

SCHEDULES

SCHEDULE 13

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF RAILWAY INTERESTS

4.—(1) The undertaker must not exercise the powers conferred by article 18 (protective work to buildings), 19 (authority to survey and investigate the land), 20 (compulsory acquisition of land), 23 (compulsory acquisition of rights), 24 (private rights), 29 (temporary use of land for carrying out the authorised development) or 30 (temporary use of land for maintaining authorised development) or the powers conferred by section 11(3) (powers of entry) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of telecommunications code system operators: preliminary notices) of the 1990 Act in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers conferred by this Order acquire or use, or acquire new rights over, any railway property except with the consent of Network Rail.

(5) Prior to commencement of construction of the authorised development the undertaker must have obtained the approval of Network Rail to the design, specification, programme of works and method statement for the implementation of any works in respect of the railway crossing of the Norwich to Cromer and Sheringham railway line at Rackheath, Norwich, approximately 110 metres (measured along the railway line) north of the level crossing on the C874 Plumstead Road and the undertaker must then comply with the provisions of the approved design, specification, programme of works and method statement.

(6) Prior to commencement of construction of the authorised development the undertaker must have obtained the approval of Network Rail to the design, specification, programme of works and method statement for the implementation of any works in respect of the bridge crossing the C874 Plumstead Road, Norwich (approximately 80 metres east of the railway crossing referred to in sub-paragraph (5)) provided that Network Rail may only approve those aspects of the design and specification that could affect the free, uninterrupted and safe use of any railway of Network Rail or the traffic on it and the use by passengers of railway property and the undertaker must then comply with the provisions of the approved design, specification, programme of works and method statement.

(7) Where Network Rail is asked to give its consent or agreement under this paragraph, such consent or agreement must not be unreasonably withheld but may be given subject to reasonable conditions.