STATUTORY INSTRUMENTS

2026 No. 591

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Network Rail (Old Oak Common Great Western Mainline Track Access) Order 2026

Made - - - - *3rd June 2026*

Coming into force *24th June 2026*

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An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**a**) for an Order under sections 1 and 5 of the Transport and Works Act 1992(**b**) ("the 1992 Act").

The Secretary of State has caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with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

The Secretary of State having considered representations duly made under section 13 of the 1992 Act, has determined to make the Order applied for with modifications.

The Secretary of State in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 2 to 4, 7, 8, 11, 16 and 17 of Schedule 1 to, the 1992 Act, makes the following Order.

(**a**) S.I. 2006/1466, as amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2015/627, S.I. 2015/1682, S.I. 2017/979, S.I. 2017/1070, S.I. 2019/311, S.I. 2023/424, S.I. 2023/795 and S.I. 2024/924.

(**b**) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Network Rail (Old Oak Common Great Western Mainline Track Access) Order 2026 and comes into force on 24th June 2026.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**a**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**b**);

"the 1981 Act" means the Compulsory Purchase (Vesting Declarations) Act 1981(**c**);

"the 1990 Act" means the Town and Country Planning Act 1990(**d**);

"the 2003 Act" means the Communications Act 2003(**e**);

"Acton House" means Acton House, 253 Horn Lane, London, W3 9EJ;

"address" includes any number or address used for the purpose of electronic transmission;

"the associated development" means the provision of the following works and operations, including land outside of the Order limits—

(a) a temporary road rail vehicle access via a road rail access point onto the Great Western Mainline to enable delivery of the high speed and conventional stations at Old Oak Common;

(b) a permanent road rail vehicle access via a road rail access point onto the Great Western Mainline from its southern side; and

(c) any works and operations incidental or ancillary to the works identified in sub-paragraphs (a) and (b) as permitted by—

(i) the Town and Country Planning (General Permitted Development) (England) Order 2015(**f**), including Part 18 of Schedule 2 to that Order in relation to the works authorised by the enabling Acts; or

(ii) the High Speed Rail (London - West Midlands) Act 2017(**g**).

"book of reference" means the document of that description listed in article 11 (certification of documents, etc.) and certified by the Secretary of State as the book of reference for the purposes of this Order;

"building" includes any structure or erection or any part of a building, structure or erection which, for the purposes of this definition, does not include racking;

"the development" means the use and temporary works authorised by article 3 (power to use and execute temporary works on land within the Order limits);

"electronic transmission" means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

(**a**) 1961 c. 33.
(**b**) 1965 c. 56.
(**c**) 1981 c. 66.
(**d**) 1990 c. 8.
(**e**) 2003 c. 21.
(**f**) S.I. 2015/596
(**g**) 2017 c. 7.

and in this definition "electronic communications network" has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the 2003 Act(**a**);

"the enabling Acts" means—

(a) the Great Western Railway Act 1835(**b**); and

(b) the Great Western Railway Act 1837(**c**);

"the land plan" means the document of that description dated 8th February 2024 listed in article 11 (certification of documents, etc.) and certified by the Secretary of State as the land plan for the purposes of this Order;

"Network Rail" means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at Waterloo General Office, London SE1 8SW;

"Order limits" means the limits of land to be acquired or used shown on the land plan;

"owner" in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(**d**);

"racking" means racking designed for the storage of materials and includes any plinth or other structure to which it is attached;

"statutory undertaker" means—

(a) any person who is a statutory undertaker for the purposes of the 1990 Act; and

(b) any public communications provider within the meaning of section 151(1) (interpretation of Chapter 1) of the 2003 Act; and

"the tribunal" means the Lands Chamber of the Upper Tribunal.

(2) References in this Order to a right over land include references to the right to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) References in this Order to numbered plots are references to plot numbers on the land plan.

PART 2

WORKS PROVISIONS

Power to use and execute temporary works on land within the Order limits

3. Network Rail may use the land specified in column (2) of Schedule 2 (land of which temporary possession may be taken) as a temporary construction compound, including provision of a temporary ramp, for the purposes of the construction of the associated development.

PART 3

ACQUISITION AND POSSESSION OF LAND

Application of Part 1 of the 1965 Act

4.—(1) Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, insofar as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of any interests in land under this Order—

(a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies;

(**a**) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.
(**b**) 1835 c. cvii (5 & 6 Will 4).
(**c**) 1837 c. xcii (7 Will 4 & 1 Vict).
(**d**) 1981 c. 67. The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34).

(b) as if this Order was a compulsory purchase order under that Act; and

(c) with a period of 5 years being the applicable period specified for the purposes of section 4(2)(b)(**a**) (time limit for giving notice to treat) of the 1965 Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1) has effect with the following modifications.

(3) In section 11(1B)(**b**) (powers of entry) in a case where the notice to treat relates only to the acquisition of an easement or other right over land, for "3 months" substitute "1 month".

(4) In section 11A(**c**) (powers of entry: further notices of entry)—

(a) in subsection (1)(a), after "land" insert "under that provision"; and

(b) in subsection (2), after "land" insert "under that provision".

(5) In Schedule 2A(**d**) (counter-notice requiring purchase of land not in notice to treat)—

(a) omit paragraphs 1(2) and 14(2); and

(b) after paragraph 29 insert—

"PART 4

INTERPRETATION

30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 7 (temporary use of land in connection with the development) of the Network Rail (Old Oak Common Great Western Mainline Track Access) Order 2026.".

Application of the 1981 Act

5.—(1) The 1981 Act applies as if this Order was a compulsory purchase order.

(2) A period of 5 years is the applicable period specified for the purposes of section 5A(2)(b)(**e**) (time limit for general vesting declaration) of the 1981 Act.

(3) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.

(4) In section 5(2) (earliest date for execution of declaration), omit the words from ", and this subsection" to the end.

(5) In section 6(1)(b)(**f**) (notices after execution of declaration), for "section 15 of, or paragraph 6 of Schedule 1 to the Acquisition of Land Act 1981" substitute "section 14A of the Transport and Works Act 1992".

(6) In section 7(**g**) (constructive notice to treat), in subsection (1)(a) omit "(as modified by section 4 of the Acquisition of Land Act 1981)".

(7) In Schedule A1(**h**) (counter-notice requiring purchase of land not in general vesting declaration), omit paragraph 1(2).

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of any interests in land under article 4 (application of Part 1 of the 1965 Act).

(**a**) 1965 c. 56. Section 4 was substituted by section 182(1) of the Housing and Planning Act 2016 (c. 22) and amended by section 185(2)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**b**) Section 11(1B) was inserted by section 186(1) and (2)(b) of the Housing and Planning Act 2016.
(**c**) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.
(**d**) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016.
(**e**) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016 and amended by section 185(3)(a) of the Levelling-up and Regeneration Act 2023.
(**f**) Section 6 was amended by paragraph 52(2) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and paragraph 7 of Schedule 15 to the Housing and Planning Act 2016.
(**g**) Section 7(1) was substituted by paragraph 3 of Schedule 18 to the Housing and Planning Act 2016 and amended by section 186(2) of the Levelling-up and Regeneration Act 2023.
(**h**) Schedule A1 was inserted by paragraph 6 of Schedule 18 to the Housing and Planning Act 2016.

Power to acquire a new right

6.—(1) Network Rail may acquire compulsorily such a right of access over land specified in column (2) of Schedule 1 (land in which only a new right may be acquired) as may be required for the purpose specified in relation to that land in column (3) of that Schedule.

(2) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 5(8) of Schedule 3 (modification of compensation and compulsory purchase enactments for creation of a new right)) where Network Rail acquires a right over land under paragraph (1) Network Rail is not required to acquire a greater interest in that land.

(3) Schedule 3 (modification of compensation and compulsory purchase enactments for creation of a new right) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

(4) Any racking, building or other fixed object located on land specified in column (2) of Schedule 1 that was not located on that land on 13 January 2026, that in Network Rail's reasonable opinion prevents a right of access over land for the purpose specified in relation to that land in column (3), may be removed by Network Rail (unless removed by the owner of the land at Network Rail's request).

Temporary use of land in connection with the development

7.—(1) Subject to the provisions of this article, Network Rail may in connection with the development—

(a) enter upon and take temporary possession of the land specified in column (2) of Schedule 2 (land of which temporary possession may be taken) for the purposes described in column (3) of that Schedule;

(b) remove vegetation from that land;

(c) remove any racking, building or other fixed object from that land that was not located on it on 13 January 2026, where Network Rail are of the reasonable opinion that the racking, building or other fixed object will prevent any of the purposes described in column (3) of Schedule 2 (unless removed by the owner of the land at Network Rail's request); and

(d) remove moveable objects of whatsoever nature from that land where Network Rail are of the reasonable opinion that such moveable objects will prevent any of the purposes described in column (3) of Schedule 2 (unless removed by the owner of the land at Network Rail's request).

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article Network Rail must serve notice of the intended entry on the owners and occupiers of the land.

(3) Network Rail may not, without the agreement of the owners of the land, remain in possession of any land under this article after 31st January 2030.

(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail must remove all temporary works and restore the land within the Order limits, as well as restoring the boundary fence to the northern boundary of plot 3, to the reasonable satisfaction of the owner of the land but Network Rail is not required to restore any removed racking, building or other fixed object that has been placed on the land since 13th January 2026.

(5) Network Rail must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, is to be determined as if it were a dispute under Part 1 of the 1961 Act.

(7) Without affecting article 13 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(**a**) (further provisions as to compensation for injurious affection) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where Network Rail takes possession of land under this article, it is not required to acquire the land or any interest in it.

(9) Section 13(**b**) (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 4 (application of Part 1 of the 1965 Act).

(10) Network Rail must not by the exercise of the powers in this article prevent any residents from accessing the garages to the rear of Acton House.

(11) Subject to paragraphs (13) and (13), the powers conferred by this article cease at the end of the period of 1 year beginning on the date on which this Order comes into force.

(12) Subject to paragraph (3), nothing in paragraph (11) prevents Network Rail from remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

(13) If an application is made under section 23 (grounds for application to High Court) of the Acquisition of Land Act 1981 in respect of any powers under this Order, the period of 1 year in paragraph (11) is to be extended by a period equivalent to the period beginning with the day on which the application is made and ending on the day it is withdrawn or finally determined (within the meaning of section 4A(2)(**c**) (extension of time limit during challenge) of the 1965 Act).

Disregard of certain interests and improvements

8.—(1) In assessing the compensation payable to any person on the acquisition from that person of any interests in land under this Order, the tribunal must not take into account—

(a) any interest in land; or

(b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) "relevant land" means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Extinction or suspension of private right of way

9.—(1) Subject to the provisions of this article and save for any residents' rights of access to the garages at the back of Acton House, all private rights of way over land subject to the compulsory acquisition of rights under this Order are extinguished insofar as their continuance would be inconsistent with the exercise of the right—

(a) as from the date of the acquisition of the right by Network Rail, whether compulsorily or by agreement; or

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(**a**) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(**b**) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals Courts and Enforcement Act 2007 (c. 15).

(**c**) Section 4A(2) was amended by section 202 of the Housing and Planning Act 2016 (c. 22).

(b) on the date of entry on the land by Network Rail under section 11(1)(**a**) (powers of entry) of the 1965 Act,

whichever is the sooner.

(2) Subject to paragraph (4) and save for any rights of access to Acton House, all private rights of way over land of which Network Rail take temporary possession under this Order are suspended and unenforceable for as long as Network Rail remains in lawful possession of the land.

(3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.

(4) This article does not apply in relation to any right of way to which section 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272(**b**) (extinguishment of rights of electronic communications code network operators: preliminary notices) of the 1990 Act applies.

(5) Paragraphs (1) and (2) have effect subject to—

(a) any notice given by Network Rail before—

(i) the completion of the acquisition of;

(ii) Network Rail's appropriation of;

(iii) Network Rail's entry onto; or

(iv) Network Rail's taking temporary possession of,

the land, that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement made between Network Rail and the person in or to whom the right of way in question is vested or belongs which makes reference to this article; whether that agreement was made before or after any of the events mentioned in sub-paragraph (a), or before or after the coming into force of this Order.

(6) If any such agreement as is mentioned in sub-paragraph (5)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

PART 4

MISCELLANEOUS AND GENERAL

Statutory undertakers, etc.

10.—(1) Nothing in this Order affects the rights of statutory undertakers to maintain apparatus.

(2) In this article "apparatus" has the same meaning as in Part 3 (street works in England and Wales) of the New Roads and Street Works Act 1991(**c**).

(**a**) Section 11 was amended by section 34(1) of, and Schedule 4 to the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to the Housing (Consequential provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(**b**) Section 272 was amended by paragraph 103(2) of Schedule 17 to the Communications Act 2003 (c. 21).

(**c**) 1991 c. 22.

Certification of documents, etc.

11. Network Rail must, as soon as practicable after the making of this Order, submit copies of the book of reference and the land plan to the Secretary of State for certification that these are true copies of, respectively, the book of reference and the land plan referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the content of the document of which it is a copy.

Service of notices

12.—(1) A notice or other document required or authorised to be served for the purpose of this Order may be served—

(a) by post; or

(b) with the consent of the recipient, and subject to paragraphs (5) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 (references to service by post) of the Interpretation Act 1978(**a**) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and

(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

(a) addressing it to that person by name or by the description of "owner" or, as the case may be "occupier" of the land (describing it); and

(b) either leaving it in the hand of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission, the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(**a**) 1978 c. 30.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

No double recovery

13. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Arbitration

14. Any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State for Transport

Natasha Kopala
Head of the Transport and Works Act Orders Unit
Department for Transport

3rd June 2026

SCHEDULES

SCHEDULE 1

Article 6

LAND IN WHICH ONLY A NEW RIGHT MAY BE ACQUIRED

(1) *Area*	*(2)* *Number of land shown on the land plan*	*(3)* *Purpose for which right may be acquired*
London Borough of Ealing	3	Permanent maintenance access for road rail vehicles onto the Great Western Mainline for which vehicles require a distance above the ground surface of five metres

SCHEDULE 2

Articles 3 and 7

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) *Area*	*(2)* *Number of land shown on the land plan*	*(3)* *Purpose for which temporary possession may be taken*
London Borough of Ealing	2, 3, 4	Temporary construction compound, including provision of a temporary ramp

SCHEDULE 3

Article 6

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF A NEW RIGHT

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interest in land.

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modifications set out in sub-paragraph (2).

(2) For section 5A(5A)(**a**) (relevant valuation date) of the 1961 Act substitute—

(**a**) Section 5A was inserted by section 103 of the Planning and Compulsory Purchase Act 2004 (c. 5). Subsection (5A) was inserted by section 199(1) of, and paragraph 4(1) and (2) of Part 2 of Schedule 17 to, the Housing and Planning Act 2016.

"(5A) If—

(a) the acquiring authority enters on land for the purposes of exercising a right in pursuance of a notice of entry under section 11(1) (powers of entry) of the 1965 Act (as modified by paragraph 5(5) of Schedule 3 to the Network Rail (Old Oak Common Western Mainline Track Access) Order 2026 ("the 2026 Order");

(b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 3 to the 2026 Order) to acquire an interest in the land; and

(c) the acquiring authority enter on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.".

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(**a**) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

(a) for the words "land is acquired or taken from" substitute "a right over land is purchased"; and

(b) for the words "acquired or taken from him" substitute "over which the right is exercisable".

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by article 4 (application of Part 1 of the 1965 Act), applies to a compulsory acquisition of a right under article 6 (power to acquire a new right)—

(a) with the modification specified in paragraph 5; and

(b) with such other modifications as may be necessary.

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References to the 1965 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.

(3) For section 7 (measure of compensation in the case of severance) of the 1965 Act substitute—

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

(4) The following provisions of the 1965 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), that is to say—

(a) section 9(4) (refusal to convey, failure to make title, etc.);

(b) paragraph 10(3) of Schedule 1 (persons without power to sell their interests);

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

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(**a**) 1973 c. 26.

(d) paragraph 2(3) and 7(2) of Schedule 4 (common land),

are modified so as to secure that, as against persons with interest in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

(5) Section 11(**a**) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right, as well as the notice of entry required by subsection (1) of that section, it has powers, exercisable in the equivalent circumstances and subject to the equivalent conditions, to enter for the purpose of exercising that right; and sections 11A(**b**) (powers of entry: further notices of entry), 11B(**c**) (counter-notice requiring possession to be taken on specified date), 12(**d**) (unauthorised entry) and 13(**e**) (refusal to give possession to acquiring authority) of the 1965 Act are modified correspondingly.

(6) Section 20(**f**) (tenants at will, etc.) of the 1965 Act applies 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 under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act (as modified by article 4 (application of Part 1 of the 1965 Act) is modified so 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) For Schedule 2A(**g**) (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act substitute—

"SCHEDULE 2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND

Introduction

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, the whole or part of a house, building or factory.

2. In this Schedule, "house" includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house building or factory ("the owner") may serve a counter-notice requiring the acquiring authority to purchase the owner's interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

(**a**) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(**b**) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(**c**) Section 11B was inserted by section 187(3) of the Housing and Planning Act 2016.

(**d**) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016.

(**e**) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals Courts and Enforcement Act 2007 (c. 15).

(**f**) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

(**g**) Schedule 2A was inserted by paragraph 3 of Schedule 17 to the Housing and Planning Act 2016.

Response to counter-notice

5. On receiving a counter-notice, the acquiring authority must decide whether to—

(a) withdraw the notice to treat,

(b) accept the counter-notice, or

(c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served ("the decision period").

7. If the acquiring authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the acquiring authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory.

Determination by Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right would—

(a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or

(b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

(a) the effect of the acquisition of the right,

(b) the use to be made of the right to be acquired, and

(c) if 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 of the other land.

12. If the Upper Tribunal determines that the acquisition of the right would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

13. If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

14.—(1) If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers powers on Network Rail Infrastructure Limited (referred to in this Order as Network Rail) to acquire compulsorily a right over land and to use land temporarily, as well as to use the land within the Order limits as a construction compound, including provision of a temporary ramp, all in connection with the development of a temporary road rail vehicle access onto the Great Western Mainline railway to enable delivery of the Old Oak Common station and provision of a permanent maintenance access point for road rail vehicles onto the Great Western Mainline.

Copies of the land plan and the book of reference referred to in the Order may be inspected at the offices of Network Rail Infrastructure Limited at Network Rail National Records Centre, Unit 5, Audax Road, Clifton Moor, York YO30 4US.

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