

SCHEDULES

SCHEDULE 5

FOR PROTECTION OF RAILTRACK

2.—(1) The Council shall not under the powers conferred by this Order acquire or use or acquire new rights over any railway property unless such acquisition or use is with the consent of Railtrack PLC.

(2) Without prejudice to any requirement as to fencing made by Railtrack under paragraph 3(5) below on approval of plans, the Council shall provide and maintain, to the reasonable satisfaction of the engineer, a boundary fence incorporating gates where appropriate between railway property and any adjoining land of the Council acquired or appropriated for the purpose of Work No. 6.

(3) The Council shall not exercise the powers conferred by article 8 above or the powers conferred by section 11(3) of the 1965 Act in respect of any railway property unless the exercise of such powers is with the consent of Railtrack PLC.

(4) The Council shall 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 Railtrack PLC.

(5) The Council shall not exercise the powers conferred by sections 271 or 272 of the 1990 Act, as applied by Schedule 4 to this Order, in relation to any right of access of Railtrack to railway property but such right of access may be diverted with the consent of Railtrack PLC.

(6) Where Railtrack PLC is asked to give its consent pursuant to sub-paragraph (3), (4), or (5) above, or to give its consent to the acquisition of new rights over or the use of railway property under sub-paragraph (1) above, such consent shall not be unreasonably withheld but may be given subject to reasonable conditions.