in the River Lea, or
- (c) temporarily close the River Lea, or a part of it, to navigation.

(3) The power conferred by paragraph (2)(c) above shall be exercised in a way which secures—

- (a) that no more of the river is closed to navigation at any time than is necessary in the circumstances, and
- (b) that, if complete closure of the river 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) Union Railways 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.

### **Supplementary matters**

7.—(1) A deemed planning permission shall be treated as specific planning permission for the purposes of section 264(3)(a) of the Town and Country Planning Act 1990.

(2) The authorised works shall be treated as comprised within the rail link for the purposes of sections 16 to 19, 21 and 22 of the principal Act to the extent that they would be so treated if the scheduled works were authorised by section 1(1) of that Act.

## **PART III**

## **ACQUISITION OF LAND**

### **Power to acquire land**

8.—(1) The Secretary of State may acquire compulsorily so much of the land shown on the deposited plans within the Order limits as may be required for or in connection with the authorised works.

(2) Paragraph (1) above shall not authorise the compulsory acquisition of the land shown as the land numbered 2 in the London Borough of Newham on the deposited plans.

(3) Nothing in paragraph (2) above shall prejudice in any way the power of the Secretary of State to acquire the said land pursuant to section 4 of the principal Act.

**Application of the Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981**

9.—(1) Part I of the 1965 Act, so far as not inconsistent with this Order, shall apply to an acquisition of land under article 8 above as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981(a) applies and as if this Order were a compulsory purchase order under that Act.

(2) In its application by virtue of paragraph (1) above, the 1965 Act shall have effect with the following modifications—

- (a) section 4 (time limit for exercise of powers of compulsory purchase) shall be omitted;
- (b) 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—
  - (i) 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
  - (ii) in any other case, with the substitution for “fourteen days” of “3 months”;
- (c) 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.

(3) The Compulsory Purchase (Vesting Declarations) Act 1981(b) shall apply as if this Order were a compulsory purchase order.

(4) In its application by virtue of paragraph (3) above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications—

- (a) 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.”;
- (b) in that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)”, and after “given” there shall be inserted “and published”;
- (c) in that section, subsections (5) and (6) shall be omitted and for those subsections there shall be substituted—

“(5) 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.”;
- (d) in section 5 (earliest date for execution of declaration)—
  - (i) in subsection (1), after “publication” there shall be inserted “in the London Gazette”, and
  - (ii) subsection (2) shall be omitted;
- (e) in section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted;
- (f) references to the 1965 Act shall be construed as references to that Act as applied to the acquisition of land under article 8 above.

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(a) 1981 c. 67.

(b) 1981 c. 66.

### **Acquisition of new rights**

**10.**—(1) The power conferred by article 8 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 1965 Act as applied to the acquisition of land under article 8 above, and the enactments relating to compensation for the compulsory purchase of land, shall apply to a compulsory acquisition by virtue of paragraph (1) above—

- (a) with the modifications specified in Schedule 2 below, and
- (b) with such other modifications as may be necessary.

(3) In relation to land to which this paragraph applies, article 8 above, so far as relating to acquisition by virtue of paragraph (1) above, shall be treated as also authorising acquisition by a statutory utility in any case where the Secretary of State gives his consent in writing.

(4) Paragraph (3) above applies to land within the Order limits 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 the authorised works; and in that paragraph “statutory utility” means a licence holder within the meaning of Part I of the Electricity Act 1989<sup>(a)</sup>, a public gas transporter within the meaning of Part I of the Gas Act 1986<sup>(b)</sup>, a water undertaker within the meaning of the Water Industry Act 1991<sup>(c)</sup>, a sewerage undertaker within Part I of that Act and any local authority which is a relevant authority for the purposes of section 97 of that Act.

### **Compensation for injurious affection**

**11.** Section 10(1) of the 1965 Act (compensation for injurious affection) shall have effect, in relation to land injuriously affected by the execution of works under this Order, with the substitution for “acquiring authority have” of “Union Railways has”.

### **Acquisition and use of subsoil**

**12.**—(1) The power conferred by article 8 above shall be exercisable as well in relation to the subsoil or under-surface only as in relation to the land as a whole.

(2) Section 8(1) of the 1965 Act (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 article 8 above is exercised in relation to the subsoil or under-surface of land only.

(3) Union Railways may enter upon, take and use for the purposes of the authorised works so much of the subsoil of any highway within the Order limits as shall be required for the purpose of the construction or maintenance of those works, without being required to acquire that subsoil or any interest therein.

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

**13.** After the end of the period of 5 years beginning with the day on which this Order is made—

- (a) no notice to treat shall be served under Part I of the 1965 Act, as applied to the acquisition of land under article 8 above;
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by article 9(3) above.

## **PART IV**

### **MISCELLANEOUS AND GENERAL**

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

**14.** Union Railways shall, as soon as practicable after the making of this Order, submit one or more copies of the book of reference, the deposited sections and the deposited plans to the

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<sup>(a)</sup> 1989 c. 29.  
<sup>(b)</sup> 1986 c. 44.  
<sup>(c)</sup> 1991 c. 56.

Secretary of State for certification that they are true copies of, respectively, the book of reference, the deposited sections and the deposited plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

### **Application of provisions of principal Act**

**15.**—(1) Schedule 3, which amongst other matters applies provisions of the principal Act not applied by the preceding provisions of this Order, shall have effect.

(2) So far as consistent with the provisions of this Order and the Transport and Works Act 1992 and so far as any person exercising the powers conferred by this Order is a nominated undertaker for the purposes of any provisions of Part I of the principal Act, this Order and the principal Act shall be construed as one.

(3) Without prejudice to the generality of paragraph (2) above, in determining any application or request by Union Railways to any body for an approval or consent under the provisions of the principal Act (including those provisions as applied by this Order), it shall be competent for that body to have regard (so far as relevant) to the combined effect of the works authorised by this Order and the works authorised by the principal Act for the purposes of the construction of which Union Railways is the nominated undertaker.

### **Transfer of functions of other railway operators relating to works**

**16.**—(1) If the Secretary of State acquires any land for the purposes of this Order from a railway operator and there are situated on the land works authorised by statute, he (or Union Railways with the approval of the Secretary of State) may enter into an agreement with the railway operator for the transfer of any statutory power or duty relating to the works previously exercisable by the railway operator to him or Union Railways.

(2) In paragraph (1) above, references to a railway operator are to a person who has the management for the time being of a network, station or light maintenance depot.

(3) In this article, “light maintenance depot”, “network” and “station” have the same meaning as in Part I of the Railways Act 1993(a).

### **Transfer of functions under Order**

**17.**—(1) Subject to paragraphs (2) and (3) below, Union Railways may enter into an agreement with any person (“the transferee”) for the transfer of all or any of its undertaking under this Order, including all or any of the functions, powers or duties of Union Railways under this Order—

- (a) either permanently or for such period as is specified in or determined under the agreement; and
- (b) either unconditionally or subject to such conditions or upon the happening of such events as may be specified in the agreement.

(2) The terms of any agreement made by virtue of paragraph (1) above shall, unless the transferee is the Secretary of State or a nominated undertaker for any purposes of any provisions of Part I of the principal Act, be subject to the approval of the Secretary of State.

(3) Any agreement or undertaking entered into by Union Railways in connection with the promotion of this Order shall, so far as relevant to any functions, powers or duties under this Order exercisable by the transferee under an agreement made by virtue of paragraph (1) above, be binding on the transferee.

(4) Where an agreement is made by virtue of paragraph (1) above, references to Union Railways in this Order (including references inserted or substituted by this Order in the principal Act or any other enactment) shall, to such extent and for such purposes as the agreement so provides, have effect as references to the transferee.

### **Termination of development agreement**

**18.**—(1) This article applies where the Secretary of State has entered into a development agreement for purposes connected with the construction or operation of the Channel Tunnel Rail Link, and that agreement has been terminated under provisions contained therein.

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(a) 1993 c. 43.

(2) Where this article applies, the Secretary of State may by notice in writing transfer to himself or to a nominated undertaker within the meaning of section 34 of the principal Act any of the powers, functions, duties or liabilities of Union Railways under this Order, or of any person to whom Union Railways has transferred them.

(3) Where he has transferred such a power, function, duty or liability to himself the Secretary of State may subsequently transfer it to such a nominated undertaker.

(4) In exercising his powers under paragraphs (2) and (3) above, the Secretary of State may deal differently in respect of different parts of the authorised works.

(5) Any notice under paragraph (2) above shall be given by the Secretary of State to Union Railways or to any person to whom Union Railways has transferred any of the powers, functions, duties or liabilities of Union Railways under this Order.

(6) Paragraph (3) of article 17 above shall apply in relation to any transfer of functions, powers or duties to the Secretary of State or a nominated undertaker under this article as it applies in relation to any transfer of functions, powers or duties by virtue of an agreement under paragraph (1) of that article.

Signed by Authority of the Secretary of State for  
the Environment, Transport and the Regions

*Ellis Harvey*  
Head of the Transport and Works Act  
Processing Unit, Department of the  
Environment, Transport and the Regions

1st March 2001

## SCHEDULES

### SCHEDULE 1

Articles 2(1) and 3

#### THE SCHEDULED WORKS

The works which Union Railways is authorised by article 3(1) above to construct and maintain are the following—

**1. In the London Boroughs of Hackney and Newham—**

A station for international and domestic services and the provision of vehicle parking and other facilities in connection therewith (in this Order referred to as “Stratford station”), together with the following further works ancillary thereto—

Work No. 1A—A railway 1,031 metres in length (comprising down lines serving domestic and international platforms) commencing by a junction with the railway comprised in Work No. 6 authorised by the principal Act at a point 175 metres east of Waterden Road, passing eastwards partly in tunnels and terminating by a junction with that Work at a point 55 metres west of Angel Lane;

Work No. 1B—A railway 1,031 metres in length (comprising up lines serving domestic and international platforms) commencing by a junction with the railway comprised in Work No. 6 authorised by the principal Act at a point 175 metres east of Waterden Road, passing eastwards partly in tunnels and terminating by a junction with that Work at a point 55 metres west of Angel Lane;

Work No. 1C—An access road commencing by a junction with Waterden Road at a point 160 metres north-east of its junction with Carpenters Road, passing eastwards over the River Lea, then along the southern side of Stratford station building, then northwards over the railways (Works Nos. 1A and 1B above and Work No. 6 authorised by the principal Act), then westwards on the northern side of the station building and having a junction with the existing access road to Temple Mills Lane, and then passing south-westwards over the railways (Works Nos. 1A and 1B above and Works Nos. 6 and 6A authorised by the principal Act), and terminating at a point 355 metres east of its commencement, including bridges over the River Lea, Works Nos. 1A and 1B and the said Works Nos. 6 and 6A;

Work No. 1D—A realignment and improvement of Waterden Road, commencing in that road 295 metres north-east of its junction with Carpenters Road and terminating in Waterden Road 220 metres south of its commencement;

Work No. 1E—A subway commencing at a point 160 metres north-west of Station Street, passing south-eastwards under railways serving the existing suburban station at Stratford, and terminating at a point 120 metres from its commencement.

**2. In the London Boroughs of Camden and Islington—**

Work No. 2A—A railway 688 metres in length commencing by a junction with the railway comprised in Work No. 1GG authorised by the principal Act, at a point 30 metres west of the Midland Main Line, and terminating by a junction with the railway comprised in Work No. 1AA authorised by that Act at a point 180 metres east of the existing York Way, including a viaduct over the Midland Main Line and bridges over works authorised by the principal Act, the Great Northern Suburban Line and the East Coast Main Line;

Work No. 2B—A railway 491 metres in length commencing on a viaduct by a junction with the railway comprised in Work No. 1EE authorised by the principal Act, at a point 10 metres west of the Midland Main Line, and terminating by a junction with Work No. 3 at a point 20 metres north-east of the existing York Way, including a viaduct over the Midland Main Line and bridges over works authorised by the principal Act;

Work No. 3—A railway 614 metres in length commencing by a junction with the railway comprised in Work No. 1BB authorised by the principal Act, at a point 25 metres north of Regent’s Canal, and terminating by a junction with that Work at a point 125 metres east of the existing York Way, including bridges over works authorised by the principal Act.

## MODIFICATIONS RELATING TO ACQUISITION OF NEW RIGHTS

1. The modifications referred to in article 10(2)(a) above are as follows.
2. For section 7 of the 1965 Act there shall be substituted—
 

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

7. 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 Lands Tribunal, and
  - (c) before the Lands Tribunal have determined that question, the person on whom the notice has been served satisfies them 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.

(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 Lands Tribunal direct.

(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 Lands Tribunal.

(1D) Where the Lands Tribunal determine that the person on whom a notice to treat has been served has satisfied them 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 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 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 Land Compensation Act 1973(a), for section 44 there shall be substituted—

“Compensation for injurious affection.

44.—(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 Compulsory Purchase Act 1965 as applied by article 10(2) of the Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001.”.

10. For section 58 of that Act there shall be substituted—

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

58. In determining under section 8(1)(c) of the Compulsory Purchase Act 1965 as applied by article 10(2) of the Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001 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,

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(a) 1973 c. 26.

the Lands 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.”.

### SCHEDULE 3

Article 15(1)

#### APPLICATION OF PROVISIONS OF PRINCIPAL ACT

##### *Provisions of the principal Act applied*

1. The following provisions of the principal Act shall apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 below and, where any special assumption is mentioned in paragraph 3 below for any such provision, on the special assumptions for it so mentioned—

- (a) sections 7, 8, 14, 27 to 30, 37, 39, 40, 43, 50 and 54;
- (b) paragraphs 6 to 10 of Schedule 2;
- (c) paragraphs 5 to 14 of Schedule 3;
- (d) paragraphs 11 to 13 and 16 of Schedule 4;
- (e) paragraphs 4 and 5 of Schedule 5;
- (f) Schedule 9 (except paragraphs 1(3)(c) and 8(2)(a) and (b));
- (g) Schedule 10;
- (h) Schedule 11;
- (i) Schedule 14 (except paragraphs 8(2)(a) and 12); and
- (j) Parts I to IV, VI and VII of Schedule 15.

##### *The General Assumptions*

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act or to Part I or III of that Act were references to this Order;
- (b) to the nominated undertaker were references to Union Railways;
- (c) to the scheduled works (except in relation to references to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference were references to the scheduled works, the deposited plans, the deposited sections and the book of reference respectively as defined in article 2(1) above;
- (d) to the limits of deviation for the scheduled works or the limits of land to be acquired or used were references to the Order limits as defined in article 2(1) above;
- (e) to the rail link were references to the authorised works (as defined in article 2(1) above);
- (f) to particular provisions of that Act were a reference to those provisions as applied by paragraph 1 above.

##### *The Special Assumptions*

3.—(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (10) below, and have effect for the purposes mentioned in paragraph 1 above.

(2) In paragraph 5 of Schedule 3 to the principal Act, the reference to paragraph 1 or 4 of Schedule 2 to that Act shall be treated as a reference to article 3(3) or (4) above.

(3) In paragraph 6(3) of Schedule 3 to the principal Act, the reference to paragraph 1(1) of that Schedule shall be treated as a reference to that paragraph 1(1) as applied by article 4(1) above.

(4) In paragraph 14 of Schedule 3 to the principal Act, the reference to that Schedule shall be treated as a reference to this Order.

(5) In paragraphs 11 and 13 of Schedule 4, paragraph 4 of Schedule 5 and paragraph 2 of Part VI of Schedule 15 to the principal Act, references to section 4(1) or, as the case may be, section 4 of that Act shall be treated as references to article 8 above.

(6) Paragraph 8(1) of Schedule 10 to the principal Act shall be treated as including a reference to Work No. 1C authorised by this Order and the limits of deviation for that Work.

(7) In paragraph 9 of Schedule 10 to the principal Act, the reference to approved arrangements shall be construed as a reference to any arrangements approved under a condition of a deemed planning permission so far as relating to the routing of vehicles or hours of working.

(8) In paragraph 3(4) of Part I of Schedule 15 to the principal Act, the reference to deemed planning permission shall be treated as a reference to that expression as defined in article 2(1) above.

(9) In paragraph 4 of Part IV of Schedule 15 to the principal Act, references to paragraph 1 of Schedule 3 to that Act shall be treated as references to that paragraph 1 as applied by article 4(1) above.

(10) In paragraph 1(2) of Part VII of Schedule 15 to the principal Act, the reference to paragraph 11 of Schedule 2 to that Act shall be treated as a reference to article 6 above.

#### *Ancillary Matters*

4.—(1) Regulations made under section 29(4) of the principal Act shall have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974<sup>(a)</sup>, as inserted by section 29(3) of the principal Act and applied by paragraph 1 above, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part I of the principal Act.

(2) Rules made under section 43(2) of the principal Act shall apply to an arbitration under this Order as they apply to an arbitration under Part I of the principal Act.

(3) An order made under paragraph 11(2) of Schedule 10 to the principal Act shall apply to an application treated as granted under that provision as applied by paragraph 1 above as it applies to an application treated as granted under that paragraph 11(2) as enacted.

5. Paragraphs 6 to 9 of Schedule 2 and the provisions of Schedule 9 to the principal Act as applied by paragraph 1 above shall only have effect (so far as concerns entry on land) so as to allow entry on land within the Order limits.

6. Without prejudice to the generality of the general assumptions in paragraph 2 above, the references in section 7(1) of the principal Act to the coming into force of that Act shall be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

7. Paragraph 3 of Schedule 3 to the principal Act shall apply to the stopping up authorised by article 4 above, treating references to the nominated undertaker as a reference to Union Railways and references to Part I of the principal Act as including a reference to this Order.

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<sup>(a)</sup> 1974 c. 40.

## **EXPLANATORY NOTE**

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

This Order makes provision for certain works supplementary to the works provided for in the Channel Tunnel Rail Link Act 1996.

In particular, it makes provision for a station at Stratford in London for use in connection with the rail link, for a connection from the rail link to the North London Line to provide access to the West Coast Main Line, and for certain ancillary works, including a pedestrian link from the proposed new station at Stratford to the existing Stratford suburban station.

Copies of the deposited plans, sections and book of reference referred to in the Order may be inspected on weekdays during ordinary office hours at the Technical Library, Union Railways (North) Limited, Floor 1, 106 Tottenham Court Road, London W1P 9HF.

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