

# SCHEDULES

## SCHEDULE 9

### PROTECTIVE PROVISIONS

#### PART 6

#### FOR THE PROTECTION OF RAILWAY INTERESTS

**65.** In this Part of this Schedule—

“asset protection agreement” means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences)(1) of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at 1 Eversholt Street, London NW1 2DN) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006(2)) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited’s railway undertaking;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“protective works” means any works specified by the engineer under paragraph 68(4);

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and

---

(1) 1993 c. 43. Section 8 was amended by section 216 of, and Part 1 of Schedule 2, paragraph 4 of Schedule 7 and Part 4 of Schedule 31 to, the Transport Act 2000 (c. 38); by section 16(5) of, and paragraph 5 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20); sections 1 and 60 of, and paragraph 3 of Schedule 1 and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 38); and S.I. 2015/1682.

(2) 2006 c. 46.

**Changes to legislation:** There are currently no known outstanding effects for the The A47/A11 Thickthorn Junction Development Consent Order 2022, Paragraph 65. (See end of Document for details)

- (b) any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment;

“regulatory consents” means any consent or approval required under:

- (a) the Railways Act 1993;
- (b) the network licence; and/or
- (c) any other relevant statutory or regulatory provisions;

by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development; and

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 6 (<sup>F1</sup>... maintenance of authorised development) in respect of such works.

---

#### **Textual Amendments**

- F1** Words in [Sch. 9 para. 65](#) omitted (31.7.2023) by virtue of [The A47/A11 Thickthorn Junction Development Consent \(Correction\) Order 2023 \(S.I. 2023/886\)](#), art. 1, [Sch.](#)

---

#### **Commencement Information**

- I1** [Sch. 9 para. 65](#) in force at 4.11.2022, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The A47/A11 Thickthorn Junction Development Consent Order 2022, Paragraph 65.