

## APPENDIX E3



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

**The Planning Act 2008 (as amended)**

**Thames Tideway Tunnel**

**Report to the Secretary of State for Transport  
in relation to certificate application under s127 and consent  
under s138**

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**Date: 12 June 2014**

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## INTRODUCTION

- 1 This report records the procedure and issues arising from the examination conducted under sections 127 and 138 of the Planning Act 2008 (as amended) (PA 2008) relating to an application for a Development Consent Order (DCO) for the Thames Tideway Tunnel project.
- 2 Thames Water Utilities Limited (the Applicant) on 28 February 2013 made an application to the Planning Inspectorate for an order granting development consent pursuant to section 37 of PA 2008. The application was for development consent for the construction and operation of a wastewater storage and transfer project in London, known as the Thames Tideway Tunnel project (the project).
- 3 The project will control combined sewage flows from 34 combined sewer overflows which currently spill untreated waste water into the River Thames and which have been identified as unsatisfactory by the Environment Agency. The project comprises a main tunnel approximately 25km long running from Acton Storm Tanks in west London through to Abbey Mills Pumping Station in Newham in east London. There are also two long connecting tunnels and nine short connection tunnels. Works for the construction and operation of the project are proposed at 24 locations along the route of the tunnels.
- 4 The draft DCO seeks powers of compulsory acquisition in respect of land that is required for the works necessary to construct the tunnel and manage the completed project, or is incidental to the project under section 122 of PA 2008, as well as powers to create new rights and to override any existing easements and rights over the application sites under sections 120(3) and (4) and paragraph 2 of Schedule 5 to PA 2008.
- 5 The application was accompanied by a Statement of Reasons, a Funding Statement and a Book of Reference identifying all the land needed by plot numbers scheduled by reference to the London Borough in which the land is situated.
- 6 Included in the application are plots in which a number of statutory undertakers have a legal interest and these are shown in the final amended schedules of all plots for which the Applicant is seeking certificates under section 127 of PA 2008 and consents under section 138 of PA 2008<sup>1</sup>.

## SECTION 127 AND 138 TESTS AND PROCEDURE

- 7 Sections 127 of PA 2008 (as applicable to this examination)<sup>2</sup> provide safeguards in respect of the compulsory acquisition of land or rights over land acquired by a statutory undertaker for the purposes of its

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<sup>1</sup> APP201 and APP202 submitted to the Examining authority on 11 March 2014

<sup>2</sup> The application of the PA 2008 s127 has been amended: see SI 2013/1124.

Transitional provisions apply to this application as it was submitted before 25 June 2013 and the procedure described here reflects these provisions

undertaking, in circumstances where a representation has been made about an application for an order granting development consent before the completion of the examination, and the representation has not been withdrawn. In such circumstances and for applications made before 25 June 2013, a DCO may only be granted where the relevant Secretary of State issues a certificate:

- under section 127(2) and (3) to the effect that the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or if purchased can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking.
- 8 For the purposes of section 138, which relates to the extinguishment of rights and removal of apparatus in any circumstances where compulsory acquisition powers are applied for and whether or not a representation has been made, the test for the relevant Secretary of State pursuant to section 138(4) is that he is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the DCO relates and the Secretary of State consents accordingly.
- 9 In the ExA's Rule 8 letter (PD006) at section 8 the ExA stated that at the Preliminary Meeting the ExA advised that delegations had been put in place to enable the Panel to examine and report upon land and extinguishment of rights under section 127 of PA 2008 and that in relation to removal of apparatus of statutory undertakers<sup>3</sup> under section 138 of PA 2008 a process was in place to report on consents under that section. As these matters relate to circumstances where the use of compulsory acquisition powers are sought over statutory undertakers' land, the matters were dealt with at the compulsory acquisition (CA) hearings held on 14 to 17 January and 27 and 28 January 2014.
- 10 The information in this report is extracted from, and makes reference to the DCO examination report submitted to the Secretaries of State for Communities and Local Government and Environment, Food and Rural Affairs on 12 June 2014.

## **THE SUBMISSIONS OF THE PARTIES**

### **Section 127 Transport for London**

- 11 Transport for London (TfL) has land and interests included in the application. These are held either by TfL itself or a number of its subsidiary companies - London Underground, Docklands Light Railway, Crossrail, the London Overground, London Buses and London River Services. TfL also performs the role of a highway and traffic authority and is responsible for the management of much of the transport infrastructure in Greater London. References to TfL in this report refers to interests held by TfL or one of its subsidiaries. These set out (together with the land and

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<sup>3</sup> Including any operators of an electronic communications network

interests of other statutory undertakers in the Schedules referred to at paragraph 6 above.

- 12 Whilst TfL is accountable to the Mayor of London who supports the Thames Tideway Tunnel project, it has made representations on a number of aspects of the project and the terms of the DCO. It has also objected to the request by the Applicant for compulsory acquisition powers over land in which it has a legal interest on the grounds they are sought over land which is operational land belonging to or used by TfL<sup>4</sup>.
- 13 In response to the ExA's Q4.32 the Applicant acknowledges (APP04) that the plots or legal interests in the plots vested in TfL are vested in TfL as operational land for the purposes of its undertaking.
- 14 The Applicant seeks from the Secretary of State a certificate under section 127(2) on the grounds that the requirements of section 127(3) have been met.
- 15 At the CA hearing held on 14 January 2014 the Applicant set out its submissions with regard to the TfL land included in its application<sup>5</sup>. At paragraph 3.1.10 (Applicant's written summary of oral submissions APP90.01) it set out its reasons why it considers there would be no serious detriment to TfL's interests, and at paragraph 3.2 it summarises its submission. In relation to TfL's bridges and tunnels, it sets out in table 3.1 the preliminary impact assessments it submitted to the Panel during the examination.
- 16 In the same submissions the Applicant also set out at paragraph 3.3 its submissions for the grant of consent under section 138 of PA 2008.
- 17 In the CA hearings held in the three weeks commencing on 28 November 2013 the Applicant explained the need for the land in relation to each work site and every length of tunnel and connection tunnel based on the evidence submitted in its application and submitted supporting documentation and so far as the grant of compulsory acquisition powers are concerned, in the Statement of Reasons (APP79.1).
- 18 It is the Applicant's case that the land and rights being sought can be taken without serious detriment to the carrying on of the undertaking particularly in the context of the protective provisions that the Applicant has put forward (APP90.01, para 3.1.6). We refer to these protective provisions below.
- 19 On 11 March 2014 immediately prior to the close of the examination, a Joint Position Statement dated 3 March 2014 on Schedule 16, Part 4 Protective Provisions was submitted to the Panel signed by the Applicant and TfL. In essence, protective provisions have been agreed with the exception in each of the three sets (Railway Companies, London River Services and Major Highway Structures) of provisions which would

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<sup>4</sup> RRP706

<sup>5</sup> APP90.01 Compulsory Acquisition hearing 14 January 2014. Transport for London

prevent the Applicant from exercising compulsory acquisition powers or powers to survey and monitor under Article 22 of the DCO: these provisions are in paragraph 3 of each set of agreed protective provisions.

- 20 The set of protective provisions relies upon an Overarching Framework Agreement being agreed and there is also a requirement for property heads of terms to be settled. Governance issues within the various limbs of TfL have prevented these being concluded before the close of the examination but we are advised that the Parties have agreed a target date of 30 April 2014 for agreement.

## **Section 127 Network Rail**

- 21 Network Rail (NR) states in its letter to the Panel of 7 March 2014 (REP469) that it withdraws its objection to the Applicant's application for the grant of a certificate under section 127 and withdraws its representation save with regard to Article 52 of the DCO. There is no provision under PA 2008 for the partial withdrawal of a representation and it is our view therefore that the representation is not withdrawn.
- 22 In response to the ExA's Q4.32 the Applicant acknowledges (APP04) that the plots or legal interests in the plots vested in NR are vested in NR as operational land used for the purposes of its undertaking (APP04, para 32.7.2).
- 23 The Applicant seeks from the Secretary of State a certificate under section 127(2) on the grounds that the requirements of section 127(3) have been met.
- 24 At the CA hearing held on 15 January 2014 the Applicant set out its submissions with regard to the NR land included in its application<sup>6</sup>. At paragraph 3.1.1 to 3.3.8 (Applicant's written summary of oral submissions APP90.02) it set out its reasons why it considers there would be no serious detriment to NR's interests. In relation to NR's bridges it sets out at paragraph 3.3.3 a table showing the preliminary impact assessments it submitted to the Panel during the examination.
- 25 In the same submissions the Applicant also set out at paragraph 3.4 its submissions for the grant of consent under section 138 of PA 2008.
- 26 In the CA hearings held in the three weeks commencing on 28 November 2013 the Applicant explained the need for the land in relation to each work site and every length of tunnel and connection tunnel based on the evidence submitted its application and so far as the grant of compulsory acquisition powers are concerned, in the Statement of Reasons (APP79.1).
- 27 It is the Applicant's case that the land and rights being sought can be taken without serious detriment to the carrying on of the NR undertaking particularly in the context of the protective provisions included at

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<sup>6</sup> APP90.02 Compulsory Acquisition hearing 15 January 2014. Network Rail

Schedule 16 Part 5 of the DCO and the provisions of the Interface and Asset Protection Agreements which have been agreed with NR.

## **THE RECOMMENDATION OF THE PANEL**

### **Section 127 TfL**

- 28 The Panel is satisfied on the evidence before it that pursuant to section 127(1)(b) of PA 2008 a representation has been made by TfL about the application and not withdrawn and pursuant to section 127(1)(c) of PA 2008 the land is used for the purposes of the carrying on of the undertaking.
- 29 The Panel is satisfied that the operational land and interests required by the Applicant can be taken without serious detriment to the carrying on of the undertaking but only if protective provisions safeguarding TfL's assets can be agreed.
- 30 The Panel notes that the Parties are close to settling the outstanding agreements which would encompass agreement on the protective provisions and indeed set a target date for agreement of 30 April 2014.
- 31 The Panel accordingly recommends that on agreement being reached with regard to the protective provisions a certificate pursuant to the provisions of section 127(2) be issued by the Secretary of State.

### **Section 127 NR**

- 32 The Panel is satisfied on the evidence before it that pursuant to section 127(1)(b) of PA 2008 a representation has been made by NR about the application and not withdrawn and pursuant to section 127(1)(c) of PA 2008 the land is used for the purposes of the carrying on of the undertaking.
- 33 The Panel is further satisfied that the operational land and interests required by the Applicant can be taken without serious detriment to the carrying on of the undertaking.
- 34 The Panel accordingly recommends that a certificate pursuant to the provisions of section 127(2) be issued by the Secretary of State.

### **Section 138**

- 35 In relation to section 138 the section requires the relevant Secretary of State to consider the granting of such consents where there is an application by an Applicant for compulsory acquisition powers as is the case here. The Panel is satisfied on the evidence set out above that the extinguishment of rights and removal of apparatus sought by the Applicant in relation to both TfL's land and NR's land is also necessary for the carrying out of the project.

- 36 Accordingly the Panel recommends that in relation to both TfL and NR consent under section 138 be granted by the Secretary of State.
- 37 In relation to TfL the Panel is advised by the Applicant that the schedule of affected plots to be attached to a certificate in the form set out in the Schedule attached relating to section 127, and consent under section 138, has been sent to the Department for Transport under cover of the Applicant's letter of 11 March 2014.
- 38 In drafting the certificate under section 127 set out below, (in the form provided by the Applicant) we have used the information provided to us by the Applicant and sent to the Department on 6 November 2013, and the updated information for the schedules provided to us by the Applicant on 11 March 2014 (REP503).
- 39 However, in relation to NR no draft section 127 certificate was provided since the Applicant was uncertain whether a certificate would be required or not. The certificate has accordingly been drafted by the Panel on the basis of information provided by the Applicant in its letter to the Panel of 11 March 2014 (APP197). A similar approach has been adopted in relation to consent under section 138 save that here the information was contained in the Applicant's 11 March 2014 submission.
- 40 Lastly, we have received no draft notices from the Applicant, but we have drafted notices which the Secretary of State may use if appropriate. Further the schedule information sent with the letters to the Secretary of State from the Applicant dated 6 and 11 March 2014 are not complete as the plot descriptions are not included but this information is included in the schedules set out in APP201 and APP202 (with regard to NR the plot descriptions can be found in APP193).



**DEPARTMENT FOR TRANSPORT**

**THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)  
DEVELOPMENT CONSENT ORDER 201[•]**

**CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT  
2008**

**LAND IN THE OWNERSHIP OF TRANSPORT FOR LONDON**

1 The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[•] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the schedule to this certificate.

2 The land was acquired by Transport for London for the purpose of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.

3 The Secretary of State, in exercise of his powers under Section 127(2) of the Planning Act 2008, certifies that he is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

**SCHEDULE – TRANSPORT FOR LONDON**

<b>Borough</b>	<b>Plot Number</b>
City of London	19, 19a, 19b, 19c, 20, 22, 24, 25, 26, 27
City of Westminster	20
London Borough of Hounslow	70, 71, 72, 73, 74
London Borough of Newham	16
London Borough of Southwark	235
London Borough of Tower Hamlets	5, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 177
Royal Borough of Kensington & Chelsea	43

## NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

The above order, which was made on the [•] by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule.

This land was acquired by Transport for London for the purposes of their undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out their undertaking.

The Secretary of State for Transport, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

The certificate becomes operative on [•].

#### SCHEDULE

<b>Borough</b>	<b>Plot Number</b>
City of London	19, 19a, 19b, 19c, 20, 22, 24, 25, 26, 27
City of Westminster	20
London Borough of Hounslow	70, 71, 72, 73, 74
London Borough of Newham	16
London Borough of Southwark	235
London Borough of Tower Hamlets	5, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 177
Royal Borough of Kensington & Chelsea	43

## DEPARTMENT FOR TRANSPORT

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

#### CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT 2008

#### LAND IN THE OWNERSHIP OF DOCKLANDS LIGHT RAILWAY LIMITED

1 The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[•] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the schedule to this certificate.

2 The land was acquired by Docklands Light Railway Limited for the purpose of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.

3 The Secretary of State, in exercise of his powers under Section 127(2) of the Planning Act 2008, certifies that he is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

#### SCHEDULE - DOCKLANDS LIGHT RAILWAY LIMITED

<b>Borough</b>	<b>Plot Number</b>
London Borough of Tower Hamlets	84, 85, 87, 91, 177
Royal Borough of Greenwich	37

## NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

The above order, which was made on the [•] by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule.

This land was acquired by Docklands Light Railway Limited for the purposes of their undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out their undertaking.

The Secretary of State for Transport, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

The certificate becomes operative on [•].

#### SCHEDULE

<b>Borough</b>	<b>Plot Number</b>
London Borough of Tower Hamlets	84, 85, 87, 91, 177
Royal Borough of Greenwich	37

**DEPARTMENT FOR TRANSPORT**

**THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)  
DEVELOPMENT CONSENT ORDER 201[•]**

**CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT  
2008**

**LAND IN THE OWNERSHIP OF LONDON RIVER SERVICES LIMITED**

1 The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[•] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the schedule to this certificate.

2 The land was acquired by London River Services Limited for the purpose of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.

3 The Secretary of State, in exercise of his powers under Section 127(2) of the Planning Act 2008, certifies that he is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

**SCHEDULE - LONDON RIVER SERVICES LIMITED**

<b>Borough</b>	<b>Plot Number</b>
London Borough of Wandsworth	12a, 14, 14a

## NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

The above order, which was made on the [•] by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule.

This land was acquired by London River Services Limited for the purposes of their undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out their undertaking.

The Secretary of State for Transport, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

The certificate becomes operative on [•].

#### SCHEDULE

<b>Borough</b>	<b>Plot Number</b>
London Borough of Wandsworth	12a, 14, 14a

## DEPARTMENT FOR TRANSPORT

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

#### CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT 2008

#### LAND IN THE OWNERSHIP OF LONDON UNDERGROUND LIMITED

1 The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[•] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the schedule to this certificate.

2 The land was acquired by London Underground Limited for the purpose of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.

3 The Secretary of State, in exercise of his powers under Section 127(2) of the Planning Act 2008, certifies that he is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

#### SCHEDULE - LONDON UNDERGROUND LIMITED

<b>Borough</b>	<b>Plot Number</b>
City of London	15, 19, 23, 24, 30, 31, 54, 56
City of Westminster	10, 29, 36, 37, 39, 41, 42, 43, 45
London Borough of Hounslow	70, 71, 72, 73, 74, 76
London Borough of Lambeth	3, 4, 5, 6, 9, 10, 14
London Borough of Newham	16
London Borough of Southwark	5, 7, 8
London Borough of Tower Hamlets	5

## NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

The above order, which was made on the [•] by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule.

This land was acquired by London Underground Limited for the purposes of their undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out their undertaking.

The Secretary of State for Transport, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

The certificate becomes operative on [•].

#### SCHEDULE

<b>Borough</b>	<b>Plot Number</b>
City of London	15, 19, 23, 24, 30, 31, 54, 56
City of Westminster	10, 29, 36, 37, 39, 41, 42, 43, 45
London Borough of Hounslow	70, 71, 72, 73, 74, 76
London Borough of Lambeth	3, 4, 5, 6, 9, 10, 14
London Borough of Newham	16
London Borough of Southwark	5, 7, 8
London Borough of Tower Hamlets	5



**DEPARTMENT FOR TRANSPORT**

**THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL)  
DEVELOPMENT CONSENT ORDER 201[•]**

**CERTIFICATE PURSUANT TO SECTION 127(2) OF THE PLANNING ACT  
2008**

**LAND IN THE OWNERSHIP OF NETWORK RAIL INFRASTRUCTURE  
LIMITED**

1 The Thames Water Utilities Limited (Thames Tideway Tunnel) Development Consent Order 201[•] which has been submitted by Thames Water Utilities Limited to the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government includes the land in the schedule to this certificate.

2 The land was acquired by Network Rail Infrastructure Limited for the purpose of its undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out the undertaking.

3 The Secretary of State, in exercise of his powers under Section 127(2) of the Planning Act 2008, certifies that he is satisfied that the land described in the Schedule hereto can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

**SCHEDULE - NETWORK RAIL INFRASTRUCTURE LIMITED**

<b>Borough</b>	<b>Plot Number</b>
City of London	42, 43, 53
City of Westminster	32
London Borough of Hammersmith & Fulham	179
London Borough of Lewisham	187, 190, 192, 199, 200
London Borough of Newham	15
London Borough of Southwark	4
London Borough of Wandsworth	67, 68, 69, 70, 72, 230
Royal Borough of Greenwich	8, 9, 10, 11, 12, 13, 18a

## NOTICE UNDER SECTION 127(7) OF THE PLANNING ACT 2008

### THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) DEVELOPMENT CONSENT ORDER 201[•]

The above order, which was made on the [•] by the Secretaries of State for Environment, Food and Rural Affairs and Communities and Local Government, includes provision authorising the compulsory acquisition of land described in the Schedule.

This land was acquired by Network Rail Infrastructure Limited for the purposes of their undertaking and the Secretary of State is satisfied that it is used for the purposes of carrying out their undertaking.

The Secretary of State for Transport, in exercise of powers under section 127(2) of the Planning Act 2008, has certified that the Secretary of State is satisfied that the nature and situation of the land in question are such that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking.

The certificate becomes operative on [•].

#### SCHEDULE

<b>Borough</b>	<b>Plot Number</b>
City of London	42, 43, 53
City of Westminster	32
London Borough of Hammersmith & Fulham	179
London Borough of Lewisham	187, 190, 192, 199, 200
London Borough of Newham	15
London Borough of Southwark	4
London Borough of Wandsworth	67, 68, 69, 70, 72, 230
Royal Borough of Greenwich	8, 9, 10, 11, 12, 13, 18a