



# The Sizewell C Project

## 9.11 Responses to the ExA's First Written Questions (ExQ1) Volume 3 - Appendices Part 7 of 7

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Revision: 1.0

Applicable Regulation: Regulation 5(2)(o)

PINS Reference Number: EN010012

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June 2021

Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009



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SIZEWELL C PROJECT -  
RESPONSES TO EXAMINING AUTHORITY'S  
WRITTEN QUESTIONS ISSUED ON 21<sup>ST</sup> APRIL 2021

**NOT PROTECTIVELY MARKED**

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## APPENDIX 26F THAMES TIDEWAY TUNNEL - DEVELOPMENT CONSENT ORDER

**NOT PROTECTIVELY MARKED**



2014 No. 2384

INFRASTRUCTURE PLANNING

**The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014**

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*Made*

*3rd September 2014*

*Coming into force*

*24th September 2014*

An application was made to the Secretary of State in accordance with section 37 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 for an order under sections 37, 114, 115, 117, 120, 122 and 123 of that Act.

The Examining authority appointed by the Secretary of State examined the application in accordance with Chapter 4 of Part 6 of that Act and made a recommendation under section 74 of that Act that the application should be granted.

Accordingly, the Secretary of State, having the function of deciding the application, in exercise of the powers conferred by sections 103, 114, 115, 120, 122 and 123 of that Act, makes the following Order—

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**Extent**

Preamble: England, Wales, Scotland

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**PART 1**

**PRELIMINARY**

 Law In Force

**1. Citation and Commencement**

This Order may be cited as the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 and shall come into force on 24th September 2014.

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**Commencement**

Pt 1 art. 1: September 24, 2014

**Extent**

Pt 1 art. 1: England, Wales, Scotland

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✔ Law In Force

**2.— Interpretation**

(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961<sup>1</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965<sup>2</sup>;

“the 1980 Act” means the Highways Act 1980<sup>3</sup>;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981<sup>4</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984<sup>5</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990<sup>6</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991<sup>7</sup>;

“the 2008 Act” means the Planning Act 2008<sup>8</sup>;

“access plans” means the plans certified as the access plans by the Secretary of State for the purposes of this Order and listed in part 3 of Schedule 2 (*plans*);

“agreed date” means the day agreed for the provision of further information pursuant to paragraph 4(5) of Schedule 17 (*procedure for the discharge of requirements etc. and appeals*);

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (*authorised project*) and any other works authorised by the Order and which are not development within the meaning of section 32 (*meaning of development*) of the 2008 Act;

“appeal documentation” means a copy of the application submitted to the discharging body and any supporting documentation which the undertaker may wish to provide;

“appeal parties” means the discharging authority, the undertaker, and (where relevant) a requirement consultee;

“approved plans” means the plans listed in Part 4 of Schedule 2 (*plans*) and such revised or supplemental plans as may be approved pursuant to the requirements;

“authorised development” means the development and associated development described in Part 1 of Schedule 1 (*authorised project*) and any other development authorised by articles 21 (*remedial works to buildings, or apparatus or equipment*) and 42 (*statutory undertakers*) of this Order, which is development within the meaning of section 32 of the 2008 Act;

“the authorised project” means the authorised development and the ancillary works;

“Authority” means the Port of London Authority;

[ “the book of reference” means—

(a) the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order, and

(b) the addendum to that book dated January 2020 certified by the Secretary of State for the purposes of this Order;

]’

“building” includes any building, structure or erection or any part of a building, structure or erection;

“business day” means a day other than a Saturday or Sunday or public holiday in England;

“carriageway” has the same meaning as in the 1980 Act;

“city walkway” means a walkway in the City of London declared further to the City of London (Various Powers) Act 1967<sup>10</sup>;

“completion of construction” means completion of construction of the authorised development so that the same is complete and has been commissioned pursuant to the relevant construction contract or contracts;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“CSO” means a combined sewer overflow;

“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order or protective provision set out in Schedule 16 to this Order, or further to any document referred to in any requirement, or any licence condition in the deemed marine licence set out in Schedule 15 (*deemed marine licence*), or the local authority in the exercise of functions set out in sections 60 or 61 of the Control of Pollution Act 1974<sup>11</sup>;

“environmental statement” means the environmental statement for the authorised project (January 2013) with document reference [6.1 and ]<sup>12</sup> 6.2 together with the Errata to that [environmental statement]<sup>13</sup> with document references 9.04.01, 9.04.04, 9.04.05 and APP123, and the environmental statement update report (March 2014) with document reference APP208.01, submitted by Thames Water Utilities Limited to support its application for development consent ;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“infrastructure provider” means any body designated by the Secretary of State for the Environment, Food and Rural Affairs or by the Water Services Regulation Authority (as the case may be) in respect of the authorised project or part(s) of the authorised project under or by virtue of Section 36D of the Water Industry Act 1991 (as inserted by Section 35 of the Flood and Water Management Act 2010) or any successor under a special administration order or otherwise;

“the land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order and listed in part 2 of Schedule 2 (*plans*);

“levels” means the levels shown on the sections;

“limits of deviation” means the limits referred to in article 6;

“the LoPS” means the London Permit Scheme for Roads and Street Works made pursuant to Part 3 of the Traffic Management Act 2004 (‘TMA’)<sup>14</sup> and the Traffic Management Permit Schemes (England) Regulations 2007 and which applies to a highway authority;

“maintain” includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, demolish, replace or improve the authorised project, so that it is fit for the purpose for which it was originally constructed, and “maintaining” and “maintenance” shall be construed accordingly;

“mean high water level” means the level which is half way between mean high water springs and mean high water neaps;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used or within the limits of deviation and described in the book of reference;

“Order limits” means the limits shown on the works plans within which the authorised project may be carried out;

“owner” in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981<sup>15</sup>;

“permissive path” means any permissive path whether created by statute, agreement or otherwise;

“relevant planning authority” means the council of the relevant London Borough and any successors to its function as planning authority for the area in which the land to which the provisions of this Order apply is situated;

“relevant time limits” means the time limits prescribed in Schedule 17 (*procedure for the discharge of requirements etc. and appeals*) or set by the appointed person pursuant to Schedule 17;

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement;

“requirements” means those matters set out in Schedule 3 (*requirements*);

“the river” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the Authority's limits described in paragraph 2 of Schedule 1 to the 1968 Act<sup>16</sup>;

“the Secretary of State” means the Secretary of State as specified in article 62 (*meaning of Secretary of State*) (or their successor);

“the sections” means the sections shown on the works plans;

“special administration” means special administration as defined in the Water Industry Act 1991 Sections 23 to 25 and in relation to an Infrastructure Provider paragraph 7 of Schedule 1 of the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013;

“start date” means the date on which the appeal parties are notified of the person appointed to determine an appeal made under Schedule 17 (*procedure for the discharge of requirements etc. and appeals*);

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“tree preservation order” has the meaning given in section 198 of the 1990 Act;

“Thames Water Utilities Limited” means Thames Water Utilities Limited as the statutory sewerage undertaker licensed under the Water Industry Act 1991<sup>17</sup> and statutory successors or any successor under a special administration order or otherwise;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“undertaker” means the person who has the benefit of this Order in accordance with article 8 (*benefit of Order*) and or 9 (*transfer of benefit of Order*) of this Order;

“watercourse” includes all rivers, creeks, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages, through or in which water stands or flows, except a public sewer or drain; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order and listed in part 1 of Schedule 2 (*plans*).

(2) References in this Order to the authorised project coming into use mean use of the authorised development for the purpose for which it was designed including commissioning.

- (3) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.
- (4) All distances, directions, levels and lengths referred to in this Order are approximate. All distances for scheduled linear works referred to in this Order are measured along the centre line of the limit of deviation for that work. Internal diameters for tunnels and shafts are the approximate internal dimensions after the construction of a tunnel lining. Unless otherwise stated in Schedule 1 (*authorised project*), depths are specified to invert level and are measured from the proposed final ground level.
- (5) For the purposes of this Order, all areas described in square metres in the Book of Reference are approximate.
- (6) References in this Order to points identified by letters or numbers shall be construed as references to points so lettered or numbered on the plan to which the reference applies.
- (7) References in this Order to numbered works are references to the works as numbered in part 1 of Schedule 1 (*authorised project*).
- (8) References in this Order to any statute, order, regulation or similar instrument shall be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

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#### Notes

- <sup>1</sup> Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
- <sup>2</sup> Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by section 67 and 80 of, and Part of 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
- <sup>3</sup> Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); section 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1) (2) and (3) of the Transport and Works Act (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37). Section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177. Section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule. There are other amendments which are not relevant to this Order.
- <sup>4</sup> Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and schedules 8 and 16 to the Housing and Regeneration Act 2008 (c .17). Paragraph 1 of schedule 2 was amended by section

- 76 of and Part 2 of schedule 9 to the Housing Act 1988 (c. 50); section 161(4) of and schedule 19 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of and schedules 8 and 16 to the Housing and Regeneration Act 2008. Paragraph 3 of schedule 2 was amended by section 76 of and schedule 9 to the Housing Act 1988 and section 56 of and schedule 8 to the Housing and Regeneration Act 2008. Paragraph 2 of schedule 3 was repealed by section 277 of and schedule 9 to the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.
- <sup>5</sup> Section 32 was amended by section 102 of , and Schedule 17 to the Local Government Act 1983 (c.51) and by section 168 of , and Schedule 8 to the New Roads and Street Works Act 1991 (c.22). There are other amendments which are not relevant to this Order.
- <sup>6</sup> Section 55 was amended by sections 13, 14, 31 and 84 of, and Schedules 6 and 19 to, the Planning and Compensation Act 1991 (c.34); sections 49, 118 and 120 of, and Schedules 6 and 9 to, the Planning and Compulsory Purchase Act 2004 (c.5); by regulation 19 of, and Schedule 4 to the Waste Management Licensing Regulations 1994 SI 1994/1956 and by regulation 35 of The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulation 1999 SI 1999/293. Section 150 was amended by section 70 of, and Schedule 15 to, the Planning and Compensation Act 1999 and by section 175 of the Planning Act 2008. Section 198 was amended by sections 31, 32 and 84 of, and Schedule 6, 7 and 19 to, the Planning and Compensation Act 1991; by section 42 of the Planning and Compulsory Purchase Act 2004; and sections 192 and 238 of, and Schedules 6, 8 and 13 to, the Planning Act 2008. Section 211, 212 and 213 were amended by sections 36, 86, 192 and 238 of, and Schedules 2 and 8 to, the Planning Act 2008. Section 264 was amended by section 37 of, and Schedule 5 to, the Transport Act 2000 (c.38). Section 274 was amended by section 31 and 84 to, and Schedules 6 and 19 of the Planning and Compensation Act 1991; section 406 of, and Schedule 17 to, the Communications Act 2003 (c.21; and by article 3 of, and Schedule 1 to, the Postal Services Act 2000 (Consequential Modifications No.1) Order 2001 SI 2001/1149. There are other amendments not relevant to this Order.
- <sup>7</sup> Sections 46, 51, 56, 57, 58, 60, 65 to 71, 74, 80, 83 were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18). Sections 54 and 55 were amended by section 49, sections 55 and 58 were amended by section 51, section 56 was also amended by section 43, section 57 was also amended by section 52, section 58A was inserted by section 52, section 64 was amended by section 52, section 72 was amended by section 53 and 58, section 74 was also amended by section 52 and section 79 was amended by section 46 of the Traffic Management Act 2004. Section 64 was also amended by section 81 of, and Schedule 7 to the Road Traffic Act 1981 (c.40). Section 74 was also amended by sections 256 and 274 of the Transport Act 2000 (c.38). Sections 74A and 74B were inserted by section 255, section 75 was amended by section 58, and section 95A was inserted by section 41 of the Transport Act 200. There are other amendments not relevant to this Order.
- <sup>8</sup> Paragraph (o) of subsection (1) of section 14 was amended by articles 2(1) and (2) of the Infrastructure Planning (Waste Water Transfer and Storage Order) 2012/1645. Section 29 was amended by articles 2(3) and 3 of the Infrastructure Planning (Waste Water Transfer and Storage) Order 2012/1645. Section 37 was amended by paragraphs 5(2) and (3) of Part 1 of Schedule 13 to the Localism Act 2011 (c.20)Section 127 was amended by section 128(2) of, and paragraphs 64 (1) and (2) of Part 1 of Schedule 13 to, the Localism Act 2011 and section 23(2) of the Growth and Infrastructure Act 2013 (c.27). Section 138 was amended subsections (1) and (4) of section 23 of the Growth and Infrastructure Act 2013. There are other amendments which are not relevant to this Order.
- <sup>9</sup> Definition substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 art.2(2) (March 11, 2020)
- <sup>10</sup> 1967 (xlii). Section 11A was inserted by section 12(b) of the City of London (Various Powers) Act 1990. There are other amendments which are relevant to this Order
- <sup>11</sup> Sections 61 and 65 are amended by section 133 of and schedule 17 to the Building Act 1984 (c.55), section 120 of and schedule 24 to the Environment Act 1995 (c.25) and section 162 of and schedule 15 to the Environmental Protection Act 1990 (c.43). There are other amendments not relevant to this Order.
- <sup>12</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>13</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>14</sup> 2004 c. 18. There are amendments to this act which are not relevant to this Order.
- <sup>15</sup> Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34).
- <sup>16</sup> The Port of London Act 1968 c.xxxii.

<sup>17</sup> Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

#### **Commencement**

Pt 1 art. 2(1)-(8): September 24, 2014

#### **Extent**

Pt 1 art. 2(1)-(8): England, Wales, Scotland

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## **PART 2**

### **WORKS PROVISIONS**

#### *Principal powers*

✓ Law In Force

#### **3. Development consent etc. granted by the Order**

Subject to the provisions of this Order and to Schedule 3 (requirements) and Schedule 16 (protective provisions) to this Order the undertaker is granted—

- (a) development consent for the authorised development; and
- (b) consent for the ancillary works;

to be carried out within the Order limits and in accordance with the approved plans.

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#### **Commencement**

Pt 2 art. 3(a)-(b): September 24, 2014

#### **Extent**

Pt 2 art. 3(a)-(b): England, Wales, Scotland

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✓ Law In Force

#### **4. Authorisation of use**

Subject to the provisions of this Order and to the requirements the undertaker may operate and use the authorised project for the purposes for which it was designed.

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**Commencement**

Pt 2 art. 4: September 24, 2014

**Extent**

Pt 2 art. 4: England, Wales, Scotland

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✓ Law In Force

**5. Maintenance of authorised project**

The undertaker may at any time maintain the authorised project, except to the extent that this Order provides otherwise, and for the avoidance of doubt the power of maintenance provided by this article does not constitute the grant of development consent for any development not authorised by article 3 (development consent etc. granted by this order).

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**Commencement**

Pt 2 art. 5: September 24, 2014

**Extent**

Pt 2 art. 5: England, Wales, Scotland

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✓ Law In Force

**6.— Limits of Deviation**

(1) In constructing or maintaining works 1a to 1d, 3b, 4b, 5b, 7, 10b, 11b, 12b, 14b, 15b, [ 16b [, 20 and 24aa ]<sup>2</sup> and the tunnel comprised in Work No.27(v) ]<sup>1</sup>, the undertaker may deviate—

(a) laterally from the lines, situations or positioning of the authorised development shown or indicated on the works plans to the extent of the limits of deviation shown on the works plans; and

(b) vertically from the levels of the authorised development shown on the sections to any extent—

(i) not exceeding 3 metres upwards; or

(ii) downwards as may be found to be necessary or convenient.

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**Notes**

<sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017/659 Sch.1 para.1 (May 17, 2017)

<sup>2</sup> Possible drafting error - "and 20" purportedly substituted however that text no longer exists so ", 20" substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 art.2(3) (March 11, 2020)

**Commencement**


Pt 2 art. 6(1)-(1)(b)(ii): September 24, 2014



**Extent**

Pt 2 art. 6(1)-(1)(b)(ii): England, Wales, Scotland

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 Law In Force

**7.— Defence to proceedings in respect of statutory nuisance**

(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990<sup>1</sup> (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of Section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised project and associated activities up to completion of construction and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974; or
- (b) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or
- (c) is a consequence of the construction of the authorised project before completion of construction and that it cannot reasonably be avoided.

(2) Section 61(9) of the Control of Pollution Act 1974 (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.

(3) The defence in this article shall not have effect after completion of construction.

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**Notes**

<sup>1</sup> Section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993 (c.40), section 106 of and Schedule 17 to the Environment Act 1995 (c.25) and section 103 of the Clean Neighbourhoods and Environment Act 2005 (c.16). There are other amendments to this section which are not relevant to this Order.

**Commencement**

Pt 2 art. 7(1)-(3): September 24, 2014

**Extent**

Pt 2 art. 7(1)-(3): England, Wales, Scotland

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*Benefit of order*

✓ Law In Force

## 8. Benefit of Order

Subject to article 9 (transfer of benefit of Order), the provisions of this Order shall have effect solely for the benefit of Thames Water Utilities Limited (save where the context requires otherwise) and any successor under a special administration order or otherwise.

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### Commencement

Pt 2 art. 8: September 24, 2014

### Extent

Pt 2 art. 8: England, Wales, Scotland

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✓ Law In Force

## 9.— Transfer of benefit of Order

(1) The undertaker may transfer to an infrastructure provider any or all of the benefit of the provisions of this Order (save for the powers of compulsory acquisition in articles 28 (compulsory acquisition of land), 29 (compulsory acquisition of rights), 30 (acquisition of subsoil only), 31 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and 41 (acquisition of part of certain properties)) and such related rights for such period as may be necessary for the construction, operation or maintenance of the authorised project as may be agreed between the undertaker and the infrastructure provider.

(2) Notwithstanding any transfer under paragraph (1) above the undertaker may with the consent of the Secretary of State transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (save for the powers of compulsory acquisition in articles 28 (compulsory acquisition of land), 29 (compulsory acquisition of rights), 30 (acquisition of subsoil only), 31 (acquisition of land limited to subsoil lying more than 9 metres beneath surface) and 41 (acquisition of part of certain properties)) and such related rights for such period as may be necessary for the construction, operation or maintenance of the authorised project as may be agreed between the undertaker and the transferee.

(3) Where a transfer has been made in accordance with paragraph (1) or (2) references in this Order to the undertaker, except in paragraphs (1) and (4), shall include references to the infrastructure provider or transferee.

(4) The exercise by a person of any benefits or rights conferred in accordance with any transfer under paragraph (1) or (2) shall—

- (a) be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by Thames Water Utilities Limited; and
- (b) not prevent Thames Water Utilities Limited benefitting from those provisions of this Order notwithstanding that those provisions may also benefit the infrastructure provider or transferee.

(5) In determining an application for consent under paragraph (2) the Secretary of State shall have regard to—

- (a) the importance of ensuring that the transferee has the necessary financial and other resources to undertake the authorised project in accordance with the restrictions, liabilities and obligations specified in paragraph (4)(a); and
- (b) the need to secure (by way of performance bond or other measure) the performance by the transferee of its functions under this Order.

#### Commencement

Pt 2 art. 9(1)-(5)(b): September 24, 2014

#### Extent

Pt 2 art. 9(1)-(5)(b): England, Wales, Scotland

### *Streets and traffic regulations*

✓ Law In Force

#### **10.— Street works**

(1) The undertaker may, for the purposes of the authorised project, [...]¹ enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street, or carry out works to strengthen or repair the carriageway;
- (c) place and keep apparatus in or on the street;
- (d) maintain, renew or alter the position of apparatus in or on the street or change its position;
- (e) demolish, remove, replace and relocate any bus shelter and associated bus stop infrastructure;
- (f) execute any works to provide or improve sight lines required by the highway authority;
- (g) execute and maintain any works to provide hard and soft landscaping;
- (h) carry out re-lining and placement of new temporary markings; and
- (i) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (h) above.

(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent shall not be unreasonably withheld, the undertaker may, for the purposes of the authorised project, [...]¹ enter on so much of any other street whether or not within the Order limits, for the purposes set out at paragraph (1) (a) to (i) (street works) and article 51(2) (miscellaneous provisions relating to the 1990 Act) shall apply.

(3) The authority given by paragraph (1) or (2) is a statutory right for the purposes of sections 48(3) (*streets, street works and undertakers*) and 51(1) (*prohibition of unauthorised street works*) of the 1991 Act².

(4) The provisions of sections 54 to 106 (save insofar as disapplied through the operation of article 56 (*application, disapplication and modification of legislative provisions*)) and Schedule 19

(*miscellaneous controls*) part 1 to this Order) of the 1991 Act<sup>3</sup> apply to any street works carried out under paragraph (1) or (2).

[(4A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) or (2) to the extent that those works constitute “specified works” as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works.]<sup>4</sup>

(5) In Part 3 of the 1991 Act, provisions relating to major highway works which refer to the highway authority concerned shall, in relation to works which are major highway works, be construed as references to the undertaker.

(6) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

(7) The undertaker may not exercise the powers under this article after completion of construction.

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#### Notes

<sup>1</sup> Words revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

<sup>2</sup> Section 51 is amended by section 40 of and Schedule 1 to the Traffic Management Act 2004 (c.18).

<sup>3</sup> Sections 54 to 106 are amended by Schedule 7 to the Road Traffic Act 1991 (c.40), Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60), sections 255 and 256 of the Transport Act 2000 (c.38), sections 40 to 64 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18), Schedule 3 to the Flood and Water Management Act 2010 (c.29), and regulation 17 of S.I. 2007/1951; there are other amendments that are not relevant to this Order.

<sup>4</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


#### Commencement

Pt 2 art. 10(1)-(7): September 24, 2014

#### Extent

Pt 2 art. 10(1)-(7): England, Wales, Scotland

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 Law In Force

### 11.— Power to alter layout, etc., of streets

(1) The undertaker may for the purposes of constructing the authorised project, [...] alter the layout of each of the streets specified in column (2) of Schedule 5 (streets subject to alteration of layout) (and carry out works ancillary to such alteration) in the manner specified in relation to that street in column (3).

(2) Without prejudice to the specific powers conferred by article 3 or paragraph (1) but subject to paragraph (3), the undertaker may, for the purposes of either constructing the authorised project or for works before completion of construction, [...] alter the layout of any other street (and carry out works ancillary to such alteration) whether or not within the Order limits and, without limiting the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, verge, or central reservation within the street;
  - (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track, verge, or central reservation;
  - (c) reduce the width of the carriageway of the street;
  - (d) execute any works to widen or alter the alignment of pavements;
  - (e) execute any works of surfacing or re-surfacing of the highway; and
  - (f) execute any works necessary to alter existing facilities for the management and protection of pedestrians.
- (3) The powers conferred by paragraph (2)—
- (a) shall be exercisable on the giving of not less than 42 days' notice to the street authority; and
  - (b) shall not be exercised without the consent (such consent not to be unreasonably withheld) of the street authority but such consent may be granted subject to reasonable conditions relating to highway matters.
- (4) In Part 3 of the 1991 Act, provisions relating to major highway works which refer to the highway authority concerned shall, in relation to works which are major highway works, be construed as references to the undertaker.
- (5) The provisions of sections 54 to 106 (save insofar as disapplied through the operation of article 55 (application, disapplication and modification of legislative provisions) and Schedule 19 (miscellaneous controls) part 1 to this Order) of the 1991 Act apply to works carried out under paragraph (1) or (2) to the extent that those works involve the breaking up or opening of a street, or any sewer, drain, or tunnel under it, or tunnelling or boring under a street
- [ (5A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) or (2) to the extent that those works constitute “specified works” as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works. ]<sup>2</sup>
- (6) The undertaker may not exercise the powers under this article after completion of construction.

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#### Notes

<sup>1</sup> Words revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

<sup>2</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Pt 2 art. 11(1)-(6): September 24, 2014

#### Extent

Pt 2 art. 11(1)-(6): England, Wales, Scotland

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✓ Law In Force

## 12.— Construction and maintenance of altered streets

(1) Any street (other than any private streets) to be constructed under this Order shall be completed to the reasonable satisfaction of the street authority and shall, unless otherwise agreed with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(2) Where a street is altered under this Order, the altered part of the street shall be completed to the reasonable satisfaction of the street authority and shall, unless otherwise agreed with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) Where new land not previously part of the public highway is to form part of the public highway further to the provisions of this Order it shall, unless otherwise agreed with the street authority, be deemed as dedicated as part of the public highway on the expiry of a period of 12 months from its completion.

(4) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it shall be a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court shall in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

(6) In determining who is the street authority in relation to a street for the purposes of Part III of the New Roads and Street Works Act 1991, any obligation of the undertaker to maintain the street under paragraph (1) or (2) shall be disregarded.

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**Commencement**

Pt 2 art. 12(1)-(6): September 24, 2014

**Extent**

Pt 2 art. 12(1)-(6): England, Wales, Scotland

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✔ Law In Force

**13.— Stopping up of streets**

(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised project, stop up each of the streets specified in column (2) of Schedule 6 (*streets to be stopped up*) to the extent specified in column (3) of that Schedule and shown on the relevant access plan.

(2) No street specified in column (2) of Schedule 6 (being a street to be stopped up) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (3) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(3) The condition referred to in paragraph (2) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(4) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up shall be extinguished; and
- (b) the undertaker may use for the purposes of the authorised project so much of the street as is stopped up under paragraph (1).

(5) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article is subject to article 43 (*apparatus and rights of statutory undertakers in stopped up streets*).

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**Commencement**

Pt 2 art. 13(1)-(6): September 24, 2014

**Extent**

Pt 2 art. 13(1)-(6): England, Wales, Scotland

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✓ Law In Force

#### 14.— Public rights of way and permissive paths

(1) The public rights of way and permissive paths listed in column (2) of Schedule 7 (*public rights of way and permissive paths to be extinguished*) shown marked on the relevant access plans shall be extinguished—

- (a) once the undertaker has provided the alternative way or path as indicated on the access plans; and
- (b) as at the expiry of the notice given further to paragraph (2) of this article.

(2) No less than 28 days prior to the extinguishment of each of the public rights of way and permissive paths listed in column (2) of Schedule 7 shown marked on the relevant access plans the undertaker shall erect a site notice at each end of the section to be extinguished (as set out in column (3) of Schedule 7).

(3) Subject to the consent of the owner and occupier of any affected land, the undertaker and the local highway authority may agree that the alternative way or path to be provided under this article shall take a different route or have a different legal status than that indicated on the access plans; and a way or path provided in accordance with such agreement shall be taken to have been provided in accordance with the access plans for the purposes of paragraph (2).

(4) For the purposes of paragraph (1), the undertaker shall be taken to have provided the alternative way or path when –

- (a) the way or path has been completed:
  - (i) in accordance with any obligation under article 12 to complete the way or path to the reasonable satisfaction of the street authority, or
  - (ii) if no such obligation arises, to the reasonable satisfaction of the local highway authority.

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#### Commencement

Pt 2 art. 14(1)-(4)(a)(ii): September 24, 2014

#### Extent

Pt 2 art. 14(1)-(4): England, Wales, Scotland

Pt 2 art. 14(4)(a)-(4)(a)(ii): (extent not available)

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✓ Law In Force

#### 15.— Temporary stopping up

(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street, any other public right of way, any city walkway, or permissive path whether or not within the Order limits and may for any reasonable time—

- (a) divert the traffic or a class of traffic from the street, public right of way, city walkway, or permissive path; and
- (b) subject to paragraph (2), prevent all persons from passing along the street, public right of way, city walkway, or permissive path.



(2) The undertaker shall provide reasonable access for pedestrians going to or from premises abutting a street, public right of way, city walkway, or permissive path affected by the temporary stopping up, alteration or diversion of a street, public right of way, city walkway, or permissive path under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets, public rights of way, city walkways and permissive paths specified in column (2) of Schedule 8 (*streets and rights of way etc. to be temporarily stopped up*) to the extent specified in column (3) of that Schedule.

(4) The undertaker shall not temporarily stop up, alter or divert—

(a) any street, public right of way, city walkway or permissive path specified as mentioned in paragraph (3) without first consulting either the street authority or (in the case of a city walkway) the city walkway authority; or

(b) any other street, public right of way, city walkway or permissive path without the consent of either the street authority or (in the case of a city walkway) the city walkway authority, which may attach reasonable conditions to any consent, but which consent shall not be unreasonably withheld.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) The undertaker may not exercise the powers under this article after completion of construction.

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#### Commencement

Pt 2 art. 15(1)-(6): September 24, 2014

#### Extent

Pt 2 art. 15(1)-(6): England, Wales, Scotland

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 Law In Force

### 16.— Access to works

(1) The undertaker may, for the purposes of the construction, use and or maintenance of the authorised project [...] <sup>1</sup> —

(a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 9 (*access to works*) for the purposes specified in column (3) of Schedule 9; and

(b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.

(2) The relevant planning authority may attach any reasonable conditions to any approval given under paragraph (1)(b).

[ (2A) The provisions of sections 32 to 39 of the Traffic Management Act 2004 apply to any street works carried out under paragraph (1) to the extent that those works constitute “specified works”

as defined in section 32(3) of that Act and which would, notwithstanding the provisions of this article, be subject to LoPS as applied by the highway authority in whose area the undertaker seeks to carry out such works. ]<sup>2</sup>

(3) The undertaker may not exercise the powers under this article after completion of construction.

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#### Notes

<sup>1</sup> Words revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

<sup>2</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


#### Commencement

Pt 2 art. 16(1)-(3): September 24, 2014

#### Extent

Pt 2 art. 16(1)-(3): England, Wales, Scotland

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 Law In Force

### 17.— Agreements with street authorities

(1) The undertaker may enter into agreements with a street authority or (in the case of a city walkway) the city walkway authority with respect to—

- (a) the construction of any new street or city walkway including any structure carrying the street or city walkway whether or not over or under any part of the authorised project;
- (b) the strengthening, improvement, repair or reconstruction of any street or city walkway under the powers conferred by this Order;
- (c) any stopping up, alteration or diversion of a street or city walkway authorised by this Order;
- (d) the carrying out in the street of any of the works referred to in article 10(1) (*street works*) or their maintenance;
- (e) the alteration of any street further to article 11(1) or (2) (*power to alter the layout etc of streets*); or
- (f) such other works as the parties may agree.

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority or the city walkway authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and street authority or the city walkway authority specifying a reasonable time for completion of the works;
- (c) provide for the dedication of any new street as public highway further to section 38 of the 1980 Act;
- (d) provide for any new way to be declared as city walkway in accordance with the City of London (Various Powers) Act 1967;
- (e) contain such terms as to payment as the parties consider appropriate; and
- (f) contain such other terms as the parties may agree between them.

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**Commencement**

Pt 2 art. 17(1)-(2)(f): September 24, 2014

**Extent**

Pt 2 art. 17(1)-(2)(f): England, Wales, Scotland

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✔ Law In Force

**18.— Traffic regulation**

(1) Subject to the provisions of this article, the undertaker may at any time for the purposes of the—  
(a) construction of the authorised project temporarily regulate traffic further to part 1 of Schedule 10 (*traffic regulation*), and  
(b) construction, operation or maintenance of the authorised project permanently regulate traffic further to part 2 of Schedule 10 (*traffic regulation*),

in the manner specified in column (4) on those roads specified in column (2) and along the lengths and between the points specified, or to the extent otherwise described in column (3) of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent (such consent not to be unreasonably withheld) of the traffic authority in whose area the road concerned is situated, which consent may be subject to reasonable conditions, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation, or maintenance of the authorised project —

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road;

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The undertaker shall not exercise the powers in paragraphs (1) and (2) unless it has—  
(a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and  
(b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of the traffic authority's receipt of notice of the undertaker's intention under sub-paragraph (a).

(4) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2) shall—

- (a) have effect as if duly made by, as the case may be—
  - (i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act; and

(b) be deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004 (road traffic contraventions subject to civil enforcement).

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) at any time.

(6) Before complying with the provisions of paragraph (3) the undertaker shall consult the chief officer of police and the traffic authority in whose area the road is situated.

(7) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

(8) If the traffic authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (2) the traffic authority shall (unless the parties agree otherwise) be deemed to have refused consent.

(9) The undertaker may not exercise the power in paragraph 18(1)(a) or 18(2) after completion of construction.

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#### Commencement

Pt 2 art. 18(1)-(9): September 24, 2014


#### Extent

Pt 2 art. 18(1)-(2), (3)-(4)(a), (4)(b)-(9): England, Wales, Scotland

Pt 2 art. 18(2)(a)-(2)(e), (4)(a)(i)-(4)(a)(ii): (extent not available)

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### *Supplemental powers*

 Law In Force

#### **19.— Discharge of water**

(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out, maintenance or use of the authorised project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(right to communicate with public sewers).

(3) The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertaker shall not make any opening into any public sewer or drain except—  
 (a) in accordance with plans approved by the person to whom the sewer or drain belongs, and such approval shall not be unreasonably withheld; and

- (b) where that person has been given the opportunity to supervise the making of the opening.
- (5) The undertaker shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river, unless otherwise authorised by this Order.
- (6) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.
- (7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by [Regulation 38 of the Environmental Permitting (England and Wales) Regulations 2016]<sup>1</sup>.
- (8) If a person who receives an application for consent or approval fails to notify the undertaker of a decision within 28 days of receiving an application for consent under paragraph (3) or approval under paragraph (4)(a) that person shall be deemed to have refused consent or approval, as the case may be.
- (9) In this article—
- (a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency or a harbour authority within the meaning of section 57 of the Harbours Act 1964<sup>2</sup> (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and
  - (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

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#### Notes

- <sup>1</sup> Words substituted by Environmental Permitting (England and Wales) Regulations 2016/1154 Sch.29(2) para.67 (January 1, 2017)
- <sup>2</sup> There are amendments to section 57 that are not relevant to this Order.

#### Commencement

Pt 2 art. 19(1)-(9)(b): September 24, 2014

#### Extent

Pt 2 art. 19(1)-(9)(b): England, Wales, Scotland

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 Law In Force

### 20.— Protective works to buildings and structures

- (1) Save as otherwise agreed pursuant to article 20 (13), subject to the following provisions of this article, the undertaker may at its own expense carry out the protective works to any building listed in Schedule 11(*Protective works*) to this Order which the undertaker considers necessary or expedient.
- (2) The protective works may be carried out further to paragraph (1) at any time before or during the carrying out in the vicinity of the building of any part of the authorised project.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey—

- (a) any building to which the power in paragraph (1) applies and any land within the Order limits; and
- (b) where reasonably necessary, any land which is adjacent to the building but outside the Order limits.

(4) For the purpose of carrying out the protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within the Order limits; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside the Order limits, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3)(a) to enter a building and land within the Order limits;
- (c) a right under paragraph 3(b) to enter land;
- (d) a right under paragraph (4)(a) to enter a building and land within the Order limits; or
- (e) a right under paragraph (4)(b) to enter land,

the undertaker shall serve on the owners and occupiers of the building or land not less than 14 days notice of its intention to exercise that right and, in a case falling within sub-paragraph (a), (d) or (e), specifying the planned protective works proposed to be carried out, as listed in Schedule 11 (*Protective works*) to this Order. Such notice must contain a statement which notifies the recipient of his right under paragraph (6) to make a referral to arbitration.

(6) Where a notice is served under paragraph (5)(a), (d) or (e), the owner and or occupier of the building or land concerned may, by serving a counter-notice within the period of 14 days beginning with the day on which the notice was served, require any issue as to whether the protective works proposed by the undertaker are sufficient to fulfil their purpose, or it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 63 (*arbitration*).

(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Without prejudice to the power to undertake remedial works, under article 21 (*remedial works to buildings, or apparatus or equipment*), where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the authorised project carried out in the vicinity of the building first comes into use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised project,

the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or(8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(11) In this article “protective works” in relation to a building means those works listed in Schedule 11(*protective works*) and any other works the purpose of which is to prevent damage which may be caused to the building listed, which may include monitoring, underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused by the carrying out, maintenance or use of the authorised project.

(12) Without prejudice to the definition in article 2 (*interpretation* ) the definition of “building” shall for the purposes of this article include those buildings, structures, apparatus and equipment listed in Schedule 11(*protective works*).

(13) The undertaker may enter into an agreement or agreements in respect of protective works with any owner or occupier (with the requisite consent of the owner) of a building to which this article applies or of any other building likely to be affected by the authorised project and such agreement shall have the effect (as between those parties only) of regulating the powers in this article, insofar as they incorporate, add to, omit or modify the provisions of this article or any of them.

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#### Commencement

Pt 2 art. 20(1)-(13): September 24, 2014

#### Extent

Pt 2 art. 20(1)-(13): England, Wales, Scotland

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 Law In Force

### **21.— Remedial works to buildings, or apparatus or equipment**

(1) Save as otherwise agreed pursuant to article 21(14), subject to the following provisions of this article, the undertaker may at its own expense carry out remedial works to any land, building, apparatus or equipment which may be affected by the authorised project (whether or not within the Order limits), as the undertaker considers necessary or expedient.

(2) Remedial works may be carried out further to paragraph (1)—

- (a) at any time before or during the carrying out in the vicinity of the land or building of any part of the authorised project; or
- (b) after the completion of that part of the authorised project in the vicinity of the land or building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised project first comes into use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey—

- (a) any land or building falling within paragraph (1) and any land within the Order limits; and
- (b) where reasonably necessary any land which is adjacent to the land or building but outside the Order limits.

(4) For the purpose of carrying out remedial works under this article to land or a building the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the land or building and any land within the Order limits; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the land or building but outside the Order limits, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out remedial works to land or a building;
- (b) a right under paragraph (3)(a) to enter land or a building and land within the Order limits;
- (c) a right under paragraph 3(b) to enter land;
- (d) a right under paragraph (4)(a) to enter land or a building and land within the Order limits; or
- (e) a right under paragraph (4)(b) to enter land,

the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days notice of its intention to exercise that right and, in a case falling within sub-paragraph (a), (d) or (e), together with any appropriate plans specifying the remedial works proposed to be carried out. Such notice must contain a statement which notifies the recipient of his right under paragraph (6) to make a referral to arbitration.

(6) Where a notice is served under paragraph (5)(a), (d) or (e), the owner and or occupier of the building or land concerned may, by serving a counter-notice within the period of 14 days beginning with the day on which the notice was served, require any issue as to whether the remedial works proposed by the undertaker are sufficient to fulfil their purpose, or it is necessary or expedient to carry out the remedial works or to enter the building or land to be referred to arbitration under article 63 (*arbitration*).

(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) remedial works are carried out under this article to land or a building; and
- (b) within the period of 5 years beginning with the day on which the authorised project carried out in the vicinity of the land or building first comes into use it appears that the remedial works are inadequate to protect the land or building against damage caused by the carrying out or use of that part of the authorised project,

the undertaker shall compensate the owners and occupiers of the land or building for any loss or damage sustained by them.

(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(11) In this article “remedial works” in relation to land or a building means any monitoring or works the purpose of which is to remedy any damage which has been caused, or prevent any further damage which may be caused, by the carrying out, maintenance or use of the authorised project.



(12) Without prejudice to the definition in article 2 (*interpretation*) the definition of “building” shall for the purposes of this article include apparatus, equipment, or apparatus or equipment within any building.

(13) In this article “plans” means reasonable and appropriate documents demonstrating conclusion of the undertaker's assessment that it is necessary or expedient to carry out the remedial works and that the remedial works proposed by the undertaker will be sufficient to fulfil their purpose.

(14) The undertaker may enter into an agreement or agreements in respect of remedial works with any owner or occupier (with the requisite consent of the owner) of a building to which this article applies or of any other building likely to be affected by the authorised project and such agreement shall have the effect (as between those parties only) of regulating the powers in this article, insofar as they incorporate, add to, omit or modify the provisions of this article or any of them.

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#### Commencement

Pt 2 art. 21(1)-(14): September 24, 2014

#### Extent

Pt 2 art. 21(1)-(14): England, Wales, Scotland

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 Law In Force

## 22.— Authority to survey and investigate the land

(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—

- (a) survey, monitor and or investigate the land;
- (b) without prejudice to the generality of (a), survey, monitor and or investigate the land and any buildings on that land for the purpose of investigating the potential effects of the authorised project on that land or buildings on that land or for enabling the construction, use and maintenance of the authorised project;
- (c) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and or subsoil and or to remove soil samples;
- (d) without prejudice to the generality of sub-paragraph (a), carry out ecological and or archaeological investigations or monitoring on such land; and
- (e) place on, leave on and remove from the land apparatus for use in connection with the survey, monitoring and or investigation of land, the making of trial holes, and or the carrying out of ecological and or archaeological investigations.

(2) This article also applies where an owner or occupier has requested the undertaker to enter his land for one or more of the purposes set out in (1).

(3) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land. Such notice must contain a statement which notifies the recipient of his right under paragraph (4) to make a referral to arbitration.

- (4) Where a notice is served under paragraph (3), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 14 days beginning with the day on which the notice was served, require any issue as to whether the building or land needs to be surveyed or investigated to be referred to arbitration under article 63 (*arbitration*).
- (5) Any person entering land under this article on behalf of the undertaker—
- (a) shall, if so required on entering the land, produce written evidence of their authority to do so; and
  - (b) may take with them such vehicles and equipment as are necessary to carry out the survey, investigation, monitoring, or to make the trial holes.
- (6) No trial holes shall be made under this article—
- (a) in land located within the highway boundary without the consent of the highway authority (such consent shall not be unreasonably withheld); or
  - (b) in a private street without the consent of the street authority (such consent shall not be unreasonably withheld); or
  - (c) in a building without the consent of the owner and occupier.
- (7) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.
- (8) Unless the undertaker has taken temporary possession of the land pursuant to article 35 (temporary use of land for carrying out the authorised project), the undertaker shall (unless required by the owners of the land not to do so) remove all vehicles and equipment from and restore the land to the reasonable satisfaction of the owners as soon as reasonably practicable after completion of the survey, monitoring or investigation (as the case may be).
- (9) The undertaker may not exercise the powers under this article after completion of construction.

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#### Commencement

Pt 2 art. 22(1)-(9): September 24, 2014

#### Extent

Pt 2 art. 22(1)-(9): England, Wales, Scotland

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 Law In Force

### **23.— Removal of human remains**

- (1) In this article “the specified land” means any land within the Order limits.
- (2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it shall remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.
- (3) Before any such remains are removed from the specified land the undertaker shall give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised project; and
  - (b) displaying a notice in a conspicuous place on or near to the specified land.
- (4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker shall send a copy of the notice to the relevant planning authority.
- (5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.
- (6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—
- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
  - (b) removed to, and cremated in, any crematorium,
- and that person shall, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).
- (7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question shall be determined on the application of either party in a summary manner by a county court, and the court may make an order specifying who shall remove the remains and as to the payment of the costs of the application.
- (8) The undertaker shall pay the reasonable expenses both of responding to notices under this article and of removing and re-interring or cremating the remains of any deceased person under this article.
- (9) If—
- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
  - (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
  - (c) within 56 days after any order is made by a county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
  - (d) it is determined that the remains to which any such notice relates cannot be identified,
- subject to paragraph (10) the undertaker shall remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves shall be re-interred in individual containers which shall be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.
- (10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker shall comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.
- (11) On the re-interment or cremation of any remains under this article—

- (a) a certificate of re-interment or cremation shall be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
- (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) shall be sent by the undertaker to the relevant planning authority mentioned in paragraph (4).

(12) The removal of the remains of any deceased person under this article shall be carried out in accordance with any directions which may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on a county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857<sup>1</sup> (bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State) shall not apply to a removal carried out in accordance with this article.

(15) The Town and Country Planning (Churches, Places of Religious Worship and Burial Ground) Regulations 1950 shall not apply to the authorised project.

(16) The undertaker may not exercise the powers under this article after completion of construction.

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#### Notes

<sup>1</sup> There are amendments to this Act which are not relevant to this Order.

#### Commencement

Pt 2 art. 23(1)-(16): September 24, 2014

#### Extent

Pt 2 art. 23(1)-(16): England, Wales, Scotland

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 Law In Force

#### 24.— Cemex

(1) The undertaker shall give not less than 2 months' written notice to the relevant planning authority, Cemex, and (if different) the landowner, prior to the commencement of development of Work No. 13b (ii) further to article 3 of this Order.

(2) If the undertaker has given notice under (1), then within 14 days of receipt by the relevant planning authority of that notice, it shall provide a counter notice in writing to the undertaker, providing details of—

- (a) any extant planning permission granted further to the 1990 Act, for the development set out at Schedule 1 to this Order as Work No. 13b (ii), or substantially the same development; and
- (b) the extent of discharge of the conditions attached to that planning permission.

(3) If following receipt of a notice under (2), the undertaker proposes to construct the development or substantially the same development as is set out in Schedule 1 to this Order as Work No. 13b (ii), then the undertaker shall, not less than 7 days prior to commencement of that development,

give further notice in writing to the relevant planning authority confirming whether the development is being carried out further to this Order or further to the planning permission notified under (2), or both.

(4) If following the giving of notice under paragraph (3) the undertaker proposes to commence or continue the development to which the notice relates further to any authorisation not relied upon in that notice, the undertaker shall give further notice in writing to that effect to the relevant planning authority not less than 7 days prior to commencement or continuation of the development further to that authorisation.

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**Commencement**

Pt 2 art. 24(1)-(4): September 24, 2014

**Extent**

Pt 2 art. 24(1)-(4): England, Wales, Scotland

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 Law In Force

**25.— Felling or lopping of trees**

(1) Save in respect of trees or shrubs which come within article 26 (*trees subject to tree preservation orders*), or article 27 (*trees in conservation areas*) the undertaker may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

(4) The undertaker may not exercise the powers under this article after completion of construction.

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**Commencement**

Pt 2 art. 25(1)-(4): September 24, 2014

**Extent**

Pt 2 art. 25(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 26.— Trees subject to tree preservation orders

- (1) The undertaker may fell or lop or cut back the roots of any tree or shrub which is subject to a tree preservation order with the prior approval of the relevant planning authority, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.
- (2) In carrying out any activity authorised by paragraph (1)—
  - (a) the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity; and
  - (b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.
- (3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.
- (4) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.
- (5) The undertaker may not exercise the powers under this article after completion of construction.

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### Commencement

Pt 2 art. 26(1)-(5): September 24, 2014

### Extent

Pt 2 art. 26(1)-(5): England, Wales, Scotland

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✓ Law In Force

## 27.— Trees in conservation areas

- (1) Save in respect of trees or shrubs which come within article 26 (*trees subject to tree preservation orders*), the undertaker may fell or lop any tree or shrub which is situated within a conservation area (designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990), or cut back its roots if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.
- (2) Save for those trees identified on the approved plans, action may not be taken under paragraph (1) unless the undertaker has given written notice to the relevant planning authority of the intended action (with sufficient particulars to identify the tree), and either—
  - (a) the relevant planning authority has indicated in writing that it has no objection to the works or that they fall within an exemption in paragraph (3) or (4), or
  - (b) six weeks have elapsed from the date of the notice and a tree preservation order has not been made in respect of the tree or shrub.
- (3) Paragraph (2) shall not apply where consent would not be needed for the proposed action if the tree or shrub were subject to a tree preservation order.

- (4) Paragraph (2) shall not apply to any action which would be exempt in accordance with regulations under section 212 of the 1990 Act (disapplication of tree preservation offences).
- (5) In carrying out any activity authorised by paragraph (1)—
- (a) the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity; and
  - (b) the duty contained in section 213(1) of the 1990 Act (replacement of trees) shall not apply.
- (6) The authority given by paragraph (1) shall constitute an authorisation by an order granting development consent for the purposes of section 211(1A) of the 1990 Act.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.
- (8) The undertaker may not exercise the powers under this article after completion of construction.

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**Commencement**

Pt 2 art. 27(1)-(8): September 24, 2014

**Extent**

Pt 2 art. 27(1)-(8): England, Wales, Scotland

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**PART 3****ACQUISITION AND POSSESSION OF LAND***Powers of acquisition*

 Law In Force

**28.— Compulsory acquisition of land**

- (1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate it, or is incidental to it.
- (2) As from the date on which a compulsory acquisition notice under section 134(3) (*notice of authorisation of compulsory acquisition*) of the 2008 Act is served or the date on which the Order land, or any part of it, is vested in the undertaker, whichever is the later, all rights, trusts and incidents to which that land or that part of it which is vested (as the case may be) was previously subject shall be discharged or suspended, so far as their continuance would be inconsistent with the exercise of the powers under this Order.

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

(4) This article is subject to article 30 (*acquisition of subsoil only*), article 31 (*acquisition of subsoil below 9 metres*) and article 35 (*temporary use of land for carrying out the authorised project*).

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**Commencement**

Pt 3 art. 28(1)-(4): September 24, 2014

**Extent**

Pt 3 art. 28(1)-(4): England, Wales, Scotland

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✔ Law In Force

**29.— Compulsory acquisition of rights**

(1) The undertaker may acquire compulsorily the existing rights and create and acquire compulsorily the new rights described in the book of reference and indicated on the land plan.

(2) As from the date on which a compulsory acquisition notice is served or the date on which any new right is vested in the undertaker, whichever is the later, the land over which any new right is, or rights are, acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.

(3) Subject to section 8 (*other provision as to divided land*) of the 1965 Act, as substituted by article 41 (*acquisition of part of certain properties*), where the undertaker acquires an existing right over land under paragraph (1), the undertaker shall not be required to acquire a greater interest in that land.

(4) Any person who suffers loss as a result of the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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**Commencement**

Pt 3 art. 29(1)-(4): September 24, 2014

**Extent**

Pt 3 art. 29(1)-(4): England, Wales, Scotland

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✓ Law In Force

### 30.— Acquisition of subsoil only

(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in article 28(1) (*compulsory acquisition of land*) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 41 (*acquisition of part of certain properties*) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

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#### Commencement

Pt 3 art. 30(1)-(3): September 24, 2014

#### Extent

Pt 3 art. 30(1)-(3): England, Wales, Scotland

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✓ Law In Force

### 31.— Acquisition of land limited to subsoil lying more than 9 metres beneath surface

(1) This article applies to the land specified in Schedule 13 (*land of which only subsoil more than 9 metres beneath surface may be acquired*).

(2) In the case of land to which this article applies, the undertaker may only acquire compulsorily under article 28 (*compulsory acquisition of land*) so much of, or such rights in, the subsoil of the land as may be required for the purposes of the authorised project.

(3) Where the undertaker acquires any part of, or rights in, the subsoil of the land to which this article applies, the undertaker shall not be required to acquire a greater interest in the land or an interest in any other part of it.

(4) References in this article to the subsoil of land are references to the subsoil lying more than 9 metres beneath the level of the surface of the land; and for this purpose “level of the surface of the land” means—

- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
- (b) in the case of a watercourse or other water area, the level of the surface of the ground nearest to it which is at all times above water level; or
- (c) in any other case, ground surface level.

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**Commencement**

Pt 3 art. 31(1)-(4)(c): September 24, 2014

**Extent**

Pt 3 art. 31(1)-(4)(c): England, Wales, Scotland

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✔ Law In Force

**32.— Power to override easements and other rights**

(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) In this article “authorised activity” means —

- (a) the erection, construction or maintenance of any part of the authorised project;
- (b) the exercise of any power authorised by this Order; or
- (c) the use of any land (including the temporary use of land).

(3) The interests and rights to which this article applies include any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by the virtue of a contract.

(4) Where an interest, right or restriction is overridden by paragraph (1), compensation—

- (a) shall be payable under section 7 (measure of compensation in case of severance) or 10 (further provision as to compensation for injurious affection) of the 1965 Act; and
- (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—
  - (i) the compensation is to be estimated in connection with a purchase under that Act; or
  - (ii) the injury arises from the execution of works on or use of land acquired under that Act.

(5) Where a person deriving title under the undertaker by whom the land in question was acquired—

- (a) is liable to pay compensation by virtue of paragraph (4), and
- (b) fails to discharge that liability,

the liability shall be enforceable against that undertaker.

(6) Nothing in this article shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1) of this article.

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**Commencement**

Pt 3 art. 32(1)-(6): September 24, 2014

**Extent**

Pt 3 art. 32(1)-(6): England, Wales, Scotland

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✓ Law In Force

**33.— Statutory authority to override easements and other rights**

(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised by virtue of section 158 (*nuisance— statutory authority*) of the 2008 Act, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract.

(2) The undertaker shall pay compensation to any person whose land is injuriously affected by—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to user of land arising by virtue of contract,

authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

(4) Subsection (2) of section 10 (*further provision as to compensation for injurious affection*) of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act.

(5) Any rule or principle applied to the construction of section 10 of the 1965 Act shall be applied to the construction of paragraph (2) (with any necessary modifications).

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**Commencement**

Pt 3 art. 33(1)-(5): September 24, 2014

**Extent**

Pt 3 art. 33(1)-(5): England, Wales, Scotland

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✓ Law In Force

**34.— Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

(1) The Compulsory Purchase (Vesting Declarations) Act 1981 shall apply as if this Order were a compulsory purchase order and as if the undertaker were a public authority under section 1(2) of the 1981 Act.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied, shall have effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted and published.

(5) In that section, for subsections (5) and (6) there shall be substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month”.

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) shall be omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.

(8) References to the 1965 Act in the 1981 Act shall be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

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#### Commencement

Pt 3 art. 34(1)-(8): September 24, 2014

#### Extent

Pt 3 art. 34(1)-(8): England, Wales, Scotland

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### *Temporary possession of land*

 Law In Force

#### **35.— Temporary use of land for carrying out the authorised project**

(1) The undertaker may, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of—
  - (i) the land specified in columns (1) and (2) of Schedule 14 (*land of which temporary possession may be taken*) for the purpose specified in relation to that land in column

- (3) of that Schedule 14 relating to the part of the authorised project specified in column (4) of that Schedule 14;
- (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (*powers of entry*) (other than in connection with the requisition of rights only) and no declaration has been made under section 4 of the 1981 Act (*execution of declaration*);
- (b) remove any buildings and vegetation from that land that reasonably need to be removed in connection with the carrying out of the authorised project;
- (c) construct works (including the provision of means of access) and buildings on that land; and
- (d) construct any works specified in relation to that land in column (3) of Schedule 14 (*land of which temporary possession may be taken*), or such other works which may be required in addition for mitigation.
- (2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.
- (3) The undertaker may not, without the agreement of the owners or any lessee of the land, remain in possession of any land under this article—
- (a) in the case of land specified in paragraph (1)(a)(i) after the end of the period of one year beginning with the date of the end of construction work for that part of the authorised project specified in relation to that land in column (4) of Schedule 14 (*land of which temporary possession may be taken*); or
- (b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of the end of construction work for which temporary possession of this land was taken unless the undertaker has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act or has otherwise acquired the land subject to temporary possession.
- (4) Before giving up possession of land of which temporary possession has been taken under paragraph 1(a)(i), unless otherwise agreed by the owners of the land, the undertaker shall remove all works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to—
- (a) replace a building removed under this article;
- (b) remove any ground-strengthening works (being either works listed in Schedule 11 of this order or other works to provide safe and stable ground conditions) which have been placed in that land to facilitate construction of the authorised development; or
- (c) remove or reposition any apparatus belonging to statutory undertakers.
- (5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, the undertaker shall either acquire the land in accordance with the provisions of paragraph (3)(b) or remove all works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to—
- (a) replace a building removed under this article;
- (b) remove any ground-strengthening works (being either works listed in Schedule 11 of this order or other works to provide safe and stable ground conditions) which have been placed in that land to facilitate construction of the authorised development; or

- (c) remove or reposition any apparatus belonging to statutory undertakers.
- (6) The undertaker shall 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 provisions of any power conferred by this article, and for the avoidance of doubt this shall include compensation in respect of any loss or damage further to any ground strengthening works within paragraphs (4)(b) or (5)(b) carried out by the undertaker in or on that land.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.
- (8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (*further provisions as to compensation for injurious affection*) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).
- (9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker shall not be precluded from—
- (a) acquiring new rights over any part of that land under article 29 (*compulsory acquisition of rights*);
  - (b) acquiring any part of the subsoil of (or rights in the subsoil of) of that land under article 30 (*acquisition of subsoil only*);
  - (c) carrying out protective works under article 20 (*protective works to buildings and structures*) and remedial works under article 21 (*remedial works to buildings, or apparatus or equipment*); or
  - (d) carrying out a survey of that land under article 22 (*authority to survey and investigate the land*).
- (10) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it. For the avoidance of doubt this provision shall not affect the right of an owner or lessee of the Order land to make a claim pursuant to section 150 of the 1990 Act (*blight*).
- (11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).
- (12) The undertaker may not exercise the powers under this article after completion of construction.

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**Commencement**

Pt 3 art. 35(1)-(12): September 24, 2014

**Extent**

Pt 3 art. 35(1)-(12): England, Wales, Scotland

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✓ Law In Force

### 36.— Temporary use of land for maintaining authorised project

- (1) Subject to paragraph (2) the undertaker may—
- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project;
  - (b) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised project; and
  - (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.
- (2) Paragraph (1) shall not authorise the undertaker to take temporary possession of—
- (a) any house or garden belonging to a house; or
  - (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land. Such notice shall include details of the proposed works.
- (4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.
- (5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.
- (6) The undertaker shall 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 provisions of this article.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.
- (8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (*further provisions as to compensation for injurious affection*) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).
- (9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.
- (10) Section 13 of the 1965 Act (*refusal to give possession to acquiring authority*) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (*application of compulsory acquisition provisions*).

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#### Commencement

Pt 3 art. 36(1)-(10): September 24, 2014

#### Extent

Pt 3 art. 36(1)-(10): England, Wales, Scotland

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## Compensation

✓ Law In Force

### 37.— Disregard of certain interests and improvements

(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal shall 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 as part of the authorised project 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 as part of the authorised project, directly or indirectly concerned.

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#### Commencement

Pt 3 art. 37(1)-(2): September 24, 2014

#### Extent

Pt 3 art. 37(1)-(2): England, Wales, Scotland

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✓ Law In Force

### 38.— Set-off for enhancement in value of retained land

(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal shall set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised project.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil), under article 29 (*compulsory acquisition of rights*), the tribunal shall set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised project.



(3) The 1961 Act shall have effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

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**Commencement**

Pt 3 art. 38(1)-(3): September 24, 2014

**Extent**

Pt 3 art. 38(1)-(3): England, Wales, Scotland

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✔ Law In Force

**39. No double recovery**

Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

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**Commencement**

Pt 3 art. 39: September 24, 2014

**Extent**

Pt 3 art. 39: England, Wales, Scotland

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✔ Law In Force

**40. Compulsory acquisition of land – incorporation of the mineral code**

Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981<sup>1</sup> (*minerals*) are incorporated in this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” substitute “the undertaker”.

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**Notes**

<sup>1</sup> Sub-paragraph (5) of paragraph 1 of Part 1 of Schedule 2 was amended by section 67 of, and paragraph 27(3) of Schedule 9 to, the Coal Industry Act 1994 (c.21) and paragraph 8 of Part 3 of Schedule 2 was amended by section 46 of the Criminal Justice Act 1982 (c.48). There are other amendments to the 1981 Act which are not relevant to this Order

**Commencement**

Pt 3 art. 40(a)-(b): September 24, 2014

**Extent**

Pt 3 art. 40(a)-(b): England, Wales, Scotland

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## Supplementary

✓ Law In Force

### 41.— Acquisition of part of certain properties

(1) This article shall apply instead of section 8(1) of the 1965 Act (*other provisions as divided land*) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

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#### Commencement

Pt 3 art. 41(1)-(10): September 24, 2014

#### Extent

Pt 3 art. 41(1)-(10): England, Wales, Scotland

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 Law In Force

### 42.— Statutory undertakers

(1) The undertaker may—

(a) (further to the power in article 28 (*compulsory acquisition of land*)) acquire compulsorily the order land belonging to statutory undertakers, and described in the book of reference;

(b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers where such apparatus is anywhere within the Order limits notwithstanding that repositioning may be outside of the Order limits; and

(c) (further to the power in article 29 (*compulsory acquisition of rights*)) acquire compulsorily the new rights over land belonging to statutory undertakers described in the book of reference and indicated on the land plans.

(2) Schedule 16 (*provision for the protection of specified undertakers*) applies to the power in article 42(1).

(3) Without prejudice to article 42(1)(b) the following provisions (4) and (5) shall apply in relation to apparatus of statutory undertakers not falling within article 42(1)(b).

(4) Subject to the following provisions of this paragraph, sections 271 to 274 of the 1990 Act (*power to extinguish rights of statutory undertakers, etc and power of statutory undertakers etc to remove or re-site apparatus*) shall apply in relation to land falling outside of the Order limits where it is necessary for the purposes of the authorised project to extinguish the rights of statutory undertakers or to remove or reposition the apparatus belonging to the statutory undertakers, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential to the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) shall have effect accordingly.

(5) In the provisions of the 1990 Act as applied by [ paragraph (4) ]<sup>1</sup>, references to the appropriate Minister are references to the Secretary of State.

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#### Notes

<sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


#### Commencement

Pt 3 art. 42(1)-(5): September 24, 2014

#### Extent

Pt 3 art. 42(1)-(5): England, Wales, Scotland

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 Law In Force

### **43.— Apparatus and rights of statutory undertakers in stopped-up streets**

(1) Where a street is stopped up under article 13 (*stopping up of streets*), any statutory utility whose apparatus is under, in, on, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provisions of this article, as if this Order had not been made.

(2) Where a street is stopped up under article 13, any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by the undertaker shall—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as described in sub-paragraph (a).

(3) Subject to the following provisions of this article, the undertaker shall pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

- (a) the execution of the relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under paragraph (2)—

- (a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or

- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which, apart from this paragraph, would be payable to the statutory utility by virtue of paragraph (3) shall be reduced by the amount of that excess.
- (5) For the purposes of paragraph (4)—
- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.
- (6) An amount which, apart from this paragraph, would be payable to a statutory utility in respect of works by virtue of paragraph (3) (and having regard, where relevant, to paragraph (4)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.
- (7) In this article—
- “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- “relocation works” means work executed, or apparatus provided, under paragraph (2); and
- “statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003 (*interpretation*)<sup>1</sup>.
- (8) Schedule 16 (provision for the protection of specified undertakers) applies to this article.

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**Notes**

<sup>1</sup> 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

**Commencement**

Pt 3 art. 43(1)-(8): September 24, 2014

**Extent**

Pt 3 art. 43(1)-(8): England, Wales, Scotland

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✓ Law In Force

#### 44.— Recovery of costs of new connections

(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 42 (*statutory undertakers*) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 42, any person who is—

(a) the owner or occupier of premises the drains of which communicated with that sewer;  
or

(b) the owner of a private sewer which communicated with that sewer,  
shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article shall not have effect in relation to apparatus to which article 43 (*apparatus and rights of statutory undertakers in stopped up streets*) or Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003<sup>1</sup>; and

“public utility undertaker” has the same meaning as in the 1980 Act.

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#### Notes

<sup>1</sup> There are amendments to section 151 that are not relevant to this Order.

#### Commencement

Pt 3 art. 44(1)-(4) definition of "public utility undertaker": September 24, 2014

#### Extent

Pt 3 art. 44(1)-(4) definition of "public utility undertaker": England, Wales, Scotland

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✓ Law In Force

#### 45.— Time limit for exercise of authority to acquire land compulsorily

(1) After the end of the period of 10 years beginning with the day on which this Order is made—

(a) no notice to treat shall be served under Part 1 of the 1965 Act; and

(b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 34 (*application of the Compulsory Purchase (Vesting Declarations) Act 1981*).

(2) The authority conferred by article 35 (*temporary use of land for carrying out the authorised project*) shall cease either at the end of the period referred to in paragraph (1) or at the end of the

period as stated in article 35(3), whichever is the longer, save that nothing in this paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

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#### Commencement

Pt 3 art. 45(1)-(2): September 24, 2014

#### Extent

Pt 3 art. 45(1)-(2): England, Wales, Scotland

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 Law In Force

### 46.— Private rights of way

(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) as from the date of entry on the land by the undertaker under section 11(1) of the 1965 Act<sup>1</sup> (*power of entry*),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being part of or within the order land, is required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (*extinguishment of rights, and removal of apparatus, of statutory undertakers etc.*) or article 42 (*statutory undertakers*) applies.

(6) Paragraphs (1) to (3) shall have effect subject to—

- (a) any notice given by the undertaker before—
  - (i) the completion of the acquisition of the land,
  - (ii) the undertaker's appropriation of it,
  - (iii) the undertaker's entry onto it, or
  - (iv) the undertaker's taking temporary possession of it,

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

- (b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b)—

(a) is made with a person in or to whom the right of way is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

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#### Notes

<sup>1</sup> Section 11 is amended by section 34 of, and Schedule 4 to the Acquisition of Land Act 1981 (c.67), section 3 of, and Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c.71) and S.I. 2009/1307.


#### Commencement

Pt 3 art. 46(1)-(7)(b): September 24, 2014

#### Extent

Pt 3 art. 46(1)-(7)(b): England, Wales, Scotland

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 Law In Force

### 47.— Public rights of navigation

(1) Subject to paragraphs (3) and (4), and notwithstanding any rule of law, the public rights of navigation shall be—

(a) temporarily suspended in relation to each area specified in column (4) of Schedule 12 (*the public rights of navigation to be affected by the authorised project*) and as shown on the access plans, for the purposes of constructing or carrying out the work listed at column (3) of Schedule 12; and

(b) permanently extinguished in relation to each area specified in column (5) of Schedule 12 and as shown on the access plans.

(2) Subject to paragraphs (3) and (4), and notwithstanding any rule of law, the public rights of navigation over any part of the river may be temporarily suspended with the written consent of the Authority given as provided in paragraph 5 of Part 2 of Schedule 16 (*provisions for the protection of specified undertakers*).

(3) Prior to the proposed commencement date of any suspension or extinguishment of the public rights of navigation under paragraph (1) or (2), the undertaker shall give notice to the Authority in accordance with paragraph 6 (1) of Part 2 of Schedule 16.

(4) Following:

(a) receipt of a notice relating to a suspension or extinguishment under article 47(1); or

(b) a consent given by the Authority under article 47 (2);

the Authority shall issue a notice to mariners in accordance with the provisions of paragraph 6 (6) of Part 2 of Schedule 16 giving the commencement date and other particulars of the suspension or extinguishment to which the notice or consent relates, and that suspension or extinguishment shall take effect on the date specified and as otherwise described in the notice.

(5) If any of the conditions set out in article 47 (6) is satisfied in relation to any land which forms part of the river and is land over which public rights of navigation have been permanently



extinguished pursuant to Article 47(1)(b) the Authority may issue a notice to mariners that the land (or any part of it) is available for navigation, and on the issue of such notice the public rights of navigation shall be re-established in relation to that land.

(6) The conditions referred to in paragraph (5) are the following:

- (a) the authorised development is not commenced on the land within 5 years of the permanent extinguishment of rights over the land pursuant to Article 47(1)(b);
- (b) having been commenced, construction of the authorised development on the land ceases, and for this purpose construction shall be deemed to have ceased if –
  - (i) work to construct or carry out the authorised development has ceased for 20 years; or
  - (ii) the undertaker has confirmed to the Authority in writing that the land is no longer required for the authorised development or that the undertaker does not object to the public rights of navigation over the land being re-established;
- (c) if any tidal work constructed on the land is removed pursuant to paragraph 18 of Part 2 of Schedule 16.

(7) During the period that public rights of navigation are temporarily suspended under this article, the undertaker shall:

- (a) upon application allow reasonable access to the area where such rights of navigation would otherwise apply subject to such conditions as the undertaker may reasonably impose; and
- (b) ensure that houseboats and business boats moored within or affected by the public rights of navigation that are temporarily suspended under this article can be safely serviced by river and can safely leave and return to their moorings as is reasonably required for maintenance or other purposes.

(8) Where necessary tugs may be used to move houseboats and business boats.

(9) Unrestricted access shall also be provided for the emergency services to attend those houseboats and business boats by river.

(10) The undertaker may not exercise the powers of paragraph (1)(a) or (2) of this article after completion of construction.

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#### **Commencement**

Pt 3 art. 47(1)-(10): September 24, 2014

#### **Extent**

Pt 3 art. 47(1)-(10): England, Wales, Scotland

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 Law In Force

#### **48.— Rights under or over streets and city walkways**

(1) The undertaker may enter onto and use so much of the subsoil of, or air-space over, any street or city walkway within the Order limits as may be required for the purposes of the authorised project and may use the subsoil or air-space for those purposes.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street or city walkway without being required to acquire any part of the street or city walkway or any easement or right in the street or city walkway.

(3) Paragraph (2) shall not apply in relation to—

- (a) any subway, tunnel or underground building; or
- (b) any cellar, vault, arch, projection, or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land which is entered onto and used under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation shall not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (*sharing cost of necessary measures*) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

(6) The undertaker shall as soon as reasonably practicable and in any case no later than 14 days before entering the subsoil or airspace, serve notice of the use under this article, on the owner and or occupier of the subsoil or airspace proposed to be used, and such notice shall be accompanied by plans showing in sufficient detail the subsoil and airspace to be used under this article and upon written request the undertaker shall supply a copy of such notice and plans to the local authority and (if different) the local highway authority.

(7) If at any time following the use pursuant to paragraph (1) the subsoil or airspace is no longer required to be used under this article for the purposes of the authorised project—

- (a) the undertaker shall serve notice on the owner that the subsoil or airspace is no longer required; and
- (b) upon service of notice to the owner the right of the undertaker to use the subsoil or airspace given by paragraphs (1) and (2) shall cease; and
- (c) the undertaker (or if different the owner for the time being of the part of the authorised project occupying the subsoil or airspace) shall within a reasonable time following the written request of the owner to do so, remove its equipment from the subsoil or airspace and restore the subsoil or airspace to the reasonable satisfaction of the owner and deliver up vacant possession of it.

(8) Save in respect of cranes oversailing the highway, the undertaker may not exercise the powers under this article after completion of construction.

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#### **Commencement**

Pt 3 art. 48(1)-(8): September 24, 2014

#### **Extent**

Pt 3 art. 48(1)-(8): England, Wales, Scotland

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**PART 4**  
**MISCELLANEOUS AND GENERAL**

✓ Law In Force

**49.— Application of landlord and tenant law**

- (1) Unless otherwise agreed by the undertaker, this article applies to—
- (a) any agreement for leasing to any person the whole or any part of the authorised project, or the right to operate the same; and
  - (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,
- so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.
- (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.
- (3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—
- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
  - (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
  - (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

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**Commencement**

Pt 4 art. 49(1)-(3)(c): September 24, 2014

**Extent**

Pt 4 art. 49(1)-(3)(c): England, Wales, Scotland

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✓ Law In Force

**50. Deemed marine licence**

The undertaker is granted a deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009<sup>1</sup> to carry out the activities specified in Part 1 of Schedule 15 (*deemed marine licence*), subject to the licence conditions set out in Part 2 of that Schedule 15.

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**Notes**

<sup>1</sup> There are amendments that are not relevant to this Order.

**Commencement**

Pt 4 art. 50: September 24, 2014

**Extent**

Pt 4 art. 50: England, Wales, Scotland

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✓ Law In Force

**51.— Miscellaneous provisions relating to the 1990 Act**

(1) Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (*cases in which land is to be treated as not being operational land for the purposes of that Act*).

(2) In the exercise of the power under article 10(2) (*street works*) the undertaker shall be deemed to be the highway authority for the purposes of section 55(2)(b) of the 1990 Act.

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**Commencement**

Pt 4 art. 51(1)-(2): September 24, 2014

**Extent**

Pt 4 art. 51(1)-(2): England, Wales, Scotland

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✓ Law In Force

**52.— Safeguarding**

(1) Save in respect of exempt applications, before granting planning permission for development to which this article applies, a relevant planning authority must consult the undertaker.

(2) This article applies to development which—

(a) prior to completion of construction, would be wholly or partly either—

- (i) in respect of the locations of proposed tunnels which will form part of the authorised project, within the construction phase safeguarding zone and at a depth of 10 or more metres below existing ground level; and or
- (ii) in respect of all other parts of the authorised project, within the construction phase safeguarding zone;

(b) after completion of construction, would be either—

- (i) wholly or partly within 6 metres of any tunnel forming part of the authorised project (measured from the inside face of the tunnel on the horizontal and vertical axes through the centre point of the tunnel such that the area subject to this provision is the area falling within the square defined by those horizontal and vertical parameters); or
- (ii) wholly or partly within 10 metres (measured horizontally) of the outside structural surface of any shaft or other underground structure forming part of the authorised project but not falling within (b)(i); or

(iii) in all other cases, in the reasonable opinion of the relevant planning authority, having regard to the guidelines provided by the undertaker further to paragraph (3) below, likely to adversely affect the authorised project or its operational integrity.

(3) Paragraph 2(b) is conditional upon the undertaker providing to the relevant planning authority—

- (a) notice of completion of construction pursuant to requirement PW16;
- (b) ‘as built’ drawings of the tunnels and other below ground structures forming part of the authorised project within the relevant planning authority's area; and
- (c) a set of guidelines to which the relevant planning authority can have regard in the discharge of its obligation under paragraph 2(b)(iii).

(4) In the event that the relevant planning authority, in discharging its duty under paragraph (2)(b)(iii) of this article and having had regard to the guidelines issued under paragraph 3(c), is uncertain as to the reasonable likelihood of adverse effects on the authorised project or its operational integrity, then the relevant planning authority shall be under a duty to comply with paragraph (5) as if the development for which planning permission has been applied for falls within paragraph (2)(b).

(5) Where this article requires a relevant planning authority to consult the undertaker before granting planning permission—

- (a) they must give the undertaker notice of the application for planning permission (unless the applicant has served a copy of the application on the undertaker), and
- (b) they may not determine the application before the end of the period of 21 days, beginning two working days after the relevant planning authority has sent the notice to the undertaker by first class post or by such other means of service which may be agreed with the relevant planning authority, which will be deemed to be the date on which the undertaker receives the notice or copy of the application.

(6) But a relevant planning authority may determine an application during that period if the undertaker has—

- (a) made representations to the relevant planning authority about the application, or
- (b) notified the relevant planning authority that it does not intend to make representations.

(7) In determining an application for planning permission a relevant planning authority must take into account any representations received in accordance with this article.

(8) The requirement to consult under this article shall be a local land charge.

(9) In this article—

“construction phase safeguarding zone” means the area of land comprising the Order limits;  
“exempt applications” means an application for planning permission which relates to development that—

- (i) consists of an alteration to an existing building, or the change of use of an existing building or land; and
- (ii) does not involve, or is not likely to involve any construction engineering or other operations below existing ground level; and
- (iii) is demonstrated by the party applying for such planning permission to the reasonable satisfaction of the relevant planning authority, as not being likely to breach the guidelines referred to at paragraph 3(c) of this article;

“relevant planning authority” means, for the purposes of this article, the planning authority in receipt of an application for planning permission to which this article applies; and

“operation” includes the testing and commissioning of the proposed development.

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**Commencement**

Pt 4 art. 52(1)-(9) definition of "operation": September 24, 2014

**Extent**

Pt 4 art. 52(1)-(9) definition of "operation": England, Wales, Scotland

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✔ Law In Force

**53. Provisions for protection of specified undertakers**

Schedule 16 (provisions for protection of specified undertakers) to this Order has effect.

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**Commencement**

Pt 4 art. 53: September 24, 2014

**Extent**

Pt 4 art. 53: England, Wales, Scotland

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✔ Law In Force

**54.— Discharge of requirements etc.**

(1) Save as provided otherwise by this Order, paragraph 4 of schedule 17 (*procedure for discharge of requirements etc. and appeals*) shall have effect in relation to all consents, agreements, approvals or notices granted, refused or withheld in relation to—

- (a) the requirements set out in Schedule 3 (*requirements*);
- (b) any document referred to in any requirement set out in Schedule 3 (*requirements*); and
- (c) the functions of the local authority set out in Sections 60 and or 61 of the Control of Pollution Act 1974.

(2) Save as provided otherwise by this Order, paragraphs 1, 2 and 3 of schedule 17 (*procedure for discharge of requirements etc. and appeals*) shall have effect in relation to applications made pursuant to the requirements set out in Schedule 3 (*requirements*).

(3) Save for applications made pursuant to paragraph 1 of Schedule 17 (*procedure for discharge of requirements etc. and appeals*), if, within 28 days (unless another period is provided for by this Order) after the application or request required or contemplated by any of the provisions of the Order has been submitted to the authority or owner, it has not notified the undertaker of its disapproval and the grounds of disapproval, it shall (unless the parties have agreed otherwise) be deemed to have refused the application or request and save as otherwise provided for by this order the applicant in each case may appeal further to paragraph 4 of Schedule 17.

(4) Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain, for any consent, agreement, approval or notice required or contemplated by any of the provisions of the Order such consent, agreement or approval shall, if given, be given in writing and shall not be unreasonably withheld.

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**Commencement**

Pt 4 art. 54(1)-(4): September 24, 2014

**Extent**

Pt 4 art. 54(1)-(4): England, Wales, Scotland

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✔ Law In Force

**55. Removal of consent requirements**

Schedule 18(*removal of consent requirements*) to this Order, which makes provision for the removal of consent requirements under Section 150 of the 2008 Act in relation to the provisions of this Order and otherwise for the purposes of this Order, shall have effect.

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**Commencement**

Pt 4 art. 55: September 24, 2014

**Extent**

Pt 4 art. 55: England, Wales, Scotland

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✔ Law In Force

**56. Application, disapplication and modification of legislative provisions**

Part 1 of Schedule 19(*miscellaneous controls*) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

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**Commencement**

Pt 4 art. 56: September 24, 2014

**Extent**

Pt 4 art. 56: England, Wales, Scotland

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✔ Law In Force

**57.— Amendment of local legislation**

(1) Subject to any other provisions of this Order, the local enactments specified in Part 2 of Schedule 19(*miscellaneous controls*), and any byelaws or other provisions made under any of those enactments, are hereby excluded and do not apply insofar as inconsistent with a provision of, or the exercise of a power conferred by, this Order.

(2) The effect of paragraph (1) is to ensure, in particular, that a power conferred by this Order may be exercised despite, and without having regard to, a provision made by or by virtue of a specified enactment, that—

- (a) requires or permits a specified road, path, passage, bridge, parapet, fence or other place or structure to be kept open or maintained generally or in a specified manner,
- (b) requires or permits the provision and maintenance of lights or other apparatus or structures generally or in a specified manner,
- (c) prohibits or restricts (or imposes conditions or penalties on or in relation to) the obstruction or removal of, or the causing of damage to, a specified place or structure (or class of places or structures),
- (d) prohibits or restricts (or imposes conditions on or in relation to) the erection of structures, or the undertaking of other works, in a specified place or structure (or class of places or structures),
- (e) permits or requires a specified place or structure to be closed,
- (f) makes provision about the conduct of persons using a specified walkway or other place or structure (or class of places or structures) whether by prohibiting or restricting movement (of persons, vehicles or animals) or otherwise,
- (g) specifies a minimum or maximum depth for, or otherwise restricts or imposes conditions in relation to, the laying of pipes or the carrying out of any other works,
- (h) prohibits the laying of pipes or the carrying out of any other works generally or without the consent of a specified person,
- (i) makes provision about the construction or maintenance of, or any other matter relating to, pipes, drains or other means of connecting with sewers,
- (j) prohibits or restricts interference with the banks or bed of, or traffic on, the River Thames, or
- (k) in any other way would or might apply in relation to anything done, or omitted to be done, in the exercise of a power conferred by this Order.

(3) For the purposes of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of a power conferred by this Order;
- (b) action taken in pursuance of a power conferred by this Order would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;
- (c) action taken in pursuance of a power or duty under the provision would or might interfere with the exercise of any work authorised by this Order.

(4) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker under or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and at any rate within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application,
- (b) whether, in the event of a contravention of the provision of local application, the undertaker believes that the provision is excluded by this article and the grounds (if any) for that belief, and
- (c) the extent of that exclusion.



- (5) Where any person receives a response from the undertaker pursuant to paragraph (4), they shall as soon as reasonably practicable, and at any rate within 14 days of receipt of the undertaker's response, respond in writing setting out -
- (a) whether any part of the undertaker's response is in dispute, and if so which part(s), and
  - (b) the grounds for disputing the undertaker's response.
- (6) The City of London (Various Powers) Act 1967 is excluded by paragraph (1) above-
- (a) generally, until the completion of construction, and
  - (b) after the completion of construction, only in respect of section 11A(3).

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#### Commencement

Pt 4 art. 57(1)-(6)(b): September 24, 2014

#### Extent

Pt 4 art. 57(1)-(6)(b): England, Wales, Scotland

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 Law In Force

### **58.— Application of pipe subways legislation**

(1) Where in the course of the construction or maintenance of the authorised project any part of public service works vested in the Mayor and Commonalty and Citizens of the City of London in accordance with Part V of the City of London (Various Powers) Act 1900<sup>1</sup> (“the 1900 Act”) is removed, disassembled or damaged and later reinstated, Part V of the 1900 Act (as amended) shall apply to the reinstated part of the works as if it had been constructed by the said Mayor and Commonalty and Citizens in accordance with that Part of that Act

(2) Where in the course of the construction or maintenance of the authorised project any part of a subway belonging to the Mayor and Commonalty and Citizens of the City of London or to the Lord Mayor and Citizens of the City of Westminster and to which the London County Council (Subways) Act 1893<sup>2</sup> (“the 1893 Act”) applies is removed, disassembled or damaged and later reinstated, the reinstated part of the subway shall vest in the said Mayor and Commonalty and Citizens of the City of London or in the Lord Mayor and Citizens of the City of Westminster as the case may be and the 1893 Act (as amended) shall apply to the reinstated part of the subway as if it had existed at the passing of that Act.

(3) Where in the course of the construction or maintenance of the authorised project any new pipe subway is constructed in the City of London or in the City of Westminster (not being a reinstatement of part of a subway removed, disassembled or damaged in the course of the authorised project), Part V of the 1900 Act (as amended) shall apply to the subway (if it is within the City of London) as if it was public service works constructed by the Mayor and Commonalty and Citizens of the City of London in accordance with that Part of that Act and the 1893 Act (as amended) shall apply to the pipe subway (if it is within the City of Westminster) as if it had existed at the passing of the Act.

(4) For the purposes of paragraph (2), “pipe subway” means any culvert, tube, receptacle or gallery under the surface of a street with the necessary approaches thereto adapted for the proper reception of pipes and wires placed therein; and for the purposes of this paragraph, “pipe” means any pipe,

main, valve, tube, or channel, and “wire” means any wire, conductor or cable and any attachment thereto or any covering or protection thereof.

(5) Part V of the 1900 Act or (as the case may be) the 1893 Act shall not cease to apply to any public service works or (as the case may be) subway to which either Act applies prior to the commencement of the authorised project, and shall not fail to apply to any reinstatement or replacement thereof in the course of the authorised project, by virtue of the fact that land counted as a “street” for the purpose of either Act ceases so to be counted as a result of the exercise of a power conferred by this Order.

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#### Notes

<sup>1</sup> 1900 c. ccxxviii

<sup>2</sup> 1893 c. ccii.


#### Commencement

Pt 4 art. 58(1)-(5): September 24, 2014

#### Extent

Pt 4 art. 58(1)-(5): England, Wales, Scotland

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 Law In Force

### 59. Other legislation in the City of London

If and to the extent that the relocated stairs specified in Work No. 17b(viii) in Part of Schedule 1 to this Order or the replacement stairs and lift specified in Work No. 17b(ix) (“the replacement structures”) become vested in the Mayor and Commonalty and Citizens of the City of London in their capacity as trustees of the Bridge House Estates, section 16 of the Blackfriars Bridge Act 1863 (new Bridge deemed to be vested in the City of London as Trustees of the Bridge House Estates) shall have effect as if a reference to the new Bridge included a reference to the replacement structures (in so far as so vested).

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#### Commencement

Pt 4 art. 59: September 24, 2014

#### Extent

Pt 4 art. 59: England, Wales, Scotland

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 Law In Force

### 60. Unilateral undertaking – Project-wide matters

The authorised development shall not commence unless and until the undertaker enters into the [unilateral undertaking]<sup>1</sup> for securing offsite mitigation and compensation policy and resources for local planning authorities (in accordance with document reference APP209.03).

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**Notes**

- <sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**

Pt 4 art. 60: September 24, 2014

**Extent**

Pt 4 art. 60: England, Wales, Scotland

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✔ Law In Force

**61.— Certification of plans etc**

(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the land plans;
- (b) the access plans;
- (c) the works plans and sections;
- (d) the approved plans;
- (e) the book of reference; and
- (f) the environmental statement,

for certification that they are true copies of the plans or documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

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**Commencement**

Pt 4 art. 61(1)-(2): September 24, 2014

**Extent**

Pt 4 art. 61(1)-(2): England, Wales, Scotland

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✔ Law In Force

**62. Meaning of Secretary of State**

For the purposes of the provisions of this Order the Secretary of State shall mean the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs, save that for the purposes of the following articles it shall mean the Secretary of State stated (or their successor)—

- (a) Article 9 (*transfer of benefit of Order*) - the Secretary of State for Environment, Food and Rural Affairs;
- (b) Article 23 (*removal of human remains*) - the Secretary of State for Justice;
- (c) Article 47 (*public rights of navigation*) - the Secretary of State for Transport; and

- (d) Schedule 17, paragraph 4 (*procedure for discharge of requirements etc. and appeals*)  
- the Secretary of State for Communities and Local Government.

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**Commencement**

Pt 4 art. 62(a)-(d): September 24, 2014

**Extent**

Pt 4 art. 62(a)-(d): England, Wales, Scotland

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✓ Law In Force

**63. Arbitration**

Any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall, unless otherwise provided for in this Order and unless otherwise agreed between the parties, 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—

- (a) in the case of matter pertaining to land and surveying of such land, the President of the Royal Institute of Chartered Surveyors;
- (b) in the case of matters pertaining to archaeology, the President of the Institute of Field Archaeologists;
- (c) in the case of matters of legal interpretation, the President of the Law Society;
- (d) in the case of all other matters, the President of the Institution of Civil Engineers.

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**Commencement**

Pt 4 art. 63(a)-(d): September 24, 2014

**Extent**

Pt 4 art. 63(a)-(d): England, Wales, Scotland

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✓ Law In Force

3rd September 2014

*Elizabeth Truss*  
Secretary of State  
Department for Environment, Food and Rural Affairs

3rd September 2014

*Eric Pickles*  
Secretary of State  
Department for Communities and Local Government

**SCHEDULE 1**  
**AUTHORISED PROJECT**

**Article 2**

**PART 1**  
**AUTHORISED DEVELOPMENT**

✓ Law In Force

A nationally significant infrastructure project as defined in sections 14 and 29(1A) of the Planning Act 2008 (as amended) ('the Act') comprising the works described in column (1) of the table below.

Associated development within the meaning of section 115(2) of the Act including the works described in column (2) of the table below.

**Table 1**

(1)	(2)
<b>Works comprising a nationally significant infrastructure project as defined in sections 14 and 29(1A) of the Act</b>	<b>Works comprising associated development within the meaning of section 115(2) of the Act</b>
Work Nos. 1a, 1b, 1c, 1d, 2a, 3a, 3b, 4a, 4b, 5a, 5b, 6a, 7, 8a, 9a, 10a, 10b, 11a, 11b, 12a, 12b, 13a, 14a, 14b, 15a, 15b, 16a, 16b, 17a, 19a, 20, 21a, 22a, 23a, [ 24a and 24aa ] <sup>1</sup> .	Work Nos. 2b, 3c, 4c, 5c, 5d, 6b, 8b, 8c, 9b, 10c, 11c, 12c, 13b, 14c, 15c, 16c, 17b, 18, 19b, 21b, 22b, 23b, 23c, 24b, 25, 26 and 27.
These works are marked with an asterisk in the description below.	

The description set out in this Schedule is subject to article 2(4) of this Order.

In the London Boroughs of Ealing, Hounslow, Hammersmith and Fulham, Richmond-upon-Thames and Wandsworth, the Royal Borough of Kensington and Chelsea, the London Borough of Lambeth, the City of Westminster and the City of London, and the London Boroughs of Southwark, and Lewisham, the Royal Borough of Greenwich and the London Boroughs of Tower Hamlets and Newham

**MAIN TUNNEL**

\*Work No.1a: Main tunnel (west): A tunnel with an internal diameter of 6.5 metres and 6950 metres in length between Acton Storm Tanks main tunnel shaft (Work No.2a) and Carnwath Road Riverside main tunnel shaft (Work No.6a).

\*Work No.1b: Main tunnel (west central): A tunnel with an internal diameter of 7.2 metres and 5000 metres in length between Carnwath Road Riverside main tunnel shaft (Work No.6a) and Kirtling Street main tunnel shaft (Work No.13a).

\*Work No.1c: Main tunnel (east central): A tunnel with an internal diameter of 7.2 metres and 7670 metres in length between Kirtling Street main tunnel shaft (Work No.13a) and Chambers Wharf main tunnel shaft (Work No.19a).

\*Work No.1d: Main tunnel (east): A tunnel with an internal diameter of 7.2 metres and 5520 metres in length between Chambers Wharf main tunnel shaft (Work No.19a) and Abbey Mills Pumping Station main tunnel shaft (Work No.26a).

In the London Borough of Ealing

#### ACTON STORM TANKS

\*Work No.2a: Acton Storm Tanks main tunnel shaft – A shaft with an internal diameter of 15 metres and a depth (to invert level) of 31 metres.

Work No.2b: Acton Storm Tanks associated development - Works to intercept and divert flow from the Acton Storm Relief CSO to the Acton Storm Tanks main tunnel shaft (Work No.2a) and into main tunnel (west) (Work No.1a), including the following above and below ground works and structures:

- (i) decommissioning, partial demolition and infilling of two existing storm tanks;
- (ii) modification and partial demolition of existing above ground overflow weir chamber;
- (iii) demolition and subsequent rebuilding of boundary wall and fence along south-west boundary of the Acton Storm Tanks site;
- (iv) works to establish a main tunnel reception site;
- (v) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (vi) temporary modifications (including installation of pumping equipment) to existing storm tanks during the construction of Works Nos. 2a and 2b;
- (vii) works to isolate and by-pass the remaining four storm tanks from the existing system;
- (viii) construction of structures for air management plant and equipment, including filters, fans, ventilation columns and acoustic attenuation chambers and associated ducts and other chambers;
- (ix) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (x) construction of a temporary access point off Warple Way and subsequent reinstatement to original highway layout;
- (xi) construction of a permanent access off Canham Road;
- (xii) modifications to junction of Canham Road and Stanley Gardens, and Canham Road and Warple Way;
- (xiii) works to strengthen carriageway to Canham Road, Stanley Gardens and Warple Way;
- (xiv) works for the management of traffic entering and leaving the car park to the south-west of the site accessed off Warple Way; and
- (xv) provision of temporary noise enclosure over Work No. 2a, areas for storage of construction materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile cranes, provision of power supplies and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity with associated installation of a tunnel lining.

In the London Borough of Hammersmith and Fulham

## HAMMERSMITH PUMPING STATION

\*Work No.3a: Hammersmith Pumping Station CSO drop shaft - A shaft with an internal diameter of 11 metres and a depth (to invert level) of 33 metres.

\*Work No.3b: Hammersmith connection tunnel - A tunnel between Hammersmith Pumping Station CSO drop shaft (Work No.3a) and the main tunnel (west) (Work No.1a).

Work No.3c: Hammersmith Pumping Station associated development - Works to intercept and divert flow from the Hammersmith Pumping Station CSO to the Hammersmith Pumping Station CSO drop shaft (Work No.3a) and into the Hammersmith connection tunnel (Work No.3b) including the following above and below ground works and structures:

- (i) demolition or modification of existing screen house;
- (ii) demolition and subsequent rebuilding of boundary wall between Hammersmith Pumping Station and the adjacent development site;
- (iii) construction of a new secondary dry weather flow pumping station;
- (iv) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (v) construction of structures for air management plant and equipment, including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vii) construction of a penstock control panel;
- (viii) construction of temporary construction access from Distillery Road and subsequent reinstatement to original layout;
- (ix) construction of a permanent vehicle access off Distillery Road; and
- (x) junction improvements to junction of Chancellor's Road and Distillery Road.

In the London Boroughs of Richmond-upon-Thames and Wandsworth

## BARN ELMS

\*Work No.4a: Barn Elms CSO drop shaft - A shaft with an internal diameter of 6 metres and which has a depth (to invert level) of 34 metres.

\*Work No.4b: West Putney connection tunnel - A tunnel between Barn Elms CSO drop shaft (Work No.4a) and the main tunnel (west) (Work No.1a).

Work No.4c: Barn Elms associated development - Works to intercept and divert flow from the West Putney Storm Relief CSO to the Barn Elms CSO drop shaft (Work No.4a) and into the West Putney connection tunnel (Work No.4b) including the following above and below ground works and structures:

- (i) demolition and replacement of existing changing rooms at Barn Elms Schools Sports Centre including works to car park;
- (ii) formation of a construction vehicle access road to Queen Elizabeth Walk (including suitable means of enclosure), to be subsequently rebuilt as a permanent access road, modifications to the existing sports track and field facilities, diversion of the existing pedestrian access route to Barn Elms Schools Sports Centre;
- (iii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;

- (iv) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (v) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vi) construction of a permanent operational maintenance area, including hardstanding, landscaping and raising existing ground levels; and
- (vii) construction of an integrated electrical and control kiosk, incorporating a habitat enclosure and ventilation column.

In the London Borough of Wandsworth

#### PUTNEY EMBANKMENT FORESHORE

\*Work No.5a: Putney Embankment Foreshore CSO drop shaft - A shaft with internal diameter of 6 metres and a depth (to invert level) of 36 metres.

\*Work No.5b: Putney Bridge connection tunnel - A tunnel between Putney Embankment Foreshore CSO drop shaft (Work No.5a) and the main tunnel (west) (Work No.1a).

Work No.5c: Putney Embankment Foreshore associated development - Works to intercept and divert flow from the Putney Bridge CSO to the Putney Embankment Foreshore CSO drop shaft (Work No.5a) and into the Putney Bridge connection tunnel (Work No.5b) including the following above and below ground works and structures:

- (i) dredging and construction of a cofferdam including the placement of fill material, connection to the existing river wall and construction of a campshed;
- (ii) partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 5a and 5c(iv), and scour protection works, relocation of Putney Bridge CSO, and a new CSO outfall apron;
- (iii) removal of existing CSO apron in the foreshore;
- (iv) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (v) construction of electrical and control kiosks;
- (vi) works to the listed Putney Bridge including attaching the interception chamber (Work No. 5(c)(iv)) to the bridge abutment including protection to the underside of the bridge arch, installing ventilation ducts through the listed bridge, and attaching ventilation column through the bridge structure;
- (vii) works to attach an electrical kiosk to the listed wall behind Waterman's Green, including coming through the listed wall;
- (viii) relocation and replacement of listed bollards;
- (ix) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (x) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- (xi) works for the protection and reinstatement of public draw dock/slipway;
- (xii) construction of a new permanent access off the Embankment; and
- (xiii) temporary relocation of existing houseboat to the west of the existing Putney Pier including dredging, provision of associated mooring and access.



Work No.5d: Putney Embankment Foreshore temporary slipway associated development – Works to provide a replacement temporary slipway, including works to strengthen or support the existing river wall to the landward of the temporary slipway, demolition of part of the existing river wall and slipway and construction of the temporary public slipway and its subsequent removal and reinstatement of land.

In the London Borough of Hammersmith and Fulham

#### CARNWATH ROAD RIVERSIDE

\*Work No.6a: Carnwath Road Riverside main tunnel shaft - A shaft with an internal diameter of 25 metres and a depth (to invert level) of 42 metres.

Work No.6b: Carnwath Road Riverside associated development – Works to establish a tunnel drive and reception site for use in constructing, connecting and operating the main tunnel (west) (Work No.1a) and the main tunnel (west central) (Work No.1b), and the Frogmore connection tunnel (Work No.7), including the following above and below ground works and structures:

- (i) demolition of existing buildings and ground preparation works including land remediation;
- (ii) demolition of existing boundary wall to Carnwath Road on Whiffin and Hurlingham Wharves and demolition of boundary wall between Hurlingham Wharf and Carnwath Road Industrial Estate and partial rebuilding of wall for Whiffin Wharf and reinstatement around Hurlingham Wharf;
- (iii) strengthening and alteration of existing river wall to the south of Whiffin Wharf, and strengthening or replacing the existing river wall to the south of Hurlingham Wharf and Carnwath Road Industrial Estate;
- (iv) dredging and construction of a temporary jetty with campshed or campsheds adjacent to the river wall;
- (v) provision of areas for assembly of plant and machinery, storage of construction materials and excavated materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, plant and equipment for ground treatment and dewatering and facilities and equipment for the processing of excavated materials from shaft and tunnel excavation including silos, tanks and conveyors (with and without noise enclosures), provision of power supplies (including substations) and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity;
- (vi) construction of a noise enclosure building over Work No 6a for use in association with the construction of Work No. 1a;
- (vii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (viii) construction of a ventilation building to accommodate air management plant and equipment including filters and fans and construction of ventilation columns and acoustic attenuation chambers and associated below ground ducts and chambers;
- (ix) modifications to the Carnwath Road / Wandsworth Bridge Road junction and subsequent reinstatement to original layout;
- (x) provision of construction accesses to Whiffin Wharf, Hurlingham Wharf, and highway works site adjacent to Wandsworth Bridge Road;
- (xi) construction of permanent access off Carnwath Road; and
- (xii) construction of boundary wall between Hurlingham Wharf and Whiffin Wharf.

In the London Borough of Wandsworth

#### FROGMORE CONNECTION TUNNEL

\*Work No.7: Frogmore connection tunnel - A tunnel with an internal diameter of 2.6 to 3 metres and 1120 metres in length between Carnwath Road Riverside main tunnel shaft (Work No.6a) and King George's Park CSO drop shaft (Work No.9a).

#### DORMAY STREET

\*Work No.8a: Dormay Street CSO drop shaft - A shaft with an internal diameter of 12 metres and which has a depth (to invert level) of 24 metres.

Work No.8b: Dormay Street associated development - Works to establish a tunnel drive site for use in constructing and operating the Frogmore connection tunnel (Work No. 7), including the following above and below ground works and structures:

- (i) demolition of existing buildings and ground preparation works including land remediation;
- (ii) strengthening and alteration or replacement of the existing river wall to the south of Bell Lane Creek and works to protect and or strengthen the river wall on the north side of Bell Lane Creek;
- (iii) works for the protection of, or the relocation of, the existing electricity sub-station to the south of Bell Lane Creek;
- (iv) provision of areas for assembly of plant and machinery, storage of construction materials and excavated materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, plant and equipment for piling, ground treatment and dewatering and facilities and equipment for the processing of excavated materials from shaft and tunnel excavation including silos, tanks and conveyors (with and without noise enclosures), provision of power supplies (including substations), office and welfare facilities and installations and equipment for monitoring the construction activity; and
- (v) construction of temporary vehicle bridge over Bell Lane Creek.

Work No.8c: Dormay Street associated development - Works to intercept and divert flow from the Frogmore Storm Relief – Bell Lane Creek CSO to the Dormay Street CSO drop shaft (Work No. 8a) and into the Frogmore connection tunnel (Work No. 7) including the following above and below ground works and structures:

- (i) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (ii) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (iii) construction of an integrated electrical and control kiosk and ventilation column;
- (iv) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (v) construction of new temporary access to the Causeway and subsequent reinstatement to original layout;
- (vi) provision of construction access off Dormay Street;
- (vii) construction of permanent vehicular access off Dormay Street; and
- (viii) alterations to the junction of Dormay Street, The Causeway and Armoury Way.

#### KING GEORGE'S PARK

\*Work No.9a: King George's Park CSO drop shaft - A shaft with an internal diameter of 9 metres and a depth (to invert level) of 21 metres.

Work No.9b: King George's Park associated development - Works to intercept and divert flow from the Frogmore Storm Relief – Buckhold Road CSO to the King George's Park CSO drop shaft (Work No.9a) and into the Frogmore connection tunnel (Work No.7), including the following above and below ground works and structures:

- (i) removal of existing park gates and fencing;
- (ii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (iii) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (iv) construction of integrated electrical and control kiosk and ventilation columns;
- (v) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vi) construction of permanent access off Neville Gill Close;
- (vii) construction of permanent pedestrian access off the junction of Buckhold Road and Neville Gill Close;
- (viii) junction alterations at the junction of Buckhold Road and Neville Gill Close and subsequent reinstatement to original layout;
- (ix) provision of depression for the purposes of flood mitigation; and
- (x) construction of a permanent hardstanding area including raising existing ground levels.

#### FALCONBROOK PUMPING STATION

\*Work No.10a: Falconbrook Pumping Station CSO drop shaft - A shaft with an internal diameter of 9 metres which extends 1 metre above the proposed ground level and which has a depth (to invert level) of 40 metres (measured from the top of Work No.10a).

\*Work No.10b: Falconbrook connection tunnel - A tunnel between Falconbrook Pumping Station CSO drop shaft (Work No.10a) and the main tunnel (west central) (Work No.1b).

Work No.10c: Falconbrook Pumping Station associated development - Works to intercept and divert flow from the Falconbrook Pumping Station CSO to the Falconbrook Pumping Station CSO drop shaft (Work No.10a) and into the Falconbrook connection tunnel (Work No.10b) including the following above and below ground works and structures:

- (i) demolition of existing screen house and disused public convenience to include the formation of new cover slabs on the existing substructure, demolition of boundary wall to Pumping Station compound and subsequent rebuilding, removal of existing railings between York Gardens and York Road, and demolition of advertising screen;
- (ii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (iii) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (iv) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (v) relocation of existing Pumping Station compound vehicle access;
- (vi) relocation of bus stop (including provision of new layby); and

- (vii) construction of temporary accesses for construction from York Road and subsequent reinstatement including revised pedestrian access layout.

In the Royal Borough of Kensington and Chelsea

#### CREMORNE WHARF DEPOT

\*Work No.11a: Cremorne Wharf Depot CSO drop shaft – A shaft with an internal diameter of 8 metres and a depth (to invert level) of 42 metres.

\*Work No.11b: Lots Road connection tunnel - A tunnel between Cremorne Wharf Depot CSO drop shaft (Work No.11a) and the main tunnel (west central) (Work No.1b).

Work No.11c: Cremorne Wharf Depot associated development – Works to intercept and divert flow from the Lots Road Pumping Station CSO to the Cremorne Wharf Depot CSO drop shaft (Work No.11a) and into the Lots Road connection tunnel (Work No.11b) including the following above and below ground works:

- (i) demolition of existing depot building and associated structures;
- (ii) works for the provision of a campshed including the dredging and renovation of the existing campshed;
- (iii) replacement or other works to protect or strengthen the existing flood defence on the western boundary of the site;
- (iv) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (v) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) installation of electrical and control equipment within the listed Lots Road Pumping Station including a below ground penetration through the external wall north-east elevation and modifications to the interior of the pumping station, provision of a local control pillar outside the pumping station and replacement of or modification to an existing ventilation column on the north-eastern elevation of the existing pumping station;
- (vii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (viii) construction of replacement depot building and associated structures to replace that demolished under paragraph (i) above following completion of Work Nos. 11a and 11b; and
- (ix) alterations of existing accesses from Lots Road and subsequent reinstatement.

#### CHELSEA EMBANKMENT FORESHORE

\*Work No.12a: Chelsea Embankment Foreshore CSO drop shaft – A shaft with an internal diameter of 12 metres and a depth (to invert level) of 45 metres.

\*Work No.12b: Ranelagh connection tunnel - A tunnel between Chelsea Embankment Foreshore CSO drop shaft (Work No.12a) and the main tunnel (west central) (Work No.1b).

Work No.12c: Chelsea Embankment Foreshore associated development - Works to intercept and divert flow from the Ranelagh CSO and connect the northern Low Level Sewer No.1 to the Chelsea Embankment Foreshore CSO drop shaft (Work No.12a) and into the Ranelagh connection tunnel (Work No.12b) including the following above and below ground works:

- (i) partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 12a and 12c (iv), (v), (vi) and (vii) and scour protection works, relocation of existing CSO, and new CSO outfall apron;
- (ii) removal of existing CSO apron in foreshore;
- (iii) dredging and construction of a cofferdam including the placement of fill material, connection to the existing river wall and construction of a campshed;
- (iv) construction of an interception chamber, overflow weir chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (v) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) construction of electrical and control equipment kiosks;
- (vii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- (viii) provision of construction access from Chelsea Embankment and subsequent reinstatement to original highway layout;
- (ix) provision of permanent access from Chelsea Embankment;
- (x) provision of temporary signalised pedestrian crossing and its subsequent removal;
- (xi) permanent relocation of existing pedestrian traffic island;
- (xii) realignment of existing kerb line of the Bull Ring; and
- (xiii) removal and subsequent reinstatement of existing walls and railings to frontage of Ranelagh Gardens, with new gate to provide access to diverted utilities.

In the London Borough of Wandsworth

#### KIRTLING STREET

\*Work No.13a: Kirtling Street main tunnel shaft – A shaft with an internal diameter of 30 metres and a depth (to invert level) of 48 metres.

Work No.13b: Kirtling Street associated development - Works to establish a main tunnel drive site for use in constructing, connecting and operating the main tunnel (west central) (Work No.1b) and main tunnel (east central) (Work No.1c), including the following above and below ground works and structures:

- (i) demolition of existing office and warehouse buildings and other structures, to the north of Kirtling Street, to the north and south of Cringle Street and demolition of structures within Kirtling Wharf (also known as Cringle Wharf) including existing concrete batching plant, offices and electricity sub-station and ground preparation works including land remediation;
- (ii) provision of a permanent concrete batching plant including conveyors, aggregate storage, silos, concrete plant, tanks, pits, offices and associated structures, and electricity substation at Kirtling Wharf;
- (iii) dredging and construction of temporary jetty including conveyors with acoustic enclosures and works to protect or strengthen the existing river wall;
- (iv) provision of areas for assembly of plant and machinery, storage of construction materials and excavated materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, plant and equipment for ground treatment and dewatering and facilities and equipment for the processing of excavated materials from shaft and tunnel

excavation including silos, tanks and conveyors (with and without noise enclosures), provision of power supplies (including substations), and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity;

(v) construction of an acoustic enclosure building(s) over Work No. 13a for use in association with the construction of Work Nos. 1b and 1c;

(vi) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;

(vii) construction of electrical and control kiosks;

(viii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;

(ix) provision of construction accesses off Cringle Street and subsequent reinstatement of original highway layout; and

(x) provision of a permanent access off Kirtling Street.

## HEATHWALL PUMPING STATION

\*Work No.14a: South West Storm Relief CSO drop shaft – A shaft with an internal diameter of 16 metres and a depth (to invert level) of 46 metres.

\*Work No.14b: Heathwall / South West Storm Relief connection tunnel - A tunnel between the South West Storm Relief CSO drop shaft (Work No.14a) and the main tunnel (east central) (Work No.1c).

Work No.14c: Heathwall Pumping Station associated development - Works to intercept and divert flow from the Heathwall Pumping Station CSO and South West Storm Relief CSO to the South West Storm Relief CSO drop shaft (Work No.14a) and into the Heathwall / South West Storm Relief connection tunnel (Work No.14b), including the following above and below ground works and structures:

(i) dredging and construction of a cofferdam including the placement of fill material, connection to the existing river wall and construction of a campshed;

(ii) works to protect or strengthen the existing river wall to the east and west of Work No. 14(c)(i) and the existing Middle Wharf jetty, partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work No. 14c(iii), (iv) and (vi) and scour protection works, relocation of existing CSO, and new CSO outfall apron;

(iii) construction of interception chambers and Heathwall CSO drop shaft, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;

(iv) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;

(v) provision of local control pillar;

(vi) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;

(vii) temporary relocation of the Battersea Barge to the west including provision of associated mooring and access; and

(viii) alterations to existing accesses on Nine Elms Lane and subsequent reinstatement to original highway layout.

In the London Borough of Lambeth

## ALBERT EMBANKMENT FORESHORE

\*Work No.15a: Albert Embankment Foreshore CSO drop shaft – A shaft with an internal diameter of 16 metres and a depth (to invert level) of 48 metres.

\*Work No.15b: Clapham / Brixton connection tunnel – A tunnel between Albert Embankment Foreshore CSO drop shaft (Work No.15a) and the main tunnel (east central) (Work No.1c).

Work No.15c: Albert Embankment Foreshore associated development - Works to intercept and divert flow from the Brixton Storm Relief CSO and the Clapham Storm Relief CSO to the Albert Embankment Foreshore CSO drop shaft (Work No.15a) and into the Clapham / Brixton connection tunnel (Work No.15b) including the following above and below ground works:

- (i) partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose elements of Work No.15c (vii), (ix) and (x) under and adjacent to the listed Vauxhall Bridge including protection of bridge abutment and arch, and scour protection works including new CSO outfall aprons, relocation of the existing Clapham Storm Relief CSO and Brixton Storm Relief CSO to form the new Effra CSO;
- (ii) works to protect and strengthen the existing slipway and existing river wall;
- (iii) partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work No. 15a and elements of Work No. 15c(vi), (ix) and (x) to the north of Lacks Dock slipway and scour protection works;
- (iv) removal of existing CSO aprons and overflow structures (including timber dolphins and posts) in the foreshore;
- (v) dredging and construction of cofferdam (relating to Works No. 15c(i)) including the placement of fill material, connection to the existing river wall and construction of campsheds adjacent to cofferdam and temporary ramp from foreshore;
- (vi) dredging and construction of cofferdam (relating to Works No. 15c(iii)) including the placement of fill material, connection to the existing river wall and construction of campsheds adjacent to cofferdam;
- (vii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (viii) works to the listed Vauxhall Bridge abutment and pier(s) in connection with Work Nos. 15c(i), (v) and (vii);
- (ix) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (x) construction of electrical and control kiosks and local control pillars;
- (xi) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- (xii) works to create two new construction accesses from Albert Embankment, between Camelford House and Tintagel House (including demolition of steps and boundary walls, and modifications to ramp to basement car park to Camelford House) and subsequent reinstatement to original layout, and additionally via the existing Lack's Dock (including demolition of existing concrete wall and planter on north side of Lack's Dock) and subsequent reinstatement;

- (xiii) temporary relocation of existing vehicle control barrier and security kiosk at entrance to Lack's Dock from Albert Embankment and temporary provision of traffic control measures; and
- (xiv) provision of permanent access from Albert Embankment via Lack's Dock.

In the City of Westminster

#### VICTORIA EMBANKMENT FORESHORE

\*Work No.16a: Victoria Embankment Foreshore CSO drop shaft – A shaft with an internal diameter of 13 metres and a depth (to invert level) of 51 metres.

\*Work No.16b: Regent Street connection tunnel – A tunnel between Victoria Embankment Foreshore CSO drop shaft (Work No.16a) and the main tunnel (east central) (Work No.1c).

Work No.16c: Victoria Embankment Foreshore associated development - Works to control and divert flow from the northern Low Level Sewer No.1 to the Victoria Embankment Foreshore CSO drop shaft (Work No.16a) and into the Regent Street connection tunnel (Work No.16b) including the following above and below ground works:

- (i) dredging and construction of cofferdam, including the placement of fill material, connection to the existing river wall and construction of campsheds;
- (ii) partial demolition of existing listed river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 16a and 16c(iii), (v), (vi) and (vii) and scour protection works, new Regent Street B CSO, and new CSO outfall apron;
- (iii) construction of an overflow weir chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (iv) removal and subsequent reinstatement of existing listed features including lamp standards and benches;
- (v) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) construction of electrical and control kiosks;
- (vii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage including reinstatement of pipe subway;
- (viii) provision of construction access from Victoria Embankment and subsequent reinstatement to original layout;
- (ix) provision of permanent access from Victoria Embankment;
- (x) removal of a section of central reservation and its subsequent re-instatement;
- (xi) removal of existing mooring for the Tattershall Castle attached to listed wall (and associated access ramps), construction and use of a new temporary and permanent mooring (over listed wall) for a vessel to the south of Work No. 16c(ii), and means of access for both attached to the listed wall including access brows, gangways, guide piles, mooring chains and anchors fixed to the river bed, construction dredging and associated sheet piling to accommodate the relocated vessel in both the permanent and temporary locations for the vessel;
- (xii) temporary removal and then reinstatement of the service mooring / service pontoon to the east of the junction of Victoria Embankment and Horse Guards Avenue including guide piles;



- (xiii) permanent removal of service mooring / service pontoon to the north of the junction of Victoria Embankment and Horse Guards Avenue; and
- (xiv) construction of amenity buildings.

In the City of London

#### BLACKFRIARS BRIDGE FORESHORE

\*Work No.17a: Blackfriars Bridge Foreshore CSO drop shaft – A shaft with an internal diameter of up to 24 metres and a depth (to invert level) of 53 metres.

Work No.17b: Blackfriars Bridge Foreshore associated development – Works to intercept and divert flow from the Fleet Main CSO and connect the northern Low Level Sewer No.1 to the Blackfriars Bridge Foreshore CSO drop shaft (Work No.17a) and into the main tunnel (east central) (Work No.1c), including the following above and below ground works:

- (i) demolition of the existing Blackfriars Millennium Pier (including associated ramps, steps, and offices adjacent to the Pier) and relocation to the east of Blackfriars Bridge, including dredging and associated sheet piled wall, a new pontoon (including enclosed waiting area and associated office accommodation) and means of access including access brows, bank seats and gangways;
- (ii) removal of section of wall to the north of Work No. 17b(i) and construction of pedestrian gate for emergency services access to the relocated pier;
- (iii) dredging and construction of a cofferdam including the placement of fill material, connection to the existing listed river wall, and protection to listed Blackfriars Road Bridge;
- (iv) partial demolition of existing listed and non-listed river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 17a and 17b(v), (xi), (xii), and (xiii) and scour protection works, relocation of Fleet Main CSO, and a new CSO outfall apron;
- (v) construction of an interception chamber, overflow weir chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (vi) demolition of existing west bound Victoria Embankment on-slip ramp and its subsequent reconstruction;
- (vii) removal of existing mooring for the President and subsequent reinstatement after construction of Work Nos. 17a and 17b (save for this reinstatement) including pontoon. and means of access over listed river wall including access brows, bank seats and gangways, guide piles, mooring chains and anchors fixed to the river bed and dredging and associated sheet piling to accommodate the vessel. Construction of a temporary mooring at Chrysanthemum Pier to accommodate the President, including modification to the existing mooring or its demolition and construction of a new mooring; including means of access over listed river wall, including access brows, bank seats and gangways to accommodate the temporary mooring of the President; mooring chains and anchors fixed to the river bed, and dredging and associated sheet piling to accommodate the relocated vessel; and reinstatement of existing mooring at Chrysanthemum Pier after construction of Work Nos. 17a and 17b (save for this reinstatement);
- (viii) works to the listed Blackfriars Road Bridge to remove and subsequently relocate the existing stairs from the Thames Path and subway and Blackfriars Road Bridge on the west side of the bridge;

- (ix) works to the listed Blackfriars Road Bridge to remove the existing stairs on the east side of the bridge and provision of replacement stairs and lift from the existing Thames Path up to Blackfriars Road Bridge;
- (x) removal and reinstatement of listed features including lamp standards and benches;
- (xi) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (xii) construction of electrical and control kiosks;
- (xiii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- (xiv) provision of temporary access from Victoria Embankment and subsequent reinstatement to original layout;
- (xv) provision of permanent access from Victoria Embankment;
- (xvi) construction of amenity building(s); and
- (xvii) works to reprovide access to public toilets and sports club.

In the London Borough of Southwark

#### SHAD THAMES PUMPING STATION

Work No.18: Shad Thames Pumping Station upgrade associated development - works to the existing Shad Thames Pumping Station including:

- (i) demolition of existing three storey facilities building and adjacent suspended ground floor slab, and boundary wall and construction of new electrical switchgear and facilities building including new ventilation column and construction of new boundary wall;
- (ii) demolition of existing suspended ground floor slab and excavation within the existing pumping station and provision of structures to create area for new pumps and associated mechanical and electrical equipment and alterations to the external appearance of the pumping station building;
- (iii) modifications to existing sewers and the provision of new pumping main including chambers and ducts within Maguire Street and Gainsford Street;
- (iv) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation; and
- (v) construction of new permanent access to Maguire Street and works to create a turning head at the junction of Shad Thames and Maguire Street, and subsequent reinstatement of original highway layout.

#### CHAMBERS WHARF

\*Work No.19a: Chambers Wharf main tunnel shaft – A shaft with an internal diameter of 25 metres and which has a depth (to invert level) of 58 metres.

Work No.19b: Chambers Wharf associated development – Works to establish a main tunnel drive and reception site for use in constructing, connecting and operating the main tunnel (east central) (Work No.1c) and main tunnel (east) (Work No.1d) and the Greenwich connection tunnel (Work No.20) including the following above and below ground works and structures:

- (i) demolition of existing river wall and part of existing jetty, dredging and construction of cofferdam including fluvial training walls and the placement of fill material and new river wall and flood defence wall on remaining sections of jetty, works to replace, protect, or strengthen the existing river wall to the west of Fountain Green Square, and ground preparation works including land remediation;

- (ii) demolition of existing underground structures, removal of demolition arisings, and ground preparation works including land remediation;
- (iii) demolition of existing electricity substation and construction of new temporary building to accommodate relocated substation, and all necessary utility connections;
- (iv) provision of areas for assembly of plant and machinery, storage of construction materials and excavated materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, plant and equipment for ground treatment and dewatering and facilities and equipment for the processing of excavated materials from shaft and tunnel excavation including silos, tanks and conveyors (with and without noise enclosures), provision of power supplies (including substations) and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity;
- (v) construction of structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) construction of a noise enclosure building(s) over Work No. 19a for use in association with the construction of Work No. 1d;
- (vii) construction of electrical and control kiosks;
- (viii) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (ix) construction of temporary access from Chambers Street and subsequent reinstatement and permanent means of access from Loftie Street and hard standing area including means of enclosure and changes to existing ground levels; and
- (x) works to the highway at Bevington Street to provide pedestrian crossing.

In the London Boroughs of Southwark and Lewisham and the Royal Borough of Greenwich

#### GREENWICH CONNECTION TUNNEL

\*Work No.20: Greenwich connection tunnel – A tunnel with an internal diameter of 5.0 metres and 4610 metres in length between Chambers Wharf main tunnel site (Work No.19a) and Greenwich Pumping Station CSO drop shaft (Work No. 23a).

In the London Borough of Lewisham

#### EARL PUMPING STATION

\*Work No.21a: Earl Pumping Station CSO drop shaft – A shaft with an internal diameter of 17 metres (which extends 3 metres above the proposed ground level) and which has a depth (to invert level) of 51 metres (measured from the top of Work No.21a).

Work No.21b: Earl Pumping Station associated development – Works to intercept and divert flow from the Earl Pumping Station CSO to the Earl Pumping Station CSO drop shaft (Work No. 21a) and into the Greenwich connection tunnel (Work No. 20) including the following above and below ground works and structures:

- (i) demolition of existing industrial buildings and office building and associated structures, weighbridge and other structures including boundary wall, and ground preparation works including land remediation;
- (ii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;

- (iii) construction of brown roof and parapet wall over the top of Work No. 21a and valve chamber forming part of Work No. 21b (ii);
- (iv) construction of structures for air management plant and equipment and associated ducts and chambers on top of Work No. 21a;
- (v) construction of other structures for air management plant and equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (vi) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vii) provision of new construction access from Yeoman Street and subsequent reinstatement of original highway layout;
- (viii) construction of a temporary and then permanent access from Croft Street; and
- (ix) modification of existing access on Chilton Grove.

#### DEPTFORD CHURCH STREET

\*Work No.22a: Deptford Church Street CSO drop shaft – A shaft with an internal diameter of 17 metres and a depth (to invert level) of 48 metres.

Work No. 22b: Deptford Church Street associated development – Works to intercept and divert flow from the Deptford Storm Relief CSO to the Deptford Church Street CSO drop shaft (Work No. 22a) and into the Greenwich connection tunnel (Work No. 20) including the following above and below ground works and structures:

- (i) demolition of existing wall;
- (ii) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (iii) construction of structures for air management equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (iv) construction of electrical and control kiosks;
- (v) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vi) construction of temporary and then permanent access from Coffey Street and Crossfield Street;
- (vii) temporary alterations to highway layout of Crossfield Street to include formation of school fire assembly point; and
- (viii) works to carriageway of Deptford Church Street, temporary relocation of existing pedestrian crossing and bus stops on Deptford Church Street, closure of bus lanes and removal of the central reservation.

In the Royal Borough of Greenwich

#### GREENWICH PUMPING STATION

\*Work No.23a: Greenwich Pumping Station CSO drop shaft – A shaft with an internal diameter of 17 metres (which extends 1 metre above the proposed ground level) and which has a depth (to invert level) of 46 metres (measured from the top of Work No. 23a).

Work No.23b: Greenwich Pumping Station associated development - Works to create a tunnel drive site for use in constructing and operating the Greenwich connection tunnel (Work No. 20), including the following above and below ground works and structures:

- (i) demolition of existing industrial buildings and other structures, works to protect or strengthen the existing river wall, and ground preparation works including land remediation;
- (ii) provision of areas for assembly of plant and machinery, storage of construction materials and excavated materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, plant and equipment for ground treatment and dewatering and facilities and equipment for the processing of excavated materials from shaft and tunnel excavation including silos, tanks and conveyors (with and without noise enclosures), provision of power supplies (including substations) and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity; and
- (iii) construction of an acoustic enclosure building(s) over Work No. 23a for use in association with the construction of Work No. 20.

Work No.23c: Greenwich Pumping Station associated development – Works to intercept and divert flow from the Greenwich Pumping Station CSO to the Greenwich CSO drop shaft (Work No. 23a) and into the Greenwich connection tunnel (Work No. 20) including the following above and below ground works and structures:

- (i) construction of an interception chamber, CSO overflow structures, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (ii) alterations to the listed east Beam Engine House (including the replacement of the existing ground floor), to accommodate ventilation equipment (including filters and fans) and including the dismantling, storage and reconstruction of entrance steps;
- (iii) construction of brown roof, including handrail and ventilation structure on top of Work No. 23a;
- (iv) construction of structures for air management plant and equipment including filters, fans, and ventilation columns and associated below ground ducts and chambers;
- (v) installation of electrical control equipment within the listed Greenwich Pumping Station buildings;
- (vi) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (vii) alteration of accesses off Norman Road and Greenwich High Road;
- (viii) provision of security fencing and gates; and
- (ix) construction of temporary access off Norman Road and subsequent removal and reinstatement of original highway layout.

In the London Borough of Tower Hamlets

#### KING EDWARD MEMORIAL PARK FORESHORE

\*Work No.24a: King Edward Memorial Park CSO drop shaft – A shaft with an internal diameter of 20 metres and a depth (to invert level) of 60 metres.

[ \*Work No.24aa: North East Storm Relief connection tunnel – A tunnel between the King Edward Memorial Park CSO drop shaft (Work No.24a) and the main tunnel (east) (Work No.1d). ]<sup>2</sup>

Work No.24b: King Edward Memorial Park Foreshore associated development – Works to intercept and divert flow from the North East Storm Relief Sewer CSO to the King Edward Memorial Park Foreshore drop shaft (Work No. 24a) and to the main tunnel (east) (Work No. 1d), including the following above and below ground works and structures:

- (i) demolition of existing park maintenance buildings and other structures;

- (ii) dredging and construction of a cofferdam including fluvial training walls and the placement of fill material, connection to the existing river wall and construction of a campshed;
- (iii) removal of existing CSO apron in the foreshore;
- (iv) partial demolition of existing river wall and construction of new river wall including connection to and alteration of the existing river wall to reclaim land and to enclose Work Nos. 24a and 24b(vi), (vii) and (viii), scour protection works, relocation of existing CSO, and new CSO outfall apron;
- (v) works to protect or strengthen the existing river wall;
- (vi) construction of an interception chamber, hydraulic structures, chambers with access covers and other structures including culverts, pipes and ducts to modify, connect, control, ventilate, de-aerate, and intercept flow;
- (vii) construction of structures for air management equipment including filters and ventilation columns and associated below ground ducts and chambers;
- (viii) construction of electrical and control kiosk and local control pillar;
- (ix) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage;
- (x) construction of temporary and then permanent access from Glamis Road;
- (xi) removal of the existing band stand;
- (xii) demolition of existing children's playground and construction of new playground within the park; and
- (xiii) refurbishment of existing multi-sports area.

#### BEKESBOURNE STREET

Work No.25: Bekesbourne Street sewer modifications associated development – works to modify the existing sewer including a chamber with approximate internal dimensions of 4.6 metres by 5 metres and an approximate depth (to invert level) of 8 metres to allow introduction of hydraulic structures within the sewer, installation of an electrical and control kiosk and ventilation column including provision of ducts, including construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, and temporary relocation of existing lamp posts and CCTV camera.

In the London Borough of Newham

#### ABBEY MILLS PUMPING STATION

Work No.26a: Abbey Mills Pumping Station shaft 'G' associated development – works to the existing Abbey Mills Pumping Station shaft 'G' and the connection to Abbey Mills Pumping Station shaft 'F'.

Work No.26b: Abbey Mills Pumping Station associated development – Works to establish a main tunnel reception site for use in constructing, connecting and operating the main tunnel (east) (Work No. 1d), including the following above and below ground works and structures:

- (i) provision of temporary footbridge over Prescott Channel;
- (ii) construction of structures for air management equipment, including filters, ventilation columns and structures, and associated ducts and chambers, above Work No. 26a, and ducts to connect to the existing Lee Tunnel equipment;
- (iii) construction of electrical and control kiosk;

- (iv) construction of pits, chambers, ducts and pipes for cables, hydraulic pipelines, hardstanding areas, utility connections, utility diversions and drainage, including facilities for drainage attenuation;
- (v) provision of areas for storage of construction materials including temporary enclosures and workshops, concrete batching plant, fixed and mobile craneage, provision of power supplies (including substations) and other utilities including temporary buildings and other means of enclosure, office and welfare facilities and installations and equipment for monitoring the construction activity with associated installation of tunnel lining; and
- (vi) provision of fencing or other means of enclosure.

## BECKTON SEWAGE TREATMENT WORKS

Work No.27: Beckton Sewage Treatment Works associated development – modifications to the sewage treatment works to cater for sewage flows from the Thames Tideway Tunnel Project, including:

- (i) construction of works above and below ground to transfer flows from the Tideway Pumping Station to the inlet works of the sewage treatment works;
- (ii) installation of additional equipment at the inlet works; and
- (iii) construction of a siphon tunnel inlet shaft with an internal diameter of [ up to 10.5 metres and which has a depth (to invert level) of up to 24 metres ]<sup>3</sup> (when measured from the top of Work No. 27(iii));
- (iv) construction of a siphon tunnel outlet shaft with an internal diameter of [ up to 7 metres (which extends 3 metres above the proposed ground level) and which has a depth (to invert level) of up to 23 metres ]<sup>3</sup> (when measured from the top of Work No. 27(iv));
- (v) construction of a siphon tunnel with superstructure above the siphon inlet shaft between the siphon tunnel inlet and outlet shafts; and
- (vi) construction of pits, chambers, culverts, ducts and pipes for cables, hydraulic pipelines, utility connections, utility diversions and drainage, including facilities for drainage attenuation.

And in connection with Work Nos. 1 to 27

And in connection with Work Nos. 1 to 27, to the extent that they do not otherwise form part of any such work, the following further works, being associated development within the meaning of section 115(2) of the Act, including:-

- (a) establishment of temporary construction areas at each works site to include, as necessary, site hoardings/means of enclosure, demolition and site clearance (including of existing walls, fences, planters, and other buildings and other above and below ground structures), provision of services, including [ electronic communications ]<sup>4</sup>, water and power supplies (including substations) including means of enclosure, and ground preparation works including land remediation and groundwater de-watering;
- (b) provision of hardstanding areas, welfare/office accommodation, workshops and stores, storage and handling areas, facilities for and equipment for processing of excavated materials, treatment enclosures and other temporary facilities, plant, cranes, machinery, temporary bridges and accesses, and any other temporary works required;
- (c) in connection with Work Nos. 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 19, 23, 24 and 26 the provision of temporary moorings (including dolphins) and other equipment and facilities for temporary use by barges, pontoons and other floating structures and temporary works platforms and apparatus (including as necessary piling for support of such structures) for

- use in construction of those works, and works for the strengthening and protecting of river walls and other flood protection defences;
- (d) temporary removal of coach and car parking bays and creation of temporary replacement coach and car-parking as required and temporary footpath diversions;
- (e) restoration of temporary construction areas, works to restore and make safe temporary work sites and work areas, including (as necessary) removal of hardstanding areas, temporary structures and other temporary works and works to re-establish original ground levels;
- (f) works to trees;
- (g) works to create temporary or permanent landscaping, including drainage and flood compensation, finished ground levels, means of enclosure, and reinstatement / replacement of, or construction of, boundary walls and fences including gates;
- (h) formation of construction vehicle accesses and provision of temporary gated or other site accesses and other works to streets;
- (i) diversions (both temporary and permanent) of existing traffic and pedestrian access routes and subsequent reinstatement of existing routes, and works to create permissive rights of way;
- (j) modifications of existing accesses, railings and pedestrian accesses;
- (k) relocation of existing bus stops and provision of temporary bus lay-bys;
- (l) construction of new temporary and permanent moorings and piers, including access brows, bank seats, gangways and means of access;
- (m) permanent and temporary works for the benefit or protection of land or structures affected by the authorised project (including protective works to buildings and other structures, and works for the monitoring of buildings and structures);
- (n) temporary landing places, moorings or other means of accommodating vessels in the construction and or maintenance of the authorised project;
- (o) provision of buoys, beacons, fenders and other navigational warning or ship impact protection works;
- (p) such other works as may be necessary or expedient for the purposes of or in connection with the construction of the authorised project which do not give rise to any materially new or materially different environmental effects from those assessed as set out in the [environmental statement]<sup>5</sup> ;

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## Notes

- <sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 art.2(4)(a) (March 11, 2020)
- <sup>2</sup> Entry inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 art.2(4)(b) (March 11, 2020)
- <sup>3</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017/659 Sch.1 para.1 (May 17, 2017)
- <sup>4</sup> Words substituted in para.(a) by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(2) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)
- <sup>5</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

## Commencement

Sch. 1(1) para. 1(i)-(p): September 24, 2014



**Extent**

Sch. 1(1) para. 1(i)-(p): England, Wales, Scotland

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**PART 2**  
**ANCILLARY WORKS**

✓ Law In Force

At the Shad Thames Pumping Station—

- (a) modifications to the existing pumps and provision of new internal pipe work; and
- (b) provision of new pumps.

At the Beckton Sewage Treatment Works—

- (a) installation of pumps and associated equipment and power supply within Tideway Pumping Station;
- (b) installation of electrical equipment in existing building;

Generally—

- (a) works within the existing sewers, chambers and culverts and other structures that comprise the existing sewerage network for the purposes of enabling the authorised project, including reconfiguring, modifying, altering, repairing, strengthening or reinstating the existing network;
- (b) works within existing pumping stations including structural alterations to the interior fabric of the pumping station(s), works to reconfigure existing pipework, provision of new pipework, new penstock valves and associated equipment, modification of existing electrical, mechanical and control equipment, and installation or provision of new electrical, mechanical and control equipment;
- (c) installation of electrical, mechanical and control equipment in other buildings and kiosks and modification to existing electrical, mechanical and control equipment in such buildings and kiosks;
- (d) installation of pumps in chambers and buildings;
- (e) works to trees and landscaping works not comprising development;
- (f) works associated with monitoring of buildings and structures;
- (g) provision of construction traffic signage; and
- (h) suspension of existing moorings and the relocation of boats/vessels including works to attach mooring structures and equipment to the boats/vessels.

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**Commencement**

Sch. 1(2) para. 1(a)-(h): September 24, 2014


**Extent**

Sch. 1(2) para. 1(a)-(h): England, Wales, Scotland

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**SCHEDULE 2****PLANS****PART 1****WORKS PLANS**

## Article 2

 Law In Force

**Table 1**

<b>Drawing title</b>	<b>Sheet Number</b>	<b>Drawing Number</b>
Works plan and section - sheet location plan		DCO-WP-000-ZZZZZ-010001 - rev 2
Works plan and section	Sheet 1	DCO-WP-000-ZZZZZ-010002
Works plan and section	Sheet 2	DCO-WP-000-ZZZZZ-010003
Works plan and section	Sheet 3	DCO-WP-000-ZZZZZ-010004
Works plan and section	Sheet 4	DCO-WP-000-ZZZZZ-010005
Works plan and section	Sheet 5	DCO-WP-000-ZZZZZ-010006
Works plan and section	Sheet 6	DCO-WP-000-ZZZZZ-010007
Works plan and section	Sheet 7	DCO-WP-000-ZZZZZ-010008
Works plan	Sheet 8	DCO-WP-000-ZZZZZ-010009
Works plan and section	Sheet 9	DCO-WP-000-ZZZZZ-010010 - rev 1
Works plan and section	Sheet 10	DCO-WP-000-ZZZZZ-010011 - rev 1
Works plan	Sheet 11	DCO-WP-000-ZZZZZ-010012
Works plan and section	Sheet 12	DCO-WP-000-ZZZZZ-010013 – rev 1
Works plan and section	Sheet 13	DCO-WP-000-ZZZZZ-010014
Works plan and section	Sheet 14	DCO-WP-000-ZZZZZ-010015 – rev 1
Works plan and section	Sheet 15	DCO-WP-000-ZZZZZ-010016 - rev 1
Works plan and section	Sheet 16	DCO-WP-000-ZZZZZ-010017 - rev 1
Works plan and section	Sheet 17	DCO-WP-000-ZZZZZ-010018 - rev 1
Works plan and section	Sheet 18	DCO-WP-000-ZZZZZ-010019 - rev 1
Works plan and section	Sheet 19	DCO-WP-000-ZZZZZ-010020
Works plan and section	Sheet 20	DCO-WP-000-ZZZZZ-010021 - rev 2
Works plan and section	Sheet 21	DCO-WP-000-ZZZZZ-010022 - rev 1
Works plan and section	Sheet 22	DCO-WP-000-ZZZZZ-010023 - rev 1
Works plan and section	Sheet 23	DCO-WP-000-ZZZZZ-010024

<b>Drawing title</b>	<b>Sheet Number</b>	<b>Drawing Number</b>
Works plan and section	Sheet 24	DCO-WP-000-ZZZZZ-010025 - rev 1
Works plan and section	Sheet 25	DCO-WP-000-ZZZZZ-010026 - rev 1
Works plan and section	Sheet 26	DCO-WP-000-ZZZZZ-010027 – rev 1
Works plan	Sheet 27	DCO-WP-000-ZZZZZ-010028 – rev 1
Works plan and section	Sheet 28	DCO-WP-000-ZZZZZ-010029 – rev 1
Works plan and section	Sheet 29	DCO-WP-000-ZZZZZ-010030 – rev 1
Works plan and section	Sheet 30	DCO-WP-000-ZZZZZ-010031 – rev 2
Works plan and section	Sheet 31	DCO-WP-000-ZZZZZ-010032 – rev 2
Works plan and section	Sheet 32	DCO-WP-000-ZZZZZ-010033
Works plan and section	Sheet 33	DCO-WP-000-ZZZZZ-010034 – rev 2
Works plan and section	Sheet 34	DCO-WP-000-ZZZZZ-010035 – rev 2
Works plan and section	Sheet 35	DCO-WP-000-ZZZZZ-010036 – rev 2
Works plan and section	Sheet 36	DCO-WP-000-ZZZZZ-010037 - rev 2
Works plan and section	Sheet 37	DCO-WP-000-ZZZZZ-010038 – rev 1
Works plan and section	Sheet 38	DCO-WP-000-ZZZZZ-010039
Works plan and section	Sheet 39	DCO-WP-000-ZZZZZ-010040
Works plan and section	Sheet 40	DCO-WP-000-ZZZZZ-010041
Works plan and section	Sheet 41	DCO-WP-000-ZZZZZ-010042 – rev 1
Works plan and section	Sheet 42	DCO-WP-000-ZZZZZ-010043
Works plan and section	Sheet 43	DCO-WP-000-ZZZZZ-010044
Works plan and section	Sheet 44	DCO-WP-000-ZZZZZ-010045
Works plan and section	Sheet 45	DCO-WP-000-ZZZZZ-010046
Works plan and section	Sheet 46	DCO-WP-000-ZZZZZ-010047
Works plan and section	Sheet 47	DCO-WP-000-ZZZZZ-010048
Works plan and section	Sheet 48	DCO-WP-000-ZZZZZ-010049
Works plan and section	Sheet 49	[ DCO-WP-000-ZZZZZ-010050-rev 1 ] <sup>1</sup>
Works plan	Sheet 50	[ DCO-WP-000-ZZZZZ-010051-rev 1 ] <sup>1</sup>
Works plan and section	Sheet 51	DCO-WP-000-ZZZZZ-010052
Works plan and section	Sheet 52	DCO-WP-000-ZZZZZ-010053
Works plan and section	Sheet 53	DCO-WP-000-ZZZZZ-010054
Works plan and section	Sheet 54	DCO-WP-000-ZZZZZ-010055

Drawing title	Sheet Number	Drawing Number
Works plan and section	Sheet 55	DCO-WP-000-ZZZZZ-010056 – rev 1
Works plan	Sheet 56	[ DCO-WP-000-ZZZZZ- 010057 — rev 2 ] <sup>2</sup>
Works plan	Sheet 57	[ DCO-WP-000-ZZZZZ- 010058 — rev 1 ] <sup>2</sup>
Works plan and section	Sheet 58	[ DCO-WP-000-ZZZZZ- 010059 — rev 2 ] <sup>2</sup>
Works plan and section	Sheet 59	[ DCO-WP-000-ZZZZZ- 010060 — rev 2 ] <sup>2</sup>

### Notes

- <sup>1</sup> Word substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 Sch.1 para.1 (March 11, 2020)
- <sup>2</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017/659 Sch.1 para.1 (May 17, 2017)

### Commencement

Sch. 2(1) para. 1: September 24, 2014

### Extent

Sch. 2(1) para. 1: England, Wales, Scotland

## PART 2

### LAND PLANS

#### Article 2

 Law In Force

**Table 1**

Drawing title	Sheet number	Drawing number
Land plan - Sheet location		DCO-LP-000-ZZZZZ-030001 – rev 2
Land plan	Sheet 1	DCO-LP-000-ZZZZZ-030002 – rev 1
Land plan	Sheet 2	DCO-LP-000-ZZZZZ-030003 – rev 1
Land plan	Sheet 3	DCO-LP-000-ZZZZZ-030004 – rev 2
Land plan	Sheet 4	DCO-LP-000-ZZZZZ-030005 – rev 2
Land plan	Sheet 5	DCO-LP-000-ZZZZZ-030006 – rev 2
Land plan	Sheet 6	DCO-LP-000-ZZZZZ-030007 – rev 2
Land plan	Sheet 7	DCO-LP-000-ZZZZZ-030008 – rev 2
Land plan	Sheet 8	DCO-LP-000-ZZZZZ-030009 – rev 2

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
Land plan	Sheet 10	DCO-LP-000-ZZZZZ-030010 – rev 3
Land plan	Sheet 13	DCO-LP-000-ZZZZZ-030011 – rev 2
Land plan	Sheet 14	DCO-LP-000-ZZZZZ-030012 – rev 3
Land plan	Sheet 15	DCO-LP-000-ZZZZZ-030013 – rev 3
Land plan	Sheet 16	DCO-LP-000-ZZZZZ-030014 – rev 2
Land plan	Sheet 17	DCO-LP-000-ZZZZZ-030015 – rev 3
Land plan	Sheet 19	DCO-LP-000-ZZZZZ-030016 – rev 3
Land plan	Sheet 20	DCO-LP-000-ZZZZZ-030017 – rev 3
Land plan	Sheet 22	DCO-LP-000-ZZZZZ-030018 – rev 3
Land plan	Sheet 23	DCO-LP-000-ZZZZZ-030019 – rev 2
Land plan	Sheet 25	DCO-LP-000-ZZZZZ-030020 – rev 3
Land plan	Sheet 26	DCO-LP-000-ZZZZZ-030021 – rev 3
Land plan	Sheet 29	DCO-LP-000-ZZZZZ-030022 – rev 3
Land plan	Sheet 31	DCO-LP-000-ZZZZZ-030023 – rev 4
Land plan	Sheet 32	DCO-LP-000-ZZZZZ-030024 – rev 2
Land plan	Sheet 33	DCO-LP-000-ZZZZZ-030025 – rev 4
Land plan	Sheet 35	DCO-LP-000-ZZZZZ-030026 – rev 3
Land plan	Sheet 36	DCO-LP-000-ZZZZZ-030027 – rev 5
Land plan	Sheet 37	DCO-LP-000-ZZZZZ-030028 – rev 3
Land plan	Sheet 38	DCO-LP-000-ZZZZZ-030029 – rev 2
Land plan	Sheet 39	DCO-LP-000-ZZZZZ-030030 – rev 2
Land plan	Sheet 40	DCO-LP-000-ZZZZZ-030031 – rev 2
Land plan	Sheet 41	DCO-LP-000-ZZZZZ-030032 – rev 2
Land plan	Sheet 42	DCO-LP-000-ZZZZZ-030033 – rev 1
Land plan	Sheet 43	DCO-LP-000-ZZZZZ-030034 – rev 1
Land plan	Sheet 44	DCO-LP-000-ZZZZZ-030035 – rev 1
Land plan	Sheet 45	DCO-LP-000-ZZZZZ-030036 – rev 1
Land plan	Sheet 46	DCO-LP-000-ZZZZZ-030037 – rev 1
Land plan	Sheet 47	DCO-LP-000-ZZZZZ-030038 – rev 2
Land plan	Sheet 48	DCO-LP-000-ZZZZZ-030039 – rev 2
Land plan	Sheet 49	[ DCO-LP-000-ZZZZZ-030040-rev 4 ] <sup>1</sup>
Land plan	Sheet 51	DCO-LP-000-ZZZZZ-030041 – rev 2
Land plan	Sheet 52	DCO-LP-000-ZZZZZ-030042 – rev 2
Land plan	Sheet 53	DCO-LP-000-ZZZZZ-030043 – rev 2
Land plan	Sheet 54	DCO-LP-000-ZZZZZ-030044 – rev 3
Land plan	Sheet 55	DCO-LP-000-ZZZZZ-030045 – rev 3
Land plan	Sheet 56	DCO-LP-000-ZZZZZ-030046 – rev 3
Land plan	Sheet 57	DCO-LP-000-ZZZZZ-030047 – rev 2
Crown and special category land plan - Sheet location		DCO-LP-000-ZZZZZ-040001 – rev 2
Crown and special category land plan	Sheet 7	DCO-LP-000-ZZZZZ-040002 – rev 2
Crown and special category land plan	Sheet 8	DCO-LP-000-ZZZZZ-040003 – rev 2

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
Crown and special category land plan	Sheet 10	DCO-LP-000-ZZZZZ-040004 – rev 3
Crown and special category land plan	Sheet 13	DCO-LP-000-ZZZZZ-040005 – rev 2
Crown and special category land plan	Sheet 15	DCO-LP-000-ZZZZZ-040006 – rev 3
Crown and special category land plan	Sheet 16	DCO-LP-000-ZZZZZ-040007 – rev 2
Crown and special category land plan	Sheet 17	DCO-LP-000-ZZZZZ-040008 – rev 3
Crown and special category land plan	Sheet 19	DCO-LP-000-ZZZZZ-040009 – rev 3
Crown and special category land plan	Sheet 23	DCO-LP-000-ZZZZZ-040010 – rev 2
Crown and special category land plan	Sheet 25	DCO-LP-000-ZZZZZ-040011 – rev 3
Crown and special category land plan	Sheet 26	DCO-LP-000-ZZZZZ-040012 – rev 3
Crown and special category land plan	Sheet 29	DCO-LP-000-ZZZZZ-040013 – rev 3
Crown and special category land plan	Sheet 31	DCO-LP-000-ZZZZZ-040014 – rev 3
Crown and special category land plan	Sheet 32	DCO-LP-000-ZZZZZ-040015 – rev 2
Crown and special category land plan	Sheet 33	DCO-LP-000-ZZZZZ-040016 – rev 4
Crown and special category land plan	Sheet 35	DCO-LP-000-ZZZZZ-040017 – rev 3
Crown and special category land plan	Sheet 36	DCO-LP-000-ZZZZZ-040018 – rev 4
Crown and special category land plan	Sheet 38	DCO-LP-000-ZZZZZ-040019 – rev 2
Crown and special category land plan	Sheet 39	DCO-LP-000-ZZZZZ-040020 – rev 2
Crown and special category land plan	Sheet 46	DCO-LP-000-ZZZZZ-040021 – rev 1
Crown and special category land plan	Sheet 47	DCO-LP-000-ZZZZZ-040022 – rev 2
Crown and special category land plan	Sheet 49	DCO-LP-000-ZZZZZ-040023 – rev 2
Crown and special category land plan	Sheet 52	DCO-LP-000-ZZZZZ-040024 – rev 2
Crown and special category land plan	Sheet 54	DCO-LP-000-ZZZZZ-040025 – rev 2

#### **Notes**

- <sup>1</sup> Word substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2020/268 Sch.1 para.1 (March 11, 2020)

#### **Commencement**

Sch. 2(2) para. 1: September 24, 2014

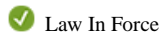
#### **Extent**

Sch. 2(2) para. 1: England, Wales, Scotland

## **PART 3**

### **ACCESS PLANS**

#### **Article 2**

**Table 1**

<b>Drawing title</b>	<b>Drawing number</b>
Acton Storm tanks	
Access plan	DCO-PP-02X-ACTST-050003
<b>Hammersmith Pumping Station</b>	
Access plan	DCO-PP-03X-HAMPS-060003
<b>Barn Elms</b>	
Access plan	DCO-PP-04X-BAREL-070003
<b>Putney Embankment Foreshore</b>	
Access plan	DCO-PP-05X-PUTEF-080003 – rev 1
Access plan – Temporary slipway	DCO-PP-05X-PUTEF-080004
<b>Carnwath Road Riverside</b>	
Access plan	DCO-PP-06X-CARRR-090003
<b>Dormay Street</b>	
Access plan	DCO-PP-08X-DRMST-100003
King George's Park	
Access plan	DCO-PP-09X-KNGGP-110003
Falconbrook Pumping Station	
Access plan	DCO-PP-10X-FALPS-120003
<b>Cremorne Wharf Depot</b>	
Access plan	DCO-PP-11X-CREWD-130003
<b>Chelsea Embankment Foreshore</b>	
Access plan	DCO-PP-12X-CHEEF-140003 – rev 1
Kirtling Street	
Access plan	DCO-PP-13X-KRTST-150003 – rev 1
<b>Heathwall Pumping Station</b>	
Access plan	DCO-PP-14X-HEAPS-160003 – rev 2
<b>Albert Embankment Foreshore</b>	
Access plan	DCO-PP-15X-ALBEF-170005 – rev 3
<b>Victoria Embankment Foreshore</b>	
Access plan	DCO-PP-16X-VCTEF-180005 – rev 2
<b>Blackfriars Bridge Foreshore</b>	
Access plan	DCO-PP-17X-BLABF-190005 – rev 2
<b>Shad Thames Pumping Station</b>	
Access plan	DCO-PP-18X-SHTPS-200003
<b>Chambers Wharf</b>	
Access plan	DCO-PP-19X-CHAWF-210003
<b>Earl Pumping Station</b>	
Access plan	DCO-PP-21X-EARPS-220003
<b>Deptford Church Street</b>	

<b>Drawing title</b>	<b>Drawing number</b>
Access plan	DCO-PP-22X-DEPCS-230003
<b>Greenwich Pumping Station</b>	
Access plan	DCO-PP-23X-GREPS-240003
<b>King Edward Memorial Park Foreshore</b>	
Access plan	DCO-PP-24X-KEMPF-250003 – rev 1
<b>Bekesbourne Street</b>	
Access plan	DCO-PP-25X-BEKST-260002
<b>Abbey Mills Pumping Station</b>	
Access plan	DCO-PP-26X-ABMPS-270004
<b>Beckton Sewage Treatment Works</b>	
Access plan	DCO-PP-27X-BESTW-280002 - rev 1

### Commencement

Sch. 2(3) para. 1: September 24, 2014


### Extent

Sch. 2(3) para. 1: England, Wales, Scotland

## PART 4

### APPROVED PLANS

#### Article 3

 Law In Force

**Table 1**

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
<b>Acton Storm tanks</b>		
Demolition and site clearance	1 of 2	DCO-PP-02X-ACTST-050004
Demolition and site clearance	2 of 2	DCO-PP-02X-ACTST-050005
Site works parameter plan		DCO-PP-02X-ACTST-050006
<b>Hammersmith Pumping Station</b>		
Demolition and site clearance		DCO-PP-03X-HAMPS-060004
Site works parameter plan		DCO-PP-03X-HAMPS-060005
<b>Barn Elms</b>		
Demolition and site clearance	1 of 4	DCO-PP-04X-BAREL-070004
Demolition and site clearance	2 of 4	DCO-PP-04X-BAREL-070005
Demolition and site clearance	3 of 4	DCO-PP-04X-BAREL-070006 – rev 1



<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
Demolition and site clearance	4 of 4	DCO-PP-04X-BAREL-070007 – rev 1
Site works parameter plan		DCO-PP-04X-BAREL-070008
<b>Putney Embankment Foreshore</b>		
Demolition and site clearance	1 of 3	DCO-PP-05X-PUTEF-080005
Demolition and site clearance	2 of 3	DCO-PP-05X-PUTEF-080006
Demolition and site clearance	3 of 3	DCO-PP-05X-PUTEF-080007
Site works parameter plan		DCO-PP-05X-PUTEF-080008 – rev 1
<b>Carnwath Road Riverside</b>		
Demolition and site clearance		DCO-PP-06X-CARRR-090004
Site works parameter plan		DCO-PP-06X-CARRR-090005 – rev 1
<b>Dormay Street</b>		
Demolition and site clearance		DCO-PP-08X-DRMST-100004 – rev 1
Site works parameter plan		DCO-PP-08X-DRMST-100005 – rev 1
<b>King George's Park</b>		
Demolition and site clearance		DCO-PP-09X-KNGGP-110004
Site works parameter plan		DCO-PP-09X-KNGGP-110005 – rev 1
<b>Falconbrook Pumping Station</b>		
Demolition and site clearance	1 of 2	DCO-PP-10X-FALPS-120004
Demolition and site clearance	2 of 2	DCO-PP-10X-FALPS-120005
Site works parameter plan		
<b>Cremorne Wharf Depot</b>		
Demolition and site clearance		DCO-PP-11X-CREWD-130004 – rev 2
Site works parameter plan		DCO-PP-11X-CREWD-130005 – rev 1
Listed structure interface – Lots Road Pumping Station		DCO-PP-11X-CREWD-130012 – rev 1
<b>Chelsea Embankment Foreshore</b>		
Demolition and site clearance	1 of 2	DCO-PP-12X-CHEEF-140004
Demolition and site clearance	2 of 2	DCO-PP-12X-CHEEF-140005
Site works parameter plan		DCO-PP-12X-CHEEF-140006 – rev 2
<b>Kirtling Street</b>		
Demolition and site clearance		DCO-PP-13X-KRTST-150004
Site works parameter plan		DCO-PP-13X-KRTST-150005 – rev 1
<b>Heathwall Pumping Station</b>		
Demolition and site clearance		DCO-PP-14X-HEAPS-160004

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
Site works parameter plan		DCO-PP-14X-HEAPS-160005 – rev 1
<b>Albert Embankment Foreshore</b>		
Demolition and site clearance	1 of 2	DCO-PP-15X-ALBEF-170006
Demolition and site clearance	2 of 2	DCO-PP-15X-ALBEF-170007 – rev 1
Site works parameter plan		DCO-PP-15X-ALBEF-170008 – rev 2
<b>Victoria Embankment Foreshore</b>		
Demolition and site clearance	1 of 2	DCO-PP-16X-VCTEF-180006
Demolition and site clearance	2 of 2	DCO-PP-16X-VCTEF-180007 - rev 2
Site works parameter plan		[ DCO-PP-16X-VCTEF-180008 — rev 4 ] <sup>3</sup>
Proposed landscape plan	2 of 2	DCO-PP-16X-VCTEF-180013 – rev 1
<b>Blackfriars Bridge Foreshore</b>		
Demolition and site clearance	1 of 5	DCO-PP-17X-BLABF-190067 – rev 1
Demolition and site clearance	2 of 5	[ DCO-PP-17X-BLABF-190006 — rev 2 ] <sup>4</sup>
Demolition and site clearance	3 of 5	[ DCO-PP-17X-BLABF-190007 — rev 3 ] <sup>3</sup>
Demolition and site clearance	4 of 5	DCO-PP-17X-BLABF-190008 – rev 1
Demolition and site clearance	5 of 5	DCO-PP-17X-BLABF-190009 – rev 1
Site works parameter plan		[ DCO-PP-17X-BLABF-190010 — rev 3 ] <sup>3</sup>
Extent of loss of listed river wall	1 of 2	[ DCO-PP-17X-BLABF-190022 — rev 2 ] <sup>3</sup>
Extent of loss of listed river wall	2 of 2	[ DCO-PP-17X-BLABF-190023 — rev 1 ] <sup>3</sup>
<b>Shad Thames Pumping Station</b>		
Demolition and site clearance		DCO-PP-18X-SHTPS-200004
Site works parameter plan		DCO-PP-18X-SHTPS-200005
Proposed roof plan		DCO-PP-18X-SHTPS-200007
<b>Chambers Wharf</b>		
Demolition and site clearance		DCO-PP-19X-CHAWF-210004
Site works parameter plan		DCO-PP-19X-CHAWF-210005 – rev 1
Finished site levels		DCO-PP-19X-CHAWF-210008
<b>Earl Pumping Station</b>		
Demolition and site clearance		DCO-PP-21X-EARPS-220004
Site works parameter plan		DCO-PP-21X-EARPS-220005
<b>Deptford Church Street</b>		

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
Demolition and site clearance		DCO-PP-22X-DEPCS-230004
Site works parameter plan		DCO-PP-22X-DEPCS-230005 – rev 1
<b>Greenwich Pumping Station</b>		
Demolition and site clearance	1 of 3	DCO-PP-23X-GREPS-240004 – rev 1
Demolition and site clearance	2 of 3	DCO-PP-23X-GREPS-240005
Demolition and site clearance	3 of 3	DCO-PP-23X-GREPS-240006
Site works parameter plan		DCO-PP-23X-GREPS-240007
<b>King Edward Memorial Park Foreshore</b>		
Demolition and site clearance		DCO-PP-24X-KEMPF-250004
Site works parameter plan		DCO-PP-24X-KEMPF-250005 – rev 1
<b>Bekesbourne Street</b>		
Demolition and site clearance		DCO-PP-25X-BEKST-260003
Site works parameter plan		DCO-PP-25X-BEKST-260004 – rev 1
<b>Abbey Mills Pumping Station</b>		
Site works parameter plan		DCO-PP-26X-ABMPS-270005 – rev 1
<b>Beckton Sewage Treatment Works</b>		
Site works parameter plan		[ DCO-PP-27X-BESTW- 280003 — rev 2 ] <sup>5</sup>

Drawings where only part of the drawing is for approval—

**Table 2**

<b>Drawing title</b>	<b>Sheet number</b>	<b>Drawing number</b>
<b>Putney Embankment Foreshore</b>		
As existing listed structure interface – kiosk		DCO-PP-05X-PUTEF-080024
Drawing is for information save for the maximum extent of loss of listed structures which is for approval		
Proposed listed structure interface – interception chamber		DCO-PP-05X-PUTEF-080027 – rev 1
Drawing is indicative save for the maximum extent of loss of listed structures which is for approval		
<b>Victoria Embankment Foreshore</b>		
As existing and proposed detailed river elevation – impact on listed structure		DCO-PP-16X-VCTEF-180016 – rev 2
Drawing is illustrative save for the maximum extent of loss of listed structures which is for approval		
Proposed mooring access details		DCO-PP-16X-VCTEF-180027 – rev 1

Drawing title	Sheet number	Drawing number
Drawing is illustrative save for the detail of spanning the listed wall which is for approval		
As existing and proposed detailed river elevation – impact on listed structure Drawing is illustrative save for maximum extent of loss of listed structures which is for approval		DCO-PP-16X-VCTEF-180047 – rev 1
<b>Blackfriars Bridge Foreshore</b>		
As existing listed structure interface – bridge stairs (west) Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-17X-BLABF-190041
As existing listed structure interface – bridge stairs (east) Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-17X-BLABF-190043
Permanent President mooring access plan and elevation Drawing is illustrative save for the detail of spanning the listed wall which is for approval		DCO-PP-17X-BLABF-190045 – rev 1
<b>Greenwich Pumping Station</b>		
Existing floor plan with extent of loss Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-23X-GREPS-240011
As existing beam engine house north elevation Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-23X-GREPS-240018 – rev 1
As existing beam engine house south elevation with extent of loss Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-23X-GREPS-240020 – rev 1
Beam engine house existing east elevation Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-23X-GREPS-240022 – rev 1
Listed building internal elevations with extent of loss Drawing is for information save for the maximum extent of loss of listed structures which is for approval		DCO-PP-23X-GREPS-240024 – rev 1

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**Notes**

- <sup>3</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) (No. 2) Order 2020/862 Sch.1 para.1 (August 14, 2020)
- <sup>4</sup> Word substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) (No. 2) Order 2020/862 Sch.1 para.1 (August 14, 2020)
- <sup>5</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) Order 2017/659 Sch.1 para.1 (May 17, 2017)

**Commencement**

Sch. 2(4) para. 1: September 24, 2014

**Extent**


Sch. 2(4) para. 1: England, Wales, Scotland

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## SCHEDULE 3

### REQUIREMENTS

**Article 3**

 Law In Force

**1.— Interpretation**

- (1) Where under any of the requirements the approval or agreement of the discharging authority or another person is required, that approval or agreement must be given in writing.
- (2) Where any requirement provides that the authorised project is to be carried out in accordance with a document or the details approved by the discharging authority, the document or approved details shall be taken to include any amendments or revised documents or plans that may subsequently be approved or agreed by the discharging authority, or other consent, agreement or approval of the discharging authority.
- (3) Where an approval is required under the terms of any requirement or a document referred to in a requirement, or any requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the discharging authority or requires the applicant to demonstrate the existence of exceptional circumstances such approval shall not be given or exceptional circumstances agreed except in relation to minor or immaterial changes where it has been demonstrated to the satisfaction of the discharging authority that the subject-matter of the approval sought or the undertaker's proposed response to exceptional circumstances is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the [environmental statement]<sup>1</sup>. This is not to be used to avoid or circumvent submission, discharge or consideration of matters properly to be dealt with through and in accordance with Schedule 17.
- (4) Subject to (2) where any requirement refers to a document or plan, that document or plan shall be taken to be the version certified by the Secretary of State pursuant to the provisions of this Order.

(5) Where site specific requirements specify ‘commencement of development’ they refer to the commencement of development on that site only.

(6) Where site specific requirements refer to ‘landscaping’ they refer to the zone within which required landscaping would be located, identified on the site works parameter plans. Elsewhere, land restoration will be undertaken in accordance with Article 35(4) of this Order.

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#### Notes

<sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 1(1)-(6): September 24, 2014

#### Extent

Sch. 3 para. 1(1)-(6): England, Wales, Scotland

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 Law In Force

## 2. Project-wide requirements

The table below sets out the requirements for the Project as a whole —

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Interpretation/definitions	PW1	<p>In this Schedule—</p> <p>“Air Management Plan” means the document with reference number 7.14;</p> <p>“Approved plans” means those drawings listed at part 4 of Schedule 2 to this Order;</p> <p>“CoCP Part A” means the Code of Construction Practice Part A— General Requirements (document reference number APP205.01) as varied by the CoCP Part B for each site;</p> <p>“CoCP Part B” means the Code of Construction Practice Part B— Site Specific Requirements (document reference numbers APP178.03-49) as varied by requirement KEMPF18 of this Order;</p> <p>“Design Principles” means the document with reference number APP206.01;</p> <p>“Draft Project Framework Travel Plan” means the document with reference number 7.11;</p> <p>“Heritage Statement” means the document with reference number 5.3;</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>“OAWSI” means the Overarching Archaeological Written Scheme of Investigation (document reference number APP195);</p> <p>“SSAWSI” means a site-specific archaeological written scheme of investigation;</p> <p>“relevant stakeholder” means any of the following organisations which may be relevant in the opinion of the relevant planning authority depending on the nature of any proposed amendment to the Code of Construction Practice to be considered for approval by the relevant planning authority— the Environment Agency, the local highway authority, Transport for London, the Port of London Authority, the Marine Management Organisation or the Historic Buildings and Monuments Commission for England;</p> <p>“TfL” means Transport for London;</p> <p>“HBMCE” means the Historic Buildings and Monuments Commission for England.</p>
Time limits	PW2	The authorised development must be commenced within five years of the date of this Order.
Phasing of the authorised development – Project wide	PW3	<p>(1) The proposed construction phasing of the authorised project setting out the sequence of works numbered 1a, 1b, 1c, 1d, 7 and 20 shall be sent to the relevant planning authorities for information, no later than two months before the commencement of development.</p> <p>(2) The authorised development shall be carried out in accordance with the details provided further to (1).</p>
Phasing of the authorised development – Site specific	PW4	<p>(1) Development of each of the works numbered 2 to 19 and 21 to 27 shall not commence unless the proposed phasing of the authorised project on the site is submitted to the relevant planning authority for information at least two months in advance.</p> <p>(2) These details shall include, for each part of the authorised project, the location and period of those works, including construction, landscaping, removal of temporary construction</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Drive strategy	PW5	<p>areas and works, and commissioning, and the details of the body responsible for carrying out those works.</p> <p>(3) Any revisions to the construction phasing shall be submitted to the relevant planning authority for information at least two months in advance.</p> <p>(4) The authorised development shall be carried out in accordance with the details provided further to paragraphs (1) to (3).</p> <p>The tunnelling works that form part of the authorised development shall be driven in the directions set out below—</p> <p>Work No. 1a. From. Carnwath Road Riverside. To. Acton Storm Tanks.</p> <p>Work No. 1b. From. Kirtling Street. To. Carnwath Road Riverside.</p> <p>Work No. 1c. From. Kirtling Street. To. Chambers Wharf.</p> <p>Work No. 1d. From. Chambers Wharf. To. Abbey Mills Pumping Station.</p> <p>Work No. 7. From. Dormay Street. To. King George's Park.</p> <p>Work No. 7. From. Dormay Street. To. Carnwath Road Riverside.</p> <p>Work No. 20. From. Greenwich Pumping Station. To. Chambers Wharf.</p>
CoCP Part A	PW6	<p>Until completion of construction the authorised development described in Schedule 1 (<i>authorised project</i>) shall be carried out in accordance with the CoCP Part A subject to the provisions of paragraph 11 of Part 3 of Schedule 16 to this Order and any site-specific variations made through the approval of a revised CoCP Part B, unless otherwise agreed by the relevant planning authority, in consultation with other relevant stakeholders. This requirement is subject to requirement KEMPF18.</p>
Air Management Plan	PW7	<p>(1) The authorised development shall be operated and maintained in</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Monitoring of and protective works to listed buildings and structures (including from settlement)	PW8	<p>accordance with the Air Management Plan (document reference 7.14).</p> <p>(2) Any alterations to the Air Management Plan shall be submitted to, and approved by, the Mayor of London in consultation with the relevant affected local authority.</p> <p>(3) The authorised development shall not be brought into use until details of odour management and monitoring for each site are submitted to the relevant planning authority for information.</p> <p>(1) Where monitoring of effects on any listed building or structure is proposed, instrumentation and monitoring equipment shall be temporarily attached in accordance with the principles set out in Section 3.7 of the Heritage Statement, and in consultation with the landowner, unless otherwise approved by the relevant planning authority in consultation with the HBMCE before the equipment is attached.</p> <p>(2) Any intrusive protective works or mitigation which might affect the heritage significance of any listed buildings or structures, either during construction or to mitigate the effects of construction, shall not be carried out until details of those works are submitted for approval by the relevant planning authority in consultation with the HBMCE.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed by the relevant planning authority in consultation with the HBMCE.</p>
Built heritage recording	PW9	<p>(1) The built heritage assets set out in Appendix C of the OAWSI shall not be demolished or removed until a SSAWSI (which shall accord with the OAWSI) setting out how the asset shall be recorded is submitted for approval by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The works to record the built heritage asset shall be carried out in accordance with the approved details, unless otherwise agreed by the relevant</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Signage for temporary footpath diversions	PW10	<p>planning authority in consultation with the HBMCE.</p> <p>(1) Any temporary diversion of a Public Right of Way shall not be implemented until a scheme for temporary signage at points of changes in direction is submitted for approval by the local planning authority in consultation with the relevant highway authority. Any approved temporary diversions must be publicised in order to give adequate notice to pedestrians and cyclists.</p> <p>(2) The signs shall be erected and maintained in accordance with the approved details throughout the construction period, unless otherwise agreed by the relevant planning authority in consultation with the relevant highway authority.</p>
Interpretation strategy	PW11	<p>(1) A project-wide heritage interpretation strategy shall be developed in consultation with the HBMCE within 12 months of the start of construction, in accordance with the OAWSI and design principle HRTG.07.</p> <p>(2) The strategy shall be implemented at site level through the landscaping details to be submitted for approval by the relevant planning authorities, or pursuant to a site specific heritage interpretation requirement.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authorities in consultation with the HBMCE.</p>
Excavated material and waste	PW12	<p>(1) Excavated material and waste arising during construction of the authorised development shall be managed in accordance with the Excavated Material and Waste Commitments (document reference APP142).</p> <p>(2) Any alterations to the Excavated Material and Waste Commitments shall be submitted for approval by the Mayor of London in consultation with Natural England, and shall be within the terms of the Habitats Regulations Assessment No Significant Effects Report</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Groundwater and dewatering monitoring and management	PW13	[ (document reference 6.3) ] <sup>1</sup> and the [ environmental statement ] <sup>2</sup> . Groundwater and dewatering monitoring and management shall be carried out in accordance with the Groundwater Environmental Management – Dewatering and Monitoring Strategy (document reference APP141). Any alterations to the strategy shall be submitted to, and agreed by, the Environment Agency.
Operational noise	PW14	(1) Use of the authorised development shall not commence until a noise report is submitted to and approved by the relevant planning authority for each site. This report shall be based on the methodology as defined in British Standard 4142—1997 and demonstrate that the rating noise level for permanent fixed plant / machinery at the nearest residential receptor is 10dB (A) below the typical background noise level for the quietest periods of time over which the plant / machinery will operate. (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.
River Transport Strategy	PW15	The authorised development shall be carried out in accordance with Section 4 and Schedules 1 to 7 of the River Transport Strategy (document reference APP207.02), or such updated version of the River Transport Strategy which is the result of any approval given or other decision taken further to the terms of the River Transport Strategy. Notwithstanding this, for the purposes of paragraphs 4.1.1(c), 4.1.1(d) and 4.1.1(e) of the River Transport Strategy, Chambers Wharf shall also be considered and treated as a foreshore site.
Completion of construction	PW16	The undertaker shall within 10 business days of completion of construction serve notice in writing of the date of completion of construction upon all the relevant planning authorities, and the Mayor of London, HBMCE, Natural England, Environment Agency, Transport for London, Marine

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Noise and vibration trigger values	PW17	<p>Management Organisation, Port of London Authority, Metropolitan Police, City of London Police, and the London Fire and Civil Defence Authority.</p> <p><i>1 Noise and vibration trigger values</i></p> <p>1.1 This requirement sets out the noise and vibration trigger values for the provision of off-site noise mitigation under the Non-statutory off-site mitigation and compensation policy (Application document number—APP210.01). References in this document to trigger values are to be construed as references to the trigger values in this requirement.</p> <p><i>2 Residential property (airborne noise)</i></p> <p>2.1 Subject to paragraphs 2.2 and 2.3 the airborne noise trigger values for noise insulation and temporary rehousing for residential property are as set out in Table 1. All construction noise levels will be predicted or measured at a distance of 1m from any affected eligible façade, which must have windows to bedrooms or living habitable rooms. In this requirement “habitable room” has the same meaning as in the Building Regulations 2000 Approved Document F (2010 edition).</p> <p>2.2 The trigger values shown in Table 1 do not apply where the ambient noise level is greater than the noise insulation trigger value. In such cases, where the ambient noise level (in the absence of construction noise) exceeds the relevant noise insulation trigger value shown above, then—</p> <p>2.2.1 the ambient noise level shall be used as the construction noise level required to trigger insulation; and</p> <p>2.2.2 the ambient noise level +10dB shall be used as the temporary rehousing trigger value.</p> <p>2.3 The trigger values shown in Table 1 apply if—</p> <p>2.3.1 the predicted or measured noise level exceeds the noise trigger value for noise insulation or temporary rehousing at the property for at least</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>ten days out of any period of 15 consecutive days; or</p> <p>2.3.2 the predicted or measured noise level exceeds the noise trigger value for noise insulation or temporary rehousing at the property for 40 days in any six-month period; or</p> <p>2.3.3 where a significant effect is identified using the assessment methodology defined in the [ environmental statement ]<sup>2</sup> and forecast noise level exceeds assessment category C defined in the [ environmental statement ]<sup>2</sup> even if the duration trigger values in paragraphs 2.3.1 and 2.3.2 are not exceeded; and</p> <p>(a) noise insulation does not already exist that is of an equivalent standard to that which would be allowed for under the Noise Insulation (Railways and other Guided Systems) Regulations 1996 (the ‘1996 Regulations’); or</p> <p>(b) grants for noise insulation works in accordance with the Land Compensation Act 1973 have not already been paid.</p> <p><i>3 Residential property (ground borne noise and vibration)</i></p> <p>3.1 The following ground borne noise and vibration trigger values apply for off-site mitigation—</p> <p>3.1.1 ground borne noise measured near, but not at, the centre of any room in a property— 45 dB LASmax.</p> <p>3.1.2 ground borne vibration measured at the centre of any floor in a property—</p> <p>(a) daytime (7am to 11pm)— a vibration dose value (VDVb) of 0.8m/s<sup>1.75</sup>; and</p> <p>(b) night-time (11pm to 7am)— a vibration dose value (VDVb) of 0.4m/s<sup>1.75</sup>.</p> <p>3.2 Temporary respite accommodation will be triggered if the predicted or measured vibration exceeds the trigger levels in the property for more than one day.</p> <p>3.3 At any residential property where noise insulation cannot reasonably be</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>installed the trigger value for temporary rehousing shall be the same as the trigger value for noise insulation as set out in Table 1.</p> <p><i>4 Special cases— Residential</i></p> <p>4.1 Night shift worker— the night-time trigger values in paragraphs 4.2.1 and 4.2.2 shall apply during the day and evening.</p> <p>4.2 Vulnerable persons (as defined in the Non-statutory off-site mitigation and compensation policy (application document number— APP210.01))—</p> <p>4.2.1 for airborne and ground borne noise the trigger levels at 2 and 3.1.1 minus 10 dB shall apply;</p> <p>4.2.2 for ground borne vibration the trigger values at paragraph 3.1.2 divided by 2 shall apply.</p> <p><i>5 Special cases - houseboats</i></p> <p>5.1 Development shall not commence at Putney Embankment Foreshore, Kirtling Street, Heathwall Pumping Station or Chambers Wharf until trigger values for noise insulation and temporary rehousing in relation to noise and vibration impacts on houseboats in the vicinity of those work sites have been submitted to and approved by the relevant planning authority.</p> <p>5.2 Trigger values for temporary rehousing where noise insulation in relation to houseboats cannot reasonably be installed shall be the same as the trigger values for noise insulation agreed under paragraph 5.1.</p> <p>5.3 Thereafter the approved values shall be applied as the trigger values for houseboats as a special case.</p> <p><i>6 Special cases— community facilities</i></p> <p>6.1 Airborne noise trigger levels are set 5 dB above the prevailing ambient noise level (indoors or outdoors) or the guidelines / limits set in the following whichever is the higher—</p> <p>(a) BS8233 (1999) Sound Insulation and Noise Reduction for Buildings. Code of Practice. British Standards Institution;</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Notice of maintenance works	PW18	<p>(b) Education Funding Agency (2012). Acoustics Performance Standards for the Priority Schools Building Programme. Department for Education. The Stationery Office Limited;</p> <p>(c) Department for Health (2011). Acoustics— Technical Design Manual 4032—0.3. The Stationery Office Limited; and</p> <p>(d) British Council for Offices (2009). Guide to Specification.</p> <p>The undertaker shall give notice to the relevant planning authority not less than 28 days in advance of carrying out ten yearly maintenance operations for any works at any of the sites in the area of the relevant planning authority. Such notice will provide a description of the works to be undertaken, the location and extent of the works, estimated duration and means of access to the site and necessary arrangements for maintenance/provision of associated services to be provided to the sites.</p>
Baseline monitoring	PW19	<p>Development at any work site shall not commence until ambient noise monitoring has been carried out at sensitive receptors in the vicinity of that work site and the following conditions have been met—</p> <p>(a) locations for ambient baseline noise monitoring have been submitted to and approved by the relevant planning authority.</p> <p>(b) a method statement for noise monitoring, to include the duration of monitoring, has been submitted to and approved by the relevant planning authority.</p> <p>(c) noise monitoring has been carried out at the approved locations in accordance with the approved method statement.</p> <p>(d) the results of the noise monitoring have been submitted to the relevant planning authority.</p>

**Table 1 as referred to in PW17**

Day	Time	Averaging period, T	Noise insulation <sup>3</sup> trigger value $dB_{L_{Aeq,T}}$	Temporary rehousing trigger value $dB_{L_{Aeq,T}}$
Mondays to Fridays	7am to 8am	1 hour	70	80
	8am to 6pm	10 hours	75	85
	6pm to 7pm	1 hour	70	80
	7am to 10pm	1 hour	65	75
	7am to 8am	1 hour	70	80
Saturdays	8am to 1pm	5 hours	75	85
	1pm to 2pm	1 hour	70	80
	2pm to 10pm	1 hour	65	75
Sundays and Public Holidays	7am to 10pm	1 hour	65	75
Night-timeAny day Any day	10pm to 7am	1 hour	55	65

**Site specific requirements****Notes**

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>2</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>3</sup> Or equivalent off site mitigation

**Commencement**

Sch. 3 para. 2: September 24, 2014

**Extent**

Sch. 3 para. 2: England, Wales, Scotland

 Law In Force

**3. Acton Storm Tanks**

The table below sets out the specific requirements for the Acton Storm Tanks site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	ACTST1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	ACTST2	(1) Construction of any permanent above-ground structure shall not



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Contaminated land	ACTST3	<p>commence until details of the design (including size, external appearance and samples of materials) of these structures, which shall accord with the appropriate design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment) until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	ACTST4	<p>development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Landscaping works	ACTST5	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the indicative Landscape plan (Drawing Nos. DCO-PP-02X-ACTST-050010 and DCO-PP-02X-ACTST-050011) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Construction traffic management plan	ACTST6	<p>h. a programme for implementation of all landscaping works</p> <p>i. details of fencing/enclosures</p> <p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) Work No. 2a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	ACTST7	<p>(1) Work No. 2a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Highway works	ACTST8	<p>Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 2a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>Junction changes</p> <p>(1) Works to the Canham Road / Stanley Gardens junction shall not commence until details of those works are submitted to and approved by the local highway authority.</p> <p>Road strengthening</p> <p>(2) Road strengthening works to Canham Road shall not commence until details of those works are submitted to and approved by the local highway authority.</p> <p>Footpath widening</p> <p>(3) Works to widen the public footpath along the Canham Road frontage shall not commence until details of those works are submitted to and approved by the local highway authority.</p> <p>(4) The works shall be completed within 3 months of commencement of construction.</p> <p>(5) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Specification of accesses (construction and operational)	ACTST9	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed by the highway authority.</p>
Surface water drainage	ACTST10	<p>(1) Construction of permanent above-ground structures or landscaping</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and details of how the scheme shall be maintained and managed following completion) in accordance with the appropriate design principles are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	ACTST11	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

### Notes

- <sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 3: September 24, 2014

### Extent

Sch. 3 para. 3: England, Wales, Scotland

✓ Law In Force

#### 4. Hammersmith Pumping Station

The table below sets out the specific requirements for the Hammersmith Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	HAMPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Contaminated land	HAMPS2	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>b. a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	HAMPS3	<p>development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	HAMPS4	<p>(1) Work No. 3a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	HAMPS5	<p>(1) Work No. 3a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 3a and 3b and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	HAMPS6	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	HAMPS7	<p>approved details, unless otherwise agreed by the highway authority.</p> <p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Detailed design approval for permanent above-ground structures	HAMPS8	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the appropriate design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Heritage interpretation	HAMPS9	<p>(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

**Notes**


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**

Sch. 3 para. 4: September 24, 2014

**Extent**

Sch. 3 para. 4: England, Wales, Scotland

 Law In Force

**5. Barn Elms**

The table below sets out the specific requirements for the Barn Elms site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	BAREL1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	BAREL2	(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearance and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Kiosk and ventilation column design intent plan (Drawing No. DCO-PP-04X-BAREL-070017), are submitted to and approved by the relevant planning authority.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.
Contaminated land	BAREL3	Site-specific remediation strategy  (1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring

Title	Ref	Text
[		<p>equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>[...]<sup>2</sup> a detailed quantitative risk assessment</p> <p>[...]<sup>2</sup> an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>[...]<sup>2</sup> a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>[...]<sup>2</sup> a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	BAREL4	<p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Landscaping works	BAREL5	<p>approved details by a suitably qualified person or body.</p> <p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping, which shall accord with the indicative Proposed landscape plan (Drawing No. DCO-PP-04X-BAREL-070013) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Construction traffic management plan	BAREL6	<p>(1) Work No. 4a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	BAREL7	<p>(1) Work No. 4a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of development of Work Nos. 4a and 4b and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	BAREL8	<p>(1) Authorised development consisting of construction in or alteration of Rocks Lane or the construction or alteration of any highway structures</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	BAREL9	<p>which form part of Rocks Lane shall not commence until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The information required in paragraph 1 above shall include details of any permanent works for a new or altered surface and foul water drainage system for Rocks Lane and any permanent works for a new or modified highway lighting scheme for Rocks Lane.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed by the highway authority.</p> <p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Re-provision of changing rooms	BAREL10	<p>(1) Construction of the permanent replacement changing room shall not commence until details (including its location), which shall accord with the appropriate design principles, are submitted to and approved by the relevant planning authority.</p> <p>(2) The existing changing room facility shall not be demolished until the replacement changing room is complete and available for use, or a</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Relocation of track and field facilities	BAREL11	<p>temporary replacement facility is installed and available for use. Any temporary replacement changing room facility shall not be installed until details are submitted to and approved by the relevant planning authority.</p> <p>(3) If any temporary replacement facility is installed, then a permanent replacement changing room shall subsequently be provided prior to the completion of the works at the site.</p> <p>Construction of the access road (Work No. 4c (ii)) shall not commence until details of the relocated track and field facilities are submitted to and approved by the relevant planning authority. The authorised development shall be carried out in accordance with the approved details.</p>
Construction and operational access road	BAREL12	<p>(1) Construction of the proposed construction access road (Work No. 4c (ii)) shall not commence until details of the design of the construction access road including its alignment, vehicle passing points and hoarding arrangements, are submitted to and approved by the relevant planning authority in consultation with the landowner (the London Borough of Wandsworth).</p> <p>(2) Construction of the proposed permanent access road shall not commence until details of the design of the permanent access road, including its alignment and surface materials, are submitted to and approved by the relevant planning authority in consultation with the landowner (the London Borough of Wandsworth).</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Commissioning works	BAREL13	<p>(1) On or before the completion of the landscaping works approved further to requirement BAREL5 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p>

<b>Title</b>	<b>Ref</b>	<b>Text</b>
		<p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site available for sports use in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be available for sports use).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

#### **Notes**

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>2</sup> Words revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### **Commencement**

Sch. 3 para. 5: September 24, 2014

#### **Extent**

Sch. 3 para. 5: England, Wales, Scotland

✓ Law In Force

## 6. Putney Embankment Foreshore

The table below sets out the specific requirements for the Putney Embankment Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	PUTEF1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	PUTEF2	<p>(1) Construction of any permanent above-ground structure, including the top of the interception chamber where it is above the level of the foreshore, shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Foreshore kiosk design intent plan (Drawing No. DCO-PP-05X-PUTEF-080026), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Location of permanent works	PUTEF3	<p>(1) The permanent foreshore structure and river wall shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the amended alignment, which shall accord with the design principles for this site, shall be submitted to and approved by the relevant planning authority in consultation with the HBMCE, Port of London Authority and the Environment Agency and thereafter be carried out in accordance with the approved details.</p>
Detailed design approval for river wall and foreshore structure	PUTEF4	<p>(1) Construction of the Putney Embankment river wall and foreshore structure shall not commence until details of the design (including external appearance and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Typical river wall design intent plan (Drawing No. DCO-PP-05X-PUTEF-080028), are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements..</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Details of works to listed buildings and structures	PUTEF5	<p>consultation with the HBMCE and the Environment Agency.</p> <p>(1) Works to the Grade II listed iron bollards on Putney Embankment, the Grade II listed Putney Bridge or the adjacent retaining wall shall not commence until details of the following works, including the extent of historic fabric to be removed, which shall accord with the appropriate design principles, the Location plan, the Demolition and site clearance plans, the indicative Landscape plan sheet 1 of 2 (Drawing No. DCO-PP-05X-PUTEF-080013 – rev 1) and the indicative Proposed listed structure interface – kiosk plan (Drawing No. DCO-PP-05X-PUTEF-080025), are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>works to establish the temporary works platform against the listed Putney Bridge abutment</p> <p>works to accommodate and build the electrical and control kiosk against the listed wing wall on Waterman's Green</p> <p>works to establish and connect the ventilation column on Putney Bridge</p> <p>works to intercept the CSO on the southern abutment of Putney Bridge, including details of the design and materials</p> <p>works to remove and store the listed bollards and granite setts from the Putney public slipway.</p> <p>(2) The listed bollards shall be reinstated in the location shown on the indicative Proposed landscape plan (Drawing Nos. DCO-PP-05X-PUTEF-080013 – rev 1 and DCO-PP-05X-PUTEF-080014) or a location agreed by the relevant planning authority in consultation with the HBMCE.</p> <p>(3) The works to attach the temporary works platform to the listed southern abutment of Putney Bridge, which shall accord with the indicative Proposed listed structure interface – interception chamber plan (Drawing No. DCO-PP-05X-PUTEF-080027 – rev 1), shall not cut into the stonework facings or use any direct fixings to the abutment.</p> <p>(4) Materials of heritage significance in e above shall be re-used in accordance with the principles set out in Section 3.6 of the Heritage Statement.</p> <p>(5) The details required in paragraph (1) above shall include the following—</p> <p>detailed drawings of a scale between 1:5 and 1:50 showing all works and fixings to Putney Bridge, the adjacent listed retaining wall and works to the listed iron bollards</p> <p>detailed elevations of a scale between 1:50 and 1:100 showing the proposed works and materials</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>construction method statement, including engineer's drawings</p> <p>samples of materials.</p> <p>(6) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Protective works to listed buildings and structures	PUTEF6	<p>(1) Works to listed buildings and structures shall not commence until details of the works to protect the listed fabric during construction are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Restoration works to listed buildings	PUTEF7	<p>(1) Works to the Grade II listed iron bollards on Putney Embankment, the Grade II listed Putney Bridge or the adjacent retaining wall shall not commence until details of works to restore the listed fabric including materials are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The details required in paragraph (1) above shall include details of the works to remove the temporary works platform and restore the fabric of the adjacent retaining wall.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Temporary slipway construction	PUTEF8	<p>Construction of the temporary slipway shall not commence until details of the design, which shall accord with the appropriate design principles and the indicative Temporary slipway layout plan (Drawing No. DCO-PP-05X-PUTEF-080012) are submitted for approval by the relevant planning authority, in consultation with the Port of London Authority.</p>
Temporary works platform	PUTEF9	<p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment of the temporary works platform be less than the maximum extent shown on the Site works parameter plan, construction of the platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with the Environment Agency.</p>
Contaminated land	PUTEF10	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	PUTEF11	<p>details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p>
Landscaping works	PUTEF12	<p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p> <p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the indicative Proposed landscape plan (Drawing Nos. DCO-PP-05X-PUTEF-080013 – rev 1 and DCO-PP-05X-PUTEF-080014) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>h. a programme for implementation of all landscaping works</p> <p>i. details of fencing/enclosures</p> <p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Construction traffic management plan	PUTEF13	<p>(1) Work No. 5a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	PUTEF14	<p>(1) Work No. 5a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of development of Work Nos. 5a and 5b and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	PUTEF15	<p>Junction changes</p> <p>(1) Works to Embankment/Lower Richmond Road as set out in Work No. 5c shall not be carried out until details of the construction of the new permanent access off Embankment and any construction or alteration of</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>any highway structure which forms part of Embankment are submitted to and approved by the local highway authority.</p> <p>(2) The details required in paragraph 1 above shall include details of any permanent works for a new or altered surface and foul water drainage system for Embankment/Lower Richmond Road and any permanent works for a new or modified highway lighting scheme for Embankment/Lower Richmond Road required as part of Work No.5c.</p> <p>Embankment one-way system</p> <p>(3) Authorised development consisting of the temporary removal of any length of the existing one-way system on Embankment shall not commence until details of the temporary removal are submitted to and approved by the local highway authority.</p> <p>(4) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Specification of accesses (construction and operational)	PUTEF16	<p>(1) No temporary or permanent alterations shall be made to any existing access or any new access provided until details of the siting, design and layout, which shall accord with the design principles for this site, are submitted to and approved by the relevant local highway authority. This shall include details of any proposed diversions for pedestrians and or cyclists and all diversion and wayfinding signage. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed by the relevant local highway authority.</p>
Surface water drainage	PUTEF17	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	PUTEF18	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for signature ventilation columns	PUTEF19	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the Ventilation column type A (Drawing No. DCO-PP-900-ZZZZZ-290001 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Commissioning works	PUTEF20	<p>(1) On or before the completion of the landscaping works approved further to requirement PUTEF12 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <ul style="list-style-type: none"> <li>a. remove all hoarding or other temporary enclosure from the site; and</li> <li>b. make the site publically accessible in accordance with the approved landscape scheme.</li> </ul> <p>(3) The undertaker shall provide a ‘commissioning notice’ to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <ul style="list-style-type: none"> <li>a. a programme for the commissioning works; and</li> <li>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</li> </ul> <p>(4) The undertaker shall provide a ‘commissioning confirmation notice’ 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

## Notes

<sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**

Sch. 3 para. 6: September 24, 2014

**Extent**

Sch. 3 para. 6: England, Wales, Scotland

✔ Law In Force

**7. Carnwath Road Riverside**

The table below sets out the specific requirements for the Carnwath Road Riverside site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for permanent above-ground structures	CARRR1	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearance and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Ventilation column and building design intent plans (Drawing Nos. DCO-PP-06X-CARRR-090012 – Rev 1 and DCO-PP-06X-CARRR-090013 – Rev 1), are submitted to and approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Mayor of London.</p>
CoCP Part B	CARRR2	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Contaminated land	CARRR3	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed,</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p>
		<p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	CARRR4	<p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Landscaping works	CARRR5	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>with the indicative Landscape plan (Drawing No. DCO-PP-06X-CARRR-090008 - Rev 2) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Construction traffic management plan	CARRR6	<p>(1) Work No. 6a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	CARRR7	<p>(1) Work No. 6a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 6a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	CARRR8	<p>(1) Authorised development consisting of construction in or alteration of Carnwath Road/Wandsworth Bridge Road or the construction or alteration of any highway structures which form part of Carnwath Road/Wandsworth Bridge Road shall not commence until details of the design are submitted to</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>and approved by the local highway authority.</p> <p>(2) The details required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Carnwath Road / Wandsworth Bridge Road and any permanent works for a new or modified highway lighting scheme for Carnwath Road / Wandsworth Bridge Road.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless approved by the local highway authority.</p>
Specification of accesses (construction and operational)	CARRR9	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority in consultation with the Mayor of London. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed by the highway authority in consultation with the Mayor of London.</p>
Surface water drainage	CARRR10	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Lighting (operational phase)	CARRR11	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority, in consultation with the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority, in consultation with the Port of London Authority.</p>
Detailed design approval for river wall and foreshore structure	CARRR12	<p>(1) Should the existing river wall to the south of Hurlingham Wharf and Carnwath Road Industrial Estate need to be replaced, construction of the replacement river wall shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency.</p>
Hoardings	CARRR13	Secure hoardings shall be left around the boundary of Hurlingham Wharf (being the area designated by the Secretary of State as a Safeguarded Wharf) and the Carnwath Road Industrial area until these sites are developed for an alternative use.
Hurlingham Wharf site restoration	CARRR14	(1) Use of the authorised development shall not commence until a site restoration scheme for Hurlingham Wharf (the area designated by the Secretary of State as a safeguarded wharf), which shall accord with the design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for cargo handling in accordance with the

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>London Plan, is submitted to and approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority..</p> <p>(2) The site restoration scheme in paragraph (1) above shall include the following details—</p> <ol style="list-style-type: none"> <li>a. proposed finished ground levels</li> <li>b. hard-surfacing materials and load bearing capacities</li> <li>c. minor structures such as furniture, access ladders, hand rails, refuse or other storage units, signs and lighting</li> <li>d. permanent fences or other means of enclosure.</li> </ol> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority.</p>
Commissioning works	CARRR15	<p>(1) On or before the completion of the landscaping works approved further to requirement CARRR5 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <ol style="list-style-type: none"> <li>a. remove all hoarding or other temporary enclosure from the site; and</li> <li>b. make the site publically accessible in accordance with the approved landscape scheme.</li> </ol> <p>(3) The undertaker shall provide a ‘commissioning notice’ to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <ol style="list-style-type: none"> <li>a. a programme for the commissioning works; and</li> <li>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</li> </ol> <p>(4) The undertaker shall provide a ‘commissioning confirmation notice’</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.
		(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.

#### Notes


- <sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 7: September 24, 2014

#### Extent

Sch. 3 para. 7: England, Wales, Scotland

 Law In Force

## 8. Dormay Street

The table below sets out the specific requirements for the Dormay Street site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	DRMST1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	DRMST2	(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearance and materials), which shall accord with the appropriate design principles, the Site works parameter plan and the indicative Kiosk and ventilation structure design intent plan (Drawing No.DCO-PP-08X-DRMST-100012), are submitted to and approved by the relevant planning authority.

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Contaminated land	DRMST3	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</li> <li>a programme for the submission of elements detailed in (3) and (4) below.</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	DRMST4	<p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Landscaping works	DRMST5	<p>with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p> <p>(1) Construction of the inter-tidal terrace shall not commence until details of the river wall and terrace, which shall accord with the indicative Proposed site features plan (Drawing No. DCO-PP-08X-DRMST-100008 – rev 1) and the appropriate design principles, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency, unless otherwise approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority in consultation with the Environment Agency, the information regarding the river wall and inter-tidal terrace required in paragraph 1 above shall comprise details of all hard and soft landscaping works including—</p> <ul style="list-style-type: none"> <li>detailed design of the river wall, including external appearance and sample of materials</li> <li>location, number, species, size and planting density of any proposed planting</li> <li>cultivation, importation of materials and other operations to ensure plant establishment</li> <li>a monitoring and maintenance plan, including any maintenance or restoration of landscaping required after tunnel commissioning.</li> <li>proposed finished ground levels</li> <li>hard surfacing materials</li> <li>a programme for implementation of all landscaping works</li> <li>retained historic landscape features and proposals for restoration, where relevant</li> <li>details of fencing/enclosures</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>vehicular and pedestrian access, parking and circulation areas, including details of public access</p> <p>minor structures such as furniture, refuse or other storage units, signs and lighting</p> <p>proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>details of existing trees to be retained.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Construction traffic management plan	DRMST6	<p>(1) Work No. 8a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	DRMST7	<p>(1) Work No. 8a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		to and approved by the relevant planning authority in consultation with TfL.
		(2) The approved travel plan(s) shall be implemented from commencement of Work No. 8a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.
Highway works	DRMST8	<p>(1) Authorised development consisting of construction in or alteration of Armoury Way or the construction or alteration of any highway structures which form part of Armoury Way shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The details required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Armoury Way and any permanent works for a new or modified highway lighting scheme for Armoury Way.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Surface water drainage	DRMST9	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Maintenance Access	DRMST10	Vehicular access for maintenance purposes shall be from Dormay Street.

#### Notes


- <sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 8: September 24, 2014

#### Extent

Sch. 3 para. 8: England, Wales, Scotland

 Law In Force

## 9. King George's Park

The table below sets out the specific requirements for the King George's Park site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	KNGGP1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	KNGGP2	(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Kiosk design intent plan (Drawing No. DCO-PP-09X-KNGPP-110013), are submitted to and approved by the relevant planning authority.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.
Contaminated land	KNGGP3	Site-specific remediation strategy  (1) No works shall be carried out at this site (except for demolition of existing

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	KNGGP4	<p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Landscaping (protective works)	KNGGP5	<p>approved details by a suitably qualified person or body.</p> <p>(1) Construction of any permanent above-ground structure shall not commence until details of protection works to existing trees and to the John Young memorial tree and bench as shown on the indicative Proposed site features plan (Drawing No. DCO-PP-09X-KNGGP-110008 – rev 1) and Proposed landscape plan (Drawing No. DCO-PP-09X-KNGGP-110009 – rev 1) are submitted to and approved by the relevant planning authority.</p> <p>(2) The protective works required in paragraph 1 above shall be carried out before the site is set up for Work No. 9.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Landscaping works	KNGGP6	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the indicative Proposed site features plan (Drawing No. DCO-PP-09X-KNGGP-110008 – rev 1), the Proposed landscape plan (Drawing No. DCO-PP-09X-KNGGP-110009 – rev 1) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ol style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> </ol>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>d. proposed finished ground levels</p> <p>e. hard-surfacing materials</p> <p>f. minor structures such as furniture, refuse or other storage units, signs and lighting</p> <p>g. retained historic landscape features and proposals for restoration, where relevant</p> <p>h. a programme for implementation of all landscaping works</p> <p>i. details of fencing/enclosures</p> <p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) Work No. 9a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p>
Construction traffic management plan KNGGP7		

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	KNGGP8	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 9a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 9a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	KNGGP9	<p>Junction changes</p> <p>(1) No authorised development consisting of minor junction improvement works to Buckhold Road and Neville Gill Close shall be carried out until details of those works are submitted to and approved by the local highway authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Specification of accesses (construction and operational)	KNGGP10	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Surface water drainage	KNGGP11	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until the following details, which shall accord with the appropriate design principles, are submitted to and approved by the relevant planning authority in</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>consultation with the Environment Agency—</p> <p>details of the surface water drainage system for the site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion)</p> <p>details of the size, layout, location, functionality and adequacy of the re-contouring in King George's Park as a flood risk mitigation and conveyance measure.</p> <p>(2) The surface water drainage system and the re-contouring of the park shall be implemented in accordance with the submitted details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	KNGGP12	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for signature ventilation columns	KNGGP 13	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the Ventilation column type A (Drawing No. DCO-PP-900-ZZZZZ-290001 – rev 2), are submitted to and approved by the relevant planning authority.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Commissioning works	KNGGP14	<p>(1) On or before the completion of the landscaping works approved further to</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>requirement KNGGP6 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

#### Notes

- <sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 9: September 24, 2014

#### Extent

Sch. 3 para. 9: England, Wales, Scotland



✓ Law In Force

## 10. Falconbrook Pumping Station

The table below sets out the specific requirements for the Falconbrook Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	FALPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Contaminated land	FALPS2	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	FALPS3	<p>development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>Site-specific archaeological written scheme of investigation</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Landscaping works	FALPS4	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the indicative Proposed landscape plan (Drawing No. DCO-PP-10X-FALPS-120009), the indicative Kiosk, wall and valve chamber design intent plan (Drawing No.DCO-PP-10X-FALPS-120013) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Construction traffic management plan FALPS5		<p>g. retained historic landscape features and proposals for restoration, where relevant</p> <p>h. a programme for implementation of all landscaping works</p> <p>i. details of fencing/enclosures</p> <p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) Work No. 10a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	FALPS6	<p>(1) Work No. 10a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 10a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	FALPS7	<p>(1) Authorised development consisting of construction in or alteration of York Way (A3205) or the construction or alteration of any highway structures which form part of York Way shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph 1 above shall include details of any permanent works for a new or altered surface and foul water drainage system for York Way (A3205) and any permanent works for a new or modified highway lighting scheme for York Way.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Specification of accesses (construction and operational)	FALPS8	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Surface water drainage	FALPS9	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Lighting (operational phase)	FALPS10	<p>control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Detailed design approval for permanent above-ground structures	FALPS11	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the indicative Kiosk, wall and valve chamber design intent plan (Drawing No.DCO-PP-10X-FALPS-120013), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Commissioning works	FALPS12	<p>(1) On or before the completion of the landscaping works approved further to requirement FALPS4 (landscaping), the undertaker shall give notice to the relevant planning authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

#### Notes

- <sup>1</sup> Existing text renumbered as subsections (a) and (b) and words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 10: September 24, 2014

#### Extent

Sch. 3 para. 10: England, Wales, Scotland

✓ Law In Force

## 11. Cremorne Wharf Depot

The table below sets out the specific requirements for the Cremorne Wharf Depot site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	CREWD1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	CREWD2	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the indicative features on the Proposed site features plan (Drawing No. DCO-PP-11X-CREWD-130008 – rev 1) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for signature ventilation columns	CREWD3	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the Ventilation column type B (Drawing No. DCO-PP-900-ZZZZZ-290002 – rev 2), are submitted to and approved by the relevant planning authority.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Details of works to listed buildings and structures	CREWD4	<p>(1) The following works to Lots Road Pumping Station shall not commence until details of those works, which shall accord with the design principles for this site and the maximum permanent extent of loss of the listed</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Restoration works to listed buildings	CREWD5	<p>buildings/structures, shown on the Listed structure interface – Lots Road Pumping Station plan (Drawing No. DCO-PP-11X-CREWD-130012 – rev 1), are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>works to amend or replace the existing ventilation duct on the southeastern corner of the building</p> <p>works to install new equipment in the building</p> <p>works to protect the listed fabric during construction</p> <p>(2) The details provided shall include the following—</p> <p>detailed drawings showing all fixings to Lots Road Pumping Station</p> <p>detailed elevations</p> <p>construction method statement, including engineer's drawings</p> <p>samples of materials.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Contaminated land	CREWD6	<p>(1) Works to Lots Road Pumping Station shall not commence until details of works to restore the listed fabric including materials are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>[ a. ]<sup>1</sup> a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme (based on the preliminary risk assessment) providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>[ b. ]<sup>1</sup> a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation</li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</li> <li>a programme for the submission of elements detailed in (3) and (4) below.</li> </ul> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	CREWD7	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Cremorne Wharf site restoration	CREWD8	<p>(1) Use of the authorised development shall not commence until a site restoration scheme for Cremorne Wharf (the area designated by the secretary of state as a Safeguarded Wharf), which shall accord with the design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Construction traffic management plan	CREWD9	<p>cargo handling in accordance with the London Plan, is submitted to and approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(2) The site restoration scheme in paragraph (1) above shall include the following details—</p> <ol style="list-style-type: none"> <li>a. proposed finished ground levels</li> <li>b. hard-surfacing materials and load bearing capacities</li> <li>c. minor structures such as furniture, access ladders, hand rails, refuse or other storage units, signs and lighting</li> <li>d. permanent fences or other means of enclosure.</li> </ol> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority.</p>
Travel plan	CREWD10	<p>(1) Work No. 11a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 11a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 11a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Specification of accesses (construction and operational)	CREWD11	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the Access plan (Drawing No. DCO-PP-11X-CREWD-130003) and the design principles for this site, are submitted to and approved by the local highway authority in consultation with the Mayor of London. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority in consultation with the Mayor of London.</p>
Surface water drainage	CREWD12	<p>(1) Construction of the permanent above-ground structures or site restoration scheme shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	CREWD13	<p>(1) Use of the authorised development at this site shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Heritage interpretation	CREWD14	<p>authority in consultation with the Port of London Authority.</p> <p>(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

#### Notes


- <sup>1</sup> Existing text renumbered as subsections (a) and (b) by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 11: September 24, 2014

#### Extent

Sch. 3 para. 11: England, Wales, Scotland

 Law In Force

## 12. Chelsea Embankment Foreshore

The table below sets out the specific requirements for the Chelsea Embankment Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	CHEEF1	<p>Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.</p>
Location of permanent works	CHEEF2	<p>(1) The inter-tidal terracing, which includes the permanent river wall, shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for river wall and foreshore structure	CHEEF3	<p>amended alignment, which shall accord with the design principles for this site, shall be submitted and approved by the relevant planning authority in consultation with the HBMCE, Port of London Authority and the Environment Agency and thereafter be carried out in accordance with the approved details.</p> <p>(1) Construction of the new river wall and terraces shall not commence until details of the design (including external appearance and samples of materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency.</p>
Detailed design approval for permanent above-ground structures	CHEEF4	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Protective works to heritage assets	CHEEF5	<p>(1) Works to the embankment wall or boundary to Ranelagh Gardens (as relevant) shall not commence until the following details are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>works to protect the embankment wall and boundary treatment to Ranelagh Gardens</p> <p>works to remove, store and re-use the parapet, lamp standards and facing materials for the embankment wall and the bricks and railings from the Ranelagh Garden boundary</p> <p>(2) Materials of heritage significance in b above shall be re-used in accordance with the principles set out in Section 3.6 of the Heritage Statement.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Restoration works to heritage assets	CHEEF6	<p>(1) The temporary works platform shall not be removed until details of the works to restore the fabric of the embankment wall including materials are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Detailed design approval for signature ventilation columns	CHEEF7	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with Ventilation column type B (Drawing No. DCO-PP-900-ZZZZZ-290002 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Landscaping works	CHEEF8	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>landscaping works, which shall accord with the indicative features on the Proposed landscape plan (Drawing No. DCO-PP-12X-CHEEF-140010 – rev 1 and DCO-PP-12X-CHEEF-140011 – rev 1), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE, TfL (in respect of street trees) and the Environment Agency (in respect of the inter-tidal terraces).</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Temporary works platform	CHEEF9	<p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority, in consultation with the Environment Agency in respect of the inter-tidal terraces.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Contaminated land	CHEEF10	<p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with the Environment Agency.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme (based on the preliminary risk assessment) providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>b. a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation</li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</li> <li>a programme for the submission of elements detailed in (3) and (4) below.</li> </ul> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	CHEEF11	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	CHEEF12	<p>(1) Work No. 12a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	CHEEF13	<p>approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 12a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 12a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	CHEEF14	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Highway works	CHEEF15	<p>(1) Authorised development consisting of construction in or alteration of Chelsea Embankment or the construction or alteration of any highway structures which form part of Chelsea Embankment shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Chelsea Embankment and any permanent works for a new or modified highway lighting scheme for Chelsea Embankment.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	CHEEF16	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	CHEEF17	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>
Commissioning works	CHEEF18	<p>(1) On or before the completion of the landscaping works approved further to requirement CHEEF8 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <ol style="list-style-type: none"> <li>a. remove all hoarding or other temporary enclosure from the site; and</li> <li>b. make the site publically accessible in accordance with the approved landscape scheme.</li> </ol>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

### Commencement

Sch. 3 para. 12: September 24, 2014

### Extent

Sch. 3 para. 12: England, Wales, Scotland

 Law In Force

## 13. Kirtling Street

The table below sets out the specific requirements for the Kirtling Street site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	KRTST1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Contaminated land	KRTST2	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	KRTST3	<p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Site restoration (excluding the designated Safeguarded wharf)	KRTST4	<p>(1) Construction of the permanent above-ground structures (save for work no. 13b(ii)) shall not commence until details of the landscaping works, which shall accord with the indicative Proposed landscape plan (Drawing No. DCO-PP-13X-KRTST-150008) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Concrete batching plant	KRTST5	<p>(1) Construction of Work No. 13b shall not commence until details of the relocated concrete batching plant (Work No. 13b (ii)) relating to scale, layout, materials and lighting are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority.</p>
Concrete batching plant	KRTST6	<p>(1) Construction of the batching plant shall not commence until a Noise Management Plan, an Air Quality Management Plan, a Dust and Particulates Management Plan and a Delivery Servicing Plan are submitted to and approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(2) The authorised development shall be constructed and operated in accordance with these approved details, unless otherwise agreed with the relevant planning authority in consultation with the Mayor of London.</p>
Concrete batching plant, Noise Management Plan	KRTST7	<p>The Noise Management Plan (submitted further to requirement KRTST6) shall ensure that the concrete</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Concrete batching plant, Air Quality Management Plan	KRTST8	<p>batching plant (Work No. 13b (ii)) adopt best practicable means to manage noise and shall include details of hours of working and measures to ensure that while barge off-loading is occurring during night time (between 23—00 and 07—00) the following activities would not occur— aggregate load out from storage bins; use of the cement blowing shed on the jetty, and the operation of the loading shovel. The noise mitigation measures shall include, but not be limited to, that the loading shovel and mixer lorries based at the site should be fitted with “smart” reversing alarm systems which have an audible white noise alarm rather than a standard tonal alarm (and are set at an appropriate agreed level); and the new concrete batching plant and aggregate processing facilities adopt best practices.</p>
Concrete batching plant, Dust and Particulates Management Plan	KRTST9	<p>The Air Quality Management Plan for the concrete batching plant (Work No. 13b (ii)) shall include details of all air quality mitigation measures, including details of dust suppression measures and a method of air quality monitoring for fine particles. The air quality mitigation measures shall be retained throughout the operation of the plant.</p> <p>The Dust and Particulates Management Plan for the concrete batching plant (Work No. 13b (ii)) shall include details of the prevention of material being tracked out on to the highway; the use of dust suppressants; the full enclosure of all aggregate feed conveyors; the installation of a dust suppression system in the vicinity of the exit from the site; and the use of a road sweeper to clean the local roads.</p>
Concrete batching plant, Delivery Servicing Plan	KRTST10	<p>The Delivery Servicing Plan (submitted further to requirement KRTST6) for the concrete batching plant (Work No. 13b (ii)) shall include an emphasis on the increased use of the river to import aggregates and cement; the volumes and types of materials imported and exported; and the capping of the annual HGV movements for the concrete batching plant at 50,000. Details of the annual HGV movements for each calendar year shall be provided to the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Concrete batching plant, Energy Statement	KRTST11	<p>Council to allow the Council to monitor the number of movements per annum.</p> <p>1) Work No. 13b (ii) shall not commence until an Energy Statement for the concrete batching plant is submitted to and approved by the relevant planning authority. The statement shall include details of the measures to reduce carbon emissions from the site.</p> <p>2) The development shall be implemented and operated in accordance with the approved sustainability and energy measures.</p>
Concrete batching plant, parking scheme	KRTST12	<p>1) Work No. 13b (ii) shall not commence until details of a parking scheme for the concrete batching plant for the provision of three active and one passive electric vehicle charging points, and the provision of two spaces for people with disabilities, is submitted to and approved by the relevant planning authority.</p> <p>2) The parking scheme shall be implemented in accordance with the approved details.</p>
Concrete batching plant, piling methods	KRTST13	<p>Piling or any other foundation designs using penetrative methods relating to construction of the concrete batching plant (Work No. 13b (ii)) shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.</p>
Concrete batching plant, drainage	KRTST14	<p>Work No. 13b (ii) shall not commence until details of foul water drainage have been submitted to and approved by, the relevant planning authority in consultation with the sewerage undertaker. No discharge of foul water from the site shall be accepted into the public system until these drainage works have been completed.</p>
Concrete batching plant, landscape treatment	KRTST15	<p>Work No. 13b (ii) shall not commence until details of the treatment of those parts of the site not covered by plant and buildings, including any parking areas, access ways, landscaping and surface treatment (including the provision of a hard surface across the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Concrete batching plant, visual impact	KRTST16	<p>site that is capable of being kept clean), are submitted to and approved by the relevant planning authority. The development shall be implemented in accordance with the approved details.</p> <p>Work No. 13b (ii) shall not commence until details of measures to mitigate the visual impact of the plant are submitted to and approved by the relevant planning authority. The details should include the potential use of green walls to clad the aggregate storage bins, and the finish to all the on site plant. The development shall be implemented and operated in accordance with the approved details.</p>
Construction traffic management plan	KRTST17	<p>(1) Work No. 13a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	KRTST18	<p>(1) Work No. 13a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 13a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	KRTST19	<p>(1) Authorised development consisting of construction in or alteration of Nine Elms Lane (A3205) or the construction or alteration of any highway structures which form part of Nine Elms Lane shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph 1 above shall include details of any permanent works for a new or</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Specification of accesses (construction and operational)	KRTST20	<p>altered surface and foul water drainage system for Nine Elms Lane (A3205) and any permanent works for a new or modified highway lighting scheme for Nine Elms Lane.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Surface water drainage	KRTST21	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority in consultation with the Mayor of London. Any such works shall be completed before use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority in consultation with the Mayor of London.</p>
Detailed design approval for permanent above-ground structures	KRTST22	<p>(1) Construction of the permanent above-ground structures or landscaping (save for work no. 13b(ii)) shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p> <p>(1) Construction of any permanent above-ground structure (save for work no. 13b(ii)) shall not commence until details of the design (including size, external appearances and samples of</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Kirtling Wharf, Site restoration	KRTST23	<p>materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Mayor of London.</p> <p>(1) Use of the authorised development shall not commence until a site restoration scheme for Kirtling Wharf (the area designated by the secretary of state as a Safeguarded Wharf), which shall accord with the design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for cargo handling in accordance with the London Plan, is submitted to and approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(2) The site restoration scheme in paragraph (1) above shall include the following details—</p> <ol style="list-style-type: none"> <li>a. proposed finished ground levels</li> <li>b. hard-surfacing materials and load bearing capacities</li> <li>c. minor structures such as furniture, access ladders, hand rails, refuse or other storage units, signs and lighting</li> <li>d. permanent fences or other means of enclosure.</li> <li>e. details of a riverside walk</li> </ol> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority.</p>
Location of above ground structures	KRTST24	<p>(1) Construction of any permanent above-ground structures (save for work no. 13b(ii)) shall not commence until the location of the above ground structure which shall accord with the</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for cargo handling in accordance with the London Plan, is submitted to and approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p>

#### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 13: September 24, 2014

#### Extent

Sch. 3 para. 13: England, Wales, Scotland

 Law In Force

### 14. Heathwall Pumping Station

The table below sets out the specific requirements for the Heathwall Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	HEAPS1	<p>Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.</p>
Temporary works platform	HEAPS2	<p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Location of permanent works	HEAPS3	<p>works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with the Environment Agency.</p> <p>(1) The permanent foreshore structure and river wall shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the amended alignment, which shall accord with the design principles for this site, shall be submitted and approved by the relevant planning authority, in consultation with the Port of London Authority, the Environment Agency and the Mayor of London and thereafter be carried out in accordance with the approved details .</p>
Detailed design approval for river wall and foreshore structure	HEAPS4	<p>(1) Construction of the Heathwall river wall shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site, the Site works parameter plan and the indicative Typical river wall design intent plan (Drawing No. DCO-PP-14X-HEAPS-160012), are submitted to and approved by the relevant planning authority in consultation with the Mayor of London and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Mayor of London and the Environment Agency.</p>
Contaminated land	HEAPS5	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	HEAPS6	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Heathwall Pumping Station Landscaping (excluding the designated Safeguarded wharf)	HEAPS7	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>with the indicative Proposed landscape plan (Drawing No. DCO-PP-14X-HEAPS-160008 – rev 1), indicative Fencing and gate design intent (Drawing No. DCO-PP-14X-HEAPS-160013) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Mayor of London and TfL (in respect of street trees).</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Highway works	HEAPS8	<p>approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) Authorised development consisting of construction in or alteration of Nine Elms Lane (A3205) or the construction or alteration of any highway structures which form part of Nine Elms Lane A3205 shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph 1 above shall include details of any permanent works for a new or altered surface and foul water drainage system for Nine Elms Lane (A3205) and any permanent works for a new or modified highway lighting scheme for Nine Elms Lane.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details unless otherwise approved by the local highway authority.</p>
Construction traffic management plan	HEAPS9	<p>(1) Work No. 14a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	HEAPS10	<p>approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work Nos. 14a and 14b shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of development of work Nos. 14a and 14b and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	HEAPS11	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority in consultation with the Mayor of London. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the highway authority in consultation with the Mayor of London.</p>
Surface water drainage	HEAPS12	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Lighting (operational phase)	HEAPS13	<p>Environment Agency, and completed prior to use of the authorised development.</p> <p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority.</p>
Battersea Barge	HEAPS14	<p>Following completion of all construction works on this site, the Battersea Barge restaurant shall be returned to its original position, subject to obtaining river works and mooring licenses, as shown on the approved Demolition and site clearance plan, unless otherwise agreed by the local authority.</p>
Detailed design approval for signature ventilation columns	HEAPS15	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the Ventilation column types B and C (Drawing Nos. DCO-PP-900-ZZZZZ-290002 – rev 2 and 290003 – rev 2), are submitted to and approved by the relevant planning authority.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for permanent above-ground structures	HEAPS16	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and samples of materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Location of above ground structures	HEAPS17	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) Construction of any permanent above-ground structures shall not commence until the location of the above ground structure which shall accord with the design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for cargo handling in accordance with the London Plan, is submitted to and approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority.</p>
Middle Wharf, (defined as area designated by the secretary of state as a Safeguarded Wharf), site restoration and landscaping	HEAPS18	<p>(1) Use of the authorised development shall not commence until a site restoration scheme for Middle Wharf, which shall accord with the design principles for this site, the Site works parameter plan and maintain the viability of the safeguarded wharf for cargo handling in accordance with the London Plan, is submitted to and approved by the Mayor of London, in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(2) The site restoration scheme in paragraph (1) above shall include the following details—</p> <ol style="list-style-type: none"> <li>a. proposed finished ground levels</li> <li>b. hard-surfacing materials and load bearing capacities</li> <li>c. minor structures such as furniture, access ladders, hand rails, refuse or other storage units, signs and lighting</li> <li>d. permanent fences or other means of enclosure.</li> </ol> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Commissioning works	HEAPS19	<p>approved by the Mayor of London in consultation with the Port of London Authority and the relevant planning authority.</p> <p>(1) On or before the completion of the landscaping works approved further to requirement HEAPS7 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 14: September 24, 2014

**Extent**

Sch. 3 para. 14: England, Wales, Scotland

 Law In Force

**15. Albert Embankment Foreshore**

The table below sets out the specific requirements for the Albert Embankment Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	ALBEF1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
River walls and terraces	ALBEF2	<p>(1) The permanent river wall and terraces shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the amended alignment, which shall accord with the design principles for this site, shall be submitted and approved by the relevant planning authority in consultation with the HBMCE, Port of London Authority and the Environment Agency and thereafter be carried out in accordance with the approved details.</p>
Detailed design approval for river wall and foreshore structure	ALBEF3	<p>(1) Construction of the river wall and terraces shall not commence until details of the design (including external appearance and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan, Proposed site features plan (Drawing No. DCO-PP-15X-ALBEF-170012 – rev 2), Proposed landscape plan – interception structure (DCO-PP-15X-ALBEF-170013 – rev 1), Proposed landscape plan – shaft structure (Drawing No. DCO-PP-15X-ALBEF-170014 – rev 1), Typical river wall design intent (DCO-PP-15X-ALBEF-170027), and</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for permanent above-ground structures	ALBEF4	<p>Proposed listed structure interface – interception structure (DCO-PP-15X-ALBEF-170029), are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE and the Environment Agency.</p> <p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the design principles for this site and the Site works parameter plan, Proposed landscape plan – interception structure (DCO-PP-15X-ALBEF-170013 – rev 1), Proposed landscape plan – shaft structure (Drawing No. DCO-PP-15X-ALBEF-170014 – rev 1) and Kiosk design intent (DCO-PP-15X-ALBEF-170026), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE.</p>
Detailed design approval for signature ventilation columns	ALBEF5	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with Ventilation column type B Plan (Drawing No. DCO-PP-900-ZZZZZ-290002 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Details of works to listed buildings	ALBEF6	<p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Works to the Vauxhall Bridge eastern abutment shall not commence until details of those works, which shall accord with the design principles for this site and the Proposed listed structure interface – interception structure (DCO-PP-15X-ALBEF-170029), are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>(2) The details required shall include the following—</p> <p>detailed drawings showing all fixings to Vauxhall Bridge</p> <p>detailed elevations</p> <p>construction method statement, including engineer's drawings</p> <p>samples of materials.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE.</p>
Protective works to listed buildings	ALBEF7	<p>(1) Works to the Vauxhall Bridge eastern abutment shall not commence until details of the details of works to protect the listed fabric during construction are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE.</p>
Restoration works to listed buildings	ALBEF8	<p>(1) Works to the Vauxhall Bridge eastern abutment shall not commence until details of works to restore the listed fabric including materials are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Landscaping works	ALBEF9	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the Landscape plans (Drawing Nos. DCO-PP-15X-ALBEF-170013 – rev 1 and DCO-PP-15X-ALBEF-170014 – rev 1) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency (in respect of the inter-tidal terraces).</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Temporary works platform	ALBEF10	<p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority, in consultation with the Environment Agency in respect of inter-tidal terraces.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p>
Contaminated land	ALBEF11	<p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with Environment Agency.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	ALBEF12	<p>effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Construction traffic management plan	ALBEF13	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p> <p>(1) Work No. 15a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	ALBEF14	<p>relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 15a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 15a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	ALBEF15	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Highway works	ALBEF16	<p>(1) Authorised development consisting of construction in or alteration of Albert Embankment or the construction or alteration of any highway structures which form part of Albert Embankment shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Albert Embankment and any permanent works for a new or modified highway lighting scheme for Albert Embankment.</p> <p>(3) The authorised development shall be carried out in accordance with the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	ALBEF17	<p>approved details, unless otherwise approved by the local highway authority.</p> <p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	ALBEF18	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>
Section 106 Agreement / Undertaking	ALBEF19	<p>The authorised development shall not commence on this site unless and until the undertaker enters into the Albert Embankment Foreshore Section 106 Agreement / Undertaking (in accordance with the obligations specified in the draft at doc. ref. APP119.07).</p>
Commissioning works	ALBEF20	<p>(1) On or before the completion of the landscaping works approved further to requirement ALBEF9 (landscaping),</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Protection for 85 Albert Embankment — construction phase security strategy	ALBEF21	<p>the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a ‘commissioning notice’ to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a ‘commissioning confirmation notice’ 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p> <p>(1) The undertaker shall not commence the use of the access over the Lacks Dock access and the Camelford House access (“the accesses”) as shown on access plan DCO-PP-15X-ALBEF-170005 – rev 3 for the purposes of Work No.s 15a or 15b or 15c until a strategy (“the construction phase security strategy”) to implement appropriate security measures over those accesses for the period from commencement of the authorised development on this site until completion of construction (“the construction period”) has been submitted to and approved by the Secret Intelligence Service (“SIS”) and shall not during that period permit the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>use of the accesses by vehicles directly or indirectly within its control other than in accordance with the construction phase security strategy as approved.</p> <p>(2) The construction phase security strategy shall include—</p> <ul style="list-style-type: none"> <li>a. Security management and procedures to secure the physical security of the site and the accesses, detailing security management and physical access controls for both personnel and vehicles;</li> <li>b. Security access layout and infrastructure on the site and the accesses;</li> <li>c. Security incident management;</li> <li>d. Arrangements for informing the contractor of the construction phase security strategy including details of instructions to be given to contractors and means of enforcement by the employer;</li> <li>e. Details of the numbers of vehicle movements (meaning visits by vehicles to the site over the accesses to include entering and exiting as a single movement) which shall not exceed a maximum number of 500 vehicles using the Lacks Dock access during the construction period</li> <li>f. The size and category of vehicles and the expected schedule of movement into and out of the accesses; and</li> <li>g. Vehicle screening arrangements.</li> </ul> <p>(3) The undertaker shall not commence the use of the access over the accesses as shown on access plan DCO-PP-15X-ALBEF-170005 – rev 3 for the purposes of Work No.s 15a or 15b or 15c until it has served notice in writing upon SIS of the intended date of commencement of development on the site, such notice to be served no later than 10 business days of the intended date of commencement of development on the site.</p>
Protection for 85 Albert Embankment — operational phase security strategy	ALBEF22	(1) Following completion of construction the undertaker shall not commence the use of the Lack's Dock access for operational purposes (including maintenance) until a strategy

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(“the operational security strategy”) to implement appropriate security measures for the Lacks Dock access as shown on access plan</p> <p>DCO-PP-15X-ALBEF-170005 – rev 3 has been submitted to and approved by SIS and shall not thereafter permit the use of the Lacks Dock access by vehicles directly or indirectly within its control other than in accordance with the operational security strategy as approved.</p> <p>(2) The operational security strategy shall include—</p> <p>a. Security requirements for regular access for maintenance and any other operational activities on this site;</p> <p>b. A schedule indicating the regular maintenance programme for the authorised project on this site; and</p> <p>c. Proposals for security requirements for access for periods of major maintenance for the authorised project on this site.</p>

#### Notes

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 15: September 24, 2014

#### Extent

Sch. 3 para. 15: England, Wales, Scotland

 Law In Force

## 16. Victoria Embankment Foreshore

The table below sets out the specific requirements for the Victoria Embankment Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	VCTEF1	<p>Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Location of permanent works	VCTEF2	<p>consultation with other relevant stakeholders.</p> <p>(1) The permanent river wall and terraces shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the amended alignment, which shall accord with the design principles for this site, shall be submitted and approved by the relevant planning authority in consultation with the HBMCE, Port of London Authority and the Environment Agency and thereafter be carried out in accordance with the approved details.</p>
Location of moorings (temporary and permanent)	VCTEF3	<p>The replacement moorings shall be constructed as shown on the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1) and the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority, HBMCE, Transport for London and the Environment Agency.</p>
Detailed design approval for permanent above-ground structures	VCTEF4	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the Kiosk design intent drawing (Drawing No. DCO-PP-16X-VCTEF-180021), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The height of the kiosks (including the pergola) shall not exceed 4 metres, unless otherwise agreed by the relevant planning authority.</p> <p>(3) The proposed amenity kiosks shown on the Proposed landscape plans (Drawing No. DCO-PP-16X-VCTEF-180012 – rev 2) shall not be brought into use until planning permission is granted for their</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for signature ventilation columns	VCTEF5	<p>use by the relevant planning authority and details of refuse storage and servicing are approved.</p> <p>(4) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with Ventilation column type B (Drawing No. DCO-PP-900-ZZZZZ-290002 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height and shall be a dark bronze material.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Detailed design approval for river wall and foreshore structure	VCTEF6	<p>(1) Construction of the river wall shall not commence until details of the design (including external appearance and samples of materials), which shall accord with the River wall design intent drawings (Drawing Nos. DCO-PP-16X-VCTEF-180022 and DCO-PP-16X-VCTEF-180023), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency.</p>
Details of works to listed buildings	VCTEF7	<p>(1) Works to the listed embankment wall shall not commence until details of those works, which shall accord with</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), Proposed listed structure interface – foreshore structure (Drawing No. DCO-PP-16X-VCTEF-180025), As existing and proposed listed structure interface weir structure (Drawing No. DCO-PP-16X-VCTEF-180026 – rev 1), the indicative features on the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev 1) and the design principles for this site, and the maximum temporary and permanent extent of loss of listed buildings/structures are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The details required shall include the following—</p> <p>detailed drawings of a scale between 1—5 and 1—50 showing all fixings to the listed embankment wall</p> <p>detailed elevations of a scale between 1—50 and 1—100</p> <p>construction method statement, including engineer's drawings</p> <p>samples of materials.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Protective works to listed buildings	VCTEF8	<p>(1) Works to the listed embankment wall shall not commence until details of the following are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>works to protect the listed fabric during construction</p> <p>works to remove and store listed benches, catenary lamp standards and sturgeon lamp standards and any York stone paving and any stone removed from the listed embankment wall</p> <p>works to reinstate the temporarily removed fabric and features.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Restoration works to listed buildings	VCTEF9	<p>(2) Materials of heritage significance in b above shall be re-used in accordance with the principles set out in Section 3.6 of the Heritage Statement.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Works to the listed embankment wall shall not commence until details of works to restore the listed fabric including materials are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Detailed design approval for permanent river structures (moorings and piers)	VCTEF10	<p>(1) Construction of the permanent replacement mooring shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site, the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1), the Proposed landscape plan (Drawing No. DCO-PP-16X-VCTEF-180013 – rev 1), the indicative features of the Proposed mooring access details (Drawing No. DCO-PP-16X-VCTEF-180027 – rev 1) and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>
Use of replacement mooring (temporary and permanent)	VCTEF11	<p>(1) The replacement mooring shall only be used to moor the vessel Tattershall</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Temporary works platform	VCTEF12	<p>Castle and the premises shall be operated in accordance with the Premises Licence No. 07/01600/WCCMAP, or any new or amended premises licence which may apply.</p> <p>(2) The authorised development shall be carried out in accordance with the details in (1), unless otherwise approved by the relevant planning authority.</p> <p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with Environment Agency.</p>
Contaminated land	VCTEF13	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <ul style="list-style-type: none"> <li>a. a preliminary risk assessment and site investigation scheme which identifies— <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed</li> </ul> </li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	VCTEF14	<p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Landscaping works	VCTEF15	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the Proposed site features plan (Drawing No. DCO-PP-16X-VCTEF-180011 – rev 1), Proposed landscape plans (Drawing Nos. DCO-PP-16X-VCTEF-180012 – rev 2 and DCO-PP-16X-VCTEF-180013 – rev 1), Kiosk design intent (Drawing No. DCO-PP-16X-VCTEF-180021) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and TfL (in respect of street trees).</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <p>a. location, quantity, species, size and density of any proposed planting</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>b. cultivation, importation of materials and other operations to ensure plant establishment</p> <p>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</p> <p>d. proposed finished ground levels</p> <p>e. hard-surfacing materials</p> <p>f. minor structures such as furniture, refuse or other storage units, signs and lighting</p> <p>g. retained historic landscape features and proposals for restoration, where relevant</p> <p>h. a programme for implementation of all landscaping works</p> <p>i. details of fencing/enclosures</p> <p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Highway works	VCTEF16	<p>relevant planning authority approves any variation.</p> <p>(1) Authorised development consisting of construction in or alteration of Victoria Embankment or the construction or alteration of any highway structures which form part of Victoria Embankment shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Victoria Embankment and any permanent works for a new or modified highway lighting scheme for Victoria Embankment.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Construction traffic management plan	VCTEF17	<p>(1) Work No. 16a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	VCTEF18	<p>(1) Work No. 16a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No.17a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	VCTEF19	<p>(1) No alterations shall be made to any existing access or any new access</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	VCTEF20	<p>provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p> <p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	VCTEF21	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>
Agreement / Undertaking	VCTEF22	<p>The authorised development shall not commence on this site unless and until the undertaker enters into the Victoria Embankment Foreshore Section 106 Agreement / Undertaking (in accordance with the obligations</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Pipe subway	VCTEF23	<p>specified in the draft at doc ref APP119.09).</p> <p>(1) Any part of an existing pipe subway removed, disassembled or damaged during construction of the authorised project shall be reinstated in accordance with details submitted to and approved by the relevant planning authority.</p> <p>(2) Where any pipe or wire located in an existing pipe subway is diverted during construction of the works at this site, it shall be reinstated in the pipe subway on completion of the works, unless otherwise agreed with the relevant planning authority.</p> <p>(3) Any lighting, power supplies, pumps and discharge damaged or removed as a result of works to or demolition of a section of the subway must be relocated and reconfigured either side of the area of the work being carried out, to ensure their continued function and they must be reinstated on completion of these works in accordance with details submitted to and approved by the relevant planning authority.</p> <p>(4) Works affecting the pipe subway or the access to it shall not commence until written details in respect of security, access arrangements (including closure of access points and pipe sections) and health and safety measures shall be submitted and approved by the relevant planning authority for approval in consultation in with the Metropolitan Police.</p> <p>(5) All works shall be carried out in compliance with the approved details unless otherwise agreed with the relevant planning authority in consultation with the Metropolitan Police.</p> <p>(6) For the purposes of this requirement —</p> <p>“pipe” and “wire” bear the same meaning as in paragraph (4) of Article 58 (Application of pipe subways legislation) of this order;</p> <p>“existing pipe subway” means any subway belonging to the Lord Mayor</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Commissioning works	VCTEF24	<p>and Citizens of the City of Westminster to which London County Council (Subways) Act 1893 applies.</p> <p>(1) On or before the completion of the landscaping works approved further to requirement VCTEF15 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 16: September 24, 2014

**Extent**

Sch. 3 para. 16: England, Wales, Scotland

 Law In Force

**17. Blackfriars Bridge Foreshore**

The table below sets out the specific requirements for the Blackfriars Bridge Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	BLABF1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Location of permanent works	BLABF2	<p>(1) The alignment of the new river wall to be provided as part of Work No. 17b(iv), which shall accord with the design principles for this site, shall be submitted and approved by the relevant planning authority in consultation with the Port of London Authority, Environment Agency and the HBMCE.</p> <p>(2) The maximum projection into the river of the new river wall to be provided as part of Work No. 17b(iv) shall not extend more than 1.2 metres into the navigable channel as marked on PLA Chart No.317, Hydrographic Office Ref. No. 113-317-100, dated 11th January 2011.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority, Environment Agency and the HBMCE.</p>
Location of permanent works (moorings and piers)	BLABF3	<p>The replacement mooring and Blackfriars Millennium Pier shall be constructed in the locations shown on the Proposed site features plan (Drawing No. DCO-PP-17X-BLABF-190017 – rev 1 and DCO-PP-17X-BLABF-190019 – rev 1), unless otherwise approved by the relevant planning authority in consultation with the HBMCE, Port of</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for river wall and foreshore structure	BLABF4	<p>London Authority, Transport for London, and the Environment Agency.</p> <p>(1) Construction of the new river wall and terraces shall not commence until details of the design (including external appearance and samples of materials), which shall accord with the design principles for this site, the Site works parameter plan, Proposed landscape plans (Drawing No. DCO-PP-17X-BLABF-190020 – rev 2 and DCO-PP-17X-BLABF-190021), Typical river wall design intent (Drawing No. DCO-PP-17X-BLABF-190037 and DCO-PP-17X-BLABF-190038) and Listed structure interface – river wall (Drawing No. DCO-PP-17X-BLABF-190040 – rev 1), are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Environment Agency.</p>
Detailed design approval for permanent above-ground structures	BLABF5	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the design principles for this site, the Site works parameter plan, the Kiosk and undercroft design intent plans (Drawing Nos. DCO-PP-17X-BLABF-190035) and the Proposed listed structure interface – bridge stairs plans (Drawing Nos. DCO-PP-17X-BLABF-190042 and DCO-PP-17X-BLABF-190044), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The proposed amenity buildings and undercroft area (for commercial use) as shown on the Proposed landscape plans (Drawing Nos. DCO-PP-17X-BLABF-190020 – rev 2 and DCO-PP-17X-BLABF-190021)</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for signature ventilation columns	BLABF6	<p>shall not be brought into use until planning permission is granted for their use by the relevant planning authority and details of refuse storage and servicing are approved.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the Ventilation column type C (Drawing No. DCO-PP-900-ZZZZZ-290003 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Demolition of existing Blackfriars Millennium Pier	BLABF7	<p>The replacement for the Blackfriars Millennium Pier shall be provided and commissioned so as to be ready for use before the existing pier is taken out of service, unless otherwise agreed with Transport for London and the Port of London Authority .</p>
Thames Path (temporary diversion)	BLABF8	<p>The temporary diversion of the Thames Path shall be as shown on the Access plan, unless otherwise agreed with the relevant planning authority. The route of the temporary diversion shall be in place before the existing route is closed.</p>
Thames Path (permanent lift and stairs)	BLABF9	<p>The Thames Path and Blackfriars Bridge Stairs shall not be stopped up until the new lift and replacement stairs are operational and available for use by members of the public, unless otherwise agreed with the relevant planning authority.</p>
Detailed design approval for permanent river structures (moorings and piers)	BLABF10	<p>(1) Construction of the new mooring (i.e. Chrysanthemum Pier) and</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Details of works to listed buildings	BLABF11	<p>Blackfriars Millennium Pier shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the Port of London Authority.</p> <p>(2) Blackfriars Millennium pier shall only be used for the embarkation and disembarkation of passengers. It shall not be used for servicing, maintaining or repairing vessels on the river, except in the case of an emergency.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Port of London Authority.</p> <p>[ (1) Works to the listed embankment wall and Blackfriars Bridge shall not commence until details of those works, which shall accord with the design principles for this site, the maximum temporary and permanent extent of loss of listed buildings/structures (Drawing No. DCO-PP-17X-BLABF-190022 — rev 2, DCO-PP-17X-BLABF- 190023 — rev 1), As existing listed structure interface — Bridge stairs (west) (Drawing Nos. DCO-PP-17X-BLABF-190041 and DCOPP-17X-BLABF-190042) and As existing listed structure interface — bridge stairs (east) (Drawing Nos. DCO-PP-17X-BLABF-190043 and DCO-PP-17X-BLABF- 190044), are submitted to and approved by the relevant planning authority in consultation with the HBMCE. ]<sup>1</sup></p> <p>(2) The details required shall include—  detailed drawings of a scale between 1—5 and 1—50 showing all fixings to the listed embankment wall and Blackfriars Bridge  detailed elevations of a scale between 1—50 and 1—100  construction method statement, including engineer's drawings</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Protective works to listed buildings	BLABF12	<p>samples of materials.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Works to the listed embankment wall and Blackfriars Bridge shall not commence until details of the following (which shall include a construction method statement) are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>works to protect the listed fabric during demolition and construction (including materials)</p> <p>works to remove, store, refurbish and reinstate listed benches, lion's head mooring rings, sturgeon lamp standards and any York stone paving and any stone removed from the listed embankment wall.</p> <p>(2) Materials of heritage significance in b above shall be re-used in accordance with the principles set out in Section 3.6 of the Heritage Statement.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Restoration works to listed buildings	BLABF13	<p>(1) Works to listed embankment wall or Blackfriars Bridge shall not commence until details of works to restore the listed fabric, including materials, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Landscaping works	BLABF14	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>landscaping works, which shall accord with the Proposed site features plan (Drawing No. DCO-PP-17X-BLABF-190018 – rev 2), the Proposed landscape plans (Drawing Nos. DCO-PP-17X-BLABF-190020 – rev 2 and DCO-PP-17X-BLABF-190021) and the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and TfL (in respect of street trees).</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. position, width, levels and finishes of the city walkway</li> <li>h. retained historic landscape features and proposals for restoration, where relevant</li> <li>i. a programme for implementation of all landscaping works</li> <li>j. details of fencing/enclosures including emergency access gate between Paul's Walk and Blackfriars Underpass/White Lion Hill</li> <li>k. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>l. proposed and existing functional services above and below ground, including drainage, power and</li> </ul>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Temporary works platform	BLABF15	<p>communications cables and pipelines, manholes and supports</p> <p>m. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Contaminated land	BLABF16	<p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with Environment Agency.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>2</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in 3 and 4 below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	BLABF17	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	BLABF18	<p>(1) Work No.17a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	BLABF19	<p>approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No.17a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No.17a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	BLABF20	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Highway works	BLABF21	<p>(1) Authorised development consisting of construction in or alteration of the existing westbound Victoria Embankment on-slip ramp or the construction or alteration of any highway structures which form part of the ramp shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for the existing westbound Victoria Embankment on-slip ramp and any permanent works for a new or modified highway lighting scheme for the ramp.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	BLABF22	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Lighting (operational phase)	BLABF23	<p>(1) Use of the authorised development shall not commence until details of the operational lighting, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE and the Port of London Authority.</p>
Pipe subway	BLABF24	<p>(1) Any part of an existing pipe subway, including and fixtures and fittings associated with the safe working of the pipe subway, removed, disassembled, or damaged in the course of the authorised project shall be reinstated in accordance with details submitted to and approved by the relevant planning authority.</p> <p>(2) Where any pipe or wire located in an existing pipe subway is diverted during the construction of the works at this site it shall be reinstated in the pipe subway on completion of the works</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>unless otherwise agreed with the relevant planning authority.</p> <p>(3) Any lighting, power supplies, pumps and discharge damaged or removed as a result of works to or demolition of a section of the subway must be relocated and reconfigured either side of the area of the work being carried out, to ensure their continued function and they must be reinstated on completion of these works in accordance with details submitted to and approved by the relevant planning authority.</p> <p>(4) Works affecting the pipe subway or the access to it shall not commence until written details in respect of security, access arrangements (including closure of access points and pipe sections) and health and safety measures shall be submitted and approved by the relevant planning authority for approval in consultation in with the City of London Police and the Metropolitan Police.</p> <p>(5) All works shall be carried out in compliance with the approved details unless otherwise agreed with the relevant planning authority in consultation with the City of London Police and the Metropolitan Police.</p> <p>(6) For the purposes of this requirement —</p> <p>“pipe” and “wire” bear the same meaning as in paragraph (4) of Article 58 (Application of pipe subways legislation) of this order;</p> <p>“existing pipe subway” means any subway belonging to the Mayor and Commonalty and Citizens of the City of London to which the London County Council (Subways) Act 1893 applies or any public service works vested in the said Mayor and Commonalty and Citizens in accordance with Part V of the City of London (Various Powers) Act 1900.</p>
Section 106 Agreement / Undertaking BLABF25		<p>The authorised development shall not commence on this site unless and until the undertaker enters into the Blackfriars Bridge Foreshore Section 106 Agreement / Undertaking (in accordance with the obligations</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Commissioning works	BLABF26	<p>specified in the draft at doc. ref. APP119.08).</p> <p>(1) On or before the completion of the landscaping works approved further to requirement BLABF14 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p> <p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

### Notes

- <sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Amendment) (No. 2) Order 2020/862 Sch.2 para.1 (August 14, 2020)
- <sup>2</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 17: September 24, 2014

**Extent**

Sch. 3 para. 17: England, Wales, Scotland

✔ Law In Force

**18. Shad Thames Pumping Station**

The table below sets out the specific requirements for the Shad Thames Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	SHTPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	SHTPS2	<p>(1) Construction of the electrical switchgear and facilities building or alterations to the Maguire Street elevation of the existing pumping station building shall not commence until details of the design including external appearance and materials, which shall accord with the design principles for this site, the Site works parameter plan , the Proposed roof plan (Drawing No. DCO-PP-18X-SHTPS-200007), the Indicative proposed elevations (Drawing Nos. DCO-PP-18X-SHTPS-200010, DCO-PP-18X-SHTPS-200011 and DCO-PP-18X-SHTPS-200013 – Rev 1), are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Contaminated land	SHTPS3	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	SHTPS4	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	SHTPS5	<p>(1) Work No.18 shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Travel plan	SHTPS6	<p>approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 18 shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 18 and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	SHTPS7	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Heritage interpretation	SHTPS8	<p>(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 18: September 24, 2014

**Extent**

Sch. 3 para. 18: England, Wales, Scotland

 Law In Force

**19. Chambers Wharf**

The table below sets out the specific requirements for the Chambers Wharf site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	CHAWF1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	CHAWF2	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design, including size, external appearance and materials, which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for signature ventilation columns	CHAWF3	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the ventilation column type C (Drawing No. DCO-PP-900-ZZZZZ-290003 – rev 2), are submitted to and approved by the relevant planning authority.</p> <p>(2) The ventilation columns at this site shall not exceed 6 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for river wall	CHAWF4	(1) Construction of the replacement river wall shall not commence until

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Temporary works platform	CHAWF5	<p>details of the design (including external appearance and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority, in consultation with the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority, in consultation with the Environment Agency.</p> <p>(1) The temporary works platform within the foreshore shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with the Environment Agency.</p>
Contaminated land	CHAWF6	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	CHAWF7	<p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Construction traffic management plan	CHAWF8	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p> <p>(1) Work No.19a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	CHAWF9	<p>(1) Work No. 19a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Specification of accesses (construction and operational)	CHAWF10	<p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 19a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Site restoration	CHAWF11	<p>(1) On completion of construction the steps specified in the Code of Construction Part B, section 4, Site Operation (document reference APP178.35) shall be implemented in full.</p> <p>(2) The steps specified in sub-section (1) shall not apply if residential planning permission 07/AP/1262 has been implemented.</p>
Heritage Interpretation	CHAWF12	<p>(1) Construction of the replacement river wall shall not commence until any relevant details applicable to this site from the project wide heritage strategy required by PW11 are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Surface water drainage	CHAWF13	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>authority in consultation with the Environment Agency.</p> <p>(2) Notwithstanding design principle CHAWF.07, the drainage scheme shall be fully implemented in accordance with the approved details within 3 months of the end of construction works at this site (save for commissioning), unless planning permission 07/AP/1262 has been implemented on this site.</p>

### Notes

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 19: September 24, 2014

### Extent

Sch. 3 para. 19: England, Wales, Scotland

 Law In Force

## 20. Earl Pumping Station

The table below sets out the specific requirements for the Earl Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	EARPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	EARPS2	<p>(1) Cladding of the permanent above-ground shaft structure and permanent above-ground structures for the interception chamber and ventilation structures shall not commence until details of the design (including size, external appearance and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Contaminated land	EARPS3	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Archaeology	EARPS4	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Landscaping works	EARPS5	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, which shall accord with the indicative features on Landscape plan (Drawing No. DCO-PP-21X-EARPS-220008) and the design principles for this site, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ol style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> </ol>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</p> <p>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</p> <p>l. details of existing trees to be retained</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Construction traffic management plan	EARPS6	<p>(1) Work No.21a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	EARPS7	<p>(1) Work No. 21a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 21a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	EARPS8	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	EARPS9	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Removal and reinstatement of marker stone	EARPS10	<p>The marker stone 'SPD 1897— SQMR 1871' located in the vehicular crossover serving Nos. 64-72 Croft Street shall be recorded, removed, stored in a safe and secure place and reinstated in the same location as part of the highway restoration works on completion of the authorised works.</p>
Street trees	EARPS11	<p>(1) Work No. 21a shall not commence until a scheme setting out measures for the protection of existing trees in the public highway along Croft Street, or for replacement tree planting if necessary, is submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(3) The scheme required in paragraph (1) above shall be implemented and maintained throughout construction, unless otherwise agreed by the relevant planning authority.</p>
Heritage interpretation	EARPS12	<p>(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

### Notes


<sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 20: September 24, 2014

**Extent**

Sch. 3 para. 20: England, Wales, Scotland

 Law In Force

**21. Deptford Church Street**

The table below sets out the specific requirements for the Deptford Church Street site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	DEPCS 1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	DEPCS 2	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the design principles for this site and the Site works parameter plan (Drawing No. DCO-PP-22X-DEPCS-230005), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Detailed design approval for signature ventilation columns	DEPCS 3	<p>(1) Construction of the signature ventilation columns shall not commence until details of the height, dimensions, external appearance and materials, which shall accord with the ventilation column type C (Drawing No. DCO-PP-900-ZZZZZ-290003 – rev 2), are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6.5 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Landscaping works	DEPCS 4	<p>approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works, including the public highways, which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority, in consultation with the HBMCE.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Contaminated land	DEPCS 5	<p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <ul style="list-style-type: none"> <li>a. a preliminary risk assessment and site investigation scheme which identifies— <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> </li> </ul>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Construction traffic management plan	DEPCS 6	<p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Travel plan	DEPCS 7	<p>(1) Work No.22a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p> <p>(1) Work No. 22a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 22a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Highway works	DEPCS 8	<p>(1) Authorised development consisting of construction in or alteration of Deptford Church Street, Coffey Street or Crossfield Street or the construction or alteration of any highway structures which form part of Deptford Church Street, Coffey Street or Crossfield Street shall not commence until details of the design are submitted to and approved by the local highway</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Specification of accesses (construction and operational)	DEPCS 9	<p>authority in consultation with TfL and the HBMCE.</p> <p>(2) The information required in paragraph (1) above shall include details of any permanent works for a new or altered surface and foul water drainage system for Deptford Church Street, Coffey Street or Crossfield Street and any permanent works for a new or modified highway lighting scheme for Deptford Church Street or Crossfield Street.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority in consultation with TfL and the HBMCE.</p> <p>(1) No alterations shall be made to any existing access or any new access provided to Deptford Church Street, Crossfield Street or Coffey Street until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority, in consultation with TfL for any works to Deptford Church Street. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the planning authority in consultation with TfL for any works to Deptford Church Street.</p>
Surface water drainage	DEPCS 10	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	DEPCS 11	<p>approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
School fire and emergency assembly point	DEPCS 12	<p>(1) Details of the proposed temporary fire and emergency assembly point(s) for staff, pupils and visitors to St Joseph's Roman Catholic Primary School shall be submitted to and approved by the relevant planning authority, in consultation with the London Fire and Civil Defence Authority. The details shall include the size or the assembly point(s), capacity and safety audit.</p> <p>(2) The approved assembly point(s) shall be made available for use prior to commencement of works and maintained throughout the construction period.</p>
Vehicular and pedestrian access	DEPCS 13	<p>Access shall be maintained at all times throughout construction Work Nos. 22a and 22b and any associated ancillary works to existing pedestrian and vehicular access points on Crossfield Street, St Joseph's Roman Catholic Primary School and St Paul's Church, unless otherwise approved by the relevant planning authority.</p>
Commissioning works	DEPCS14	<p>(1) On or before the completion of the landscaping works approved further to requirement DEPCS4 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <p>a. remove all hoarding or other temporary enclosure from the site; and</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>b. make the site publically accessible in accordance with the approved landscape scheme.</p> <p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p>

#### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 21: September 24, 2014

#### Extent

Sch. 3 para. 21: England, Wales, Scotland

 Law In Force

## 22. Greenwich Pumping Station

The table below sets out the specific requirements for the Greenwich Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	GREPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site,

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for permanent above-ground structures	GREPS2	<p>unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.</p> <p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including external appearance and materials), which shall accord with the indicative features on the Proposed site features plan (Drawing Nos. DCO-PP-23X-GREPS-240010), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Details of works to listed buildings and structures	GREPS3	<p>(1) Works to the East Beam Engine House shall not commence until details of those works, which shall accord with the design principles for this site, indicative plans, sections and elevations (Drawing Nos. DCO-PP-23X-GREPS-240012, DCO-PP-23X-GREPS-240014 – rev 1, DCO-PP-23X-GREPS-240015 – rev 1, DCO-PP-23X-GREPS-240018 – rev 1, DCO-PP-23X-GREPS-240019 – rev 1, DCO-PP-23X-GREPS-240021 – rev 1, DCO-PP-23X-GREPS-240022 – rev 1, DCO-PP-23X-GREPS-240023 – rev 1, DCO-PP-23X-GREPS-240026) and the approved maximum extent of loss of listed structures (Drawing Nos. DCO-PP-23X-GREPS-240020 – rev 1 and DCO-PP-23X-GREPS-240024 – rev 1), are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>(2) The details required shall include the following—</p> <p>detailed drawings showing all fixings to the East Beam Engine House</p> <p>detailed drawings of the lantern, fenestration and openings to the East Beam Engine House</p> <p>construction method statement including engineering drawings</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Details of works to listed buildings	GREPS4	<p>a list of proposed materials.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(1) Works to the listed sunken staircase to the west of the podium of the East Beam Engine House over the auxiliary pump chamber (as relevant) shall not commence until the following details are submitted to and approved by the relevant planning authority in consultation with the HBMCE—</p> <p>works to protect the entrance podium and East Beam Engine House</p> <p>works to remove the sunken staircase including the western wall, store and re-use the York stone steps and bricks for the western wall and re-use the historic hand rail posts on the entrance podium to the east of the stairs.</p> <p>(2) Materials of heritage significance in b above shall be re-used in accordance with the principles set out in Section 3.6 of the Heritage Statement.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Protective works to listed buildings	GREPS5	<p>(1) Works to the East Beam Engine House shall not commence until details of the protective measures to prevent strike damage to the Grade II listed beam engine houses, and central boiler house, the Grade II listed coal sheds, and the Grade II listed Network Rail viaduct are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Landscaping works	GREPS6	<p>(1) Construction of the permanent above-ground structures shall not</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>commence until details of the landscaping works, which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Contaminated land	GREPS7	<p>or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>b. a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> </ul>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	GREPS8	<p>out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	GREPS9	<p>(1) Work No.23a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	GREPS10	<p>(1) Work No. 23a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 23a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	GREPS11	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Surface water drainage	GREPS12	<p>authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p> <p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p>
Operational noise	GREPS13	<p>(1) Use of the authorised development shall not commence until a noise report is submitted to and approved by the relevant planning authority. This report shall demonstrate that baseline noise design rating levels for plant and machinery are 5dB (A) below the typical background noise level, as defined in British Standard 4142—1997, at the nearest residential receptor over the operational period of the plant.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

#### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 22: September 24, 2014

**Extent**

Sch. 3 para. 22: England, Wales, Scotland

 Law In Force

**23. King Edward Memorial Park Foreshore**

The table below sets out the specific requirements for the King Edward Memorial Park Foreshore site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	KEMPF1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Location of permanent works	KEMPF2	<p>(1) The permanent foreshore structure and river wall shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, details of the amended alignment, which shall accord with the design principles for this site, shall be submitted to and approved by the relevant planning authority in consultation with the Port of London Authority and the Environment Agency and thereafter be carried out in accordance with the approved details.</p>
Detailed design approval for permanent above-ground structures	KEMPF3	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Detailed design approval for signature ventilation columns	KEMPF4	<p>(1) Construction of the ventilation columns shall not commence until details of the height, dimensions,</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Detailed design approval for river wall and foreshore structure	KEMPF5	<p>external appearance and materials, which shall accord with the design principles for this site are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The ventilation columns at this site shall not exceed 6.5 metres in height.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(4) Notwithstanding the notes on drawing DCO-PP-900-ZZZZZ-290003 – Rev 2 there is no requirement for the signature design to be used at this site.</p> <p>(1) Construction of Work No. 24b (iv) shall not commence until details of the design (including external appearance and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency in respect of land based access to flood defences and potential for ecological enhancements.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency.</p>
Landscaping works	KEMPF6	<p>(1) Construction of the permanent above-ground structures shall not commence until details of the landscaping works (excluding details for approval under Requirement KEMPF7), which shall accord with the indicative features on the Proposed landscape plan (Drawing No. DCO-PP-24X-KEMPF-250009 – rev 1), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) Unless otherwise agreed by the relevant planning authority, the landscaping information required in paragraph (1) above shall comprise</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>details of all hard and soft landscaping works including:</p> <ul style="list-style-type: none"> <li>a. location, quantity, species, size and density of any proposed planting</li> <li>b. cultivation, importation of materials and other operations to ensure plant establishment</li> <li>c. monitoring and maintenance (including any maintenance or restoration of landscaping required after tunnel commissioning)</li> <li>d. proposed finished ground levels</li> <li>e. hard-surfacing materials</li> <li>f. minor structures such as furniture, refuse or other storage units, signs and lighting</li> <li>g. retained historic landscape features and proposals for restoration, where relevant</li> <li>h. a programme for implementation of all landscaping works</li> <li>i. details of fencing/enclosures</li> <li>j. vehicular and pedestrian access, parking and circulation areas, (including details of areas of public access)</li> <li>k. proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports</li> <li>l. details of existing trees to be retained</li> </ul> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(4) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(5) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub (or any tree or shrub planted to replace it) is uprooted or destroyed or dies, another</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Works to reconfigure the multi-purpose sports pitch, relocate the children's play area and associated landscaping	KEMPF7	<p>tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p> <p>(1) Construction shall not commence until details of the works to reconfigure the multi-purpose sports pitch, relocate the children's play area and associated landscaping, which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The details required in paragraph (1) above shall, unless otherwise agreed by the relevant planning authority, include—</p> <p>proposed finished ground levels</p> <p>hard-surfacing materials</p> <p>associated equipment or facilities for play</p> <p>implementation timetables for all landscaping works</p> <p>details of fencing/enclosures.</p> <p>(3) Construction of Work No. 24b(x) shall not commence until the details in paragraph (1) above have been implemented.</p> <p>(4) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Temporary works platform	KEMPF8	<p>(1) The temporary works platform shall not extend beyond the alignment shown on the Site works parameter plan.</p> <p>(2) Should the alignment be less than the maximum extent shown on the Site works parameter plan, construction of the temporary works platform shall not commence until details of the proposed structure(s) (including additional lengths of cofferdam, temporary decking areas and pontoons) are submitted to and approved by the Port of London Authority in consultation with the Environment Agency.</p>
Contaminated land	KEMPF9	Site-specific remediation strategy



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		<p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <ul style="list-style-type: none"> <li>all previous uses</li> <li>potential contaminants associated with those uses</li> <li>a conceptual model of the site indicating sources, pathways and receptors</li> <li>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</li> <li>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</li> </ul> <p>b. a remediation strategy which includes—</p> <ul style="list-style-type: none"> <li>the results of the site investigation]<sup>1</sup></li> <li>a detailed quantitative risk assessment</li> <li>an options appraisal giving full details of the remediation measures required and how they shall be carried out</li> <li>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</li> <li>a programme for the submission of elements detailed in (3) and (4) below.</li> </ul> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	KEMPF10	<p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Construction traffic management plan	KEMPF11	<p>(1) Work No. 24a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	KEMPF12	<p>(1) Work No. 24a shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The approved travel plan(s) shall be implemented from commencement of Work No. 24a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Specification of accesses (construction and operational)	KEMPF13	<p>(1) No alterations shall be made to any existing access or any new access provided until details of the design, which shall accord with the design principles for this site, are submitted to and approved by the local highway authority. Any such works shall be completed prior to their use.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the highway authority.</p>
Surface water drainage	KEMPF14	<p>(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Highway works	KEMPF15	<p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.</p> <p>(1) Authorised development consisting of construction in or alteration of The Highway or the construction or alteration of any highway structures which form part of The Highway shall not commence until details of the design are submitted to and approved by the local highway authority.</p> <p>(2) The information required in paragraph 1 above shall include details of any permanent works for a new or altered surface and foul water drainage system for The Highway and any permanent works for a new or modified highway lighting scheme for The Highway.</p> <p>(3) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the local highway authority.</p>
Section 106 Agreement / Undertaking	KEMPF16	<p>The authorised development shall not commence on this site unless and until the undertaker enters into the King Edward Memorial Park Foreshore Section 106 Agreement / Undertaking (in accordance with the obligations specified in the draft at doc. ref. APP119.15).</p>
Commissioning works	KEMPF17	<p>(1) On or before the completion of the landscaping works approved further to requirement KEMPF6 (landscaping), the undertaker shall give notice to the relevant planning authority.</p> <p>(2) (Save for works carried out in accordance with (5) below) within 1 month of the notice under (1) the undertaker shall:</p> <ul style="list-style-type: none"> <li>a. remove all hoarding or other temporary enclosure from the site; and</li> <li>b. make the site publically accessible in accordance with the approved landscape scheme.</li> </ul>

<b>Title</b>	<b>Ref</b>	<b>Text</b>
Working hours	KEMPF18	<p>(3) The undertaker shall provide a 'commissioning notice' to the relevant planning authority at least 2 months before undertaking any commissioning works. The notice shall include:</p> <p>a. a programme for the commissioning works; and</p> <p>b. a location plan for any fencing or hoarding associated with those works (including identifying areas to be accessible to the public).</p> <p>(4) The undertaker shall provide a 'commissioning confirmation notice' 21 days prior to starting the commissioning works, confirming the date of commencement of commissioning.</p> <p>(5) The commissioning works shall be undertaken in accordance with the programme in the commissioning notice and the location plan unless otherwise agreed with the relevant planning authority.</p> <p>Notwithstanding anything said in the CoCP Part B and any other provisions or requirements, unless otherwise agreed with the relevant planning authority standard working hours at King Edward Memorial Park Foreshore site shall not include 08:00 to 13:00 Saturday. The maintenance period will not be limited during the period and will include 08:00 to 13:00 Saturdays.</p>

#### Notes

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 3 para. 23: September 24, 2014

#### Extent

Sch. 3 para. 23: England, Wales, Scotland

✓ Law In Force

## 24. Bekesbourne Street

The table below sets out the specific requirements for the Bekesbourne Street site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	BEKST1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for kiosk	BEKST2	<p>(1) Construction of the kiosk shall not commence until details of the design (including external appearance and materials), which shall accord with the indicative features on the Proposed landscape plan (Drawing No. DCO-PP-25X-BEKST-260006 – rev 1), the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Contaminated land	BEKST3	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in 3 and 4 below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	BEKST4	<p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>
Construction traffic management plan	BEKST5	<p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p> <p>(1) Work No.25 shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Section 106 Agreement / Undertaking	BEKST6	<p>The authorised development shall not commence on this site unless and until the undertaker enters into the Bekesbourne Street Section 106 Agreement / Undertaking (in accordance with the obligations specified in the draft at doc. ref. APP119.15).</p>



<i>Title</i>	<i>Ref</i>	<i>Text</i>
Bekesbourne Street parking	BEKST7	There shall be no permanent loss of on-street parking on Bekesbourne Street.
Street Trees	BEKST8	<p>(1) Prior to completion of Work No. 25 a scheme of replacement street tree planting shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(3) The approved landscaping works shall be carried out by suitably trained or qualified personnel to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.</p> <p>Replacement trees and shrubs</p> <p>(4) If, within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted to replace it is uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted in the same place, unless the relevant planning authority approves any variation.</p>
Heritage interpretation	BEKST9	<p>(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p>

### Notes


- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 3 para. 24: September 24, 2014

**Extent**

Sch. 3 para. 24: England, Wales, Scotland

 Law In Force

**25. Abbey Mills Pumping Station**

The table below sets out the specific requirements for the Abbey Mills Pumping Station site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	ABMPS1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Detailed design approval for permanent above-ground structures	ABMPS2	<p>(1) Construction of any permanent above-ground structure shall not commence until details of the design (including size, external appearances and materials), which shall accord with the design principles for this site and the Site works parameter plan, are submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the HBMCE.</p>
Contaminated land	ABMPS3	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including site access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p> <p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
Archaeology	ABMPS4	<p>long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p> <p>(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.</p> <p>(1) No excavation shall be carried out until a SSAWSI (which shall accord with the OAWSI) is submitted to and approved by the relevant planning authority in consultation with the HBMCE.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details by a suitably qualified person or body.</p>
Construction traffic management plan	ABMPS5	<p>(1) Work No. 26a shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.</p>
Travel plan	ABMPS6	<p>(1) Work No. 26a shall not commence until a site-specific construction workforce travel plan, which shall</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.  (2) The approved travel plan(s) shall be implemented from commencement of Work No. 26a and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.
Surface water drainage	ABMPS7	(1) Construction of the permanent above-ground structures or landscaping shall not commence until details of the surface water drainage system for this site (including means of pollution control, an assessment of the hydrological and hydrogeological context and how the scheme shall be maintained and managed following completion), which shall accord with the design principles for this site, are submitted to and approved by the relevant planning authority in consultation with the Environment Agency.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with the Environment Agency, and completed prior to use of the authorised development.
Heritage interpretation	ABMPS8	(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and approved by the relevant planning authority.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.

**Notes**

<sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**

Sch. 3 para. 25: September 24, 2014

**Extent**

Sch. 3 para. 25: England, Wales, Scotland

✓ Law In Force

**26. Beckton Sewage Treatment Works**

The table below sets out the specific requirements for the Beckton Sewage Treatment Works site—

<i>Title</i>	<i>Ref</i>	<i>Text</i>
CoCP Part B	BESTW1	Until completion of construction the authorised development shall be carried out in accordance with the CoCP Part A subject to the site specific variations set out in CoCP Part B for this site, unless otherwise agreed with the relevant planning authority in consultation with other relevant stakeholders.
Contaminated land	BESTW2	<p>Site-specific remediation strategy</p> <p>(1) No works shall be carried out at this site (except for demolition of existing buildings, works in the highway including sssssssite access, works to trees and installation of monitoring equipment), unless otherwise agreed, until the following are submitted to and approved by the relevant planning authority in consultation with the Environment Agency—</p> <p>a. a preliminary risk assessment and site investigation scheme which identifies—</p> <p>all previous uses</p> <p>potential contaminants associated with those uses</p> <p>a conceptual model of the site indicating sources, pathways and receptors</p> <p>a qualitative risk assessment of any potentially unacceptable risks arising from contamination at the site</p> <p>a proposed site investigation scheme providing information for a detailed quantitative assessment of the risk to all receptors that may be affected, including those off-site.</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
[		<p>b. a remediation strategy which includes—</p> <p>the results of the site investigation]<sup>1</sup></p> <p>a detailed quantitative risk assessment</p> <p>an options appraisal giving full details of the remediation measures required and how they shall be carried out</p> <p>a verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action</p> <p>a programme for the submission of elements detailed in (3) and (4) below.</p> <p>(2) The authorised development shall be carried out in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Verification report</p> <p>(3) Prior to completion of the works, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved details to demonstrate that the site remediation criteria were met. It shall also include a plan for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action as identified in the verification plan.</p> <p>(4) The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details, unless otherwise agreed with the relevant planning authority in consultation with the Environment Agency.</p> <p>Unexpected contamination</p>

<i>Title</i>	<i>Ref</i>	<i>Text</i>
		(5) If, in carrying out any works on this site, contamination not previously identified is found to be present, then unless otherwise agreed by the relevant planning authority, no further development or works shall be carried out in the part of the site in which the contamination is identified until a remediation strategy is submitted to and approved by the relevant planning authority in consultation with the Environment Agency. The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.
Construction traffic management plan	BESTW3	(1) Work No. 27 shall not commence until a traffic management plan (which shall accord with the CoCP) is submitted to and approved by the relevant planning authority in consultation with TfL.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority in consultation with TfL.
Travel plan	BESTW4	(1) Work No. 27 shall not commence until a site-specific construction workforce travel plan, which shall accord with the Draft Project Framework Travel Plan, is submitted to and approved by the relevant planning authority in consultation with TfL.  (2) The approved travel plan(s) shall be implemented from commencement of Work No. 27 and remain in place for the duration of the construction works, unless otherwise approved by the relevant planning authority in consultation with TfL.
Design Principles	BESTW5	Work No. 27 shall be undertaken in accordance with Design Principles BESTW.01 – 05, unless otherwise approved by the relevant planning authority.
Heritage interpretation	BESTW6	(1) Prior to completion of the works (save for commissioning) any relevant details applicable to this site from the project wide heritage strategy required by PW11 shall be submitted to and



<i>Title</i>	<i>Ref</i>	<i>Text</i>
		approved by the relevant planning authority.  (2) The authorised development shall be carried out in accordance with the approved details, unless otherwise approved by the relevant planning authority.

**Notes**

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


**Commencement**

Sch. 3 para. 26: September 24, 2014

**Extent**

Sch. 3 para. 26: England, Wales, Scotland

**SCHEDULE 4****STREETS SUBJECT TO STREET WORKS****Article 10**

 Law In Force

<b>Borough</b>	<b>Street subject to street works</b>	<b>Relevant Site</b>
London Borough of Ealing	Canham Road Warple Way Stanley Gardens	Acton Storm Tanks
London Borough of Hammersmith and Fulham	Chancellor's Road Distillery Road	Hammersmith Pumping Station
London Borough of Wandsworth	The Embankment Lower Richmond Road Putney High Street Putney Bridge Glendarvon Street	Putney Embankment Foreshore
London Borough of Hammersmith and Fulham	Carnwath Road Wandsworth Bridge Road	Carnwath Road Riverside
London Borough of Wandsworth	Dormay Street The Causeway Armoury Way	Dormay Street
London Borough of Wandsworth	Neville Gill Close Buckhold Road	King George's Park
London Borough of Wandsworth	York Road	Falconbrook Pumping Station


<b>Borough</b>	<b>Street subject to street works</b>	<b>Relevant Site</b>
	York Gardens	
Royal Borough of Kensington and Chelsea	Lots Road	Cremorne Wharf Depot
Royal Borough of Kensington and Chelsea	Chelsea Embankment The Bull Ring	Chelsea Embankment Foreshore
London Borough of Wandsworth	Kirtling Street Cringle Street	Kirtling Street
London Borough of Wandsworth	Nine Elms Lane	Heathwall Pumping Station
London Borough of Lambeth	Albert Embankment	Albert Embankment Foreshore
London Borough of Lambeth	Lambeth Palace Road Albert Embankment	Victoria Embankment Foreshore
London Borough of Southwark	Blackfriars Road	Blackfriars Bridge Foreshore
City of Westminster	Victoria Embankment	Victoria Embankment Foreshore
City of London	Victoria Embankment Blackfriars Underpass New Bridge Street Blackfriars Bridge Blackfriars Bridge head Blackfriars Road White Lion Hill Thames Path	Blackfriars Bridge Foreshore
London Borough of Southwark	Maguire Street Gainsford Street Shad Thames	Shad Thames Pumping Station
London Borough of Southwark	Chambers Street Loftie Street Bevington Street Bermondsey Wall West East Lane	Chambers Wharf
London Borough of Southwark	Chilton Grove Croft Street	Earl Pumping Station
London Borough of Lewisham	Chilton Grove Yeoman Street Croft Street	Earl Pumping Station
London Borough of Lewisham	Deptford Church Street Crossfield Street Coffey Street	Deptford Church Street
Royal Borough of Greenwich	Norman Road Greenwich High Road Unnamed pedestrian/cycle route between Norman Road and Creekside	Greenwich Pumping Station
London Borough of Tower Hamlets	Glamis Road	King Edward Memorial Park Foreshore
London Borough of Tower Hamlets	Bekesbourne Street Ratcliffe Lane	Bekesbourne Street
London Borough of Newham	Gay Road Abbey Lane	Abbey Mills
London Borough of Newham	Jenkins Lane	Beckton Sewage Treatment Works

**Commencement**

Sch. 4 para. 1: September 24, 2014

**Extent**

Sch. 4 para. 1: England, Wales, Scotland

**SCHEDULE 5****STREETS SUBJECT TO ALTERATION OF LAYOUT****Article 11**
 Law In Force

<i><b>Borough</b></i>	<i><b>Street to be altered</b></i>	<i><b>Description of alteration</b></i>	<i><b>Relevant Site</b></i>
London Borough of Ealing	Canham Road	Works to provide site access, temporary removal of on street parking, introduction of temporary waiting restrictions and footway widening works.	Acton Storm Tanks
London Borough of Ealing	Warple Way	Works to provide site access, temporary removal of on street parking and introduction of temporary waiting restriction	Acton Storm Tanks
London Borough of Ealing	Stanley Gardens	Works associated with the temporary modification to kerb line, temporary removal of on street parking and introduction of temporary waiting restrictions	Acton Storm Tanks
London Borough of Hammersmith and Fulham	Distillery Road	Works to provide site accesses	Hammersmith Pumping Station
London Borough of Hammersmith and Fulham	Chancellor's Road	Temporary removal of on street parking and introduction of temporary waiting restrictions. Modification to kerb line on its junction with Distillery Road	Hammersmith Pumping Station
London Borough of Wandsworth	The Embankment	Works to provide site access, temporary removal of on street parking, the introduction of temporary waiting restrictions, formation of access to	Putney Embankment Foreshore

<i>Borough</i>	<i>Street to be altered</i>	<i>Description of alteration</i>	<i>Relevant Site</i>
		temporary slipway, temporary suspension of one-way, kerb line modifications and temporary removal of traffic island	
		Works associated with environmental enhancement including footway surfacing and street furniture	
London Borough of Wandsworth	Glendarvon Street	Temporary removal of on street parking and introduction of waiting restrictions	Putney Embankment Foreshore
London Borough of Wandsworth	Lower Richmond Road	Installation of ducting within carriageway and pedestrian site access gate	Putney Embankment Foreshore
London Borough of Wandsworth	Putney High Street/Putney Bridge	Installation of vent column	Putney Embankment Foreshore
Hammersmith and Fulham	Carnwath Road	Works to provide site access, temporary removal of on street parking and introduction of temporary waiting restrictions, footway and junction modifications at its junction with Wandsworth Bridge Road	Carnwath Road Riverside
Hammersmith and Fulham	Wandsworth Bridge Road	Modification to traffic signalised junction	Carnwath Road Riverside
London Borough of Wandsworth	Dormay Street	Works to provide site access	Dormay Street
London Borough of Wandsworth	The Causeway	Works to provide site access Temporary removal of on street parking and introduction of temporary waiting restrictions	Dormay Street
London Borough of Wandsworth	Armoury Way	Temporary kerb line and junction modifications	Dormay Street
London Borough of Wandsworth	Neville Gill Close	Provision of construction access, temporary modification to kerb lines and pedestrian refuge	King George's Park
London Borough of Wandsworth	Buckhold Road	Modification to kerb lines, pedestrian refuge and park entrance	King George's Park
London Borough of Wandsworth	York Road	Works to provide site accesses and works associated with the relocation of bus stop facilities	Falconbrook Pumping Station

<i><b>Borough</b></i>	<i><b>Street to be altered</b></i>	<i><b>Description of alteration</b></i>	<i><b>Relevant Site</b></i>
London Borough of Wandsworth	York Gardens	Works to provide site access and temporary removal of parking	Falconbrook Pumping Station
Royal Borough of Kensington and Chelsea	Lots Road	Works to provide site access, temporary removal of on street parking and introduction of temporary waiting restrictions	Cremorne Wharf Depot
Royal Borough of Kensington and Chelsea	Chelsea Embankment	Works to provide site accesses Works to facilitate the provision of traffic management including provision of a temporary formal crossing, temporary removal of traffic island, provision of site hoarding Works associated with environmental enhancement including footway surfacing and street furniture	Chelsea Embankment Foreshore
Royal Borough of Kensington and Chelsea	The Bull Ring	Works associated with environmental enhancement including footway and carriageway surfacing and street furniture	Chelsea Embankment Foreshore
London Borough of Wandsworth	Kirtling Street	Works to provide site access, the provision of traffic management, temporary removal of on street parking and introduction of temporary waiting restrictions Works to undertake environmental enhancements	Kirtling Street
London Borough of Wandsworth	Cringle Street	Works to provide site access Works to undertake carriageway crossing for services Works associated with environmental enhancement including footway surfacing and street furniture	Kirtling Street
London Borough of Wandsworth	Nine Elms Lane	Works to provide site access Works associated with environmental enhancement including footway surfacing, tree planting, and street furniture	Heathwall Pumping Station
London Borough of Lambeth	Albert Embankment	Works to provide site access	Albert Embankment Foreshore

<i><b>Borough</b></i>	<i><b>Street to be altered</b></i>	<i><b>Description of alteration</b></i>	<i><b>Relevant Site</b></i>
City of Westminster	Victoria Embankment	Works to provide site access. Works to facilitate the provision of traffic management, modification to waiting restrictions, removal of central carriageway reserve, provision of site hoarding, removal of cycle parking station Works to facilitate the temporary and permanent provision of access to boat moorings Works associated with environmental enhancement including footway surfacing and street furniture Works to construct a ramp and stairs on the footway	Victoria Embankment Foreshore
City of London	Victoria Embankment / Blackfriars Underpass / Blackfriars Bridge head / Blackfriars Bridge	Works to provide site access. Provision of traffic management including modification to waiting restrictions/loading bays, provision of site hoarding Works to facilitate the temporary and permanent provision of access to boat moorings Works associated with environmental enhancement including footway surfacing, step access from Blackfriars Bridge, lift access from Blackfriars Bridge, and street furniture Works to construct a ramp and stairs on the footway	Blackfriars Bridge Foreshore
City of London	New Bridge Street / Blackfriars Bridge / Blackfriars Bridge head	Provision of Temporary traffic management Provision of pedestrian lift	Blackfriars Bridge Foreshore
City of London	White Lion Hill	Modification of kerb, boundary wall, railing and provision of loading bay	Blackfriars Bridge Foreshore
London Borough of Southwark	Maguire Street and Shad Thames	Works to provide site access Works for the provision of traffic management, provision of temporary turning head, temporary removal of on street parking, introduction of temporary waiting restrictions and	Shad Thames Pumping Station

<i>Borough</i>	<i>Street to be altered</i>	<i>Description of alteration</i>	<i>Relevant Site</i>
		works for the provision of chambers, pipeline and ducts	
London Borough of Southwark	Gainsford Street	Works for the provision of in sewer equipment	Shad Thames Pumping Station
London Borough of Southwark	Chambers Street	Works to provide site access The temporary removal of on street parking and introduction of temporary waiting restrictions	Chambers Wharf
London Borough of Southwark	Loftie Street	Works to provide site access	Chambers Wharf
London Borough of Southwark	Bevington Street	The temporary removal of on street parking and introduction of temporary waiting restrictions, provision of temporary pedestrian refuge	Chambers Wharf
London Borough of Southwark	Croft Street	The temporary removal of on street parking and introduction of temporary waiting restrictions modification to traffic calming features Service connection to existing sewer	Earl Pumping Station
London Borough of Southwark	Chilton Grove	Works to provide site access and service connections to existing sewer, temporary removal of traffic calming, on street parking and introduction of temporary waiting restrictions	Earl Pumping Station
London Borough of Lewisham	Croft Street	Works to provide site access The temporary removal of on street parking and introduction of temporary waiting restrictions, modification to traffic calming features. Service connection to existing sewer	Earl Pumping Station
London Borough of Lewisham	Yeoman Street	Works to provide site access, service connections to existing sewer, temporary removal of traffic calming, on street parking and introduction of temporary waiting restrictions	Earl Pumping Station
London Borough of Lewisham	Chilton Grove	Works to provide site access, service connections to existing sewer, temporary removal of traffic calming,	Earl Pumping Station

<i>Borough</i>	<i>Street to be altered</i>	<i>Description of alteration</i>	<i>Relevant Site</i>
London Borough of Lewisham	Deptford Church Street	on street parking and introduction of temporary waiting restrictions Works associated with the temporary suspension of the pedestrian crossing, provision of temporary pedestrian crossing, temporary removal of central carriageway divide, temporary removal of bus lanes. Temporary relocation of bus stops introduction of temporary waiting restrictions Works associated with environmental enhancement including footway surfacing and street furniture	Deptford Church Street
London Borough of Lewisham	Coffey Street	Works to provide site access Temporary removal of on street parking and introduction of temporary waiting restrictions Works associated with temporary one way use, including associated signs Works associated with environmental enhancement including footway surfacing and street furniture	Deptford Church Street
London Borough of Lewisham	Crossfield Street	Works to provide site access Temporary removal of on street parking and introduction of temporary waiting restrictions. Works associated with temporary one way use, including associated signs Works to form a temporary traffic management system and emergency evacuation point Works associated with the provision of a temporary section of carriageway linking Crossfield Road to Coffey Street Works associated with environmental enhancement including footway surfacing and street furniture	Deptford Church Street
Royal Borough of Greenwich	Norman Road	Works to provide site access	Greenwich Pumping Station



<b><i>Borough</i></b>	<b><i>Street to be altered</i></b>	<b><i>Description of alteration</i></b>	<b><i>Relevant Site</i></b>
Royal Borough of Greenwich	Greenwich High Road	Works to provide site access	Greenwich Pumping Station
Royal Borough of Greenwich	Unnamed pedestrian/cycle route between Norman Road and Creekside	Temporary diversion of route and associated works	Greenwich Pumping Station
London Borough of Tower Hamlets	Glamis Road	Works to provide site access Temporary removal of on street parking and introduction of temporary waiting restrictions, modification to traffic signal stop lines	King Edward Memorial Park Foreshore
London Borough of Tower Hamlets	Bekesbourne Street	Temporary removal of on street parking and introduction of temporary waiting restrictions, provision of construction area, provision of plant (control kiosk)	Bekesbourne Street
London Borough of Tower Hamlets	Ratcliffe Lane	Provision of construction area, provision of plant (vent pipe), temporary removal of on street parking and introduction of temporary waiting restrictions	Bekesbourne Street
London Borough of Newham	Gay Road	Works to provide site access, temporary removal of on street parking, and the introduction of temporary waiting restrictions	Abbey Mills Pumping Station
London Borough of Newham	Abbey Lane	Temporary removal of on street parking and introduction of temporary waiting restrictions	Abbey Mills Pumping Station
London Borough of Newham	Jenkins Lane	Works to provide construction / permanent site access	Beckton Sewage Treatment Works

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### **Commencement**

Sch. 5 para. 1: September 24, 2014

### **Extent**

Sch. 5 para. 1: England, Wales, Scotland

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**SCHEDULE 6**  
**STREETS TO BE STOPPED UP**

**Article 13**

✓ Law In Force

<i>Borough</i>	<i>Street to be stopped up</i>	<i>Extent of stopping up</i>	<i>Relevant site</i>
London Borough of Wandsworth	Dormay Street	170 sqm of public highway from a point 85m from its junction with Armoury Way to its northerly point	Dormay Street
London Borough of Tower Hamlets	Bekesbourne Street	West side parking bays between points 18m and 40m south of its junction with Ratcliffe Road	Bekesbourne Street
City of London	Access steps from Blackfriars Bridge and river embankment	West side stepped access from Blackfriars Bridge and the lower level river embankment walkway	Blackfriars Bridge Foreshore

**Commencement**

Sch. 6 para. 1: September 24, 2014

**Extent**

Sch. 6 para. 1: England, Wales, Scotland

**SCHEDULE 7**

**PUBLIC RIGHTS OF WAY AND PERMISSIVE PATHS TO BE EXTINGUISHED**

**Article 14**

✓ Law In Force

<i>Area</i>	<i>Route to be extinguished</i>	<i>Extent of extinguishment</i>	<i>Relevant site</i>
London Borough of Wandsworth	Right of way	From Buckhold Road for a distance of 40m in a south-easterly direction as referenced on access plan DCO-PP-09X-KNGGP-110003	King George's Park
London Borough of Lambeth	Thames Path	A 40m section of the Thames Path fronting Camelford House north of Lack's Dock	Albert Embankment Foreshore

<i>Area</i>	<i>Route to be extinguished</i>	<i>Extent of extinguishment</i>	<i>Relevant site</i>
		as referenced on access plan DCO-PP-15X-ALBEF-170005 – rev 3	
City of London	Thames Path / city walkway	A section of Thames Path / city walkway between Blackfriars Bridge and a point 190m west as referenced on access plan DCO-PP-17X-BLABF-190005 – rev 2	Blackfriars Bridge Foreshore

#### Commencement

Sch. 7 para. 1: September 24, 2014


#### Extent

Sch. 7 para. 1: England, Wales, Scotland

## SCHEDULE 8

### STREETS AND RIGHTS OF WAY ETC. TO BE TEMPORARILY STOPPED UP

#### Article 15

 Law In Force

<i>Borough</i>	<i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>	<i>Relevant Site</i>
London Borough of Ealing	Canham Road	South side between point 70m west of its junction with Warple Way and a point 35m east of its junction with Stanley Gardens	Acton Storm Tanks
London Borough of Ealing	Warple Way	West side between points 50m and 70m south of Cobbold Road	Acton Storm Tanks
London Borough of Ealing	Stanley Gardens	West side between its junction with Canham Road and a point 30m north of that junction	Acton Storm Tanks
London Borough of Hammersmith and Fulham	Chancellor's Road	Between points 65m and 95m southwest of Distillery Road Southeast side between Distillery Road and a point	Hammersmith Pumping Station

<i>Borough</i>	<i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>	<i>Relevant Site</i>
		25m northeast of that junction	
London Borough of Hammersmith and Fulham	Distillery Road	Southwest side between its junction with Chancellor's Road and a point 90m southeast of that junction	Hammersmith Pumping Station
London Borough of Wandsworth	Putney High Street	East side between points 15m south and 20m north of its junction with Lower Richmond Road	Putney Embankment Foreshore
London Borough of Wandsworth	Lower Richmond Road	North side between points 10m west and 70m east of its junction with Embankment	Putney Embankment Foreshore
London Borough of Wandsworth	Embankment and Thames path	Northern footway between its junction with Lower Richmond Road and a point 70m west of that junction North east side between Glendarvon Street and Thames Place	Putney Embankment Foreshore
London Borough of Wandsworth	Embankment Public Slipways	Slipway adjacent to Waterman's Green and Putney slipway (part) opposite the marine chandelery - Chas Newen's Marine (The Boat House)	Putney Embankment Foreshore
Hammersmith and Fulham	Carnwath Road	South side between points 50m and 180m west of its junction with Peterborough Road and from its junction with Wandsworth Bridge Road to a point 60m west	Carnwath Road Riverside
Hammersmith and Fulham	Wandsworth Bridge Road	Southside between a point 10m north and 30m south of its junction with Carnwath Road	Carnwath Road Riverside
Hammersmith and Fulham	Thames Path	From its access adjacent to number 31 Carnwath Road to a point 145m west of Wandsworth Bridge	Carnwath Road Riverside
London Borough of Wandsworth	Dormay Street	East side between a point 65m north of its junction with Armoury Way to its most northern limit	Dormay Street
London Borough of Wandsworth	The Causeway	West side between points 160m and 190m from its junction with Dormay Street	Dormay Street

<b><i>Borough</i></b>	<b><i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i></b>	<b><i>Extent of temporary stopping up</i></b>	<b><i>Relevant Site</i></b>
London Borough of Wandsworth	Neville Gill Close	From its junction with Buckhold Road to a point 40m south of that junction	King George's Park
London Borough of Wandsworth	Buckhold Road	Between points 20m southwest and 20m north-east of its junction with Neville Gill Close	King George's Park
London Borough of Wandsworth	Right of way	From Buckhold Road to a point 40m southeast	
London Borough of Wandsworth	York Road	East side between points 70m and 140m north of Plough Lane and 15m and 90m northeast of Bridges Court	Falconbrook Pumping Station
Royal Borough of Kensington and Chelsea	Lots Road	Southeast side between points 10m northeast and 10m southwest and points 40m and 55m southwest of its junction with Ashburnham Road	Cremorne Wharf Depot
Royal Borough of Kensington and Chelsea	Chelsea Embankment	North side between points 70m and 200m, and points 230m and 340m west of Chelsea Bridge Road. South side between point 180m and 340m west of Chelsea Bridge Road	Chelsea Embankment Foreshore
Royal Borough of Kensington and Chelsea	The Bull Ring	The area of carriageway and footway forming and known as the Bull Ring	Chelsea Embankment Foreshore
Royal Borough of Kensington and Chelsea	Thames Path	Between points 180m and 350m west of Chelsea Bridge Road	Chelsea Embankment Foreshore
London Borough of Wandsworth	Kirtling Street	Its northern loop between its western junctions with Cringle Street and its most north easterly point	Kirtling Street
London Borough of Wandsworth	Cringle Street	Between its eastern and western junction with Kirtling Street	Kirtling Street
London Borough of Wandsworth	Thames Path	Kirtling street from its western junction with Cringle Street to its most north easterly point on Kirtling Street	Kirtling Street
London Borough of Wandsworth	Nine Elms Lane	North side between points 40m and 130m west of its junction with Ponton Road	Heathwall Pumping Station

<b><i>Borough</i></b>	<b><i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i></b>	<b><i>Extent of temporary stopping up</i></b>	<b><i>Relevant Site</i></b>
London Borough of Wandsworth	Thames Path	North side between points 40m and 130m west of its junction with Ponton Road	Heathwall Pumping Station
London Borough of Lambeth	Albert Embankment	West side between points 220m and 250m north of its junction with Bridge Foot	Albert Embankment Foreshore
London Borough of Lambeth	Thames Path	From a point north of the building Peninsula Heights to Vauxhall Bridge	Albert Embankment Foreshore
City of Westminster	Victoria Embankment	East side between Northumberland Avenue and a point approximately 50 metres south of Horse Guards Avenue including central reserve West side northbound offside running lane including central reserve between Northumberland Avenue and Horse Guards Avenue	Victoria Embankment Foreshore
City of Westminster	Thames Path	Victoria Embankment Between Northumberland Avenue and a point approximately 50 metres south of Horse Guards Avenue	Victoria Embankment Foreshore
City of London	Victoria Embankment / Blackfriars Underpass including access ramps and Thames path and city walkway and pedestrian subway and stepped access from Blackfriars Bridge to Victoria Embankment	Southern side between its junction with New Bridge Street and a point 180m west of its junction with Temple Avenue East/west pedestrian subway (Thames Path) under Blackfriars Bridge and north/south pedestrian subway connecting Embankment / Thames Path with Blackfriars Station, including stepped accesses (east and west)	Blackfriars Bridge Foreshore
City of London	City Walkway / Riverside Walkway / Thames Path	Between points 10m and 60m to the east of Blackfriars Rail Bridge	Blackfriars Bridge Foreshore
City of London	New Bridge Street	From its junction with Blackfriars Underpass westbound access ramp to a point 60m north of that junction	Blackfriars Bridge Foreshore
London Borough of Southwark	Maguire Street	From its junction with Gainsford Street to a point	Shad Thames Pumping Station

<i>Borough</i>	<i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>	<i>Relevant Site</i>
		80m northeast of that junction	
London Borough of Southwark	Gainsford Street	Between its junction with Shad Thames and a point 25m north west of its junction with Maguire Street	Shad Thames Pumping Station
London Borough of Southwark	Bevington Street	From its junction with Chambers Street to a point 40m south of that junction	Chambers Wharf
London Borough of Southwark	Chilton Grove	Between its junction with Croft Street and a point 50m northeast of that junction	Earl Pumping Station
London Borough of Southwark	Croft Street	Between points 30m and 80m southeast of its junction with Chilton Grove	Earl Pumping Station
London Borough of Lewisham	Chilton Grove	Between its junction with Croft Street and a point 50m north east of that junction	Earl Pumping Station
London Borough of Lewisham	Yeoman Street	Southwest side from its junction with Chilton Grove to a point 80m southeast of that junction	Earl Pumping Station
London Borough of Lewisham	Croft Street	Between points 30m and 80m southeast of its junction with Chilton Grove	Earl Pumping Station
London Borough of Lewisham	Deptford Church Street	Between point 30m south of Crossfield Street to a point 70m north of its junction with Berthon Street	Deptford Church Street
London Borough of Lewisham	Coffey Street	Between Deptford Church Street and a point 60m west	Deptford Church Street
London Borough of Lewisham	Crossfield Street	From its junction with Coffey Street to a point 50m northwest of that junction and between points 70m and 105m northwest of its junction with Deptford Church Street	Deptford Church Street
Royal Borough of Greenwich	Greenwich High Road	North side between points 40m and 60m southwest of its junction with Norman Road	Greenwich Pumping Station
Royal Borough of Greenwich	Norman Road	West Side between points 75m and 200m north of its junction with Greenwich High Street	Greenwich Pumping Station
Royal Borough of Greenwich	Unnamed pedestrian/cycle route between Norman Road and Creekside	From its junction with Norman Road to a point 100m west	Greenwich Pumping Station

<i>Borough</i>	<i>Street, right of way, city walkway, or permissive path to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>	<i>Relevant Site</i>
London Borough of Tower Hamlets	Glamis Road	East side between points 5m and 30m north of its junction with Shadwell Pierhead West side between its junction with The Highway to a point 45m south of that junction	King Edward Memorial Park Foreshore
London Borough of Tower Hamlets	Thames Path	Permissive path through King Edward Memorial Park from the park entrance on the river front at Free Trade Wharf to a point 115m west	King Edward Memorial Park Foreshore
London Borough of Tower Hamlets	Bekesbourne Street	From a point 20m north of Ratcliffe Lane to a point 60m south of that junction	Bekesbourne Street
London Borough of Tower Hamlets	Ratcliffe Lane	From a point 10m west of Bekesbourne Street to a point 30m east of that junction	Bekesbourne Street
London Borough of Newham	Gay Road	South side between point 30m and 50m east of its junction with Riverside Road	Abbey Mills Pumping Station
London Borough of Newham	Thames Path	East side of Prescott Channel, for a distance of 90m south of Three Mills Lock	Abbey Mills Pumping Station

### Commencement

Sch. 8 para. 1: September 24, 2014

### Extent

Sch. 8 para. 1: England, Wales, Scotland

## SCHEDULE 9

### ACCESS TO WORKS

#### Article 16

 Law In Force

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent</i>	<i>Relevant Site</i>
London Borough of Ealing	Access from Canham Road as labelled Ac on access plan DCO-PP-02X-ACTST-050003	Construction Access Permanent Access Construction Access	Acton Storm Tanks



<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent Relevant Site</i>	
	Access from Canham Road as labelled Ap on access plan DCO-PP-02X-ACTST-050003	Permanent Access	
	Access from Warple Way as labelled Ac on access plan DCO-PP-02X-ACTST-050003		
	Access from Warple Way as labelled Ap on access plan DCO-PP-02X-ACTST-050003 (existing access)		
London Borough of Hammersmith and Fulham	Access from Distillery Road as labelled Ac on access plan DCO-PP-03X-HAMPS-060003	Construction Access Permanent Access Permanent Access	Hammersmith Pumping Station
	Access from Distillery Road as labelled Ap on access plan DCO-PP-03X-HAMPS-060003		
	Access from Chancellor's Road as labelled Ap on access plan DCO-PP-03X-HAMPS-060003 (2 existing accesses)		
London Borough of Richmond-upon-Thames	Access from Queen Elizabeth Walk as labelled Ac on access plan DCO-PP-04X-BAREL-070003 (existing access)	Construction Access Permanent Access	Barn Elms
	Access from Queen Elizabeth Walk as labelled Ap on access plan DCO-PP-04X-BAREL-070003		
London Borough of Wandsworth	Access from Embankment as labelled Ac on access plan DCO-PP-05X-PUTEF-080003 – rev 1	Construction Access Construction Access Construction Access	Putney Embankment Foreshore
	Access (pedestrian) from Lower Richmond Road as labelled Ac on access plan DCO-PP-05X-PUTEF-080003 – rev 1	Permanent Access	
	Access from Embankment as labelled Ac on access plan DCO-PP-05X-PUTEF-080004 (3 accesses)		
	Access from Embankment as labelled At on access plan DCO-PP-05X-PUTEF-080004		
	Access from Embankment as labelled Ap on access plan DCO-PP-05X-PUTEF-080003 – rev 1		
Hammersmith and Fulham	Access from Carnwath Road as labelled Ac on access plan DCO-PP-06X-CARRR-090003 (3 accesses - 2 existing)	Construction Access Permanent Access	Carnwath Road Riverside

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent Relevant Site</i>	
	Access from Carnwath Road as shown on access plan DCO-PP-06X-CARRR-090003		
London Borough of Wandsworth	Access from Dormay Street as labelled Ac on access plan DCO-PP-08X-DRMST-100003 Access from Dormay Street as labelled Ap on access plan DCO-PP-08X-DRMST-100003 Access from The Causeway as shown on access plan DCO-PP-08X-DRMST-100003 Access to The Causeway as labelled Ac on access plan DCO-PP-08X-DRMST-100003	Construction Access Permanent Access Construction Access Construction Access	Dormay Street
London Borough of Wandsworth	Access from Neville Gill Close as shown on access plan DCO-PP-09X-KNGGP-110003 Access from Neville Gill Close as shown on access plan DCO-PP-09X-KNGGP-110003	Construction Access Permanent Access	King George's Park
London Borough of Wandsworth	Access from York Road as labelled Ac on access plan DCO-PP-10X-FALPS-120003 (2 accesses) Access from York Gardens as labelled Ap on access plan DCO-PP-10X-FALPS-120003 Access from Newcomen Road/ Lavender Road as labelled Ap on access plan DCO-PP-10X-FALPS-120003 (existing access)	Construction Access Permanent Access Permanent Access	Falconbrook Pumping Station
Royal Borough of Kensington and Chelsea	Access from Lots Road as labelled Ac on access plan DCO-PP-11X-CREWD-130003 (2 existing accesses) Access from Lots Road as labelled Ap on access plan DCO-PP-11X-CREWD-130003 (2 existing accesses)	Construction Access Permanent Access	Cremorne Wharf Depot
Royal Borough of Kensington and Chelsea	<i>North side</i> Accesses from Chelsea Embankment as labelled Ac on access plan DCO-PP-12X-CHEEF-140003 – rev 1 (2 accesses) Access from Chelsea Embankment as labelled Ap on access plan	Construction Access Permanent Access Construction Access Permanent Access	Chelsea Embankment Foreshore

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent Relevant Site</i>	
	DCO-PP-12X-CHEEF-140003 – rev 1 <i>South side</i> Access from Chelsea Embankment as shown on access plan		
	DCO-PP-12X-CHEEF-140003 – rev 1 Access from Chelsea Embankment as shown on access plan		
	DCO-PP-12X-CHEEF-140003 – rev 1		
London Borough of Wandsworth	Access from Kirtling Street as labelled Ac on access plan	Construction Access Permanent Access	Kirtling Street
	DCO-PP-13X-KRTST-150003 – rev 1 (2 accesses) Access from Kirtling Street as labelled Ap on access plan	Construction Access Permanent Access	
	DCO-PP-13X-KRTST-150003 – rev 1 Access from Cringle Street as labelled Ac on access plan		
	DCO-PP-13X-KRTST-150003 – rev 1 (2 accesses) Access from Cringle Street as labelled Ap on access plan		
	DCO-PP-13X-KRTST-150003 – rev 1 (2 accesses)		
London Borough of Wandsworth	Access from Nine Elms Lane as labelled Ac on access plan	Construction Access Permanent Access	Heathwall Pumping Station
	DCO-PP-14X-HEAPS-160003 – rev 2 (2 accesses, existing) Access from Nine Elms Lane as labelled Ap on access plan		
	DCO-PP-14X-HEAPS-160003 – rev 2 (4 accesses, existing)		
London Borough of Lambeth	Access from Albert Embankment as labelled Ac on access plan	Construction Access Permanent Access	Albert Embankment Foreshore Albert Embankment Foreshore
	DCO-PP-15X-ALBEF-170005 – rev 3 (2 accesses, 1 to the south of Camelford House and 1 to the north of Camelford House, south of Tintagel House) Access from Albert Embankment as labelled Ap on access plan		
	DCO-PP-15X-ALBEF-170005 – rev 3 (existing access)		
City of Westminster	Access from Victoria Embankment as shown on access plan	Construction Access Permanent Access	Victoria Embankment Foreshore

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent Relevant Site</i>	
	DCO-PP-16X-VCTEF-180005 – rev 2 Access from Victoria Embankment as shown on access plan		
	DCO-PP-16X-VCTEF-180005 – rev 2		
City of London	Access from New Bridge Street as labelled Ac on access plan	Construction Access Construction Access Permanent Access	Blackfriars Bridge Foreshore
	DCO-PP-17X-BLABF-190005 – rev 2 Access from Victoria Embankment/Blackfriars Underpass as shown on access plan		
	DCO-PP-17X-BLABF-190005 – rev 2 Access from Victoria Embankment/Blackfriars Underpass as labelled Ap on access plan		
	DCO-PP-17X-BLABF-190005 – rev 2		
London Borough of Southwark	Access from Maguire Street as labelled Ac on access plan	Construction Access Permanent Access	Shad Thames Pumping Station
	DCO-PP-18X-SHTPS-200003 Access from Maguire Street as labelled Ap on access plan		
	DCO-PP-18X-SHTPS-200003 (2 accesses - 1 existing)		
London Borough of Southwark	Access from Chambers Street as labelled Ac on access plan	Construction Access Permanent Access	Chambers Wharf
	DCO-PP-19X-CHAWF-210003 (existing access) Access from Loftie Street as labelled Ap on access plan		
	DCO-PP-19X-CHAWF-210003 (existing access)		
London Borough of Lewisham	Access from Yeoman Street as labelled Ac on access plan	Construction Access Construction Access Construction Access	Earl Pumping Station
	DCO-PP-21X-EARPS-220003 (2 accesses- 1 existing)	Permanent Access	
	Access from Chilton Grove as labelled Ac on access plan	Permanent Access Permanent Access	
	DCO-PP-21X-EARPS-220003 (existing access) Access from Croft Street as shown on access plan		
	DCO-PP-21X-EARPS-220003 Access from Yeoman Street as labelled Ap on access plan		

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent</i>	<i>Relevant Site</i>
	DCO-PP-21X-EARPS-220003 (existing access) Access from Chilton Grove as labelled Ap on access plan		
	DCO-PP-21X-EARPS-220003 (existing access) Access from Croft Street as shown on access plan		
London Borough of Lewisham	DCO-PP-21X-EARPS-220003 Access from Coffey Street as shown on access plan	Construction Access Construction Access	Deptford Church Street
	DCO-PP-22X-DEPCS-230003 Access from Crossfield Street as shown on access plan	Permanent Access Permanent Access	
	DCO-PP-22X-DEPCS-230003 Access from Coffey Street as shown on access plan		
	DCO-PP-22X-DEPCS-230003 (2 accesses) Access from Crossfield Street as shown on access plan		
Royal Borough of Greenwich	DCO-PP-22X-DEPCS-230003 Access from Norman Road as labelled Ac on access plan	Construction Access	Greenwich Pumping Station
	DCO-PP-23X-GREPS-240003 (4 accesses - 3 existing) Access from Greenwich High Road as labelled Ac on access plan	Construction Access	
	DCO-PP-23X-GREPS-240003 (existing access) Access from Norman Road as shown on access plan	Permanent Access	
	DCO-PP-23X-GREPS-240003 (existing access) Access from Greenwich High Road as labelled Ap on access plan	Permanent Access	
London Borough of Tower Hamlets	DCO-PP-23X-GREPS-240003 (existing access) Access from Glamis Road as labelled Ac on access plan	Construction Access	King Edward Memorial Park Foreshore
	DCO-PP-24X-KEMPF-250003 – rev 1 Access from Glamis Road as labelled Ap on access plan	Permanent Access	
	DCO-PP-24X-KEMPF-250003 – rev 1 Access from Bokesbourne Street as labelled Ac on	Construction Access	Bokesbourne Street

<i>Borough</i>	<i>Description of access</i>	<i>Construction or Permanent Relevant Site</i>	
	access plan DCO-PP-25X-BEKST-260002		
	Access from Bekesbourne Street as labelled Ap on access plan DCO-PP-25X-BEKST-260002	Permanent Access	
London Borough of Newham	Access from Gay Road as labelled Ac on access plan DCO-PP-26X-ABMPS-270004 (existing access)	Construction Access	Abbey Mills Pumping Station
	Access from Gay Road as labelled Ap on access plan DCO-PP-26X-ABMPS-270004 (existing access)	Permanent Access	
London Borough of Newham	Access from Jenkins Lane as labelled Ac on access plan DCO-PP-27X-BESTW-280002 - rev 1 (2 accesses)	Construction Access	Beckton Sewage Treatment Works
	Access from Jenkins Lane as labelled Ap on access plan DCO-PP-27X-BESTW-280002 - rev 1 (2 accesses)	Permanent Access	

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#### **Commencement**

Sch. 9 para. 1: September 24, 2014

#### **Extent**

Sch. 9 para. 1: England, Wales, Scotland

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## **SCHEDULE 10**

### **TRAFFIC REGULATION**

#### **Article 18**

#### **PART 1**

#### **TEMPORARY**

✔ Law In Force

<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
<i>London Borough of Ealing</i>			
Acton Storm Tanks	Warple Way	East side between its junction with The Vale and a point 65m south of that junction, between points 40m and 61m south of Bradford Road and from its junction with Canham Road to a point 20m north of that junction West side between its junction with The Vale and a point 75m south of that junction Both sides between a point 5m north and 25m south of its junction with Bradford Road	No waiting 7am-7pm Monday to Saturday No waiting 7am-7pm Monday to Saturday No waiting 7am-7pm Monday to Saturday
Acton Storm Tanks	Canham Road	North side from its junction with Stanley Gardens to a point 85m east of that junction and between points 20m and 30m west of its junction with Warple Way South Side from its junction with Stanley Gardens to a point 130m east of that junction	No waiting 7am-7pm Monday to Saturday No waiting 7am-7pm Monday to Saturday
Acton Storm Tanks	Stanley Gardens	East side from its junction with The Vale to a point 35m south of that junction and between its junction with Canham Road to a point 20m north of that junction West side from its junction with The Vale to a point 20m south of that junction and from its junction with Canham Road to a point 65m north of that junction Both sides between a point 30m north and 10m south of its junction with Bradford Road	No waiting 7am-7pm Monday to Saturday No waiting 7am-7pm Monday to Saturday No waiting 7am-7pm Monday to Saturday
<i>London Borough of Hammersmith &amp; Fulham</i>			
Hammer-smith Pumping Station	Chancellor's Road	Northwest side between its junction with Fulham Palace Road to a point 35m southwest of that junction Southeast side between its junction with Fulham Palace Road and point 30m southwest of that junction	No waiting 7am -7pm Monday to Saturday No waiting 7am -7pm Monday to Saturday

<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
		and between points 10m and 20m north east of its junction with Distillery Road	
Hammer-smith Pumping Station	Distillery Road	Both sides between points 7m and 55m south east of its junction with Chancellor's Road	No waiting 7am -7pm Monday to Saturday
Carnwath Road Riverside	Carnwath Road	North side between points 195m and 150m west of its junction with Peterborough Road North side between points 8m and 70m west of its junction with Peterborough Road and between points 10m and 35m west of its junction with Dymock Street South side between a point 50m west of its junction with Wandsworth Bridge Road and a point 180m west of its junction with Peterborough Road	No waiting at any time/no loading 7am -7pm No waiting 7am to 7pm Monday to Saturday No waiting 7am to 7pm Monday to Saturday
<i>London Borough of Wandsworth</i>			
Putney Embank-ment Foreshore	Embankment	Both sides from its junction Lower Richmond Road to a point 35m west of that junction Northeast side between Glendarvon Street and 10m southeast of Thames Place Southwest side between points 10m and 90m northwest of its junction with Thames Place	No waiting at any time No waiting at any time No waiting at any time
Putney Embank-ment Foreshore	Glendarvon Street	West side between junction with Lower Richmond Road and a point 27m north East side between a point 10m and 25m north of its junction with Lower Richmond Road	No waiting 8.30 am to 6.30 pm Monday to Saturday No waiting 8.30 am to 6.30 pm Monday to Saturday
Dormay Street	The Causeway	Both sides from its junction with Dormay Street to a point 190m north of that junction	7 am to 7 pm Monday to Saturday
Kirtling Street	Cringle Street	North side between points 60m and 140m west of its junction with Nine Elms Lane	No waiting at any time



<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
Kirtling Street	Kirtling Street	West side between points 25m and 65m south of its junction with Cringle Street Western and northern arms, both sides from its western junction with Cringle Street to a point 145m north and east of that junction	No waiting at any time No waiting at any time
<i>Royal Borough of Kensington and Chelsea</i>			
Cremorne Wharf	Lots Road	Both sides between 12m southwest and 25m northeast of its junction with Ashburnham Road Northwest side between points 22m and 32m southwest of its junction with Cremorne Road	No waiting at any time No waiting at any time
Chelsea Embankment Foreshore	Chelsea Embankment	Both sides from its junction with Chelsea Bridge Road to a point 350m west of that junction North side - area known as the Bull Ring	No stopping at any time No waiting at any time
<i>City of Westminster</i>			
Victoria Embankment Foreshore	Victoria Embankment - Millbank	West side between point 35m and 100m south of Northumberland Avenue East side between points 40m and 140m south of Northumberland Avenue East side between points 90m and 170m south of its junction with Thorney Street	No stopping Monday to Saturday 8am – 7pm No stopping Monday to Saturday 8am – 7pm Temporary coach parking bay
<i>City of London</i>			
Black-friars Bridge Foreshore	Victoria Embankment / Blackfriars Underpass	South side between points 70m and 130m east of its junction with Temple Avenue	No stopping Monday to Saturday 8am – 7pm
Black-friars Bridge Foreshore	White Lion Hill	South side between points 55m and 80m east of Thames Street	Goods vehicle loading bay
<i>London Borough of Southwark</i>			
Shad Thames	Maguire Street	East side Between its junction with Gainsford Street and its junction with Shad Thames	No waiting at any time
Shad Thames	Shad Thames	Between its junction with Gainsford Street and its junction with Maguire Street	Temporary suspension of One-way restriction

<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
Shad Thames	Maguire Street	Between its junction with Gainsford Street and its junction with Shad Thames	Temporary suspension of One-way restriction
Chambers Wharf	Chambers Street	Both sides from its junction with Bevington Street to a point 115m west of that junction	No waiting at any time
Chambers Wharf Black-friars Bridge Foreshore / Victoria Embank-ment Foreshore	Bevington Street Blackfriars Road	Both sides from its junction with Chambers Street to a point 40m southwest of that junction Southeast side between waterside close and a point 40m southwest of that junction East side between 45m and 85m south of its junction with Webber Street	No waiting at any time No waiting at any time Temporary coach parking bay
Earl Pumping Station	Chilton Grove	Northwest side between its junction with Croft Street and a point 50m northeast of that junction	No waiting at any time
Earl Pumping Station	Croft Street	West side between points 10m and 80m south of its junction with Chilton Grove	No waiting at any time
<i>London Borough of Lewisham</i>			
Earl Pumping Station	Chilton Grove	Southeast side between its junction with Croft Street and its junction with Yeoman Street	No waiting at any time
Earl Pumping Station	Yeoman Street	Both sides from its junction with Chilton Grove to a point 75m south-east of that junction	No waiting at any time
Deptford Church Street	Coffey Street	Southern side between Deptford Church Street and Crossfield Street	No waiting at any time
Deptford Church Street	Crossfield Street	Both sides for its entire length	No waiting at any time
Deptford Church Street	Deptford Church Street	Both sides between its junction with Giffin Street to a point 90m north of its junction with Berthon Street	No waiting at any time
Deptford Church Street	Coffey Street	From Crossfield Street to Deptford Church Street. No right turn from Coffey Street to Deptford Church Street	One-way eastbound Turning ban movement
Deptford Church Street	Crossfield Street and reopened carriageway	Between Deptford Church Street and Coffey Street	One way west bound

<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
Deptford Church Street	Deptford Church Street	Bus lane both sides between its junction with Giffin Street to a point 90m north of its junction with Berthon Street	Temporary suspension of bus lanes
<i>London Borough of Tower Hamlets</i>			
King Edward Memorial Park	Glamis Road	West side from its junction with Shadwell Pierhead to a point 35m north of that junction	No waiting at any time
Bekes-bourne Street	Bekesbourne Street	Both sides from its junction with Ratcliffe Lane to a point 50m south of that junction.	No waiting at any time
Bekes-bourne Street	Ratcliffe Lane	Both sides from its junction with Bekesbourne Street to a point 30m east of that junction	No waiting at any time
<i>London Borough of Newham</i>			
Abbey Mills Pumping Station	Abbey Lane	South side between its junction with Godfrey Street and a point 30m east of that junction	No waiting at any time
		South side between points 10m and 35m east of its junction with Abbotsbury Close	No waiting Monday - Friday
		North side between points 25m west and 45m east of its junction with Abbotsbury Close	No waiting Monday - Friday
		Both sides from its junction with Gay Road to a point 110m north of that junction	No waiting Monday - Friday
Abbey Mills Pumping Station	Gay Road	Both sides between its junction with Riverside Road and its junction with Abbey Lane	No waiting Monday - Friday
<i>London Borough of Lambeth</i>			
Victoria Embankment Foreshore	Lambeth Palace Road Albert Embankment	East side between points 160m and 265m north of Lambeth Road West side between points 50m and 80m south of its junction with Black Prince Road	Temporary coach parking bay Temporary coach parking bay

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**Commencement**

Sch. 10(1) para. 1: September 24, 2014

**Extent**Sch. 10(1) para. 1: England, Wales, Scotland

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**PART 2****PERMANENT**

✔ Law In Force

<i>Relevant Site</i>	<i>Road</i>	<i>Extent</i>	<i>Notes</i>
<i>City of London</i>			
Black-friars Bridge Foreshore	White Lion Hill	South side between points 55m and 80m east of Thames Street	Goods vehicle loading bay
<i>City of Westminster</i>			
Victoria Embankment Foreshore	Embankment	East side between points 90m and 170m south of Northumberland Avenue	No waiting at any time
<i>London Borough of Lewisham</i>			
Deptford Church Street	Crossfield Street	North side between points 80m and 100m west of Deptford Church Street	No waiting at any time
	Coffey Street	South side between points 65m and 85m west of Deptford Church Street	No waiting at any time

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**Commencement**

Sch. 10(2) para. 1: September 24, 2014


**Extent**Sch. 10(2) para. 1: England, Wales, Scotland

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## SCHEDULE 11

### PROTECTIVE WORKS

#### Article 20

 Law In Force

Part of Work No. 5(c)— works to protect the existing river wall.

Work No. 5(d)— works to strengthen or support the existing river wall landward of the Putney Embankment Foreshore temporary slipway.

Work No. 6(b)(iii)— strengthening and alteration of existing river wall to the south of Whiffin Wharf, and strengthening or replacing the existing river wall to the south of Hurlingham Wharf and Carnwath Road Industrial Estate.

Work No. 8(b)(ii)— strengthening and alteration of the existing river wall to the south of Bell Lane Creek and works to protect and or strengthen the river wall on the north side of Bell Lane Creek.

Work No. 11(c)(iii)— replacement or other works to protect or strengthen the existing flood defence on the western boundary of the site.

Part of Work No. 12(c)— works to protect the existing river wall.

Part of Work No. 13(b)(iii)— works to protect or strengthen the existing river wall.

Part of Work No. 14(c)(ii)— works to protect or strengthen the existing river wall to east and west of Work No. 14(c)(i) and the existing Middle Wharf jetty.

Work No. 15(c)(ii)— works to protect and strengthen the existing slipway and existing river wall.

Part of Work No. 16(c)— works to protect the existing river wall and adjoining structures.

Part of Work No. 17(b)— works to protect the existing river wall and adjoining structures.

Part of Work No. 18— works to replace or protect the boundary wall on the west side of the existing facilities building.

Part of Work No. 19(b)— works to protect or strengthen the river wall and adjoining structures at the western end of the site.

Part of Work No. 19(b)(i)— works to replace, protect or strengthen the existing river wall to the west of Fountain Green Square.

Part of Work No. 23(b)— works to protect or strengthen the existing Docklands Light Railway viaduct.

Part of Work No. 23(b)(i)— works to protect or strengthen the existing river wall.

Part of Work No. 24(b)— works to protect or strengthen the existing river wall.


Work No. 24(b)(v)— works to protect or strengthen the existing river wall.

**Commencement**

Sch. 11 para. 1: September 24, 2014

**Extent**

Sch. 11 para. 1: England, Wales, Scotland

**SCHEDULE 12****PUBLIC RIGHTS OF NAVIGATION TO BE AFFECTED BY THE AUTHORISED PROJECT****Article 47**
 Law In Force

<i>Authority</i>	<i>Site</i>	<i>Work No.</i>	<i>Temporary suspension</i>	<i>Permanent extinguishment</i>
London Borough of Wandsworth	Putney Embankment Foreshore	5	The areas shown hatched on the Access plans (Drawing numbers DCO-PP-05X-PUTEF-080003 – rev 1 and DCO-PP-05X-PUTEF-080004)	The areas shown shaded light grey on the Access plan (Drawing number DCO-PP-05X-PUTEF-080003 – rev 1)
London Borough of Hammersmith and Fulham	Carnwath Road Riverside	6	The area shown hatched on the Access plan (Drawing number DCO-PP-06X-CARRR-090003)	n/a
London Borough of Wandsworth	Dormay Street	8	The area shown hatched on the Access plan (Drawing number DCO-PP-08X-DRMST-100003)	n/a
Royal Borough of Kensington and Chelsea	Cremorne Wharf Depot	11	The area shown hatched on the Access plan (Drawing number DCO-PP-11X-CREWD-130003)	n/a
Royal Borough of Kensington and Chelsea	Chelsea Embankment Foreshore	12	The area shown hatched on the Access plan (Drawing number DCO-PP-12X-CHEEF-140003 – rev 1)	The area shown shaded light grey on the Access plan (Drawing number DCO-PP-12X-CHEEF-140003 – rev 1)
London Borough of Wandsworth	Kirtling Street	13	The area shown hatched on the Access plan (Drawing number DCO-PP-13X-KRTST-150003 – rev 1)	n/a
London Borough of Wandsworth	Heathwall Pumping Station	14	The area shown hatched on the Access plan (Drawing number DCO-PP-14X-HEAPS-160003 – rev 2)	The area shown shaded light grey on the Access plan (Drawing number DCO-PP-14X-HEAPS-160003 – rev 2)

<i>Authority</i>	<i>Site</i>	<i>Work No.</i>	<i>Temporary suspension</i>	<i>Permanent extinguishment</i>
London Borough of Lambeth	Albert Embankment Foreshore	15	The area shown hatched on the Access plan (Drawing number DCO-PP-15X-ALBEF-170005 – rev 3)	The areas shown shaded light grey on the Access plan (Drawing number DCO-PP-15X-ALBEF-170005 – rev 3)
City of Westminster	Victoria Embankment Foreshore	16	The area shown hatched on the Access plan (Drawing number DCO-PP-16X-VCTEF-180005 – rev 2)	The area shown shaded light grey on the Access plan (Drawing number DCO-PP-16X-VCTEF-180005 – rev 2)
City of London	Blackfriars Bridge Foreshore	17	The areas shown hatched on the Access plan (Drawing number DCO-PP-17X-BLABF-190005 – rev 2)	The areas shown shaded light grey on the Access plan (Drawing number DCO-PP-17X-BLABF-190005 – rev 2)
London Borough of Southwark	Chambers Wharf	19	The area shown hatched on the Access plan (Drawing number DCO-PP-19X-CHAWF-210003)	n/a
London Borough of Tower Hamlets	King Edward Memorial Park Foreshore	24	The area shown hatched on the Access plan (Drawing number DCO-PP-24X-KEMPF-250003 – rev 1)	The area shown shaded light grey on the Access plan (Drawing number DCO-PP-24X-KEMPF-250003 – rev 1)
London Borough of Newham	Abbey Mills Pumping Station	26	The area shown hatched on the Access plan (Drawing number DCO-PP-26X-ABMPS-270004)	n/a

### Commencement

Sch. 12 para. 1: September 24, 2014


### Extent

Sch. 12 para. 1: England, Wales, Scotland

## SCHEDULE 13

### LAND OF WHICH ONLY SUBSOIL MORE THAN 9 METRES BENEATH THE SURFACE MAY BE ACQUIRED

#### Article 31

 Law In Force

<i>Borough</i>	<i>Land</i>
London Borough of Hounslow	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 36a, 36b, 36c, 36d, 36e, 36f, 37, 38, 39, 40, 41,

<i>Borough</i>	<i>Land</i>
	42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184
London Borough of Ealing	20, 26, 27, 34, 35, 35a, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47
London Borough of Hammersmith & Fulham	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 119, 120, 121, 122, 123, 124, 125, 127, 127a, 129, 137, 143, 146, 148, 149, 153, 155, 157, 159, 160, 164, 165, 166, 167, 168, 169, 170, 171, 172, 178, 179, 180
London Borough of Richmond Upon Thames	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 72, 75, 77, 78, 79, 82, 83, 84, 87
London Borough of Wandsworth	1, 2, 3, 4, 5, 6, 7, 8, 12, 12a, 12b, 12c, 14, 14a, 23, 25b, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 93a, 97, 99a, 100, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 181, 182, 183, 184, 185, 186, 187, 188, 189, 191, 192, 193, 194, 196, 197, 198, 203, 206, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 241, 243, 245, 246, 248, 252, 253, 254, 255, 260, 261, 262, 263, 264, 266, 267, 297, 318, 319, 320, 321, 325
Royal Borough of Kensington & Chelsea	1, 3, 4, 6, 20, 22, 23, 24, 25, 26, 28, 31, 48
London Borough of Lambeth	1, 2, 3, 4, 5, 6, 9, 10, 11, 11c, 12, 24, 27, 35, 52, 53, 55, 56
City of Westminster	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13a, 14, 23, 24, 25, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52
City of London	1, 2, 15a, 23, 31, 35, 36, 40, 41, 42, 43, 44, 45, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59
London Borough of Southwark	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 42, 51, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86,




<i>Borough</i>	<i>Land</i>
	87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 255a, 256, 257, 258, 258a, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286
London Borough of Lewisham	1, 3, 5, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 154, 177, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202
Royal Borough of Greenwich	5, 6, 7, 8, 9, 10, 11, 12, 18a
London Borough of Tower Hamlets	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21a, 22, 22a, 36, 36a, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209
London Borough of Newham	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 27, 60, 66, 66a, 67, 68, 70a, 71, 72, 73, 74, 75, 76, 77, 77, 78, 80, 81

**Commencement**

Sch. 13 para. 1: September 24, 2014

**Extent**

Sch. 13 para. 1: England, Wales, Scotland

**SCHEDULE 14****LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN****Article 35**
 Law In Force

<i><b>Borough</b></i>	<i><b>Number of land shown on land plan</b></i>	<i><b>Purpose of which temporary possession may be taken</b></i>	<i><b>Relevant site or part of the authorised project</b></i>
London Borough of Ealing	1, 2, 3, 5, 8, 9, 10, 18, 19, 20, 22, 23, 24, 26, 28, 31, 31a, 32, 32a, 36	Areas required for shaft construction; CSO interception works construction; ventilation equipment and structure construction; tunnel secondary lining; utility supplies, crange, enclosures, concrete batching plant, workshops and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works to Canham Road, Stanley Gardens and Warple Way (part of Work No. 2b). Purposes ancillary or incidental to the above purposes.	Acton Storm Tanks
London Borough of Hammersmith & Fulham	101, 104, 105, 106, 107, 108, 109, 111, 112, 114, 115, 116, 117, 118	Areas required for CSO drop shaft construction; Hammersmith connection tunnel construction; CSO interception works construction; utility supplies, crange, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works to Chancellor's Road and	Hammersmith Pumping Station

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
		Distillery Road. Utility works in Chancellor's Road (part of Work No. 3c). Purposes ancillary or incidental to the above purposes.	
London Borough of Richmond Upon Thames	65, 65a, 65b, 66, 67, 68, 70, 72, 73, 76, 79, 85	Areas required for CSO drop shaft construction; West Putney connection tunnel construction; CSO interception works construction; access road, utility supplies, crange, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works at junction of Queen Elizabeth Walk and private access road (part of Work No. 4c). Purposes ancillary or incidental to the above purposes.	Barn Elms
London Borough of Wandsworth	8, 9, 9a, 10, 11, 12, 12a, 12b, 12c, 13, 13a, 14, 14a, 15, 16, 20, 23, 25, 25a, 25b, 25c, 30, 32, 33, 34, 35, 36, 39, 40, 42, 44, 45, 46, 46a, 47, 47a, 48, 50	Areas required for CSO drop shaft construction; Putney Bridge connection tunnel construction; CSO interception works construction; secondary lining; utility supplies, working area in the foreshore, temporary campshed, crange, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas, and relocation of houseboat. Separate area required for temporary slipway construction, use and removal, and works to existing river wall (part of Work No. 5d). Highway and utility works to Lower Richmond Road and the Embankment (part of Work No. 5c). Purposes ancillary or incidental to the above purposes	Putney Embankment Foreshore

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
London Borough of Hammersmith & Fulham	124, 125, 127, 127a, 129, 130, 131, 132, 137, 138, 139, 140, 141, 141a, 142, 143, 144, 145, 146, 147, 147a, 147b, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 173, 174, 176, 177	Areas required for shaft construction; main tunnel construction; ventilation equipment and structure construction; tunnel secondary lining (part of Work No. 1b) and strengthening or replacing river walls including utility supplies, temporary jetty or campshed, crannage, enclosures, concrete batching plant, acoustic enclosure, other enclosures, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works to Carnwath Road and at the junction of Carnwath Road and Wandsworth Bridge Road. Utility works to Carnwath Road (part of Work No. 6b). Purposes ancillary or incidental to the above purposes.	Carnwath Road Riverside
London Borough of Wandsworth	75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 91, 92, 95, 97, 99a, 100, 103, 104, 109, 110, 111, 117, 118, 119, 120, 121	Areas required for CSO drop shaft construction; Frogmore connection tunnel construction; CSO interception works construction; strengthening and altering or replacing river walls, protection or relocation of sub-station including utility supplies, crannage, enclosures, concrete batching plant, temporary bridge, workshop and stores, office, parking and welfare facilities, utility supplies and vehicle and pedestrian circulation areas. Use of the Causeway (private road). Highway works to Dormay Street and at the junction of Dormay Street, the Causeway and Armoury Way. Utility works to the Causeway (part of Work No. 8c). Purposes ancillary or incidental to the above purposes.	Dormay Street

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
London Borough of Wandsworth	172, 173, 177, 179, 180	Areas required for CSO drop shaft construction; CSO interception works construction; including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to the junction of Buckhold Road and Neville Gill Close (part of Work No. 9b). Purposes ancillary or incidental to the above purposes.	King George's Park
London Borough of Wandsworth	194, 196, 197, 198, 203, 204, 205, 206, 213, 214, 215, 216, 217, 218, 220, 222, 223	Areas required for CSO drop shaft construction; Falconbrook connection tunnel construction; CSO interception works construction; including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to York Road (part of Work No. 10c). Purposes ancillary or incidental to the above purposes.	Falconbrook Pumping Station
Royal Borough of Kensington & Chelsea	2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 18	Areas required for CSO drop shaft construction; Lots Road connection tunnel construction; CSO interception works construction; including utility supplies, temporary campshed, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works to Lots Road (part of Work No. 11c). Purposes ancillary or incidental to the above purposes.	Cremorne Wharf Depot

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
Royal Borough of Kensington & Chelsea	27, 28, 29, 31, 33, 40, 41, 45, 46, 47	Areas required for CSO drop shaft construction; Ranelagh connection tunnel construction; CSO interception works construction; Low Level Sewer connection works construction; including temporary campshed, working area in the foreshore, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to Chelsea Embankment (part of Work No. 12c). Purposes ancillary or incidental to the above purposes.	Chelsea Embankment Foreshore
London Borough of Wandsworth	234, 237a, 237b, 241, 242, 243, 244, 245, 246, 247, 248, 249, 252, 253, 254, 255, 256, 257, 258, 264, 265, 267, 268, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296	Areas required for shaft construction; main tunnel construction in two directions; ventilation equipment and structure construction, river wall works including utility supplies, temporary jetty, cramage, noise enclosures, other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to Cringle Street and Kirtling Street (part of Work No. 13b). Purposes ancillary or incidental to the above purposes.	Kirtling Street
London Borough of Wandsworth	297, 299, 300, 301, 302, 308, 310a, 311a, 315, 316, 318, 319, 323, 324	Areas required for CSO drop shaft construction; Heathwall/SWSR connection tunnel construction; two CSO interception works construction; working area in the foreshore; and river wall works including utility supplies, working area in the foreshore, provision of temporary campshed,	Heathwall Pumping Station

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
		cranage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Areas for construction works associated with the temporary relocation of the Battersea Barge. Highway works to Nine Elms Lane (part of Work No. 14c). Purposes ancillary or incidental to the above purposes.	
London Borough of Lambeth	5, 5a, 6, 7, 8, 9, 10, 10a, 11, 11a, 11b, 11c, 12, 13, 16, 18, 21, 24, 25, 26, 26a, 27, 31, 32, 34, 34a, 35, 40, 41, 42, 43, 44, 47, 49, 50, 51	Areas required for CSO drop shaft construction; Clapham/Brixton connection tunnel construction; two CSO interception works construction; and protective works to slipway and walls including utility supplies, working areas in the foreshore, temporary campshed, cranage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, accessways, and vehicle and pedestrian circulation areas. Highway works to Albert Embankment (part of Work No. 15c). Purposes ancillary or incidental to the above purposes.	Albert Embankment Foreshore
City of Westminster	13a, 14, 15, 16, 17, 17b, 19a, 21, 22, 23, 23a, 25, 26, 27, 28	Areas required for CSO drop shaft construction; Regent Street connection tunnel construction; CSO interception works construction; Low Level Sewer connection works construction; working area in the foreshore, provision of temporary campshed, cranage, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Areas for construction works associated with the relocation of Tattershall	Victoria Embankment Foreshore

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
City of London	2, 3, 4, 5, 15a, 19, 19a, 23, 32, 34, 35, 39, 40, 45, 46	Castle. Highway and utility works to Victoria Embankment (part of Work No. 16c). Areas required for CSO drop shaft construction; CSO interception works construction; Low Level Sewer connection works construction; working area in the foreshore; provision of temporary campshed, cramage; workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Areas for construction works associated with the relocation of Blackfriars Millennium Pier. Areas for construction works associated with the relocation of the President. Highway and utility works to Victoria Embankment (part of Work No. 17b).	Blackfriars Bridge Foreshore
London Borough of Southwark	289, 290, 291, 292, 293, 297, 299, 300, 302	Areas required for construction of drain down pumping station; connection chamber; flow measurement chamber; electrical switchgear and facilities building and associated pipework; including cramage, storage and welfare facilities. Highway and utility works in Maguire Street and Gainsford Street (part of Work No. 18). Purposes ancillary or incidental to the above purposes.	Shad Thames Pumping Station
London Borough of Southwark	15, 16, 17, 18, 21, 22, 24, 26, 27, 28, 31, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 61	Areas required for shaft construction; main tunnel construction; and flood wall works including utility supplies, working area in the foreshore, cramage, acoustic and other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas.	Chambers Wharf



<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
		Highway works to Bevington Street. Utility works in Loftie Street, Chambers Street and East Lane (part of Work No. 19b). Purposes ancillary or incidental to the above purposes.	
London Borough of Southwark	286, 287, 288	Areas required for CSO drop shaft construction; CSO interception works construction; including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to Chilton Grove, Yeoman Street and Croft Street (part of Work No. 21b). Purposes ancillary or incidental to the above purposes.	Earl Pumping Station
London Borough of Lewisham	2, 4, 5, 7, 8, 9, 10, 15, 16, 20, 21, 22, 23, 24	Areas required for CSO drop shaft construction; CSO interception works construction; including utility supplies, cramage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway and utility works to Chilton Grove, Yeoman Street and Croft Street (part of Work No. 21b). Purposes ancillary or incidental to the above purposes.	Earl Pumping Station
London Borough of Lewisham	150, 151, 152, 153, 154, 158, 164, 165, 166, 167, 168, 169, 170, 172, 174, 175, 177, 180, 181, 182	Areas required for CSO drop shaft construction; CSO interception works construction including cramage, enclosure, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas and fire assembly points. Areas for two fire assembly points for school. Highway works to Crossfield Street and Coffey Street. Highway	Deptford Church Street

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
Royal Borough of Greenwich	1, 2, 3, 4	and utility works to Deptford Church Street (part of Work No. 22b). Purposes ancillary or incidental to the above purposes. Areas required for CSO drop shaft construction; CSO interception works construction; construction including cramage, enclosure, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas and fire assembly points. Areas for two fire assembly points for school. Highway works to Crossfield Street and Coffey Street. Highway and utility works in Deptford Church Street (part of Work No. 22b). Purposes ancillary or incidental to the above purposes.	Deptford Church Street
Royal Borough of Greenwich	11, 12, 15, 16, 18, 18a, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 46, 47, 48, 49	Areas required for CSO drop shaft construction; Greenwich connection tunnel construction; CSO interception works construction; tunnel secondary lining; and river wall works including utility supplies, cramage, acoustic and other enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Highway works to Norman Road (part of Work No. 23b). Purposes ancillary or incidental to the above purposes.	Greenwich Pumping Station
London Borough of Tower Hamlets	21, 21a, 22, 22a, 23, 23a, 24, 25, 32, 33, 34, 35, 36, 36a, 37	Areas required for CSO drop shaft construction; CSO interception works construction; river wall works and replacement or refurbishment of park facilities including utility supplies, working area in the	King Edward Memorial Park Foreshore

<i>Borough</i>	<i>Number of land shown on land plan</i>	<i>Purpose of which temporary possession may be taken</i>	<i>Relevant site or part of the authorised project</i>
		foreshore, campshed, crannage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, vehicle and pedestrian circulation areas. Highway works to Glamis Road. Utility works in Glamis Road and The Highway (part of Work No. 24b). Purposes ancillary or incidental to the above purposes.	
London Borough of Tower Hamlets	210, 212, 213, 218, 219, 220, 221, 222, 224, 225	Areas required for construction of chamber, kiosk, ventilation column and associated pipework; crannage; storage and welfare facilities. Highway and utility works in Ratcliffe Lane (part of Work No. 25). Purposes ancillary or incidental to the above purposes.	Bekesbourne Street
London Borough of Newham	21, 22, 23, 24, 25, 26, 28, 33	Areas required for shaft construction; ventilation equipment and structure construction; tunnel secondary lining; including utility supplies, cross-river footbridge, crannage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Purposes ancillary or incidental to the above purposes.	Abbey Mills Pumping Station
London Borough of Newham	34, 35, 36, 37, 38, 39, 48, 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 66, 66a, 67, 68, 69, 70, 71, 72, 78, 79, 82	Areas required for siphon tunnel construction; shafts construction; other permanent works construction; including utility supplies, crannage, enclosures, concrete batching plant, workshop and stores, office, parking and welfare facilities, and vehicle and pedestrian circulation areas. Purposes ancillary or incidental to the above purposes.	Beckton Sewage Treatment Works

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**Commencement**


Sch. 14 para. 1: September 24, 2014

**Extent**

Sch. 14 para. 1: England, Wales, Scotland

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**SCHEDULE 15****DEEMED MARINE LICENCE****Article 50****PART 1****GENERAL****Interpretation**

 Law In Force

**1.**

In this licence—

- (a) “the 2008 Act” means the Planning Act 2008;
- “the 2009 Act” means the Marine and Coastal Access Act 2009;
- “the authorised project” has the meaning given in paragraph 3(2);
- “business day” means a day other than a Saturday or Sunday or bank holiday in England;
- “COCP Part A” means the Code of Construction Practice Part A— General Controls (document reference number APP205.01);
- “COCP Part B” means the Code of Construction Practice Part B— Site Specific Requirements (document reference number APP178.03 to 178.49);
- “commence” means beginning to carry out any part of a licensed activity and “commenced” and “commencement” shall be construed accordingly;
- “condition” means a condition in Part 2 of this licence and references in this licence to numbered conditions are to the condition with those numbers in Part 2;
- “environmental statement” means the environmental statement with document reference 6.2 together with the list of Errata to that environmental statement with document references 9.04.01, 9.04.04, 9.04.05 and APP123, and the environmental statement update report (March 2014) with document reference APP208.01, submitted by Thames Water Utilities Limited to support its application for development consent for the authorised project;

“the licence holder” means Thames Water Utilities Limited and any transferee pursuant to Article 9 of the Order;

“licensed activity” means the activities specified in Part 1 of this licence;

“marine area” has the meaning given to ‘UK marine area’ in section 42 of the 2009 Act;

“MMO” means the Marine Management Organisation;

“the Order” means the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014;

“plans and sections” includes sections, cross-sections, elevations, drawings, specifications, programmes, calculations, method statements, piling method statements, assessments of navigational risk and hydraulic information relating to the construction, carrying out and, where appropriate, removal of any licensed activity;

“River” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the Port of London Authority's limits as described in paragraph 2 of Schedule 1 to the Port of London Act 1968;

“scour and accretion monitoring and mitigation plan” means a plan drawn up detailing the monitoring and mitigation proposals for each specified work prepared in accordance with the scour and accretion monitoring and mitigation strategy;

“scour and accretion monitoring and mitigation strategy” means the scour and accretion monitoring and mitigation strategy for the licensed activities in the foreshore to be submitted to the MMO in accordance with the principles set out in the four way legal agreement between Thames Water Utilities Limited, the Port of London Authority, the Environment Agency and the Marine Management Organisation dated 3rd March 2014 (as amended 7th August 2014) (APP 183) including, but not limited to, results and clarification of existing and further works and the extent, frequency, and form of the monitoring and mitigation for scour and accretion;

“site” means any site where the licensed activities will be undertaken as defined in the Order being:

- Putney Embankment Foreshore;
- Carnwath Road Riverside;
- Dormay Street;
- Cremorne Wharf Depot;
- Chelsea Embankment Foreshore;
- Kirtling Street;
- Heathwall Pumping Station;
- Albert Embankment Foreshore;
- Victoria Embankment Foreshore;
- Blackfriars Bridge Foreshore;
- Chambers Wharf;
- Greenwich Pumping Station;
- King Edward memorial Park Foreshore; and
- Abbey Mills Pumping Station.

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**Commencement**

Sch. 15(1) para. 1(a)- definition of "site": September 24, 2014

**Extent**

Sch. 15(1) para. 1(a)- definition of "site": England, Wales, Scotland

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**Contacts**

✔ Law In Force

**2.—**

(1) Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be—

Marine Management Organisation  
Inshore Marine Licensing Team  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH  
Tel— 0300 123 1032  
Fax— 0191 376 2681  
Email—[infrastructure@marinemanagement.org.uk](mailto:infrastructure@marinemanagement.org.uk)

(2) The contact details for the MMO Marine Pollution Response Team are—

Tel (during office hours)— 0870 785 1050  
Tel (outside office hours)— 07770 977 825  
Email—[dispersants@marinemanagement.org.uk](mailto:dispersants@marinemanagement.org.uk)  
or such replacement contact details notified to the licence holder in writing by the MMO.

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**Commencement**

Sch. 15(1) para. 2(1)-(2): September 24, 2014

**Extent**

Sch. 15(1) para. 2(1)-(2): England, Wales, Scotland

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**Details of Licensed Marine Activities**

✓ Law In Force

### 3.—

(1) Subject to the licence conditions in Part 2, this licence authorises the licence holder (and any agent, contractor or subcontractor acting on their behalf) to carry out any licensable marine activities under section 66(1) of the 2009 Act which—

- (a) form part of, or are related to, the authorised project; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) In this paragraph “the authorised project” means—

- (a) the development and associated development described in Part 1 of Schedule 1 to the Order, and any other development authorised by articles 21 (*remedial works to buildings, or apparatus or equipment* ) and 42 (*statutory undertakers* ) of the Order, which is development within the meaning of section 32 of the 2008 Act; and
- (b) the ancillary works described in Part 2 of Schedule 1 (*authorised project* ) of the Order, and any other works authorised by the Order which are not development within the meaning of section 32 of the 2008 Act.

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#### Commencement

Sch. 15(1) para. 3(1)-(2)(b): September 24, 2014

#### Extent

Sch. 15(1) para. 3(1)-(2)(b): England, Wales, Scotland

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## PART 2

### CONDITIONS APPLYING TO CONSTRUCTION ACTIVITIES NOTIFICATIONS AND INSPECTIONS

#### Notice of Transfer of Benefit

✓ Law In Force

### 4.

The licence holder shall serve notice in writing of any transfer made pursuant to Article 9 (*transfer of benefit of order*) upon the MMO together with a copy of the instrument of deed effecting such transfer within 10 business days of any such transfer.

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**Commencement**

Sch. 15(2) para. 4: September 24, 2014

**Extent**

Sch. 15(2) para. 4: England, Wales, Scotland

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**Notification of person responsible for the carrying out of licensed activity**

✔ Law In Force

**5.**

The licence holder shall serve a copy of its application to discharge PW4 upon the MMO within 10 business days of the submission of such application.

In this condition “PW4” means the requirement described in the fourth entry of the table within paragraph 2 of Schedule 3 (*requirements*) to the Order.

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**Commencement**

Sch. 15(2) para. 5: September 24, 2014

**Extent**

Sch. 15(2) para. 5: England, Wales, Scotland

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✔ Law In Force

**6.**

The licence holder shall inform the MMO in writing of the intended start date and the likely duration of licensed activities on a site at least 10 business days prior to the commencement of the first licensed activity on that site.

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**Commencement**

Sch. 15(2) para. 6: September 24, 2014

**Extent**

Sch. 15(2) para. 6: England, Wales, Scotland

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**Prior Approval of Licensed Activities**



✓ Law In Force

## 7.—

- (1) Prior to the commencement of a licensed activity, the licence holder shall submit details of the licensed activity to the MMO for approval in accordance with the procedure in Part 3, in consultation with the Environment Agency and Port of London Authority.
- (2) Unless otherwise agreed by the MMO in writing, the details in subparagraph (1) shall include—
- (a) the details of the person responsible for the carrying on of the licensed activity;
  - (b) the location of the licensed activity;
  - (c) the duration of the licensed activity;
  - (d) plans and sections;
  - (e) details of where the licensed activity was assessed in the [ environmental statement ]<sup>1</sup> ;
  - (f) details of materials to be placed in or removed from the marine area;
  - (g) timings of activities;
  - (h) environmental mitigation measures;
  - (i) where a licensed activity involves dredging, a characterisation of the dredge material (including sample analysis as may be directed from time to time by the MMO), dredging volumes and waste disposal locations and quantities; and
  - (j) an outline decommissioning plan regarding the removal of any equipment, temporary structures, waste or debris associated with any part of the licensed activity.
- (3) The licensed activity shall be carried out in accordance with the approval of the MMO.

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### Notes

- <sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement

Sch. 15(2) para. 7(1)-(3): September 24, 2014

### Extent

Sch. 15(2) para. 7(1)-(3): England, Wales, Scotland

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## Scour and Accretion Monitoring and Mitigation

✓ Law In Force

## 8.—

- (1) The licence holder must submit to the MMO for approval a scour and accretion monitoring and mitigation strategy. The MMO will issue their decision in respect of the scour and accretion monitoring and mitigation strategy:
- (a) by 30th September 2014; or
  - (b) within 5 days of the grant of the DCO; or

- (c) by the expiry of 20 business days from receipt of the scour and accretion monitoring and mitigation strategy submission to the MMO,
- (d) whichever is the latest.

(2) Prior to the commencement of any part of a licensed activity, a scour and accretion monitoring and mitigation plan for that licensed activity shall be prepared by the licence holder in accordance with the agreed scour and accretion monitoring and mitigation strategy in consultation with the MMO, and submitted to the MMO for approval, in accordance with the procedure in Part 3.

(3) The carrying out of any licensed activity shall proceed only in accordance with the agreed scour and accretion monitoring and mitigation plan approved under condition 8(2).

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#### Commencement


Sch. 15(2) para. 8(1)-(3): September 24, 2014

#### Extent

Sch. 15(2) para. 8(1)-(3): England, Wales, Scotland

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## Construction Environment Management Plan

 Law In Force

### 9.—

(1) Prior to the commencement of licensed activities on a site the licence holder shall submit to the MMO, for approval in accordance with the procedure in Part 3, those parts of a Construction Environment Management Plan for that site (prepared pursuant to the COCP Part A as modified by the COCP Part B for that site) which relate to construction in the marine environment for that site.

(2) The relevant parts of the Construction Environment Management Plan which relate to construction in the River environment shall include details (inter alia) of the following—

- (a) how the lighting and marking of the licensed activities at that site will mitigate impact on the marine environment;
- (b) measures to protect the River environment from pollutant effects of materials used for or associated with the licensed activities at that site, including methods to mitigate the effects of re-suspension of sediment;
- (c) measures to protect the River environment from the impact of piling associated with the licensed activities at that site;
- (d) mitigation methods to protect the foreshore from damage associated with the licensed activities at that site;
- (e) a pollution incident response plan to include details of how impacts on the River environment will be mitigated in the event of accidental spillage or other pollution event; and
- (f) measures for the clearance of the site of equipment, temporary structures (other than those which will remain to mitigate environmental and navigation impacts), waste and

debris associated with the licensed activities on the completion of licensed activities at that site.

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**Commencement**

Sch. 15(2) para. 9(1)-(2)(f): September 24, 2014

**Extent**

Sch. 15(2) para. 9(1)-(2)(f): England, Wales, Scotland

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**Concrete and Cement**

✔ Law In Force

**10.**

The licence holder shall ensure that no waste concrete slurry or wash water from concrete or cement is discharged into the marine area. Concrete and cement mixing and washing areas must be sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

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**Commencement**

Sch. 15(2) para. 10: September 24, 2014

**Extent**

Sch. 15(2) para. 10: England, Wales, Scotland

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**Coatings and Treatments**

✔ Law In Force

**11.**

The licence holder shall ensure that any coatings and any treatments are suitable for use in the marine area and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency Pollution Prevention Control Guidelines.

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**Commencement**

Sch. 15(2) para. 11: September 24, 2014

**Extent**

Sch. 15(2) para. 11: England, Wales, Scotland

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## Spills etc.

✔ Law In Force

### 12.

The licence holder shall—

- (a) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent releases into the marine environment, including bunding of 110% of the total volume of all reservoirs and containers;
- (b) report any spill of oil, fuel or chemicals into the marine area to the MMO Marine Pollution Response Team within 24 hours of the spill occurring; and
- (c) ensure that all waste is stored in designated areas that are isolated from surface water drains and open water and are bunded.

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#### Commencement

Sch. 15(2) para. 12(a)-(c): September 24, 2014

#### Extent

Sch. 15(2) para. 12(a)-(c): England, Wales, Scotland

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## Percussive Piling

✔ Law In Force

### 13.

Where a licensed activity involves percussive piling the licence holder shall ensure that all soft-start procedures are used for at least 20 minutes to ensure an incremental increase in pile power over a set period of time until full operational power is achieved. Should piling cease for at least 10 minutes the soft-start procedures must be repeated.

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#### Commencement

Sch. 15(2) para. 13: September 24, 2014

#### Extent

Sch. 15(2) para. 13: England, Wales, Scotland

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## Agents, Contractors and Sub-Contractors

✓ Law In Force

## 14.—

(1) The licence holder shall—

- (a) notify the MMO in writing of any agents, contractors or sub-contractors that will carry out licensed activities on behalf of the licence holder. Such notification must be received by the MMO at least 24 hours before the commencement of the licensed activities; and
- (b) ensure that a copy of this licence and any subsequent amendments are provided to, read and understood by those agents, contractors or sub-contractors.

(2) Only those agents, contractors or sub-contractors notified to the MMO in accordance with condition 14(1)(a) are permitted to carry out the licensed activities.

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### Commencement

Sch. 15(2) para. 14(1)-(2): September 24, 2014

### Extent

Sch. 15(2) para. 14(1)-(2): England, Wales, Scotland

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## Vessels

✓ Law In Force

## 15.—

(1) The licence holder shall—

- (a) notify the MMO in writing of any vessel to be used to carry on licensed activities. Such notification must be received by the MMO at least 24 hours before the commencement of the licensed activities. Notification must include the master's name, vessel type, vessel IMO number and the name of the vessel's owner or operating company; and
- (b) ensure that a copy of this licence and any subsequent amendments are provided to, read and understood by the masters of a vessel notified under condition 15(1)(a), and that a copy of this licence and any subsequent amendments is held on board any such vessel.

(2) Only those vessels notified to the MMO under condition 15(1)(a) are permitted to carry out the licensed activities.

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### Commencement

Sch. 15(2) para. 15(1)-(2): September 24, 2014

### Extent

Sch. 15(2) para. 15(1)-(2): England, Wales, Scotland

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## Notice of Completion of Licensed Activity

✓ Law In Force

### 16.

The licence holder shall inform the MMO, in writing no more than 10 business days following the completion of the last licensed activity.

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#### Commencement

Sch. 15(2) para. 16: September 24, 2014

#### Extent

Sch. 15(2) para. 16: England, Wales, Scotland

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## Changes to this Licence

✓ Law In Force

### 17.

The licence holder shall notify the MMO at the earliest opportunity of any change to the information upon which the granting of the deemed marine licence was based.

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#### Commencement

Sch. 15(2) para. 17: September 24, 2014

#### Extent

Sch. 15(2) para. 17: England, Wales, Scotland

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## PART 3

### PROCEDURE FOR THE DISCHARGE OF CONDITIONS

#### Meaning of “application”

✔ Law In Force

## 18.

In this Part, “application” means a submission by the licence holder for approval under conditions 7, 8 or 9.

---

### Commencement

Sch. 15(3) para. 18: September 24, 2014

### Extent

Sch. 15(3) para. 18: England, Wales, Scotland

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## Further information regarding application

✔ Law In Force

## 19.—

(1) The MMO may request in writing such further information from the licence holder as is necessary to enable the MMO to consider the application.

(2) In the event that the MMO does not make a request in accordance with condition 19(1) above, it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the licence holder.

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### Commencement

Sch. 15(3) para. 19(1)-(2): September 24, 2014

### Extent

Sch. 15(3) para. 19(1)-(2): England, Wales, Scotland

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## Determination of application

✔ Law In Force

## 20.—

(1) In determining the application the MMO may have regard to —

- (a) the application and any supporting information or documentation;
- (b) any further information provided by the licence holder in accordance with paragraph 19; and
- (c) such other matters as the MMO thinks relevant.

(2) Having considered the application the MMO must —

- (a) grant the application unconditionally;
- (b) grant the application subject to the conditions as the MMO thinks fit; or
- (c) refuse the application.

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**Commencement**


Sch. 15(3) para. 20(1)-(2)(c): September 24, 2014

**Extent**

Sch. 15(3) para. 20(1)-(2)(c): England, Wales, Scotland

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**Notice of Determination**

 Law In Force

**21.—**

(1) Subject to condition 21 (2) or (3), the MMO shall give notice to the licence holder of the determination of the application within 35 business days of the day immediately following that on which the application is received by the MMO.

(2) Where the MMO has made a request under paragraph 19, the MMO shall give notice to the licence holder of the determination of the application no later than 65 business days of the day immediately following that on which the application is received by the MMO.

(3) The MMO and the licence holder may agree in writing a longer period of time for the provision by the MMO of a notice under condition 21(1) such period to be no more than 65 days from the day immediately following that on which the application is received.

(4) Where the MMO refuses the application the refusal notice must state the reasons for the refusal.

(5) Where notice is not given by the MMO in accordance with condition 21(1) or (2) the application is deemed to have been refused.

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**Commencement**

Sch. 15(3) para. 21(1)-(5): September 24, 2014

**Extent**

Sch. 15(3) para. 21(1)-(5): England, Wales, Scotland

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**Arbitration**



✔ Law In Force

## **22.—**

(1) Subject to condition 22(2), any difference under any provision of this licence shall, unless otherwise agreed between the MMO and the licence holder, be referred to and settled by a single arbitrator to be agreed between the MMO and the licence holder or, failing agreement, to be appointed on the application of either the MMO or the licence holder (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) Nothing in condition 21(1) or (2) shall be taken, or shall operate so as to, fetter or prejudice the statutory rights, powers, discretions or responsibilities of the MMO.

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### **Commencement**

Sch. 15(3) para. 22(1)-(2): September 24, 2014

### **Extent**

Sch. 15(3) para. 22(1)-(2): England, Wales, Scotland

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## **SCHEDULE 16**

### **PROVISIONS FOR PROTECTION OF SPECIFIED UNDERTAKERS**

**Articles 2, 3, 42, 43, 47 and 53**

#### **PART 1**

#### **ELECTRICITY AND GAS UNDERTAKERS**

#### **SECTION 1**

*National Grid electricity and gas*

✔ Law In Force

### **1. Application**

For the protection of the undertakers referred to in this sub-part of this Schedule the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker concerned, have effect.

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## Commencement

Sch. 16(1)(s. ) para. 1: September 24, 2014

## Extent

Sch. 16(1)(s. ) para. 1: England, Wales, Scotland

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✓ Law In Force

## 2. Interpretation

In this Part of this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory or licensed functions in a manner no less efficient than previously;

“apparatus” means—

(a) in the case of an electricity undertaker, electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by that undertaker;

(b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;

“connection work” means the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or, where the apparatus is laid in a trench, execute any filling around the apparatus within 500 millimetres (measured in any direction) of the apparatus where the apparatus is operating or only capable of operating at below 7 bar pressure or within 3000 millimetres of the apparatus where the apparatus is operating or is capable of operating at or in excess of 7 bar pressure

(c) “functions” includes powers and duties;

(d) “in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

(e) “maintain” and “maintenance” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of the undertaker including construct, use, repair, alter, inspect, renew or remove the apparatus

(f) “plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed;

“promoter” means the undertaker as defined in article 2 of this Order;

“undertaker” means—

(g) National Grid Electricity Transmission plc as a licence holder within the meaning of Part 1 of the Electricity Act 1989; and

(h) National Grid Gas plc as a gas transporter within the meaning of Part 1 of the Gas Act 1986.

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**Commencement**

Sch. 16(1)(s. ) para. 2 definition of "1991 Act"- definition of "undertaker" (h): September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 2 definition of "1991 Act"- definition of "undertaker" (h): England, Wales, Scotland

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✔ Law In Force

**3. Apparatus of Undertakers in stopped up streets**

Except for paragraphs 4 (Apparatus of undertakers in stopped up streets), 10 (Retained apparatus— protection of gas undertakers) and 11 (Retained apparatus— protection of electricity undertakers), 12 (Expenses) and 13 (Indemnity) this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

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**Commencement**

Sch. 16(1)(s. ) para. 3: September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 3: England, Wales, Scotland

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✔ Law In Force

**4.— Protective works to buildings**

(1) Where any street is stopped up under article 13 (stopping up of streets), any undertaker whose apparatus is in the street or accessed via that street shall be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the promoter will grant to the undertaker legal easements reasonably satisfactory to the specified undertaker in respect of such apparatus and access to it prior to the stopping up of any such street or highway.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (*temporary stopping up of streets*), an undertaker shall be at liberty at all times to take all necessary access across any such stopped up highway and or to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

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**Commencement**

Sch. 16(1)(s. ) para. 4(1)-(2): September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 4(1)-(2): England, Wales, Scotland

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✓ Law In Force

## 5.— Acquisition of land

(1) The promoter, in the case of the powers conferred by article 20 (protective work to buildings and structures), shall so exercise those powers as not to obstruct or render less convenient the access to any apparatus without the written consent of the undertaker and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of any undertaker or any interruption in the supply of electricity, gas or water, as the case may be, by the undertaker is caused, the promoter shall—

- (a) repay the cost reasonably incurred by the undertaker in making good such damage or restoring the supply; and
- (b) indemnify the undertaker against all losses claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by that undertaker, by reason of any such damage or interruption.

(2) Nothing in this paragraph shall impose any liability on the promoter with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of an undertaker or its officers servants contractors workmen or other agents; and the undertaker shall give to the promoter reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior written consent of the promoter which shall not be unreasonably withheld or delayed.

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### Commencement

Sch. 16(1)(s. ) para. 5(1)-(2): September 24, 2014

### Extent

Sch. 16(1)(s. ) para. 5(1)-(2): England, Wales, Scotland

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✓ Law In Force

## 6. Removal of apparatus

Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the promoter shall not acquire any apparatus or override any easement or other interest of the undertaker otherwise than by agreement.

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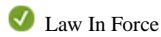
### Commencement

Sch. 16(1)(s. ) para. 6: September 24, 2014

### Extent

Sch. 16(1)(s. ) para. 6: England, Wales, Scotland

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Law In Force

## 7.— Approval of plans for Alternative Apparatus

(1) If, in the exercise of the agreement reached in accordance with paragraph (6) or in any other authorised manner, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of an undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of the undertaker in question in accordance with sub-paragraph (2) to (8) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it shall give to the undertaker in question 56 days' advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the promoter shall, subject to sub-paragraph (3), afford to the undertaker to their satisfaction (taking into account paragraph 9(1) below) the necessary facilities and rights for

- (a) the construction of alternative apparatus in other land of the promoter; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question shall, on receipt of a written notice to that effect from the promoter, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for the undertaker to use its compulsory purchase powers to this end unless it elects to do so.

(4) Any alternative apparatus to be constructed in land of the promoter under this part of this Schedule shall be constructed in such manner and in such line or situation and in accordance with such programme as may be agreed between the undertaker in question and the promoter.

(5) The undertaker in question shall, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay in accordance with the agreed programme to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the promoter to be removed under the provisions of this part of this Schedule.

(6) If the promoter gives notice in writing to the undertaker that it desires to carry out any part of any work to which this paragraph applies, such work, instead of being carried out by the undertaker, may be carried out by the promoter with the prior written consent of the undertaker (which shall not be unreasonably withheld or delayed and shall be subject to any such conditions as are reasonable and proper to protect the apparatus) in accordance with the plans to which the undertaker has confirmed (or is deemed to have confirmed) in accordance with paragraph 8, with all reasonable despatch under the superintendence (if given) and to the reasonable satisfaction of the undertaker.

(7) The undertaker shall, within 14 days after the undertaker has confirmed (or is deemed to have confirmed) that it has no objection to the plans for the necessary work in accordance with paragraph

8 and after the grant to or obtaining by the undertaker of any such facilities and rights as referred to in sub-paragraph (2) or (3), supply the promoter with the name of its approved contractor and the promoter shall be responsible for the engagement of the contractor on such terms and conditions as the promoter thinks fit.

(8) If the undertaker does not provide the name of its approved contractor within the period required by sub-paragraph (7), the promoter shall be entitled to carry out the necessary work using such contractor as it thinks fit, being a contractor who appears to the promoter, following reasonable enquiry of the undertaker, to be competent and suitably qualified to carry out that work.

(9) In carrying out any work under sub-paragraph (6) the promoter shall comply with all statutory obligations which would have been applicable had the works been carried out by the undertaker

(10) Nothing in sub-paragraph (6) shall authorise the promoter to carry out any connection work

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#### Commencement

Sch. 16(1)(s. ) para. 7(1)-(10): September 24, 2014

#### Extent

Sch. 16(1)(s. ) para. 7(1)-(10): England, Wales, Scotland

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 Law In Force

### 8. Facilities and rights for alternative apparatus

Not less than 56 days before the date on which the promoter intends to commence, or requires the undertaker to commence, the construction of any alternative apparatus, the promoter shall submit to the undertaker for approval plans of the alternative apparatus detailing:

- (a) the exact position of the alternative apparatus;
- (b) the level at which the alternative apparatus is proposed to be constructed;
- (c) the manner of construction of the alternative apparatus; and
- (d) the indicative cost of and programme for the construction of the alternative apparatus

(2) Within 42 days (or such longer period as the parties may agree) following receipt of the plans under sub-paragraph (1), the undertaker shall respond to the promoter either:

- (a) confirming that it has no objection to the plans; or
- (b) specifying (with reasons) its objections to the plans and (if the undertaker considers it appropriate to do so) suggesting any changes which in its opinion are needed in order to remove the objections in which event the promoter shall revise and resubmit the plans and the provision of this paragraph 8 shall apply to the plans as so revised; or
- (c) specifying the further information which it requires in order to assess the plans.

(3) If the undertaker fails to respond to the promoter within 42 days (or such longer period as the parties may agree) and provided that paragraph 10(5) has been complied with it shall be deemed to have confirmed that it has no objection to the plans.

(4) Any dispute between the parties in relation to this paragraph (8) shall be resolved in accordance with paragraph 18

(5) For the avoidance of doubt, nothing in this paragraph 8 shall be construed as permitting the promoter to carry out work in connection with the construction of alternative apparatus or the removal of apparatus without first obtaining the undertaker's prior written consent in accordance with paragraph 7(6).

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**Commencement**

Sch. 16(1)(s. ) para. 8(a)-(5): September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 8(a)-(5): England, Wales, Scotland

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 Law In Force

**9.— Retained apparatus: protection Gas Undertakers**

(1) Where, in accordance with the provisions of this part of this Schedule, the promoter affords to an undertaker facilities and rights for the construction and maintenance in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the promoter and the undertaker in question and shall be no less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless agreed by the undertaker.

(2) If the facilities and rights to be afforded by the promoter and agreed with the undertaker under 8(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject in the matter shall be referred to arbitration and, the arbitrator shall make such provision for the payment of compensation by the promoter to that undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

(3) The promoter and the undertaker agree that where there is any inconsistency or duplication between the provisions set out in this Schedule relating to the relocation and or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation and or removal of apparatus) and the provisions of any existing easements rights agreements and licences granted used enjoyed or exercised by the undertaker as of right or otherwise in relation to the apparatus then the provisions in this Schedule shall prevail.

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**Commencement**

Sch. 16(1)(s. ) para. 9(1)-(3): September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 9(1)-(3): England, Wales, Scotland

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✓ Law In Force

## **10.— Retained apparatus: Protection: Electricity Undertakers**

(1) Not less than 56 days before commencing the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under paragraph 7(2) or otherwise, the promoter shall submit to the undertaker in question a plan.

(2) In relation to works which will or may be situated on, over, under or within 15 (metres measured in any direction of any apparatus, or (wherever situated) impose any load directly upon any apparatus or involve embankment works within 15 metres of any apparatus, the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed including a material statement and describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc;
- (d) the position of all apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus.

(3) Within 42 days (or such longer period as the undertaker and the promoter may agree) following receipt of the plans under sub-paragraph (1) the undertaker shall respond to the promoter either:

- (a) confirming that it has no objection to the plans together with its reasonable requirements for the removal, alteration, or otherwise for the protection, of any apparatus, or for securing access thereto; or
- (b) specifying (with reasons) its objections to the plans and (if the undertaker considers it appropriate to do so) suggesting any changes which in its opinion are needed in order to remove the objections in which event the promoter shall revise and resubmit the plans and the provision of this sub-paragraph (3) shall apply to the plans as so revised; or
- (c) specifying the further information which it requires in order to assess the plans.

(4) If the undertaker fails to respond to the promoter within 42 days (or such longer period as the undertaker and the promoter may agree) and provided that sub-paragraph 5 has been complied with it shall be deemed to have confirmed that it has no objection to the plans.

(5) When submitting the plans to the undertaker pursuant to paragraph 8 or sub-paragraph (1) or paragraph 11(1) the promoter shall send the plans to the undertaker (in hard copy only) by recorded post to National Grid Plant Protection, Brick Kiln Street, Hinckley, Leicestershire LE10 0NA and the registered office of the undertaker (or such other address as the undertaker may notify the promoter in writing from time to time). In the event that the promoter has not received a response from the undertaker in accordance with paragraph 8 or sub-paragraph (3) or paragraph 11(3) within 21 days of submission of the plans under paragraph 8 or sub-paragraph (1) or paragraph 11(1), the promoter shall issue a written reminder to the undertaker by recorded post to both of the aforementioned addresses.

(6) Works executed under this Order shall be executed only in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (9), as amended from time to time by agreement between the promoter and the undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) or (7) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker shall be entitled to watch and inspect the execution of those works.



(7) Where undertakers require any protective works to be carried out either themselves or by the promoter (whether of a temporary or permanent nature) such protective works shall be carried out to the undertakers' satisfaction prior to the carrying out of any works authorised by the Order (or any relevant part thereof) and the undertakers shall give 56 days' notice of such works from the date of submission of a plan in line with sub-paragraph (1) or (9) (except in an emergency).

(8) If an undertaker in accordance with sub-paragraph (3) or (7) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 6 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(9) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(10) The promoter shall not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it shall give to the undertaker in question notice as soon as is reasonably practicable and a plan of those works and shall—

- (a) comply with sub-paragraph (6) and (7) insofar as is reasonably practicable in the circumstances; and
- (b) comply with sub-paragraph (11) at all times.

(11) At all times when carrying out any works authorised under the Order comply with National Grid's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Grid, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW27" and HSE's "HS(~G)47 Avoiding Danger from underground services".

(12) Any dispute between the parties in relation to this paragraph 10 shall be resolved in accordance with paragraph 18.

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#### Commencement

Sch. 16(1)(s. ) para. 10(1)-(12): September 24, 2014

#### Extent

Sch. 16(1)(s. ) para. 10(1)-(12): England, Wales, Scotland

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 Law In Force

### 11.— Expenses

(1) Not less than 56 days before commencing the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under paragraph 7(2) or otherwise, the promoter shall submit to the undertaker in question a plan.

(2) In relation to works which will or may be situated on, over, under or within 8.1 metres measured in any direction of any apparatus, or involve embankment works within 8.1 metres of any apparatus,

the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed including a material statement and describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant;
- (d) the position of all apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus.

(3) Within 42 days (or such longer period as the undertaker and the promoter may agree) following receipt of the plans under sub-paragraph (1) the undertaker shall respond to the promoter either:

- (a) confirming that it has no objection to the plans together with its reasonable requirements for the removal, alteration, or otherwise for the protection, of any apparatus, or for securing access thereto; or
- (b) specifying (with reasons) its objections to the plans and (if the undertaker considers it appropriate to do so) suggesting any changes which in its opinion are needed in order to remove the objections in which event the promoter shall revise and resubmit the plans and the provision of this sub-paragraph (3) shall apply to the plans as so revised; or
- (c) specifying the further information which it requires in order to assess the plans.

(4) If the undertaker fails to respond to the promoter within 42 days (or such longer period as the undertaker and the promoter may agree) and provided that paragraph 10(5) has been complied with it shall be deemed to have confirmed that it has no objection to the plans. Works executed under this Order shall be executed only in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub paragraph (7), as amended from time to time by agreement between the promoter and the undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) or (5) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker shall be entitled to watch and inspect the execution of those works.

(5) Where undertakers require any protective works to be carried out either themselves or by the promoter (whether of a temporary or permanent nature) such protective works shall be carried out to the undertakers' satisfaction prior to the carrying out of any works authorised by the Order (or any relevant part thereof) and the undertakers shall give 56 days' notice of such works from the date of submission of a plan in line with sub-paragraph (1) or (7) (except in an emergency).

(6) If an undertaker in accordance with sub-paragraph (3) or (5) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 6 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(7) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(8) The promoter shall not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it shall give to the undertaker in question notice as soon as is reasonably practicable and a plan of those works and shall—

- (a) comply with sub-paragraph (4) and (5) insofar as is reasonably practicable in the circumstances; and
- (b) comply with sub-paragraph (9) at all times.

(9) At all times when carrying out any works authorised under the Order comply with National Grid's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

(10) Any dispute between the parties in relation to this paragraph 11 shall be resolved in accordance with paragraph 18.

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#### Commencement

Sch. 16(1)(s. ) para. 11(1)-(10): September 24, 2014

#### Extent

Sch. 16(1)(s. ) para. 11(1)-(10): England, Wales, Scotland

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 Law In Force

### 12.— Indemnity

(1) Subject to the following provisions of this paragraph, the promoter shall repay to an undertaker on demand all charges, costs and expenses reasonably incurred by that undertaker in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this Schedule including without limitation—

- (a) any costs reasonably incurred or compensation properly paid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation in the event that the undertaker elects to use CPO powers to acquire any necessary rights under 7(3) all costs incurred as a result of such action;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Schedule.

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or in default of agreement settled by arbitration in accordance with article 63 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (1) shall be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of operations, capacity, dimensions or place at the existing depth in which case full costs shall be borne by the promoter.
- (4) For the purposes of sub-paragraph (3)—
- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.
- (5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.
- (6) In any case where work is carried out by the promoter pursuant to paragraph 7(6) and, if such work had been carried out by the undertaker, the repayment made to undertaker under paragraph 12 would fall to be reduced pursuant to paragraphs 12(1) to 12(4), the undertaker shall pay to the promoter such sum as represents the amount of that reduction
- (7) The undertaker shall from time to time submit to the promoter estimates of the reasonable expenses it reasonably expects to incur in relation to the items set out at paragraph 12(1), for agreement by the promoter.
- (8) The promoter and the undertaker will use all reasonable endeavours to agree the amount of any estimates submitted by the undertaker under sub-paragraph (7) within 21 days following receipt of such estimates by the promoter. The promoter shall confirm its agreement to the amount of such estimates in writing and shall not unreasonably withhold or delay such agreement. If the promoter and the undertaker are unable to agree the amount of an estimate, it shall be dealt with in accordance with paragraph 18.
- (9) Work in relation to which an estimate is submitted under sub-paragraph (7) shall not be commenced until the estimate is agreed under sub-paragraph (8) (unless this requirement is waived by the promoter in writing) and a purchase order number up to the value of the approved estimate has been issued by the promoter to the undertaker. The promoter shall issue the purchase order number within 21 days of the estimate being agreed under sub-paragraph (8).

(10) In the event that the undertaker requires funds to be provided by the promoter in advance of carrying out any works to relocate apparatus in accordance with paragraph 7, the undertaker shall be entitled to submit an invoice to the promoter for the anticipated costs and expenses and the provisions of sub-paragraph (12) shall apply. If the actual costs and expenses incurred by the undertaker in connection with such works are less than the anticipated costs and expenses paid to it by the promoter, then the undertaker shall pay to the promoter such sum as represents the amount of the difference between the anticipated costs and expenses paid by the promoter and the actual costs and expenses incurred by the undertaker.

(11) If the undertaker at any time becomes aware that an estimate agreed under sub-paragraph (8) has been or is likely to be exceeded, it shall forthwith notify the promoter and shall submit a revised estimate of the relevant costs and expenses to the promoter for agreement. The provisions of sub-paragraphs (8) to (10) (*mutatis mutandis*) shall apply to such revised estimate, except that the period referred to in sub-paragraph (8) shall be reduced to 7 days.

(12) The undertaker may from time to time, and at least twice a year (and in any event within 12 months of the costs and expenses being incurred) will, issue to the promoter invoices for costs and expenses incurred or, in the case of the costs referred to in sub-paragraph (10), anticipated to be incurred up to the date of the relevant invoice, up to the amount of the relevant estimate agreed under sub-paragraph (8) or (as the case may be) the revised estimate agreed under sub-paragraph (11). Invoices issued to the promoter for payment shall:

- (a) specify the approved purchase order number;
- (b) be supported by timesheets and or narratives that demonstrate that the work invoiced has been completed in accordance with the agreed estimate; and
- (c) be paid within 28 days of their being received by the promoter's accounts department.

(13) The promoter shall not be responsible for meeting costs or expenses in excess of an estimate agreed under sub-paragraph (8) (and the undertaker shall not be obliged to incur any costs or expenses in excess of such agreed estimate) unless and until (and then only to the extent that) the promoter has agreed a revised estimate pursuant to sub-paragraph (11).

(14) Any amount properly due to the undertaker under this Schedule which is not paid by the date specified in sub-paragraph (12) thereafter carry interest at the rate of 2% above the Bank of England base rate from time to time for the period from such date up to and including the date on which payment (including accrued interest) is made.

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#### **Commencement**

Sch. 16(1)(s. ) para. 12(1)-(14): September 24, 2014

#### **Extent**

Sch. 16(1)(s. ) para. 12(1)-(14): England, Wales, Scotland

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 Law In Force

### **13.— Ground subsidence monitoring scheme in respect of Undertaker's apparatus**

(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Schedule or in consequence of the construction, use, maintenance

or failure of any of the authorised development by or on behalf of the promoter or in consequence of any act or default of the promoter (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the promoter under this Schedule or any subsidence resulting from any of these works), any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any undertaker, or the undertaker becomes liable to pay any amount to any third party, the promoter shall—

- (a) bear and pay on demand the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) indemnify that undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the undertaker, by reason or in consequence of any such damage or interruption or the undertaker becoming liable to any third party as aforesaid.

(2) The fact that any act or thing may have been done by an undertaker on behalf of the promoter or in accordance with a plan approved by an undertaker or in accordance with any requirement of an undertaker or under its supervision shall not (subject to sub-paragraph (3), excuse the promoter from liability under the provisions of this sub-paragraph (1)).

(3) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the neglect or default of an undertaker, its officers, servants, contractors or agents.

(4) An undertaker shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise shall be made without first consulting the promoter and considering their representations.

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#### Commencement

Sch. 16(1)(s. ) para. 13(1)-(4): September 24, 2014

#### Extent

Sch. 16(1)(s. ) para. 13(1)-(4): England, Wales, Scotland

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 Law In Force

### 14.— Enactments and agreements

(1) No works of the type referred to in paragraphs 10(1) or 11(1) shall commence until a scheme for monitoring ground subsidence (“referred to in this paragraph as the monitoring scheme”) which is capable of interfering with or risking damage to undertaker's apparatus has been submitted to and approved by the relevant undertaker, such approval not to be unreasonably withheld or delayed.

- (2) The ground subsidence monitoring scheme described in sub-paragraph (1) shall set out—
- (a) the apparatus which is to be subject to such monitoring;
  - (b) the extent of land to be monitored;
  - (c) the manner in which ground levels are to be monitored;

- (d) the timescales of any monitoring activities; and
- (e) the extent of ground subsidence which, if exceeded, shall require the promoter to submit for undertaker's approval a ground subsidence mitigation scheme in respect of such subsidence in accordance with sub-paragraph (3).

(3) The monitoring scheme required by sub paragraph (1) and (2) must be submitted within 56 days prior to the commencement of any works authorised by this Order or comprised within the authorised development. Any requirements of the undertaker will be notified within 28 days of receipt of the monitoring scheme. Thereafter the monitoring scheme must be implemented as approved, unless otherwise agreed in writing with the undertaker.

(4) As soon as reasonably practicable after any ground subsidence identified by the monitoring activities set out in the monitoring scheme has exceeded the level described in sub-paragraph (2)(e), a scheme setting out necessary mitigation measures (if any) for such ground subsidence (referred to in this paragraph as a “mitigation scheme”) shall be submitted to the undertaker for approval, such approval not to be unreasonably withheld or delayed; and any mitigation scheme must be implemented as approved, unless otherwise agreed in writing with the undertaker save that the undertaker retains the right to carry out any further necessary protective works for the safeguarding of their apparatus and can recover any such costs in line with paragraph (12).

(5) If the monitoring scheme or mitigation scheme would conflict with any aspect of any ground subsidence monitoring scheme or ground subsidence mitigation scheme approved by the relevant planning authority pursuant to Schedule 3 (requirements) the promoter may submit a revised monitoring scheme or mitigation scheme to the undertaker for its approval, such approval not to be unreasonably withheld or delayed; and the revised monitoring scheme or mitigation scheme must be implemented as approved, unless otherwise agreed in writing with the undertaker.

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**Commencement**

Sch. 16(1)(s. ) para. 14(1)-(5): September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 14(1)-(5): England, Wales, Scotland

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 Law In Force

**15. Co-operation**

Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and an undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

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**Commencement**

Sch. 16(1)(s. ) para. 15: September 24, 2014

**Extent**

Sch. 16(1)(s. ) para. 15: England, Wales, Scotland

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✔ Law In Force

## 16. Access

Where in consequence of the proposed construction of any of the authorised development, the promoter or an undertaker requires the removal of apparatus under paragraph 7(2) or an undertaker makes requirements for the protection or alteration of apparatus under paragraphs 10 or 11, the promoter shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the undertaker's undertaking and each undertaker shall use its best endeavours to co-operate with the promoter for that purpose.

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### Commencement

Sch. 16(1)(s. ) para. 16: September 24, 2014

### Extent

Sch. 16(1)(s. ) para. 16: England, Wales, Scotland

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✔ Law In Force

## 17. Arbitration

If in consequence of the agreement reached in accordance with paragraph 6 or the powers granted under this Order the access to any apparatus is materially obstructed, the promoter shall provide such alternative means of access to such apparatus as will enable the undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

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### Commencement

Sch. 16(1)(s. ) para. 17: September 24, 2014

### Extent

Sch. 16(1)(s. ) para. 17: England, Wales, Scotland

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✔ Law In Force

## 18.

Any difference or dispute arising between the promoter and an undertaker under this Schedule shall, unless otherwise agreed in writing between the promoter and that undertaker, be determined by arbitration in accordance with article 63 (arbitration).

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### Commencement

Sch. 16(1)(s. ) para. 18: September 24, 2014

### Extent

Sch. 16(1)(s. ) para. 18: England, Wales, Scotland

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## SECTION 2

### *London Power Networks plc*

✓ Law In Force

#### **1. Application**

For the protection of the undertaker referred to in this sub-part of this Schedule the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker, have effect.

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#### **Commencement**

Sch. 16(1)(s. a) para. 1: September 24, 2014

#### **Extent**

Sch. 16(1)(s. a) para. 1: England, Wales, Scotland

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✓ Law In Force

#### **2. Interpretation**

In this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means alternative apparatus adequate to enable the undertaker to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means electric lines or electrical plant (as defined in the Electricity Act 1989), belonging to or maintained by the undertaker which for the avoidance of doubt will include substation buildings and chambers;

(a) “functions” includes powers and duties;

(b) “in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;

(c) “plan” includes a section and description of the works to be executed;

“promoter” means the undertaker as defined in article 8 (benefit of order) of this Order;

“undertaker” means London Power Networks PLC.

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#### **Commencement**

Sch. 16(1)(s. a) para. 2 definition of "1991 Act"- definition of "undertaker": September 24, 2014

#### **Extent**

Sch. 16(1)(s. a) para. 2 definition of "1991 Act"- definition of "undertaker": England, Wales, Scotland

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✓ Law In Force

### 3. Temporarily stopped up streets

This part of this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

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#### Commencement

Sch. 16(1)(s. a) para. 3: September 24, 2014

#### Extent

Sch. 16(1)(s. a) para. 3: England, Wales, Scotland

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✓ Law In Force

### 4. Protective works to buildings

Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (temporary stopping up), the undertaker shall be at liberty at all times to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain, renew or use any apparatus which at the time of the stopping up or diversion was in that highway.

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#### Commencement

Sch. 16(1)(s. a) para. 4: September 24, 2014

#### Extent

Sch. 16(1)(s. a) para. 4: England, Wales, Scotland

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✓ Law In Force

### 5.— Acquisition of land

(1) The promoter, in the case of the powers conferred by articles 20 (protective work to buildings and structures) and 21 (remedial works to buildings, or apparatus or equipment), shall, so far as is reasonably practicable, so exercise those powers as not to obstruct or render less convenient the access to any apparatus and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertaker or any interruption in the supply of electricity by the undertaker is caused, the promoter shall—

- (a) bear and pay the cost reasonably incurred by the undertaker in connection with the obstruction or reduction in convenience of the access to any apparatus and or making good such damage or restoring the supply; and
- (b) subject to sub-paragraphs (2) and (3), make reasonable compensation to the undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker (including but not limited to legal costs, adjustments to any regulatory incentives that may be due to the undertaker or payable by the undertaker and payments that the undertaker may be

required to pay to its customers by statute and reasonable ex gratia payments made to customers in addition thereto) by reason or in consequence of any such obstruction or reduction in convenience of the access to any apparatus or damage or interruption.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any obstruction or reduction in convenience of the access to any apparatus or damage or interruption to the extent that it is attributable to the act, neglect or default of the undertaker, its officers, servants, contractors or agents.

(3) The undertaker shall give the promoter reasonable notice of any such claim or demand or intended ex gratia payment to be made and no settlement or compromise thereof shall be made without the consent of the promoter (such consent not to be unreasonably withheld or delayed) who, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

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#### Commencement

Sch. 16(1)(s. a) para. 5(1)-(3): September 24, 2014

#### Extent

Sch. 16(1)(s. a) para. 5(1)-(3): England, Wales, Scotland

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 Law In Force

### 6. Removal of apparatus

Regardless of any provision in this Order or anything shown on the land plans, the promoter shall not acquire any apparatus otherwise than by agreement.

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#### Commencement

Sch. 16(1)(s. a) para. 6: September 24, 2014

#### Extent

Sch. 16(1)(s. a) para. 6: England, Wales, Scotland

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 Law In Force

### 7.— Facilities and rights for alternative apparatus

(1) If, in the exercise of the powers conferred by this Order, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of the undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it shall give to the undertaker not less than 56 days' written notice of that requirement, together

with a plan and draft programme of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order the undertaker reasonably needs to remove any of its apparatus) the promoter shall, subject to sub-paragraph (3), on terms no less favourable on the whole to the undertaker than those that relate to the apparatus to be removed afford to the undertaker the necessary—

- (a) facilities and rights for the construction of alternative apparatus in other land of the promoter; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford or procure such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker shall, on receipt of a written notice to that effect from the promoter, as soon as reasonably possible use its reasonable endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed, but for the avoidance of doubt such reasonable endeavours shall not include the exercise of the undertaker's statutory powers unless the undertaker elects to do so.

(4) Any alternative apparatus to be constructed in land of the promoter under this part of this Schedule shall be constructed in accordance with the undertaker's specifications, standards, policies and procedures and in such manner and in such line or situation as may be agreed between the undertaker and the promoter or in default of agreement settled by arbitration in accordance with article 63 (arbitration).

(5) The undertaker shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 63 (arbitration), and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus no longer required by virtue of the construction and bringing into service of the alternative apparatus as required by the promoter to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the promoter gives notice in writing to the undertaker that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the promoter in accordance with the exercise of the powers conferred by this Order, that work, instead of being executed by the undertaker, shall be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker provided that such works are undertaken by the promoter and or its subcontractors in accordance with the undertaker's plans, specifications, standards and policies and is undertaken by contractors who are approved to work on the undertaker's apparatus and carry insurances acceptable to the undertaker. Any superintendence given by the undertaker shall not reduce the promoter's liability under this Schedule.

(7) Nothing in sub-paragraph (6) shall authorise the promoter to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

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**Commencement**

Sch. 16(1)(s. a) para. 7(1)-(7): September 24, 2014

**Extent**

Sch. 16(1)(s. a) para. 7(1)-(7): England, Wales, Scotland

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 Law In Force

**8.— Retained apparatus— protection**

(1) Where, in accordance with the provisions of this part of this Schedule, the promoter affords to the undertaker facilities and rights for the construction, use, maintenance, renewal and inspection in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as are no less favourable on the whole to the undertaker than those that related to the removed apparatus or as may otherwise be agreed between the promoter and the undertaker or in default of agreement settled by arbitration in accordance with article 63 (arbitration).

(2) In settling the terms and conditions mentioned in respect of alternative apparatus to be constructed in the authorised development, the arbitrator shall—

(a) give effect to all reasonable requirements of the promoter and the undertaker for ensuring the safety and efficient operation of the authorised development and the undertaker's distribution network and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the authorised development, its safety or its efficient operation; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions (if any) applicable to the apparatus constructed in the authorised development for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation by the promoter to the undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

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**Commencement**

Sch. 16(1)(s. a) para. 8(1)-(3): September 24, 2014

**Extent**

Sch. 16(1)(s. a) para. 8(1)-(3): England, Wales, Scotland

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✓ Law In Force

## 9.— Expenses

(1) Not less than 56 days before starting the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus (wherever situated) the removal of which has not been required by the promoter under paragraph 7(2), the promoter shall submit to the undertaker a plan.

(2) In relation to works which will or may be situated over or within 90 metres measured in any direction of, or (wherever situated) may impose any load directly or indirectly upon any apparatus or remove from or impact upon support for any apparatus, the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all apparatus within 90 metres of the works or upon which the works will or may impose a load or may remove from or affect support for any apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to any such apparatus
- (f) the proposed programme for carrying out such works; and
- (g) the proposed measure to mitigate the impact of such works on the undertaker's apparatus.

(3) The promoter shall not commence the construction or renewal of any works to which subparagraph (2) applies until the undertaker has given written approval of the plan so submitted.

(4) Any approval of the undertaker required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in subparagraph (6); and
- (b) shall not be unreasonably withheld.

(5) If the undertaker fails to respond to a plan submitted under subparagraph (1) within 35 days of its submission, the promoter may send a written reminder to the undertaker, and if the undertaker has is neither given nor refused its approval within 14 days of the issue of such reminder, such approval it shall be deemed to have been given.

(6) In relation to a work to which sub-paragraph (2) applies, the undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus to enable the safe, efficient and economic operation, maintenance and replacement of such apparatus.

(7) Works executed under this Order shall be executed only in accordance with the plan, submitted under sub-paragraph (1) (or settled by arbitration in accordance with article 63 (arbitration), as amended from time to time by agreement between the promoter and the undertaker) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (8) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it to enable the safe, efficient and economic operation, maintenance and replacement of such apparatus, and the undertaker shall be entitled to watch and inspect the execution of those works.

(8) Any requirements made by the undertaker under sub-paragraph (7) shall be made within a period of 56 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(9) If the undertaker, in accordance with sub-paragraph (8) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 5 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(10) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11) The promoter shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall give to the undertaker notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (7) insofar as is reasonably practicable in the circumstances.

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#### Commencement

Sch. 16(1)(s. a) para. 9(1)-(11): September 24, 2014

#### Extent

Sch. 16(1)(s. a) para. 9(1)-(11): England, Wales, Scotland

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 Law In Force

### 10.— Compensation

(1) Subject to the following provisions of this paragraph, the promoter shall repay to the undertaker the reasonable costs and expenses actually incurred (including both internal and external costs and expenses) by the undertaker in reviewing any plans or proposals submitted to it in connection with this part of this Schedule, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this part of this Schedule.

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule, that value being calculated by the undertaker after removal.

(3) If in accordance with the provisions of this part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter (such agreement not to be unreasonably withheld or delayed) or, in default of agreement, is not determined by arbitration in accordance with article 63 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the

existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker by virtue of sub-paragraph (1) shall be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus;

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined; and

(c) where the replacement of existing apparatus with apparatus of a better type, of greater capacity or of greater dimensions is dictated by the undertaker's current written standards, policies or procedures in place at the time of replacement, this shall not be treated as a placing of apparatus of a better type, of greater capacity or of greater dimensions than those of the existing apparatus.

(5) An amount which apart from this sub-paragraph would be payable to the undertaker in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(6) The undertaker shall from time to time submit to the promoter estimates of the reasonable expenses referred to in this paragraph 10 (*expenses*) that it reasonably expects to incur.

(7) The promoter and the undertaker will use their reasonable endeavours to agree the amount of any estimates submitted by the undertaker in accordance with sub-paragraph (6) within 21 days following receipt of such estimates by the promoter. The promoter shall confirm its agreement to the amount of such estimates in writing and shall not unreasonably withhold or delay such agreement.

(8) Work in relation to which an estimate is submitted under sub-paragraph (6) shall not be commenced until the estimate is agreed under sub-paragraph (7) (unless this requirement is waived by the promoter in writing) and a purchase order number up to the value of the approved estimate has been issued by the promoter to the undertaker. The promoter shall issue the purchase order number within 28 days of the estimate being agreed under sub-paragraph (7) and in any event not less than 30 days before work is due to commence.

(9) If the undertaker at any time becomes aware that an estimate agreed under sub-paragraph (7) has been or is likely to be exceeded, it shall as soon as reasonably practicable notify the promoter and shall submit a revised estimate of the relevant expenses to the promoter for agreement. The provisions of sub-paragraphs (6) to (8) (*mutatis mutandis*) shall apply to such revised estimate, except that the period referred to in sub-paragraph (7) shall be reduced to 14 days.

(10) The undertaker may from time to time issue to the promoter invoices for expenses incurred up to the date of the relevant invoice, up to the amount of the relevant estimate agreed under sub-paragraph (7) or (as the case may be) the revised estimate agreed under sub-paragraph (9). Invoices issued to the promoter for payment shall—

(a) specify the approved purchase order number;

(b) include reasonable supporting evidence that such sums as have been invoiced have been incurred or are committed to be incurred in accordance with the agreed estimate; and



(c) be paid within 28 days of their being received by the promoter's accounts department.

(11) The promoter shall not be responsible for meeting costs or expenses in excess of an estimate agreed under sub-paragraph (7) (and the undertaker shall not be obliged to incur any costs or expenses in excess of such agreed estimate) unless and until (and then only to the extent that) the promoter has agreed a revised estimate pursuant to sub-paragraph (9).

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**Commencement**

Sch. 16(1)(s. a) para. 10(1)-(11): September 24, 2014

**Extent**

Sch. 16(1)(s. a) para. 10(1)-(11): England, Wales, Scotland

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✔ Law In Force

**11.— Enactments and agreements**

(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Order, any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertaker, or there is any interruption in any service provided, or in the supply of any goods, by the undertaker, the promoter shall—

(a) bear and pay the cost reasonably incurred by the undertaker in making good such damage or restoring the supply; and

(b) subject to sub-paragraphs (2) and (3), make reasonable compensation to the undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker, by reason or in consequence of any such damage or interruption including but not limited to legal costs, adjustments to any regulatory incentives that may be due to the undertaker or payable by the undertaker and payments that the undertaker may be required to pay by statute and reasonable ex gratia payments made to customers.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the undertaker, its officers, servants, contractors or agents.

(3) The undertaker shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent (such not to be unreasonably withheld or delayed) of the promoter who, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

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**Commencement**

Sch. 16(1)(s. a) para. 11(1)-(3): September 24, 2014

**Extent**

Sch. 16(1)(s. a) para. 11(1)-(3): England, Wales, Scotland

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✔ Law In Force

## 12. Co-operation

Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and the undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

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### Commencement

Sch. 16(1)(s. a) para. 12: September 24, 2014

### Extent

Sch. 16(1)(s. a) para. 12: England, Wales, Scotland

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✔ Law In Force

## 13. Access

Where in consequence of the proposed construction of any of the authorised development, the promoter or the undertaker requires the removal of apparatus under paragraph 7(2) or the undertaker makes requirements for the protection or alteration of apparatus under paragraph 9(2), the promoter shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and the undertaker shall use its best endeavours to co-operate with the promoter for that purpose.

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### Commencement

Sch. 16(1)(s. a) para. 13: September 24, 2014

### Extent

Sch. 16(1)(s. a) para. 13: England, Wales, Scotland

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✔ Law In Force

## 14. Arbitration

If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed, the promoter shall provide such alternative means of access to such apparatus as will enable the undertaker to operate, maintain, repair or replace or use the apparatus no less safely, efficiently, economically and effectively than was possible before such obstruction.

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### Commencement

Sch. 16(1)(s. a) para. 14: September 24, 2014

### Extent

Sch. 16(1)(s. a) para. 14: England, Wales, Scotland

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✓ Law In Force

## 15.

Any difference or dispute arising between the undertaker and the promoter under this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and the promoter, be referred to and settled by arbitration under article 63 (*arbitration*).

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### Commencement

Sch. 16(1)(s. a) para. 15: September 24, 2014

### Extent

Sch. 16(1)(s. a) para. 15: England, Wales, Scotland

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## SECTION 3

### *Other electricity undertakers*

✓ Law In Force

## 1. Application

For the protection of the undertakers referred to in this sub-part of this Schedule the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker, have effect.

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### Commencement

Sch. 16(1)(s. b) para. 1: September 24, 2014

### Extent

Sch. 16(1)(s. b) para. 1: England, Wales, Scotland

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✓ Law In Force

## 2. Interpretation

In this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“alternative apparatus” means alternative apparatus adequate to enable the undertaker to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means electric lines or electrical plant (as defined in the Electricity Act 1989), belonging to or maintained by the undertaker which for the avoidance of doubt will include substation buildings and chambers;

(a) “functions” includes powers and duties;

(b) “in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;


(c) “plan” includes a section and description of the works to be executed;  
 “promoter” means the undertaker as defined in article 8 (*benefit of order*) of this Order;  
 “undertaker” means any licence holder (save for National Grid Electricity Transmission plc and London Power Networks plc) within the meaning of Part 1 of the Electricity Act 1989.

#### Commencement

Sch. 16(1)(s. b) para. 2 definition of "1991 Act"- definition of "undertaker": September 24, 2014

#### Extent

Sch. 16(1)(s. b) para. 2 definition of "1991 Act"- definition of "undertaker": England, Wales, Scotland

 Law In Force

### 3. Temporarily stopped up streets


This part of this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

#### Commencement

Sch. 16(1)(s. b) para. 3: September 24, 2014

#### Extent

Sch. 16(1)(s. b) para. 3: England, Wales, Scotland

 Law In Force

### 4. Protective works to buildings

Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (*temporary stopping up*), the undertaker shall be at liberty at all times to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain, renew or use any apparatus which at the time of the stopping up or diversion was in that highway.

#### Commencement

Sch. 16(1)(s. b) para. 4: September 24, 2014

#### Extent

Sch. 16(1)(s. b) para. 4: England, Wales, Scotland

✓ Law In Force

## 5.— Removal of apparatus

(1) The promoter, in the case of the powers conferred by articles 20 (*protective work to buildings and structures*) and 21 (*remedial works to buildings, or apparatus or equipment*), shall, so far as is reasonably practicable, so exercise those powers as not to obstruct or render less convenient the access to any apparatus and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertaker or any interruption in the supply of electricity by the undertaker is caused, the promoter shall—

(a) bear and pay the cost reasonably incurred by the undertaker in connection with the obstruction or reduction in convenience of the access to any apparatus and or making good such damage or restoring the supply; and

(b) subject to sub-paragraphs (2) and (3), make reasonable compensation to the undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker (including but not limited to legal costs, adjustments to any regulatory incentives that may be due to the undertaker or payable by the undertaker and payments that the undertaker may be required to pay to its customers by statute and reasonable ex gratia payments made to customers in addition thereto) by reason or in consequence of any such obstruction or reduction in convenience of the access to any apparatus or damage or interruption.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any obstruction or reduction in convenience of the access to any apparatus or damage or interruption to the extent that it is attributable to the act, neglect or default of the undertaker, its officers, servants, contractors or agents.

(3) The undertaker shall give the promoter reasonable notice of any such claim or demand or intended ex gratia payment to be made and no settlement or compromise thereof shall be made without the consent of the promoter (such consent not to be unreasonably withheld or delayed) who, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

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### Commencement

Sch. 16(1)(s. b) para. 5(1)-(3): September 24, 2014

### Extent

Sch. 16(1)(s. b) para. 5(1)-(3): England, Wales, Scotland

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✓ Law In Force

## 6.— Facilities and rights for alternative apparatus

(1) If, in the exercise of the powers conferred by this Order, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of the undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it shall give to the undertaker not less than 56 days' written notice of that requirement, together with a plan and draft programme of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order the undertaker reasonably needs to remove any of its apparatus) the promoter shall, subject to sub-paragraph (3), on terms no less favourable on the whole to the undertaker than those that relate to the apparatus to be removed afford to the undertaker the necessary—

- (a) facilities and rights for the construction of alternative apparatus in other land of the promoter; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford or procure such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker shall, on receipt of a written notice to that effect from the promoter, as soon as reasonably possible use its reasonable endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed, but for the avoidance of doubt such reasonable endeavours shall not include the exercise of the undertaker's statutory powers unless the undertaker elects to do so.

(4) Any alternative apparatus to be constructed in land of the promoter under this part of this Schedule shall be constructed in accordance with the undertaker's specifications, standards, policies and procedures and in such manner and in such line or situation as may be agreed between the undertaker and the promoter or in default of agreement settled by arbitration in accordance with article 63 (*arbitration*).

(5) The undertaker shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 63 (*arbitration*), and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus no longer required by virtue of the construction and bringing into service of the alternative apparatus as required by the promoter to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the promoter gives notice in writing to the undertaker that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the promoter in accordance with the exercise of the powers conferred by this Order, that work, instead of being executed by the undertaker, shall be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker provided that such works are undertaken by the promoter and or its subcontractors in accordance with the undertaker's plans, specifications, standards and policies and is undertaken by contractors who are approved to work on the undertaker's apparatus and carry insurances acceptable to the undertaker. Any superintendence given by the undertaker shall not reduce the promoter's liability under this Schedule.

(7) Nothing in sub-paragraph (6) shall authorise the promoter to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

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**Commencement**

Sch. 16(1)(s. b) para. 6(1)-(7): September 24, 2014

**Extent**

Sch. 16(1)(s. b) para. 6(1)-(7): England, Wales, Scotland

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✔ Law In Force

**7.— Retained apparatus— protection**

(1) Where, in accordance with the provisions of this part of this Schedule, the promoter affords to the undertaker facilities and rights for the construction, use, maintenance, renewal and inspection in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as are no less favourable on the whole to the undertaker than those that related to the removed apparatus or as may otherwise be agreed between the promoter and the undertaker or in default of agreement settled by arbitration in accordance with article 63 (*arbitration*).

(2) In settling the terms and conditions mentioned in respect of alternative apparatus to be constructed in the authorised development, the arbitrator shall—

(a) give effect to all reasonable requirements of the promoter and the undertaker for ensuring the safety and efficient operation of the authorised development and the undertaker's distribution network and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the authorised development, its safety or its efficient operation; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions (if any) applicable to the apparatus constructed in the authorised development for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation by the promoter to the undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

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**Commencement**

Sch. 16(1)(s. b) para. 7(1)-(3): September 24, 2014

**Extent**

Sch. 16(1)(s. b) para. 7(1)-(3): England, Wales, Scotland

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✓ Law In Force

## 8.— Expenses

(1) Not less than 56 days before starting the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus (wherever situated) the removal of which has not been required by the promoter under paragraph 7(2), the promoter shall submit to the undertaker a plan.

(2) In relation to works which will or may be situated over or within 90 metres measured in any direction of, or (wherever situated) may impose any load directly or indirectly upon any apparatus or remove from or impact upon support for any apparatus, the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all apparatus within 90 metres of the works or upon which the works will or may impose a load or may remove from or affect support for any apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to any such apparatus
- (f) the proposed programme for carrying out such works; and
- (g) the proposed measure to mitigate the impact of such works on the undertaker's apparatus.

(3) The promoter shall not commence the construction or renewal of any works to which subparagraph (2) applies until the undertaker has given written approval of the plan so submitted.

(4) Any approval of the undertaker required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in subparagraph (6); and
- (b) shall not be unreasonably withheld.

(5) If the undertaker fails to respond to a plan submitted under subparagraph (1) within 35 days of its submission, the promoter may send a written reminder to the undertaker, and if the undertaker has is neither given nor refused its approval within 14 days of the issue of such reminder, such approval it shall be deemed to have been given.

(6) In relation to a work to which sub-paragraph (2) applies, the undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus to enable the safe, efficient and economic operation, maintenance and replacement of such apparatus.

(7) Works executed under this Order shall be executed only in accordance with the plan, submitted under sub-paragraph (1) (or settled by arbitration in accordance with article 63 (arbitration), as amended from time to time by agreement between the promoter and the undertaker) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (8) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it to enable the safe, efficient and economic operation, maintenance and replacement of such apparatus, and the undertaker shall be entitled to watch and inspect the execution of those works.

(8) Any requirements made by the undertaker under sub-paragraph (7) shall be made within a period of 56 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.



(9) If the undertaker, in accordance with sub-paragraph (8) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 5 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(10) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(11) The promoter shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall give to the undertaker notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (7) insofar as is reasonably practicable in the circumstances.

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#### Commencement

Sch. 16(1)(s. b) para. 8(1)-(11): September 24, 2014

#### Extent

Sch. 16(1)(s. b) para. 8(1)-(11): England, Wales, Scotland

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 Law In Force

### 9.— Enactments and agreements

(1) Subject to the following provisions of this paragraph, the promoter shall repay to the undertaker the reasonable costs and expenses actually incurred (including both internal and external costs and expenses) by the undertaker in reviewing any plans or proposals submitted to it in connection with this part of this Schedule, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this part of this Schedule.

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule, that value being calculated by the undertaker after removal.

(3) If in accordance with the provisions of this part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter (such agreement not to be unreasonably withheld or delayed) or, in default of agreement, is not determined by arbitration in accordance with article 63 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the

existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker by virtue of sub-paragraph (1) shall be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus;

(b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined; and

(c) where the replacement of existing apparatus with apparatus of a better type, of greater capacity or of greater dimensions is dictated by the undertaker's current written standards, policies or procedures in place at the time of replacement, this shall not be treated as a placing of apparatus of a better type, of greater capacity or of greater dimensions than those of the existing apparatus.

(5) An amount which apart from this sub-paragraph would be payable to the undertaker in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(6) The undertaker shall from time to time submit to the promoter estimates of the reasonable expenses referred to in this paragraph 9 that it reasonably expects to incur.

(7) The promoter and the undertaker will use their reasonable endeavours to agree the amount of any estimates submitted by the undertaker in accordance with sub-paragraph (6) within 21 days following receipt of such estimates by the promoter. The promoter shall confirm its agreement to the amount of such estimates in writing and shall not unreasonably withhold or delay such agreement.

(8) Work in relation to which an estimate is submitted under sub-paragraph (6) shall not be commenced until the estimate is agreed under sub-paragraph (7) (unless this requirement is waived by the promoter in writing) and a purchase order number up to the value of the approved estimate has been issued by the promoter to the undertaker. The promoter shall issue the purchase order number within 28 days of the estimate being agreed under sub-paragraph (7) and in any event not less than 30 days before work is due to commence.

(9) If the undertaker at any time becomes aware that an estimate agreed under sub-paragraph (7) has been or is likely to be exceeded, it shall as soon as reasonably practicable notify the promoter and shall submit a revised estimate of the relevant expenses to the promoter for agreement. The provisions of sub-paragraphs (6) to (8) (*mutatis mutandis*) shall apply to such revised estimate, except that the period referred to in sub-paragraph (7) shall be reduced to 14 days.

(10) The undertaker may from time to time issue to the promoter invoices for expenses incurred up to the date of the relevant invoice, up to the amount of the relevant estimate agreed under sub-paragraph (7) or (as the case may be) the revised estimate agreed under sub-paragraph (9). Invoices issued to the promoter for payment shall—

(a) specify the approved purchase order number;

(b) include reasonable supporting evidence that such sums as have been invoiced have been incurred or are committed to be incurred in accordance with the agreed estimate; and

(c) be paid within 28 days of their being received by the promoter's accounts department.

(11) The promoter shall not be responsible for meeting costs or expenses in excess of an estimate agreed under sub-paragraph (7) (and the undertaker shall not be obliged to incur any costs or expenses in excess of such agreed estimate) unless and until (and then only to the extent that) the promoter has agreed a revised estimate pursuant to sub-paragraph (9).

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**Commencement**

Sch. 16(1)(s. b) para. 9(1)-(11): September 24, 2014

**Extent**

Sch. 16(1)(s. b) para. 9(1)-(11): England, Wales, Scotland

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✔ Law In Force

**10. Co-operation**

Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and the undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

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**Commencement**

Sch. 16(1)(s. b) para. 10: September 24, 2014

**Extent**

Sch. 16(1)(s. b) para. 10: England, Wales, Scotland

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✔ Law In Force

**11. Access**

Where in consequence of the proposed construction of any of the authorised development, the promoter or the undertaker requires the removal of apparatus under paragraph 7(2) or the undertaker makes requirements for the protection or alteration of apparatus under paragraph 9(2), the promoter shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and the undertaker shall use its best endeavours to co-operate with the promoter for that purpose.

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**Commencement**

Sch. 16(1)(s. b) para. 11: September 24, 2014

**Extent**

Sch. 16(1)(s. b) para. 11: England, Wales, Scotland

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✓ Law In Force

## 12. Arbitration

If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed, the promoter shall provide such alternative means of access to such apparatus as will enable the undertaker to operate, maintain, repair or replace or use the apparatus no less safely, efficiently, economically and effectively than was possible before such obstruction.

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### Commencement

Sch. 16(1)(s. b) para. 12: September 24, 2014

### Extent

Sch. 16(1)(s. b) para. 12: England, Wales, Scotland

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✓ Law In Force

## 13.

Any difference or dispute arising between the undertaker and the promoter under this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and the promoter, be referred to and settled by arbitration under article 63 (*arbitration*).

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### Commencement

Sch. 16(1)(s. b) para. 13: September 24, 2014

### Extent

Sch. 16(1)(s. b) para. 13: England, Wales, Scotland

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## SECTION 4

### *Other gas undertakers*

✓ Law In Force

## 1. Application

For the protection of the undertakers referred to in this sub-part of this Schedule the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker concerned, have effect.

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**Commencement**

Sch. 16(1)(s. c) para. 1: September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 1: England, Wales, Scotland

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✔ Law In Force

**2. Interpretation**

In this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means, in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;

(a) “functions” includes powers and duties;

(b) “in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;

(c) “plan” includes a section and description of the works to be executed;

“promoter” means the undertaker as defined in article 8 (*benefit of order*) of this Order;

“undertaker” means a gas transporter (save for National Grid Gas plc) within the meaning of Part 1 of the Gas Act 1986.

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**Commencement**

Sch. 16(1)(s. c) para. 2 definition of "alternative apparatus"- definition of "undertaker": September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 2 definition of "alternative apparatus"- definition of "undertaker": England, Wales, Scotland

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✔ Law In Force

**3. Temporarily stopped up streets**

This part of this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

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**Commencement**

Sch. 16(1)(s. c) para. 3: September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 3: England, Wales, Scotland

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✔ Law In Force

#### 4. Protective works to buildings

Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (*temporary stopping up*), an undertaker shall be at liberty at all times to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain, renew or use any apparatus which at the time of the stopping up or diversion was in that highway.

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##### Commencement

Sch. 16(1)(s. c) para. 4: September 24, 2014

##### Extent

Sch. 16(1)(s. c) para. 4: England, Wales, Scotland

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✔ Law In Force

#### 5.— Removal of apparatus

(1) The promoter, in the case of the powers conferred by articles 20 (*protective work to buildings and structures*) and 21 (*remedial works to buildings, or apparatus or equipment*), shall, so far as is reasonably practicable, so exercise those powers as not to obstruct or render less convenient the access to any apparatus and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of any undertaker or any interruption in the supply of gas, as the case may be, by the undertaker is caused, the promoter shall—

- (a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) subject to sub-paragraphs (2) and (3), make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by that undertaker, by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an undertaker, its officers, servants, contractors or agents.

(3) An undertaker shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise thereof shall be made without the consent of the promoter who, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

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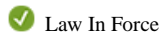
##### Commencement

Sch. 16(1)(s. c) para. 5(1)-(3): September 24, 2014

##### Extent

Sch. 16(1)(s. c) para. 5(1)-(3): England, Wales, Scotland

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Law In Force

## 6.— Facilities and rights for alternative apparatus

(1) If, in the exercise of the powers conferred by this Order, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of an undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it shall give to the undertaker in question written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the promoter shall, subject to sub-paragraph (3), afford to the undertaker the necessary

(a) facilities and rights for the construction of alternative apparatus in other land of the promoter; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question shall, on receipt of a written notice to that effect from the promoter, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the promoter under this part of this Schedule shall be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and the promoter or in default of agreement settled by arbitration in accordance with article 63 (*arbitration*).

(5) The undertaker in question shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 63 (*arbitration*), and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the promoter to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the promoter gives notice in writing to the undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the promoter, that work, instead of being executed by the undertaker, shall be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker.

(7) Nothing in sub-paragraph (6) shall authorise the promoter to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

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**Commencement**

Sch. 16(1)(s. c) para. 6(1)-(7): September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 6(1)-(7): England, Wales, Scotland

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✔ Law In Force

**7.— Retained apparatus— protection**

(1) Where, in accordance with the provisions of this part of this Schedule, the promoter affords to an undertaker facilities and rights for the construction, use, maintenance, renewal and inspection in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the promoter and the undertaker in question or in default of agreement settled by arbitration in accordance with article 63 (*arbitration*).

(2) In settling the terms and conditions mentioned in respect of alternative apparatus to be constructed in the authorised development, the arbitrator shall—

(a) give effect to all reasonable requirements of the promoter for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the authorised development, its safety or its efficient operation; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions (if any) applicable to the apparatus constructed in the authorised development for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator more or less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation to or by the promoter by or to that undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

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**Commencement**

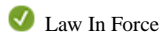
Sch. 16(1)(s. c) para. 7(1)-(3): September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 7(1)-(3): England, Wales, Scotland

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Law In Force

## 8.— Expenses

(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 7(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under paragraph 7(2), the promoter shall submit to the undertaker in question a plan.

(2) In relation to works which will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon any apparatus, the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all apparatus within 15 metres of the works or upon which the works will impose a load; and
- (e) by way of detailed drawings, every alteration proposed to be made to any such apparatus.

(3) The promoter shall not commence the construction or renewal of any works to which subparagraph (2) applies until the undertaker has given written approval of the plan so submitted.

(4) Any approval of the undertaker required under sub-paragraph (2)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in subparagraph (5);
- (b) shall not be unreasonably withheld; and
- (c) shall be deemed to have been given if it is neither given nor refused within 21 days of the submission of plans for approval.

(5) In relation to a work to which sub-paragraph (2) applies, the specified undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Works of the type referred to in paragraph 7(2) shall be executed only in accordance with the plan, submitted under sub-paragraph (1) (or settled by arbitration in accordance with article 63 (*arbitration*), as amended from time to time by agreement between the promoter and the undertaker) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (7) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker shall be entitled to watch and inspect the execution of those works.

(7) Any requirements made by an undertaker under sub-paragraph (6) shall be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(8) If an undertaker in accordance with sub-paragraph (7) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 5 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(9) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new

plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(10) The promoter shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall give to the undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (6) insofar as is reasonably practicable in the circumstances.

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#### Commencement

Sch. 16(1)(s. c) para. 8(1)-(10): September 24, 2014

#### Extent

Sch. 16(1)(s. c) para. 8(1)-(10): England, Wales, Scotland

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 Law In Force

### 9.— Enactments and agreements

(1) Subject to the following provisions of this paragraph, the promoter shall repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule, that value being calculated after removal.

(3) If in accordance with the provisions of this part of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or, in default of agreement, is not determined by arbitration in accordance with article 63 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (1) shall be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.
- (5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.
- (6) The undertaker shall from time to time submit to the promoter estimates of the reasonable expenses referred to in this paragraph 9 that it reasonably expects to incur.
- (7) The promoter and the undertaker will use their best endeavours to agree the amount of any estimates submitted by the undertaker in accordance with sub-paragraph (6) within 21 days following receipt of such estimates by the promoter. The promoter shall confirm its agreement to the amount of such estimates in writing and shall not unreasonably withhold or delay such agreement.
- (8) Work in relation to which an estimate is submitted under sub-paragraph (6) shall not be commenced until the estimate is agreed under sub-paragraph (7) (unless this requirement is waived by the promoter in writing) and a purchase order number up to the value of the approved estimate has been issued by the promoter to the undertaker. The promoter shall issue the purchase order number within 21 days of the estimate being agreed under sub-paragraph (7).
- (9) If the undertaker at any time becomes aware that an estimate agreed under sub-paragraph (7) has been or is likely to be exceeded, it shall forthwith notify the promoter and shall submit a revised estimate of the relevant expenses to the promoter for agreement. The provisions of sub-paragraphs (6) to (8) (*mutatis mutandis*) shall apply to such revised estimate, except that the period referred to in sub-paragraph (7) shall be reduced to 7 days.
- (10) The undertaker may from time to time, and at least bi-monthly issue to the promoter invoices for expenses incurred up to the date of the relevant invoice, up to the amount of the relevant estimate agreed under sub-paragraph (7) or (as the case may be) the revised estimate agreed under sub-paragraph (9). Invoices issued to the promoter for payment shall—
- (a) specify the approved purchase order number;
  - (b) be supported by timesheets and narratives that demonstrate that the work invoiced has been completed in accordance with the agreed estimate; and
  - (c) be paid within 28 days of their being received by the promoter's accounts department.
- (11) The promoter shall not be responsible for meeting costs or expenses in excess of an estimate agreed under sub-paragraph (7) (and the undertaker shall not be obliged to incur any costs or expenses in excess of such agreed estimate) unless and until (and then only to the extent that) the promoter has agreed a revised estimate pursuant to sub-paragraph (9).

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**Commencement**

Sch. 16(1)(s. c) para. 9(1)-(11): September 24, 2014

**Extent**

Sch. 16(1)(s. c) para. 9(1)-(11): England, Wales, Scotland

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✔ Law In Force

## 10. Co-operation

Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and an undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

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### Commencement

Sch. 16(1)(s. c) para. 10: September 24, 2014

### Extent

Sch. 16(1)(s. c) para. 10: England, Wales, Scotland

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✔ Law In Force

## 11. Access

Where in consequence of the proposed construction of any of the authorised development, the promoter or an undertaker requires the removal of apparatus under paragraph 7(2) or a specified undertaker makes requirements for the protection or alteration of apparatus under paragraph 9(2), the promoter shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and each specified undertaker shall use its best endeavours to co-operate with the undertaker for that purpose.

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### Commencement

Sch. 16(1)(s. c) para. 11: September 24, 2014

### Extent

Sch. 16(1)(s. c) para. 11: England, Wales, Scotland

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✔ Law In Force

## 12. Arbitration

If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed, the promoter shall provide such alternative means of access to such apparatus as will, so far as reasonably practicable, enable the undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

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### Commencement

Sch. 16(1)(s. c) para. 12: September 24, 2014

### Extent

Sch. 16(1)(s. c) para. 12: England, Wales, Scotland

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✔ Law In Force

### 13.

Any difference or dispute arising between the undertaker and the promoter under this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and the promoter, be referred to and settled by arbitration under article 63 (*arbitration*).

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#### Commencement

Sch. 16(1)(s. c) para. 13: September 24, 2014

#### Extent

Sch. 16(1)(s. c) para. 13: England, Wales, Scotland

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## PART 2

### THE PORT OF LONDON AUTHORITY

✔ Law In Force

### 1.

The provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and the Port of London Authority, have effect for the protection of the Port of London Authority.

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#### Commencement

Sch. 16(2) para. 1: September 24, 2014

#### Extent

Sch. 16(2) para. 1: England, Wales, Scotland

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✔ Law In Force

### 2.

The construction or carrying out of any tidal work is not subject to any of the controls in sections 66-75 of the 1968 Act.

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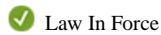
#### Commencement

Sch. 16(2) para. 2: September 24, 2014

#### Extent

Sch. 16(2) para. 2: England, Wales, Scotland

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Law In Force

### 3. Definitions

In this Part of this Schedule—

“the 1968 Act” means the Port of London Act 1968;

“detailed submission programme” means a programme setting out the anticipated dates for submissions seeking approval of detailed design of tidal works under paragraph 4;

“navigational risk assessment” means assessment of any potential risk of the tidal works at each site, and shall contain the following information:

- (a) existing navigational features including extent of authorised channels, existing navigational structures and constraints;
- (b) tidal characteristics;
- (c) existing river uses;
- (d) general navigational arrangements;
- (e) existing site specific issues;
- (f) existing navigational risks;
- (g) proposed navigational strategies;
- (h) delivery schedules; and
- (i) such other details as agreed between the undertaker and the Authority;

“permanent work” means any work or structure forming part of the authorised development that is required for the construction and operation of the authorised project that is on, in, under or over the surface of the land below the level of mean high water springs forming part of the river;

“plans and sections” includes sections, elevations, drawings, calculations, specifications, programmes, method statements, assessments of navigational risk and hydraulic information relating to the construction, carrying out and, where appropriate, removal of any tidal work;

“scour and accretion monitoring and mitigation strategy” means a scour and accretion monitoring and mitigation strategy for the tidal works to be submitted to the Authority [ in accordance with the principles set out in the four-way legal agreement between Thames Water Utilities Limited, the Port of London Authority, the Environment Agency and the Marine Management Organisation dated 3rd March 2014 (as amended 7th August 2014) (APP183) ]<sup>1</sup> including, but not limited to, results and clarification of existing and further works, and the extent, frequency, and form of the monitoring and mitigation for scour and accretion ;

“scour and accretion monitoring and mitigation plan” means a plan prepared in accordance with paragraph 17;

“site” means Putney Embankment Foreshore, Carnwath Road Riverside, Dormay Street, Cremorne Wharf Depot, Chelsea Embankment Foreshore, Kirtling Street, Heathwall Pumping Station, Albert Embankment Foreshore, Victoria Embankment Foreshore, Blackfriars Bridge Foreshore, Chambers Wharf, Greenwich Pumping Station and King Edward Memorial Park Foreshore, Abbey Mills or any of them;

“specified day” means, in relation to any tidal work, the business day on which plans and sections of that work are received by the Authority under paragraph 5(1);

“temporary work” means any work or structure forming part of the authorised development that is not required for the operation of the authorised project and which is on, in, under or

over the surface of the land below the level of mean high water springs forming part of the river;

“tidal work” means any permanent or temporary work or operation excluding any tunnelling works, constructed or carried out under this order that is, or may be on, in, under or over the surface of land below mean high water level forming part of the river, including

(j) any projection over the river outside the order limits by booms, cranes and similar plant or machinery, whether or not they are situated within the order limits;

(k) the placing or maintenance of apparatus, plant or equipment;

(l) any survey or monitoring works undertaken pursuant to article 22 (*authority to survey and investigate land*) or maintenance works undertaken pursuant to article 36 (*temporary use of land for maintaining authorised project*) which would if not for the provisions of this order require a licence pursuant to section 66 of the 1968 Act;

(m) any such work or operation (including any suspension or extinguishment of public rights of navigation under article 47 (*public rights of navigation*)) that affects the river or any function of the Authority, whether or not that work or operation is in, over or under the river,

but does not include maintenance dredging; and

“tunnelling works” means works 1a to 1d, 3b, 4b, 5b, 7, 10b, 11b, 12b, 14b, 15b, 16b and 20 so far as these works are under the river.

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#### Notes

- <sup>1</sup> Words inserted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


#### Commencement

Sch. 16(2) para. 3 definition of "the 1968 Act"- definition of "tunnelling works": September 24, 2014

#### Extent

Sch. 16(2) para. 3 definition of "the 1968 Act"- definition of "tunnelling works": England, Wales, Scotland

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 Law In Force

#### 4.— Time limits

(1) The time limits for which this Part of this Schedule provides are subject to the provisions of this paragraph.

(2) The undertaker shall submit the detailed submission programme to the Authority for comment.

(3) If, by reason of the number or complexity of the submissions anticipated in the detailed submission programme, the Authority (acting reasonably) is of the view that it could not, while continuing to perform its statutory functions without interruption, comply with any time limit for which this Part of the Schedule provides, the Authority will notify the undertaker in writing within 15 business days of receiving the detailed submission programme.

(4) A notice given under paragraph 4(3) shall include the Authority's reasonable estimate of the time required for it to deal with the submission or submissions identified pursuant to paragraph

4(3), such an estimate not to exceed 65 business days from the anticipated date of receipt of the relevant submission as identified in the detailed submission programme, and the Authority shall thereafter determine such a submission within the estimate included in its notice given pursuant to this paragraph.

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**Commencement**

Sch. 16(2) para. 4(1)-(4): September 24, 2014

**Extent**

Sch. 16(2) para. 4(1)-(4): England, Wales, Scotland

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 Law In Force

**5.— Tidal works: approval of detailed design**

(1) Before—

- (a) commencing the construction or carrying out of a tidal work; or
- (b) commencing any operation for the maintenance of a tidal work,

the undertaker shall submit to the Authority plans and sections of the tidal work, a scour and accretion monitoring and mitigation plan relating to the tidal work, a navigational risk assessment, its proposals for any lighting and laying down of buoys to secure the navigational safety of the river in the vicinity of the proposed tidal works (including any area over which public rights of navigation have been suspended) and such further particulars as the Authority may reasonably require.

(2) A tidal work shall not be constructed, carried out or maintained except in accordance with plans and sections approved in writing by the Authority under this paragraph or determined under paragraph 24.

(3) Any approval of the Authority required under this paragraph shall not be unreasonably withheld but may be given subject to such reasonable conditions as the Authority may make for the protection of—

- (a) traffic in, or the flow or regime of, the river;
- (b) the use of its operational land or the river for the purposes of performing its functions; or
- (c) the performance of any of its functions connected with environmental protection.

(4) Conditions made under paragraph 5(3) may include conditions as to—

- (a) the proposed location of any temporary work and its dimensions;
- (b) the length of time that any temporary work may be kept in place;
- (c) the removal of any temporary work and the undertaking by the undertaker of any related work or operation that the Authority considers to be necessary for the purpose of removing or preventing any obstruction to navigation;
- (d) the relocation, provision and maintenance of works (other than tidal works), moorings, apparatus and equipment necessitated by the tidal work; and
- (e) the expiry of the approval if the undertaker does not commence construction or carrying out of the approved tidal work within a prescribed period.



(5) Subject to paragraph 5(6) and paragraph 5(7), an application for approval under this paragraph shall be deemed to have been refused if it is neither given nor refused within 35 business days of the specified day.

(6) An approval of the Authority under this paragraph shall not be deemed to have been unreasonably withheld if approval within the time limit specified by paragraph 5(5) has not been given pending the outcome of any consultation on the approval in question that the Authority is obliged to carry out in the proper exercise of its functions.

(7) In the event that the Authority requires further information pursuant to paragraph 5(1), then the Authority shall determine the submission submitted pursuant to paragraph 5(1) as soon as reasonably practicable, but in any event no later than 65 business days from the specified day.

(8) An approval of the Authority under this paragraph is evidence that the plans and sections to which the approval relates have been approved only as affecting the Authority, the Authority's functions and the River in relation to those functions, and does not imply approval or endorsement of the plans and sections for any other purpose.

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**Commencement**

Sch. 16(2) para. 5(1)-(8): September 24, 2014

**Extent**

Sch. 16(2) para. 5(1)-(8): England, Wales, Scotland

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 Law In Force

**6.— Public rights of navigation**

(1) The undertaker shall serve notice on the Authority under Article 47(3) not later than 20 business days prior to the proposed commencement date of any suspension or extinguishment of the public rights of navigation.

(2) Any such notice shall provide details (or in the case of a consent notice, proposed details) of the suspension or extinguishment including particulars of:

- (a) commencement date;
- (b) duration; and
- (c) the affected area

and in the case of a consent notice shall include an explanation of the need for the proposed closure.

(3) Any suspension of the public rights of navigation under Article 47(2) shall not take place except in accordance with approval in writing by the Authority and any conditions imposed by the Authority under this paragraph or determined under paragraph 24.

(4) The Authority may in relation to any consent notice impose reasonable conditions for any purpose described in paragraph 6(3).

(5) Conditions imposed under paragraph 6(4) may include conditions as to—

- (a) the limits of any area subject to a temporary suspension of public rights of navigation;
- (b) the duration of any temporary suspension;

- (c) the means of marking or otherwise providing warning in the river of any area affected by a temporary suspension or permanent extinguishment of public rights of navigation; and
- (d) the use by the undertaker of the area subject to any temporary suspension so as not to interfere with any other part of the river or affect its use.
- (6) For the purposes of Article 47(4) the Authority shall issue its notice to mariners:-
- (a) in relation to a temporary suspension or permanent extinguishment under article 47(1) within 15 business days of receipt of the undertaker's notice served pursuant to paragraph 6(1);
- (b) in relation to a temporary suspension under Article 47(2) within 15 business days of consent to the suspension being given by the Authority or determined pursuant to paragraph 24.
- (7) Sub-paragraphs (5), (6) and (7) of paragraph 5 apply to any application for consent made by the undertaker under Article 47(2).
- (8) In this paragraph “consent notice” means a notice relating to temporary suspension requiring consent under Article 47(2).

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**Commencement**

Sch. 16(2) para. 6(1)-(8): September 24, 2014

**Extent**

Sch. 16(2) para. 6(1)-(8): England, Wales, Scotland

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 Law In Force

**7. General provision as to construction of works including inspection**

The construction or carrying out of any tidal work shall, once commenced, be carried out by the undertaker with all reasonable dispatch and to the reasonable satisfaction of the Authority so that river traffic, the flow or regime of the river and the exercise of the Authority's functions shall not suffer more interference than is reasonably practicable, and the Authority shall be entitled by its officer at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect and survey such operations.

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**Commencement**

Sch. 16(2) para. 7: September 24, 2014

**Extent**

Sch. 16(2) para. 7: England, Wales, Scotland

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✓ Law In Force

## 8. Works to river banks

The undertaker shall not, in exercise of the powers conferred by Article 19 (*discharge of water*), damage or interfere with the beds or banks of any watercourse forming part of the river unless such damage or interference is approved (or determined under paragraph 24) as a tidal work or is otherwise approved in writing by the Authority.

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### Commencement

Sch. 16(2) para. 8: September 24, 2014

### Extent

Sch. 16(2) para. 8: England, Wales, Scotland

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✓ Law In Force

## 9.— Discharges etc.

(1) The undertaker shall not without the consent of the Authority—

- (a) deposit in or allow to fall or be washed into the river any gravel, soil or other material;
- (b) discharge or allow to escape either directly or indirectly into the river any offensive or injurious matter in suspension or otherwise; or
- (c) directly or indirectly discharge any water into the river.

(2) Any consent of the Authority under this paragraph shall not be unreasonably withheld but may be given subject to such terms and conditions as the Authority may reasonably impose.

(3) Any such consent shall be deemed to have been given if it is neither given nor refused (or is refused but without an indication of the grounds for refusal) within 5 business days of the day on which the request for consent is submitted under paragraph 9(1).

(4) Article 19 (*discharge of water*) has effect subject to this paragraph.

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### Commencement

Sch. 16(2) para. 9(1)-(4): September 24, 2014

### Extent

Sch. 16(2) para. 9(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 10.— Navigational lights, buoys, etc

(1) The undertaker shall, at or near any tidal work, and any other work below mean high water level of which the undertaker is in possession, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the Authority may from time to time reasonably require.

(2) The Authority shall give the undertaker not less than 20 business days written notice of a requirement under paragraph 10(1) except in the case of emergency when the Authority shall give such notice as is reasonably practicable.

(3) Without prejudice to section 133 of the 1968 Act (*Lights detrimental to navigation*), the undertaker shall comply with the directions of the Harbour Master from time to time with regard to the lighting on the tidal works, or the screening of such lighting, so as to ensure that it is not a hazard to navigation on the river.

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**Commencement**

Sch. 16(2) para. 10(1)-(3): September 24, 2014

**Extent**

Sch. 16(2) para. 10(1)-(3): England, Wales, Scotland

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✓ Law In Force

**11.— Removal etc of the Authority's moorings and buoys**

(1) Subject to paragraph 11(2), if by reason of the construction of any tidal work it is reasonably necessary for the Authority to incur the cost of—

- (a) temporarily or permanently altering, removing, re-siting, repositioning or reinstating existing moorings or aids to navigation (including navigation marks or lights) owned by the Authority;
- (b) laying down and removing substituted moorings or buoys; or
- (c) carrying out dredging operations for any such purpose;

not being costs which it would have incurred for any other reason, the undertaker shall pay the costs reasonably so incurred by the Authority.

(2) The Authority shall give to the undertaker not less than 20 business days' notice of its intention to incur such costs, and take into account any representations which the undertaker may make in response to the notice within 10 business days of the receipt of the notice.

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**Commencement**

Sch. 16(2) para. 11(1)-(2): September 24, 2014

**Extent**

Sch. 16(2) para. 11(1)-(2): England, Wales, Scotland

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✓ Law In Force

**12.— Removal of temporary works**

(1) On completion of the construction or carrying out of any part of a permanent work, authorised by this Order the undertaker shall as soon as practicable remove—

- (a) any temporary work carried out only for the purposes of that part of the permanent work; and
- (b) any materials, plant and equipment used for such construction or carrying out, and shall make good the site of the permanent work to the reasonable satisfaction of the Authority.
- (2) Accordingly, on completion of the construction of the authorised development everything within the description in paragraph 12(1)(a) or (b) and relating to the authorised development shall have been removed as soon as reasonably practicable in accordance with this paragraph.

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**Commencement**

Sch. 16(2) para. 12(1)-(2): September 24, 2014

**Extent**

Sch. 16(2) para. 12(1)-(2): England, Wales, Scotland

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 Law In Force

**13. Survey of river bed**

The undertaker shall, at its own expense, carry out the following surveys, the scope of which shall be agreed by the undertaker and the Authority—

- (a) before the commencement of construction or carrying out of the first tidal work to be commenced following approval under paragraph 5, a survey of such parts of the river as might be affected by sedimentation or scouring that might result from the construction of so much of the authorised project as would comprise tidal works if they were to be constructed, such survey being for the purpose of establishing the condition of the river at the time the survey is carried out;
- (b) before the commencement of construction or carrying out of any tidal work approved under paragraph 5, a survey of such parts of the river as might be affected by sedimentation or scouring resulting from that tidal work, such survey being for the purpose of establishing the condition of the river at the time the survey is carried out;
- (c) during the construction or carrying out of any tidal work, such surveys of the river (for the purpose of ascertaining the effect of that tidal work on the river) as are stipulated in the scour and accretion monitoring and mitigation strategy or the relevant scour and accretion monitoring and mitigation plan; and
- (d) after completion of, respectively, any tidal work and all the tidal works constructed or carried out under this Order, a survey of the completed tidal works as constructed or carried out (for the purpose of establishing the condition of the river and the effect that the tidal work or the authorised project is, or as the case may be the tidal works are, having on sedimentation or scouring, the flow and regime of the river, the navigation of the river or the protection of structures within the river or the exercise of the Authority's functions) as are stipulated in the scour and accretion monitoring and mitigation strategy or the relevant scour and accretion monitoring and mitigation plan.

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**Commencement**

Sch. 16(2) para. 13(a)-(d): September 24, 2014

**Extent**

Sch. 16(2) para. 13(a)-(d): England, Wales, Scotland

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✔ Law In Force

**14.— Sedimentation, etc: remedial action**

(1) This paragraph applies if any part of the river has become or is likely to become subject to sedimentation, scouring or other changes in the flow or regime of the river which—

- (a) is wholly or partly caused by a tidal work during the period beginning with the commencement of construction of the tidal work and (subject to sub-paragraph (4)) ending with the expiration of 6 years after the date of completion of all the tidal works comprised in the authorised project; and
- (b) for the safety of navigation or for the protection of any works in the river, should in the reasonable opinion of the Authority be removed or made good.

(2) The undertaker shall either—

- (a) pay to the Authority any additional expense to which the Authority may reasonably be put in dredging the river to remove the sedimentation or in making good the scouring so far as (in either case) it is attributable to the tidal work; or
- (b) carry out the necessary dredging or work to make good the scouring at its own expense and subject to the prior approval of the Authority which may be subject to reasonable conditions but which may not be unreasonably withheld or delayed;

and the expenses payable by the undertaker under this paragraph include any additional expenses accrued or incurred by the Authority in carrying out surveys or studies which may be agreed with the undertaker in connection with the implementation of this paragraph.

(3) The Authority may serve notice on the undertaker before the expiration of 6 years after the date of completion of all the tidal works comprised in the authorised project stating that in the opinion of the Authority the river or any part of it may become subject to sedimentation, scouring or other changes in the flow or regime of the river after the expiry of the said six year period. Any such notice shall specify the additional period for protection (which cannot exceed a period of 10 years after the date of completion of all the tidal works comprised in the authorised project) and the Authority's case for requiring this.

(4) On receipt of any notice the undertaker may serve a counter-notice within 15 business days beginning on the day the notice was received such notice to include details of the undertaker's objection to the Authority's notice or any conditions it may wish to impose on compliance by the undertaker with the Authority's notice.

(5) In the event that the Authority and the undertaker cannot agree the matters raised in the Authority's notice and the undertaker's counter-notice within two months from the service of the undertaker's counter-notice either party may refer the matter to arbitration under paragraph 24.

(6) If the undertaker fails to serve a counter-notice or if it serves a counter-notice and the matter is either agreed between the Authority and the undertaker or determined pursuant to paragraph 14(5) then the provisions of paragraph 14(1) and (2) shall apply during such additional period as specified in the Authority's notice or as may be agreed or determined pursuant to paragraph 14(5).

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### Commencement

Sch. 16(2) para. 14(1)-(6): September 24, 2014

### Extent

Sch. 16(2) para. 14(1)-(6): England, Wales, Scotland

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 Law In Force

## 15.— Protective action

- (1) If any tidal work is constructed or carried out—
- (a) otherwise than in accordance with the requirements of this Part of this Schedule or with any condition in an approval given pursuant to paragraph 5; or
  - (b) during construction is found (when measured against any of the surveys carried out under paragraph 13(1)(a) and (b)) to give rise to sedimentation or scouring that is detrimental to traffic in, or the flow or regime of, the river,
- then the Authority may by notice in writing require the undertaker at its own expense to comply with the remedial requirements specified in the notice.
- (2) The requirements that may be specified in a notice given under paragraph 15(1) are—
- (a) in the case of a tidal work to which paragraph 15(1)(a) applies, such requirements as may be specified in the notice for the purpose of giving effect to the requirements of—
    - (i) this Part of this Schedule; or
    - (ii) the condition that has been breached; or
  - (b) in any case within paragraph 15(1)(b), such requirements as may be specified in the notice for the purpose of preventing, mitigating or making good the sedimentation or scouring, so far as required by the needs of traffic in, or the flow or regime of, the river.
- (3) If the undertaker does not comply with a notice under paragraph 15(1), or is unable to do so then the Authority may in writing require the undertaker to—
- (a) remove, or alter the tidal work, and where the tidal work is removed to restore the site of that work (to such extent as the Authority reasonably requires) to its former condition; or
  - (b) take such other action as the Authority may reasonably specify for the purpose of remedying the non-compliance to which the notice relates.
- (4) If—
- (a) the undertaker becomes aware that a tidal work is giving rise to environmental impacts over and above those reported in the environmental statement; or
  - (b) the Authority becomes aware that any tidal work is causing an environmental impact over and above those anticipated by the environmental statement and the Authority notifies the undertaker of that environmental impact, the reasons why the Authority believes that the environmental impact is being caused by a tidal work and of the measures that the

Authority reasonably believes are necessary to counter or mitigate that environmental impact,  
the undertaker shall implement the measures that the Authority has notified to the undertaker or shall implement such other measures as agreed between the undertaker and the Authority.

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**Commencement**

Sch. 16(2) para. 15(1)-(4)(b): September 24, 2014

**Extent**

Sch. 16(2) para. 15(1)-(4)(b): England, Wales, Scotland

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✔ Law In Force

**16.— Obstruction in the river**

(1) If any pile, stump or other obstruction to navigation becomes exposed as a result of constructing any tidal work (other than a pile, stump or other obstruction on the site of a structure comprised in any permanent work), the undertaker shall, as soon as reasonably practicable after the receipt of notice in writing from the Authority requiring such action, remove it from the river or, if it is not reasonably practicable to remove it—

- (a) cut the obstruction off at such level below the bed of the river as the Authority may reasonably direct; or
- (b) take such other steps to make the obstruction safe as the Authority may reasonably require.

(2) If after such reasonable period as may be specified in a notice under this paragraph the undertaker has failed to begin taking steps to comply with the requirements of the notice, or after beginning has failed to make reasonably expeditious progress towards their implementation, the Authority may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing shall be recoverable from the undertaker.

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**Commencement**

Sch. 16(2) para. 16(1)-(2): September 24, 2014

**Extent**

Sch. 16(2) para. 16(1)-(2): England, Wales, Scotland

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✔ Law In Force

**17.— Scour monitoring and mitigation**

(1) The undertaker shall submit a scour and accretion monitoring and mitigation strategy to the Authority for approval, such determination to be given—

- (a) by 30th September 2014; or
- (b) within 5 business days of this Order coming into force; or



(c) by the expiry of 20 business days from receipt of the submission made under this paragraph, whichever is the latest.

(2) Prior to the commencement of any tidal work, a scour and accretion monitoring and mitigation plan for that tidal work shall be prepared by the undertaker in accordance with the scour and accretion monitoring and mitigation strategy approved under paragraph 17(1) or otherwise determined, and the scour and accretion monitoring and mitigation plan shall be submitted to the Authority for approval within 35 business days of the specified day.

(3) Following any submission of a scour and accretion monitoring and mitigation plan under paragraph 17(2), the approval process in paragraph 5 shall apply to such submission as if it were a submission under paragraph 5(1) and the “specified day” shall be the first business day on which such submission is received by the Authority under paragraph 17(2).

(4) The carrying out of any tidal work shall proceed only in accordance with the scour and accretion monitoring and mitigation plan as approved by the Authority under paragraph 17(2).

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#### Commencement

Sch. 16(2) para. 17(1)-(4): September 24, 2014

#### Extent

Sch. 16(2) para. 17(1)-(4): England, Wales, Scotland

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 Law In Force

### 18.— Abandoned or Decayed Works

(1) If any tidal work or any other work of which the undertaker is in possession in exercise of any of the powers of this order (being a work which is below mean high water level) is abandoned or falls into decay, the Authority may by notice in writing require the undertaker to take such reasonable steps as may be specified in the notice either—

- (a) to repair or restore the work, or any part of it; or,
- (b) to remove the work and (to such extent as the Authority reasonably requires) to restore the site of the work to its former condition.

(2) If any tidal work is in such condition that it is, or is likely to become, a danger to or an interference with navigation in the river, the Authority may by notice in writing require the undertaker to take such reasonable steps as may be specified in the notice either—

- (a) to repair and restore the work or part of it; or
- (b) if the undertaker so elects, to remove the tidal work and (to such extent as the Authority reasonably requires) to restore the site of the work to its former condition.

(3) If after such reasonable period as may be specified in a notice under this paragraph the undertaker has failed to begin taking steps to comply with the requirements of the notice, or after beginning has failed to make reasonably expeditious progress towards their implementation, the Authority may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing shall be recoverable from the undertaker.

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**Commencement**

Sch. 16(2) para. 18(1)-(3): September 24, 2014

**Extent**

Sch. 16(2) para. 18(1)-(3): England, Wales, Scotland

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✔ Law In Force

**19.— Permanent works where land not acquired**

(1) Notwithstanding any rule of law, any permanent work that is constructed in, on under or over land that is not acquired by the undertaker shall remain vested in the undertaker and shall not be annexed to the land.

(2) The Authority will grant to the undertaker a licence under section 66 of the 1968 Act in respect of any work to which sub-paragraph (1) applies.

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**Commencement**

Sch. 16(2) para. 19(1)-(2): September 24, 2014

**Extent**

Sch. 16(2) para. 19(1)-(2): England, Wales, Scotland

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✔ Law In Force

**20.— Facilities for navigation**

(1) The undertaker shall not in the exercise of the powers granted by this order interfere with any marks, lights or other navigational aids in the river without the agreement of the Authority, and shall ensure that access to such aids remains available during and following construction of any tidal works.

(2) The undertaker shall at any tidal works provide, or afford, reasonable facilities (including an electricity supply) for the Authority to provide at the undertaker's cost, from time to time, such navigational lights, signals, radar, or other apparatus for the benefit, control and direction of navigation as the Authority may deem necessary by reason of the construction or carrying out of any tidal works, and shall ensure that access remains available to apparatus during and following construction of or carrying out of such works.

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**Commencement**

Sch. 16(2) para. 20(1)-(2): September 24, 2014

**Extent**

Sch. 16(2) para. 20(1)-(2): England, Wales, Scotland

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✓ Law In Force

## **21.— Indemnities, costs and exercise of DCO powers and compensation**

(1) The undertaker shall be responsible for and make good to the Authority all financial costs or losses not otherwise provided for in this Part of this Schedule which may reasonably be incurred or suffered by the Authority by reason of—

- (a) the construction or operation of the authorised project or the failure of any works comprised within it;
- (b) anything done in relation to a mooring or buoy pursuant to paragraph 10; or;
- (c) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction or operation of the authorised project or dealing with any failure of the authorised project;
- (d) and the undertaker shall indemnify the Authority from and against all claims and demands arising out of or in connection with the authorised project or any such failure, act or omission.

(2) The fact that any act or thing may have been done—

- (a) by the Authority on behalf of the undertaker; or
- (b) by the undertaker, its employees, contractors or agents in accordance with plans or particulars submitted to or modifications or conditions specified by the Authority, or in a manner approved by the Authority, or under its supervision or the supervision of its duly authorised representative;

shall not (if it was done or required without negligence on the part of the Authority or its duly authorised representative, employee, contractor or agent) excuse the undertaker from liability under the provisions of this paragraph.

(3) In complying with the indemnity provisions pursuant to this paragraph the undertaker's liability shall either be limited to a sum to be agreed between the parties or unlimited.

(4) The Authority shall give the undertaker reasonable notice of any such claim or demand as is referred to in sub-paragraph (1), and no settlement or compromise of any such claim or demand shall be made without the prior consent of the undertaker.

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### **Commencement**

Sch. 16(2) para. 21(1)-(4): September 24, 2014

### **Extent**

Sch. 16(2) para. 21(1)-(4): England, Wales, Scotland

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✓ Law In Force

## **22. Maintenance dredging**

For the avoidance of doubt, section 73 of the 1968 Act shall apply to any maintenance dredging carried out by the undertaker.

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**Commencement**

Sch. 16(2) para. 22: September 24, 2014

**Extent**

Sch. 16(2) para. 22: England, Wales, Scotland

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✔ Law In Force

**23.— Notifications**

- (1) The undertaker shall serve notice in writing of any transfer made pursuant to Article 9 upon the Authority together with a copy of the instrument or deed effecting such transfer within 10 business days of any such transfer.
- (2) The undertaker shall serve a copy of its application to discharge requirement PW4 in the Order upon the Authority within 10 business days of the submission of such application.
- (3) The undertaker shall inform the Authority in writing of the intended start date and the likely duration of tidal works on a site at least 10 business days prior to the commencement of the first tidal work on that site.
- (4) The undertaker shall serve notice in writing specifying the details of the vertical and horizontal alignment of any tunnelling works at least 10 business days prior to the carrying out of the tunnelling works to which the notice relates.
- (5) Not less than 3 months after the completion of construction of any tidal work or any tunnelling works in the river the undertaker shall provide to the Authority plans and sections of the work as constructed.

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**Commencement**

Sch. 16(2) para. 23(1)-(5): September 24, 2014

**Extent**

Sch. 16(2) para. 23(1)-(5): England, Wales, Scotland

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✔ Law In Force

**24. Disputes**

Any dispute arising between the undertaker and the Authority under this Part of this Schedule shall be determined by arbitration in accordance with article 63 (*arbitration*) unless otherwise agreed in writing by the undertaker and the Authority.

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**Commencement**


Sch. 16(2) para. 24: September 24, 2014

**Extent**

Sch. 16(2) para. 24: England, Wales, Scotland

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**PART 3****THE ENVIRONMENT AGENCY**

 Law In Force

**1.**

The following provisions shall apply for the protection of the Environment Agency (in this schedule referred to as “the Agency”).

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**Commencement**

Sch. 16(3) para. 1: September 24, 2014

**Extent**

Sch. 16(3) para. 1: England, Wales, Scotland

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 Law In Force

**2.**

The requirement for consent under Section 109 of the Water Resources Act and Thames Region Land Drainage bylaws 1981 (made pursuant to Section 34 of the Land Drainage Act 1976) shall not be required for the authorised development subject to the conditions contained in this Schedule.

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**Commencement**

Sch. 16(3) para. 2: September 24, 2014

**Extent**

Sch. 16(3) para. 2: England, Wales, Scotland

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 Law In Force

**3. Definitions**

In this Schedule—

“authorised project work” means any work forming part of the authorised project;

“baseline monitoring” means any surveys carried out to determine and establish movements of the flood defences due to factors external to the authorised project including but not limited to seasonal variations or diurnal impacts due to tide or temperature;

“CEMP” means the construction environment management plan to be produced for each site in accordance with the CoCP;

“COCP” means the Code of Construction Practice Part A— General Requirements (document reference number APP205.01) or the Code of Construction Practice Part B— Site Specific Requirements (document reference number APP178.03 to APP178.49);

(a) “construction” includes execution, placing, altering, replacing, relaying, removal and excavation and “construct” and “constructed” shall be construed accordingly;

(b) “damage” includes but is not limited to scouring, erosion, loss of structural integrity and environmental damage to the drainage work or any flora or fauna dependent on the aquatic environment and “damaged” shall be construed accordingly;

“detailed designs” means any information submitted under paragraph 5(1)a-l;

“drainage work” means any main river and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring or flood storage capacity;

“engineering report” means a report of the structural condition of a flood defence as set out in paragraph 4(1);

“ecological enhancements” means the inclusion of any features integral to or adjacent to the foreshore structures and any new, modified, or replaced flood defences that can support wildlife. This includes, but is not limited to, where practicable, the set back of flood defences to provide inter-tidal habitat and the creation of shelters for juvenile fish;

“environmental duties” means the Agency's duties in the Environment Act, the Natural Environment and Rural Communities Act 2006 and the Water Environment (Water Framework Directive)(England and Wales) Regulations 2003 (SI 2003 no 3242);

“fishery” means any waters containing fish, and fish in or migrating to or from such waters and the spawn, spawning grounds or food for such fish;

“flood defences” means any bank, wall, embankment, bridge abutments, lock gates or other structure or any appliance (including any supporting anchorage system) that fulfils a function of preventing, or reducing the risk of, flooding to land or property;

“flood defence monitoring plan” means a flood defence monitoring plan prepared in accordance with paragraph 4(2);

“flood defence movement and settlement mitigation plan” means a flood defence movement and settlement mitigation plan prepared in accordance with paragraph 4(5);

“flood storage capacity” means any land, which, taking account of flood defences, is expected to provide flood storage capacity for any main river;

“flood defences likely to be impacted” means—

(c) all flood defences within the order limits;

(d) all flood defences within 16m of the order limits of any site;

(e) all flood defences within the 1mm settlement contour for the final tunnel alignment,

and “likely to impact a flood defence” shall be construed accordingly;

“flood defences likely to be significantly impacted” means those flood defences identified and agreed between the undertaker and the Agency following the submission of relevant engineering reports;

“main river” means all watercourses shown as such on the statutory main river maps held by the Agency and the Department of Environment, Food and Rural Affairs, including any structure or appliance for controlling or regulating the flow of water into, in or out of the channel;

“maintenance” has the same meaning as article 2 save for the exclusion of the works of inspection;

“protective work” means any authorised project work, or work identified pursuant to the engineering report, necessary for the protection of flood defences and to be carried out prior to the construction of any authorised project work to which the protective work relates;

“remedial works” means any proposed mitigation or measure or measures submitted by the undertaker under paragraph 5(4) or required by the Agency under paragraph 9 or paragraph 10;

“scour and accretion monitoring and mitigation strategy” means a scour and accretion monitoring and mitigation strategy for the specified works in the foreshore to be submitted to the Agency including, but not limited to, results and clarification of existing and further works, and the extent, frequency, and form of the monitoring and mitigation for scour and accretion;

“scour and accretion monitoring and mitigation plan” means a plan drawn up detailing the monitoring and mitigation proposals for each specified work prepared in accordance with the scour and accretion monitoring and mitigation strategy;

“site” means Abbey Mills, Putney Embankment Foreshore, Carnwath Road Riverside, Dormay Street, Cremorne Wharf Depot, Chelsea Embankment Foreshore, Kirtling Street, Heathwall Pumping Station, Albert Embankment Foreshore, Victoria Embankment Foreshore, Blackfriars Bridge Foreshore, Chambers Wharf, Greenwich Pumping Station and King Edward Memorial Park Foreshore, or any of them;

“specified day” means, unless otherwise agreed in writing by the Agency and the undertaker, in relation to any specified work, maintenance work, remedial work or removal work submitted for approval under paragraph 5, the business day on which detailed designs of that work are received by the Agency under paragraph 5(1), 5(3), 5(4), or 5(5) and for the avoidance of doubt if any further information is requested by the Agency under paragraph 5(1)(l), 5(3)(d), 5(4)(d), or 5(5)(e) the specified day shall be the business day on which the Agency receives this information from the undertaker under paragraph 5;

“specified works” means so much of any permanent or temporary work or operation excluding works of maintenance forming part of the authorised project (other than works required in an emergency) as is in, on, under or over a main river or drainage works or within 16 metres of a drainage work or is otherwise likely to—

- (f) affect any drainage works or the volumetric rate of flow of water in or flowing to or from any drainage works; or
- (g) affect the flow, purity or quality of water in any main river or other surface waters or ground water; or
- (h) cause obstruction to the free passage of fish or damage to any fishery; or
- (i) affect the conservation, distribution or use of water resources; or
- (j) affect the conservation value of the main river and habitats in its immediate vicinity;

“TE2100” means the standards associated with the strategic direction for managing flood risk across the Thames estuary, including recommendations for action in short, medium

and long term time periods to take account of sea level rise and climate change, as adopted and updated at the time by the Environment Agency.

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#### Commencement

Sch. 16(3) para. 3 definition of "authorised project work"- definition of "TE2100": September 24, 2014

#### Extent

Sch. 16(3) para. 3 definition of "authorised project work"- definition of "TE2100": England, Wales, Scotland

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✓ Law In Force

### 4.— Structural integrity of flood defences

(1) Prior to the carrying out of any authorised project work which is likely to impact a flood defence, the undertaker shall provide at its own expense for the approval of the Agency, a detailed engineering report of any flood defence likely to be impacted upon by that authorised project work, such engineering report to include but not be limited to—

- (a) details of the structural condition of any flood defence likely to be impacted;
- (b) the estimated remaining life expectancy of any flood defence in the control or ownership of the undertaker likely to be impacted;
- (c) the nature and extent of the predicted impacts on any flood defence;
- (d) identification of the flood defences likely to be significantly impacted based on the following criteria—
  - (i) tunnelling or other construction activities comprised in the authorised project that may lead to a flood defence asset falling below the statutory defence level as agreed by the Agency;
  - (ii) tunnelling or other construction activities comprised in the authorised project that may lead to an effect on the overall structural integrity of the flood defence; and
  - (iii) any other criteria as the Agency may reasonably require;
- (e) the need for any protective work or protective works required to be carried out prior to the construction of that authorised project work likely to impact a flood defence, so as to ensure the structural integrity of the flood defence likely to be impacted is maintained during construction of that authorised project work;
- (f) baseline monitoring of flood defences likely to be significantly impacted unless otherwise agreed with the Agency; and
- (g) and such other information as the Agency may reasonably require,

and the relevant authorised project work shall not commence until the engineering report or reports in respect of the flood defence or defences it is likely to impact have been provided to, and approved by, the Agency.

(2) The undertaker shall provide at its own expense in liaison with, and for the approval of, the Agency, a flood defence monitoring plan for any flood defence likely to be significantly impacted by the authorised project.

(3) The flood defence monitoring plan shall include but not be limited to—



- (a) demonstration and justification of the spatial extent and coverage of the monitoring identified as a consequence of the baseline monitoring;
  - (b) details of the proposed monitoring techniques with consideration of effects of movement in all directions, including differential movements, increases in tie rod stresses and crack and movement joint monitoring;
  - (c) details of the proposed duration of monitoring and the monitoring frequencies required to establish if external factors are having an effect on readings;
  - (d) details of the proposed contents of a report on the construction and operational monitoring and proposed trigger levels for associated mitigation;
  - (e) trigger levels under the flood defence monitoring plan submitted pursuant to paragraph 4(2) above for associated mitigation;
  - (f) proposed duration and frequency of monitoring during operational phase of the authorised project; and
  - (g) such other information as the Agency may reasonably require,
  - (h) and no authorised project work likely to significantly impact a flood defence shall commence until the flood defence monitoring plan for that work has been provided and approved by the Agency.
- (4) Monitoring shall be carried out in accordance with the flood defence monitoring plan as approved by the Agency or otherwise determined until—
- (a) ground movements attributable to the authorised project have ceased or the rate of settlement is less than or equal to 2mm per year; or
  - (b) for a period of 1 year following the completion of construction,
- whichever is the later.
- (5) The undertaker shall provide at its own expense in liaison with, and for the approval of, the Agency, a flood defence movement and settlement mitigation plan for any flood defence likely to be significantly impacted by the authorised project.
- (6) The flood defence movement and settlement mitigation plan shall include but not be limited to—
- (a) information from relevant engineering reports;
  - (b) results of the monitoring carried out in accordance with the flood defence monitoring plan;
  - (c) timescales to enact short, medium and long term mitigation measures to maintain the standard of flood defence and have due regard to protection of foreshore habitat;
  - (d) short term mitigation and remediation measures for emergency use, including an emergency response plan;
  - (e) medium term mitigation and remediation measures for use during construction works;
  - (f) long term mitigation and remediation measures based on ongoing monitoring, including post construction effects;
  - (g) hierarchy of mitigation and remediation measures according to the degree of settlement and movement, with full justification to why the chosen technique is appropriate;
  - (h) methodologies for removal of any structures or mitigation measures;
  - (i) demonstration that chosen mitigation and remediation techniques are sensitive to the foreshore habitat and hydraulic regime;
  - (j) demonstration that the mitigation would not preclude options for future raising of defences and associated modification,

and the mitigation shall thereafter be carried out in accordance with the flood defence movement and settlement mitigation plan as approved by the Agency or otherwise determined.

(7) The approval process in paragraph 5 shall apply to the submission of any plan under paragraphs 4(1), 4(2) and 4(5) as if such plan was submitted to the Agency under paragraph 5(1) and the “specified day” shall be the first business day on which submission is received by the Agency under paragraphs 4(1), 4(2) or 4(5), and paragraph 5(6)(a),(b) and (d) shall apply accordingly.

(8) If required by the Agency the undertaker shall construct all or part of any protective works so that they are in place prior to the carrying out of any authorised project work to which they relate.

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#### Commencement

Sch. 16(3) para. 4(1)-(8): September 24, 2014

#### Extent

Sch. 16(3) para. 4(1)-(8): England, Wales, Scotland

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 Law In Force

### 5.— Approvals

(1) Before beginning to construct any specified work, the undertaker shall submit to the Agency for its written approval in respect of the specified work concerned—

- (a) plans, calculations, cross sections, elevations, drawings, specifications and designs of the specified work together with the details of the positioning of any structure within the main river;
- (b) proposals for strengthening, modification, renewal, or replacement of any drainage work required as a result of the anticipated impacts of the specified work;
- (c) details of the materials and structural integrity of any flood defence provided as part of the specified work;
- (d) demonstration that all flood defences likely to be impacted by the specified work will be fit for purpose for the duration of construction of the specified work;
- (e) any proposed mitigation measures to minimise the impact of the specified work on any protective works to the flood defences, on the foreshore, ecologically sensitive areas and the wider environment;
- (f) details of any ecological enhancements to be incorporated into the specified work;
- (g) demonstration of how any new or reconstructed flood defences on the site of the specified work can be raised or otherwise provided on site in the future to meet TE2100 standards and that these standards can be maintained;
- (h) demonstration that both during and post construction of the specified work there will be sufficient land based access to the drainage works for plant and machinery for the Agency to carry out emergency and non-emergency maintenance and repair works;
- (i) method statements in respect of the specified work to include both timing of and methods used, sequence of construction and the type, location and storage of all machinery, materials and fuel;
- (j) piling method statement specifying type of piling technique proposed, justification of chosen method, mitigation measures and timing of piling works;

- (k) any proposals for reinstatement of the foreshore setting out timing of reinstatement works, measures to be used to minimise environmental impact of the specified work, materials to be used, methods of reinstatement and any proposed pollution protection measures;
- (l) such further particulars as the Agency may within 20 business days of the receipt of the detailed designs reasonably require.
- (2) Any such specified work shall not be constructed except in accordance with all detailed designs as may be approved in writing by the Agency under paragraph 5(1), or settled in accordance with paragraph 13 where applicable, and in accordance with any conditions or requirements specified under paragraph 5(6)(c) save that where any variation is permitted pursuant to the terms of this Order the undertaker shall submit any details so varied to the Agency.
- (3) Before commencing any maintenance works within 16 metres of a drainage work the undertaker shall submit to the Agency for its written approval—
- (a) time and duration of anticipated maintenance works;
  - (b) details of equipment and machinery to be used during the construction of the maintenance works;
  - (c) type, location and storage of all machinery, materials and fuel to be used during the construction of the maintenance works; and
  - (d) such other information as the Agency reasonably requests.
- (4) Before commencing any remedial works, the undertaker shall submit to the Agency for its written approval—
- (a) time and duration of the anticipated remedial works;
  - (b) details of equipment and machinery to be used during the remedial works;
  - (c) type, location and storage of all machinery, materials and fuel to be used during the construction of the remedial works; and
  - (d) such other information as the Agency reasonably requests.
- (5) Prior to removal of in-river structures including, but not limited to, the removal of the aprons of any existing outfalls made redundant by the authorised project, the undertaker shall submit to the Agency for its written approval details of the activity including—
- (a) time and duration of the works for removal;
  - (b) details of equipment and machinery to be used during the works for removal;
  - (c) type, location and storage of all machinery, materials and fuel;
  - (d) any proposals for reinstatement of the foreshore setting out timing of reinstatement works, measures to be used to minimise environmental impact of the works, materials to be used, methods of reinstatement and any proposed pollution protection measures; and
  - (e) such other information as the Agency reasonably requests.
- (6) Any approval of the Agency required under paragraphs 5(1), 5(3) 5(4) and 5(5)—
- (a) shall not be unreasonably withheld;
  - (b) in the case of a refusal, accompanied by a statement of the grounds of refusal;
  - (c) may be given subject to such reasonable requirements or conditions as the Agency may make for the protection of any drainage work, fishery, main river or water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties; and
  - (d) shall be deemed to have been refused if it is neither given nor refused within 35 business days of the specified day unless otherwise agreed.

(7) Without limitation on the scope of paragraph 5(6) the requirements or conditions which the Agency may make under paragraph 5(6) include conditions requiring the undertaker at its own expense to construct such protective works (including any new works as well as alterations to existing works) as are reasonably necessary—

- (a) to safeguard any drainage work or flood defence against damage; or
- (b) to secure that the efficiency or effectiveness of the drainage work for flood defence purposes is not impaired; or
- (c) to ensure the risk of flooding is not otherwise increased by reason of any specified work, maintenance work or protective work,

during the construction of or by reason of the authorised project works.

(8) Any dispute in respect of any approval or refusal under paragraph 5 shall be subject to the dispute resolution procedure in paragraph 13.

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#### Commencement

Sch. 16(3) para. 5(1)-(8): September 24, 2014

#### Extent

Sch. 16(3) para. 5(1)-(8): England, Wales, Scotland

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 Law In Force

### 6.— Inspection and construction

(1) All specified works shall be constructed with all reasonable despatch in accordance with the detailed designs or plans approved or settled under this part of this Schedule and to the reasonable satisfaction of the Agency.

(2) An officer of the Agency shall be entitled to watch and inspect the construction of any specified works.

(3) The undertaker shall give to the Agency not less than 10 business days' notice in writing of its intention to commence construction of the specified works and notice in writing of their completion not later than 5 business days after the date on which they are completed.

(4) If any part of a specified work is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the Agency may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this part of this Schedule or if the undertaker so elects (and the Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the specified work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the Agency reasonably requires.

(5) Subject to paragraph 6(6), if within a reasonable period, being not less than 28 days from the date when a notice under paragraph 6(4) is served upon the undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any expenditure incurred by it in so doing shall be recoverable from the undertaker.

(6) In the event of any dispute as to whether paragraph 6(4) is properly applicable to any work in respect of which notice has been served under that paragraph, or as to the reasonableness of any requirement of such a notice, the Agency shall not except in emergency exercise the powers conferred by paragraph 6(5) until the dispute has been finally determined.

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**Commencement**

Sch. 16(3) para. 6(1)-(6): September 24, 2014

**Extent**

Sch. 16(3) para. 6(1)-(6): England, Wales, Scotland

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✓ Law In Force

**7. Protection of drainage works and flood defences**

Save as may be authorised by this Order the undertaker shall not damage or obstruct any drainage works during the construction of the specified works.

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**Commencement**

Sch. 16(3) para. 7: September 24, 2014

**Extent**

Sch. 16(3) para. 7: England, Wales, Scotland

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✓ Law In Force

**8.— Scour and accretion monitoring and mitigation**

(1) The undertaker shall submit a scour and accretion monitoring and mitigation strategy to the Agency for approval, such approval to be given—

- (a) by 30th September 2014; or
- (b) within 5 business days of the grant of the DCO; or
- (c) by the expiry of 20 business days from receipt of the submission made under this paragraph,

whichever is the latest.

(2) Prior to the commencement of any specified work, a scour and accretion monitoring and mitigation plan for that specified work shall be prepared by the undertaker in accordance with the scour and accretion monitoring and mitigation strategy approved under paragraph 8(1) or otherwise determined, and the scour and accretion monitoring and mitigation plan shall be submitted to the Agency for approval within 35 business days of the specified day.

(3) Following any submission of a scour and accretion monitoring and mitigation plan under paragraph 8(2), the approval process in paragraph 5 shall apply to such submission as if it were a submission under paragraph 5(1) and the “specified day” shall be the first business day on which such submission is received by the Agency under paragraph 8(2).

(4) The construction of any specified work shall proceed only in accordance with the scour and accretion monitoring and mitigation plan as approved by the Agency under paragraph 8(2).

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**Commencement**

Sch. 16(3) para. 8(1)-(4): September 24, 2014

**Extent**

Sch. 16(3) para. 8(1)-(4): England, Wales, Scotland

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✓ Law In Force

**9.— Maintenance of flood defences**

(1) Any work constructed under this Order for the purpose of providing a flood defence or replacing an existing flood defence shall be maintained to the reasonable satisfaction of the Agency by the person who has control of the work.

(2) If any such work is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the person to repair and restore the work, or any part of it, or (if the person having control of the work so elects and the Agency in writing consents, such consent not to be unreasonably withheld), to remove the work and restore the site to its former condition, to such extent and within such limits as the Agency reasonably requires.

(3) If, within a reasonable period being not less than 20 business days beginning with the date on which a notice in respect of any work is served under paragraph 9(2) on the person who has control of that work, that person has failed to begin taking steps to comply with the reasonable requirements of the notice and has not thereafter made reasonably expeditious progress towards their implementation, the Agency may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in doing so from that person.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under paragraph 9(2), the Agency shall not, except in a case of immediate foreseeable need, exercise the powers of paragraph 9(3) until the dispute has been finally determined.

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**Commencement**

Sch. 16(3) para. 9(1)-(4): September 24, 2014

**Extent**

Sch. 16(3) para. 9(1)-(4): England, Wales, Scotland

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✓ Law In Force

**10.— Emergency Powers**

(1) If by reason of the construction of any authorised project work or the failure of any such authorised project work, the efficiency or effectiveness of any drainage work or the conservation value of the aquatic habitat is impaired, or that drainage work is otherwise damaged, so as to require

remedial action, such impairment or damage shall be made good by the undertaker to the reasonable satisfaction of the Agency.

(2) If such impaired or damaged drainage work is not made good to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the undertaker to restore it to its former standard of efficiency or where necessary to construct some other work in substitution for it.

(3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of impaired or damaged drainage work is served under paragraph 10(2) on the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and has not thereafter made reasonably expeditious progress towards its implementation, the Agency may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the undertaker.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under paragraph 10(2), the Agency shall not except in a case of immediate foreseeable need exercise the powers conferred by paragraph 10(3) until the dispute has been finally determined in accordance with paragraph 13.

(5) In any case where immediate action by the Agency is reasonably required in order to secure that the imminent flood risk or damage to the environment is avoided or reduced, the Agency may take such steps as are reasonable for the purpose and may recover from the undertaker the reasonable cost of so doing provided that the notice specifying those steps is served on the undertaker as soon as it is reasonably practicable after the Agency has taken or commence to take the steps specified in the notice.

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#### Commencement

Sch. 16(3) para. 10(1)-(5): September 24, 2014

#### Extent

Sch. 16(3) para. 10(1)-(5): England, Wales, Scotland

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 Law In Force

### 11.— Approval of Construction Environment Management Plan

(1) Prior to the construction of any authorised project work, the undertaker shall submit the following plans to the Agency—

- (a) pollution incident response plan;
- (b) emergency preparedness plan;
- (c) water management plan;
- (d) ecology and landscape management plan,

such plans forming part of the CEMP and prepared pursuant to the CoCP, and the undertaker shall thereafter provide any revisions or updates of such plans to the Agency for approval.

(2) The Agency shall approve those parts of the plans listed in paragraph 11(1) as appropriate and relevant to the statutory remit of the Agency, and the relevant authorised project work shall not commence until the relevant parts of such plans have been approved by the Agency or otherwise determined pursuant to paragraph 13.

- (3) Any approval of the Agency given under paragraph 11(1):
- (a) shall not be unreasonably withheld;
  - (b) in the case of a refusal, accompanied by a statement of the grounds of a refusal; and
  - (c) shall be deemed to have been refused if it is neither given nor refused within 20 business days of receipt of any submission under paragraph 11(1).
- (4) Any dispute in respect of any approval or refusal under paragraph 11 shall be subject to the dispute resolution procedure in paragraph 13.

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**Commencement**

Sch. 16(3) para. 11(1)-(4): September 24, 2014

**Extent**

Sch. 16(3) para. 11(1)-(4): England, Wales, Scotland

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 Law In Force

**12.— Protection for Fish and Fisheries**

(1) The undertaker shall take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in any fishery during the construction of any authorised project work—

(2) If by reason of—

- (a) the construction of any authorised project work, or
- (b) the failure of any such authorised project work,

damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the undertaker requiring it to take such steps as may be reasonably practicable to make good the damage or, as the case may be, to protect the fishery against such damage.

(3) If, within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the undertaker fails to take such steps as are described in paragraph 12(2), the Agency may take such steps as are reasonable for the purpose and may recover from the undertaker the reasonable cost of so doing provided that the notice specifying those steps is served on the undertaker as soon as is reasonably practicable after the Agency has taken, or commenced to take the steps specified in the notice.

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**Commencement**

Sch. 16(3) para. 12(1)-(3): September 24, 2014

**Extent**

Sch. 16(3) para. 12(1)-(3): England, Wales, Scotland

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✓ Law In Force

### 13. Dispute Resolution

Any dispute arising between the undertaker and the Agency under this Schedule shall be determined by arbitration in accordance with article 63 unless otherwise agreed in writing by the undertaker and the Agency.

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#### Commencement

Sch. 16(3) para. 13: September 24, 2014

#### Extent

Sch. 16(3) para. 13: England, Wales, Scotland

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✓ Law In Force

### 14.— Indemnities and Costs

(1) The undertaker shall be responsible for and make good to the Agency all financial costs or losses not otherwise provided for in this Part of this Schedule which may reasonably be incurred or suffered by the Agency by reason of—

- (a) the construction or operation of the authorised project or the failure of any works comprised within it, or;
- (b) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction or operation of the authorised project or dealing with any failure of the authorised project;

and the undertaker shall indemnify the Agency from and against all claims and demands arising out of or in connection with the authorised project or any such failure, act or omission.

(2) The fact that any act or thing may have been done—

- (a) by the Agency on behalf of the undertaker; or
- (b) by the undertaker, its employees, contractors or agents in accordance with plans or particulars submitted to or modifications or conditions specified by the Agency, or in a manner approved by the Agency, or under its supervision or the supervision of its duly authorised representative;

shall not (if it was done or required without negligence on the part of the Agency or its duly authorised representative, employee, contractor or agent) excuse the undertaker from liability under the provisions of this paragraph.

(3) In complying with the indemnity provisions pursuant to this paragraph the undertaker's liability shall either be limited to a sum to be agreed between the parties or unlimited.

(4) The Agency shall give the undertaker reasonable notice of any such claim or demand as is referred to in paragraph 14(1), and no settlement or compromise of any such claim or demand shall be made without the prior consent of the undertaker.

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**Commencement**

Sch. 16(3) para. 14(1)-(4): September 24, 2014

**Extent**

Sch. 16(3) para. 14(1)-(4): England, Wales, Scotland

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 Law In Force

**15.— Notices**

(1) All notices under this Part of the Schedule to be sent to the head office of the Agency applying at the time unless otherwise agreed in writing.

(2) The undertaker shall serve notice in writing of any transfer made pursuant to Article 9 upon the Agency together with a copy of the instrument effecting such transfer within 10 business days of any such transfer.

(3) The undertaker shall serve a copy of its application to discharge requirement PW4 upon the Agency within 10 business days of the submission of such application. In the event that any application for approval of detailed design of specified works pursuant to paragraph 5 of this Part of Schedule 16 is made before any application for discharge of requirement PW4 is made, then the undertaker shall supply with the application for approval details for each part of the authorised project which is submitted for approval of specified works, the details of the body responsible for carrying out the relevant works and the location and duration for undertaking those works.

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**Commencement**

Sch. 16(3) para. 15(1)-(3): September 24, 2014

**Extent**

Sch. 16(3) para. 15(1)-(3): England, Wales, Scotland

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**PART 4****TRANSPORT FOR LONDON****SECTION 1***Protection of TfL Railway Companies*

✓ Law In Force

## 1.

The provisions of this Part of this Schedule shall have effect unless otherwise agreed in writing by the protected person and the undertaker.

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### Commencement

Sch. 16(4)(s. ) para. 1: September 24, 2014

### Extent

Sch. 16(4)(s. ) para. 1: England, Wales, Scotland

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✓ Law In Force

## 2.

In this Part of this Schedule—

“approval” in relation to specified works means approval of the engineer appointed by the protected person whose protected property is affected by those works such approval not to be unreasonably withheld or delayed;

“construction” shall include reconstruction, altering, replacing, relaying, removal, maintenance and repair of the specified works;

“CRL” means Crossrail Limited, a company limited by shares and incorporated under the Companies Act 1985, whose registered number is 04212657;

“CRL Property” means any lands held or used by CRL for the purposes of its operational undertaking, and any works, apparatus and equipment connected therewith for the maintenance or operation of which CRL is responsible for when the construction of the specified works commence;

“DLRL” means Docklands Light Railway Limited, a company limited by shares and incorporated under the Companies Act 1985, whose registered number is 02052677;

“DLRL Property” means any lands held or used by DLRL for the purposes of its operational undertaking, and any works, apparatus and equipment connected therewith for the maintenance or operation of which DLRL is responsible for when the construction of the specified works commence;

“engineer” means the engineer appointed by each of the protected persons;

“LUL” means London Underground Limited a company limited by shares and incorporated under the Companies Act 1985, whose registered number is 01900907;

“LUL Property” means any lands held or used by LUL for the purposes of its operational undertaking, and any works, apparatus and equipment connected therewith for the maintenance or operation of which LUL is responsible for when the construction of the specified works commence;

“Non-River DCO Works” means the authorised development and associated development and any ancillary works to be constructed on any land located outside of the River Areas;

“plans” includes sections, designs, drawings, specifications, soil reports, staging proposals, programmes, calculations, methods of construction, risk assessments and details of the extent, timing and duration of any proposed occupation of protected property and “approved

plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this Part of this Schedule;

“protected person” means LUL or DLRL or RfL or CRL;

“protected property” means in relation to each protected person any lands held or used by that protected person for the purposes of its operational undertaking, and any works, apparatus and equipment connected therewith for the maintenance or operation of which that protected person is responsible when the relevant specified works are begun;

“River Areas” means the areas comprising the rivers known as the River Thames and Deptford Creek and such areas include the bed, banks, sub-soil, foreshore and river walls of the River Thames and Deptford Creek but do not include works to the surface of structures over the River Areas;

“River DCO Works” means that part of the authorised development consisting of any works of excavation, piling, sinking or boreholes, tunnelling or other works carried out within the River Areas;

“RfL” means Rail for London Limited a company limited by shares and incorporated under the Companies Act 1985, whose registered number is 05965930; and

“RFL Property” means any lands held or used by RfL for the purposes of its operational undertaking, and any works, apparatus and equipment connected therewith for the maintenance or operation of which RfL is responsible for when the construction of the specified works commence;

“the specified works” means

(a) so much of any Non-River DCO Works as may be situated within 15 metres (measured in any direction) of the CRL Property, DLRL Property, LUL Property or RfL Property or may in any way affect CRL Property, DLRL Property, LUL Property or RfL Property; and

(b) so much of any River DCO Works as may be situated within, 50 metres (measured in any direction) of CRL Property, DLRL Property, LUL Property or RfL Property within the River Areas, or may in any way affect CRL Property, DLRL Property, LUL Property, or RfL Property.

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### Commencement

Sch. 16(4)(s. ) para. 2 definition of "approval"- definition of "the specified works" (b): September 24, 2014

### Extent

Sch. 16(4)(s. ) para. 2 definition of "approval"- definition of "the specified works" (b): England, Wales, Scotland

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 Law In Force

### 3.—

(1) The undertaker shall not [ in the exercise of the powers ]<sup>1</sup> conferred by [...] <sup>2</sup> this Order without the consent of the protected person, [ prevent or hinder pedestrian or vehicular access to any ]<sup>1</sup> protected property.

[(2) The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall apply to land, works, apparatus and equipment to which this Part of

this Schedule applies insofar as those provisions would not be inconsistent with the provisions of this Part of Schedule 16. ]<sup>3</sup>

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#### Notes

- <sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>2</sup> Words revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)
- <sup>3</sup> Substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)


#### Commencement

Sch. 16(4)(s. ) para. 3(1)-(2): September 24, 2014

#### Extent

Sch. 16(4)(s. ) para. 3(1)-(2): England, Wales, Scotland

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 Law In Force

#### [ 3A.—

(1) The undertaker shall not in the exercise of the powers conferred by or under this Order, without the consent of the protected person, acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over protected property.

(2) The undertaker shall not exercise the powers under article 22 above or the powers under section 11(3) of the 1965 Act in respect of any protected property, except with the consent of the protected person.

] <sup>1</sup>

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#### Notes

- <sup>1</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Extent

Sch. 16(4)(s. ) para. 3A(1)-(2): England, Wales, Scotland

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 Law In Force

#### 4.—

(1) The undertaker shall, before commencing the specified works, furnish to the protected person such proper and sufficient plans of the specified works as may reasonably be required for the approval of the engineer and shall not commence the specified works until the plans have been approved in writing by the engineer or settled by arbitration.

(2) If, within a period of 56 days beginning with the date on which plans have been furnished to the protected person under sub-paragraph (1) above, the engineer has not notified their disapproval and the grounds of their disapproval, they shall be deemed to have approved the plans as submitted.

(3) If the undertaker, in the course of carrying out specified works on protected property

- (i) uses any materials that the engineer considers inferior or unfit for the purpose intended,
- (ii) executes any work which will have an adverse effect on the safe and efficient operation of the railway or
- (iii) makes any material deviation from materials approved by the engineer, then the protected person shall give notice to the undertaker that the protected person desires itself to construct that part of the specified works which in the opinion of the engineer will or may affect the stability of, or the safe operation of protected property, then, provided that the protected person has first given the undertaker the opportunity to remedy the specified works, if the undertaker desires such part of the specified works to be constructed, the protected person shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with approved plans.

(4) Upon signifying their approval of the plans the engineer may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the commencement of the specified works to ensure the stability of protected property, the continuation of the safe and effective operation of the protected person's operational undertaking including any relocation of works, apparatus and equipment necessitated by the specified works and the comfort and safety of passengers or customers, and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch, and the undertaker shall not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed.

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#### Commencement

Sch. 16(4)(s. ) para. 4(1)-(4): September 24, 2014

#### Extent

Sch. 16(4)(s. ) para. 4(1)-(4): England, Wales, Scotland

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 Law In Force

#### 5.—

(1) The undertaker shall give to the engineer not less than 56 days' notice of its intention to commence the construction of any of the specified works and also, except in an emergency (when it shall give such notice as may be reasonably practicable), of its intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with protected property.

(2) The specified works shall, when commenced, be carried out—

- (a) with all reasonable dispatch in accordance with approved plans;
- (b) under the supervision (if given), and to the reasonable satisfaction, of the engineer; and
- (c) in such manner as to cause—
  - (i) as little damage as may be to protected property, and

(ii) as little interference as may be with the conduct of protected person's operation and the use by passengers or customers of its property.

(3) If any damage to protected property or any such interference is caused by the carrying out of the specified works, the undertaker shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the protected person all reasonable expenses to which the protected person may be put and compensation for any loss which the protected person may sustain by reason of any such damage or interference.

(4) Nothing in this paragraph shall impose any liability on the undertaker with respect to any damage, cost, expense or loss to the extent that such damage, cost expense or loss is attributable to the act, neglect or default of a protected person or its servants or agents.

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#### **Commencement**

Sch. 16(4)(s. ) para. 5(1)-(4): September 24, 2014

#### **Extent**

Sch. 16(4)(s. ) para. 5(1)-(4): England, Wales, Scotland

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 Law In Force

#### **6.**

Without prejudice to the generality of paragraphs 4 and 5 above a protected person may, in approving the plans of or in supervising the carrying out of the specified works or of any protective works carried out by the undertaker by virtue of the provisions of paragraph 5(3) above, require that—

- (a) nothing shall be done by or on behalf of the undertaker which unreasonably impedes the free, uninterrupted and safe flow of passengers or customers;
- (b) dust sheets and other works and working methods are used so as to prevent so far as practicable any dust or dirt from the relevant works affecting such persons; and
- (c) adequate signing of all alterations of routes for such persons and of any hazards or obstructions to the free movement of such persons is provided.

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#### **Commencement**

Sch. 16(4)(s. ) para. 6(a)-(c): September 24, 2014

#### **Extent**

Sch. 16(4)(s. ) para. 6(a)-(c): England, Wales, Scotland

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 Law In Force

#### **7.**

The undertaker shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to those specified works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. ) para. 7: September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 7: England, Wales, Scotland

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✔ Law In Force

**8.**

During the construction of any part of the specified works under this Part of this Schedule by a protected person under this Part of this Schedule, the protected person shall at all times afford reasonable facilities to the undertaker and its agents for access to those works, and shall supply the undertaker with such information as they may reasonably require with regard to such works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. ) para. 8: September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 8: England, Wales, Scotland

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✔ Law In Force

**9.—**

(1) If any alterations or additions either permanent or temporary, to protected property are reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, then, provided the protected person has first given the undertaker the opportunity to carry out the protective works itself, such alterations and additions may be carried out by the protected person after giving the undertaker reasonable notice of its intention to carry out such alterations or additions and the undertaker shall pay the protected person the reasonable cost thereof as certified by the engineer, including in respect of permanent alterations and additions a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the protected person in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing protected property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the undertaker to the protected person under this paragraph.



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**Commencement**

Sch. 16(4)(s. ) para. 9(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 9(1)-(2): England, Wales, Scotland

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✔ Law In Force

**10.**

The undertaker shall repay to any protected person all costs, charges and expenses reasonably incurred by the protected person—

- (a) in constructing any part of the specified works on behalf of the undertaker or any protective works under the provisions of paragraph 3 above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the protected person in maintaining and renewing such works;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting its protected property in order to prevent, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
- (c) resulting from any speed restrictions which in the opinion of the engineer are necessary by reason of the construction or failure of the specified works, any delays to services or from the substitution of services which may be reasonably necessary for the same reason, including loss of revenue;
- (d) in respect of any additional temporary lighting of its protected property in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction or failure of the specified works; and
- (e) in respect of the consideration of plans and the supervision by the engineer of the construction of the specified works.

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**Commencement**

Sch. 16(4)(s. ) para. 10(a)-(e): September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 10(a)-(e): England, Wales, Scotland

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✔ Law In Force

**11.—**

(1) In this paragraph—

“apparatus” means any lines, circuits, wires or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by a protected

person for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications; and

“EMI” means electromagnetic interference with apparatus generated by construction of the authorised development where such interference is of a level which adversely affects the safe operation of apparatus.

(2) Subject to sub-paragraph (4), the undertaker shall in the design and construction of the authorised development take all measures necessary to prevent EMI and shall establish with the protected person (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(3) In order to facilitate the undertaker's compliance with sub-paragraph (2)—

(a) the undertaker shall consult with the protected person as early as reasonably practicable to identify all apparatus which may be at risk of EMI, and thereafter shall continue to consult with the protected person (both before and after formal submission of plans under paragraph 3(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;

(b) the protected person shall make available to the undertaker all information in the possession of the protected person reasonably requested by the undertaker in respect of the apparatus identified pursuant to sub-paragraph(a); and

(c) the protected person shall allow the undertaker reasonable facilities for the inspection of apparatus identified pursuant to sub-paragraph(a).

(4) In any case where it is established that EMI can only reasonably be prevented by modifications to apparatus, the protected person shall not withhold its consent unreasonably to modifications of apparatus, but the means of prevention and the method of their execution shall be selected in the reasonable discretion of the protected person, and in relation to such modifications paragraph 3(1) shall have effect subject to the sub-paragraph.

(5) If at any time prior to the commencement of construction of the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (2), the construction of the authorised development causes EMI then the undertaker shall immediately upon receipt of notification by the protected person of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's equipment causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (4)) to the apparatus.

(6) In the event of EMI having occurred—

(a) the undertaker shall afford reasonable facilities to the protected person for access to the undertaker's equipment in the investigation of such EMI;

(b) the protected person shall afford reasonable facilities to the undertaker for access to the apparatus in the investigation of such EMI; and

(c) the protected person shall make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of apparatus or such EMI.

(7) Where the protected person approves modifications to apparatus pursuant to sub-paragraphs (4) or (5)—

- (a) the protected person shall allow the undertaker reasonable facilities for the inspection of the relevant part of the apparatus; and
- (b) any modifications to apparatus approved pursuant to those sub-paragraphs shall be carried out and completed by the undertaker in accordance with paragraph 4.

(8) To the extent that it would not otherwise do so, the indemnity in paragraph 14(1) shall apply to the costs and expenses reasonably incurred or losses suffered by the protected person through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to apparatus) or in consequence of any EMI to which sub-paragraph (5) applies.

(9) For the purpose of paragraph 9 any modifications to apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph.

(10) In relation to any dispute arising under this paragraph the reference in article 63 (*Arbitration*) to the Institution of Civil Engineers shall be read as a reference to the Institution of Electrical Engineers.

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**Commencement**

Sch. 16(4)(s. ) para. 11(1)-(10): September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 11(1)-(10): England, Wales, Scotland

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✔ Law In Force

**12.**

If at any time after the completion of a specified work, not being a work vested in the protected person, the protected person gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of protected property, the undertaker shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect protected property.

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**Commencement**

Sch. 16(4)(s. ) para. 12: September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 12: England, Wales, Scotland

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✔ Law In Force

**13.**

Any additional expenses which a protected person may reasonably incur in altering, reconstructing or maintaining protected property under any powers existing at the making of this Order by reason

of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to the protected person.

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**Commencement**

Sch. 16(4)(s. ) para. 13: September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 13: England, Wales, Scotland

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✔ Law In Force

**14.— Third party and other costs**

(1) The undertaker shall be responsible for and make good to the protected person, all costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to, or reasonably incurred by, the protected person—

(a) by reason of the construction of the specified works or the failure thereof, or

(b) by reason of any act or omission of the undertaker, of any person in its employ, or of its contractors or others whilst engaged upon the construction of the specified works,

and the undertaker shall indemnify the protected person from and against all such claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission, and the fact that any act or thing may have been done in accordance with any requirement of the engineer or under their supervision, shall not (if it was not attributable to the act, neglect or default of the protected person, or of any person in their employ, or of their contractors or agents) excuse the undertaker from any liability under the provisions of this Part of this Schedule.

(2) The protected person shall give to the undertaker reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the undertaker such consent not to be unreasonably withheld.

(3) The sums payable by the undertaker under sub-paragraph (1) shall include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between the protected person and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, the protected person shall promptly pay to each train operator the amount of any sums which the protected person receives under sub-paragraph (1) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay the protected person the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) incurred by a train operator as a consequence of any restriction of the use of a protected persons railway network as a result of the construction, maintenance or failure of a specified work, or any such act or omission as mentioned in sub-paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train over the railway network of a protected person.

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**Commencement**

Sch. 16(4)(s. ) para. 14(1)-(6) definition of "train operator": September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 14(1)-(6) definition of "train operator": England, Wales, Scotland

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✔ Law In Force

**15.**

Any difference arising between the undertaker and a protected person under this Part of this Schedule (other than a difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 63 (*arbitration*).

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**Commencement**

Sch. 16(4)(s. ) para. 15: September 24, 2014

**Extent**

Sch. 16(4)(s. ) para. 15: England, Wales, Scotland

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## SECTION 2

### For the Protection of London River Services Limited

✔ Law In Force

**1.**

The provisions of this Part of this Schedule shall have effect unless otherwise agreed in writing between LRSL and the undertaker.

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**Commencement**

Sch. 16(4)(s. a) para. 1: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 1: England, Wales, Scotland

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✓ Law In Force

## 2.

In this Part of this Schedule—

“approval” in relation to specified works means approval of the engineer appointed by LRSL, such approval not to be unnecessarily withheld or delayed;

“construction” shall include reconstruction, altering, replacing, relaying, removal, maintenance and repair of the specified works;

“designated works” means Work No 17b authorised by this Order (construction of pier to relocate Blackfriars Millennium Pier);

“engineer” means the engineer appointed by LRSL;

“LRSL” means London River Services Limited, a company limited by shares and incorporated under the Companies Act 1985 whose registered number is 03485723;

“Non-River DCO Works” means the authorised development and associated development and any ancillary works to be constructed on any land located outside of the River Areas;

“plans” includes sections, designs, drawings, specifications, soil reports, staging proposals, programmes, calculations, methods of construction, risk assessments and details of the extent, timing and duration of any proposed occupation of the piers and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this Part of this Schedule;

“the piers” means Blackfriars Millennium Pier, Embankment Pier and Putney Pier and any works, apparatus and equipment connected therewith;

“River Areas” means the areas comprising the rivers known as the River Thames and Deptford Creek and such areas include the bed, banks, sub-soil, foreshore and river walls of the River Thames and Deptford Creek but do not include works to the surface of structures over the River Areas;

“River DCO Works” means that part of the authorised development consisting of any works of excavation, piling, sinking or boreholes, tunnelling or other works including those associated with the temporary relocation of the residential house boat carried out within the River Areas;

“the specified works” means

(a) so much of any Non-River DCO Works as may be situated within 15 metres (measured in any direction) of, or may in any way affect, the designated access route to the piers; and

(b) so much of any River DCO Works as may be situated within, 50 metres (measured in any direction) of, or may in any way affect the piers.

and includes the construction and maintenance of the designated works and the decommission and removal of Blackfriars and Millennium Pier.

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### Commencement

Sch. 16(4)(s. a) para. 2 definition of "approval"- definition of "the specified works" (b): September 24, 2014

### Extent

Sch. 16(4)(s. a) para. 2 definition of "approval"- definition of "the specified works" (b): England, Wales, Scotland

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✓ Law In Force

### 3.—

[ (1) The undertaker shall not in the exercise of the powers in this Order, without the consent of the LRSL, prevent or hinder pedestrian or vessel or emergency vehicular access to the piers. ]<sup>1</sup>

[ (2) The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall not apply to land, works, apparatus and equipment to which this Part of this Schedule applies insofar as those provisions would be inconsistent with the provisions of this Part of Schedule 16. ]<sup>1</sup>

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#### Notes

<sup>1</sup> Substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Commencement

Sch. 16(4)(s. a) para. 3(1)-(2): September 24, 2014

#### Extent

Sch. 16(4)(s. a) para. 3(1)-(2): England, Wales, Scotland

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✓ Law In Force

### [ 3A.—

(1) The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of the LRSL, acquire or enter upon, take or use (whether temporarily or permanently) or acquire any new rights over the piers.

(2) The undertaker shall not exercise the powers under article 22 above, or the powers under section 11(3) of the 1965 Act in respect of the piers, except with the consent of the LRSL.

] <sup>1</sup>

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#### Notes

<sup>1</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

#### Extent

Sch. 16(4)(s. a) para. 3A(1)-(2): England, Wales, Scotland

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✓ Law In Force

### 4.—

(1) The undertaker shall, before commencing the specified works, furnish to LRSL such proper and sufficient plans of the specified works as may reasonably be required for the approval of the

engineer and shall not commence the specified works until the plans have been approved in writing by the engineer or settled by arbitration.

(2) If, within a period of 56 days beginning with the date on which plans have been furnished to LRS� under sub-paragraph (1) above, the engineer has not notified their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the plans as submitted.

(3) If the undertaker, in the course of carrying out specified works on protected property

- (i) uses any materials that the engineer considers inferior or unfit for the purpose intended,
- (ii) executes any work which will have an adverse effect on the safe and efficient operation of the railway or
- (iii) makes any material deviation from materials approved by the engineer, then LRS� shall give notice to the undertaker that LRS� desires itself to construct that part of the specified works which in the opinion of the engineer will or may affect the stability of, or the safe operation of protected property, then, provided that it has first agreed such works with the pier owner and that LRS� has first given the undertaker the opportunity to remedy the specified works, if the undertaker desires such part of the specified works to be constructed, LRS� shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with approved plans.

(4) Upon signifying their approval of the plans the engineer may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the commencement of the specified works to ensure the stability of the pier, the continuation of the safe and effective operation of the piers including any relocation of works, apparatus and equipment necessitated by the specified works and the comfort and safety of passengers or customers using the pier, and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch, and the undertaker shall not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed.

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#### Commencement

Sch. 16(4)(s. a) para. 4(1)-(4): September 24, 2014

#### Extent

Sch. 16(4)(s. a) para. 4(1)-(4): England, Wales, Scotland

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 Law In Force

#### 5.—

(1) The undertaker shall give to the engineer not less than 56 days' notice of its intention to commence the construction of any of the specified works and also, except in an emergency (when they shall give such notice as may be reasonably practicable), of its intention to carry out any such works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with the piers.

(2) The specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under



the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage as may be to the piers and as little interference as may be with the conduct of LRSL's operation and the use by passengers or customers of the piers and, if any damage to the piers or any such interference is caused by the carrying out of the specified works, the undertaker shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to LRSL all reasonable expenses to which it may be put and compensation for any loss which they may sustain by reason of any such damage or interference.

(3) Nothing in this paragraph shall impose any liability on the undertaker with respect to any damage, cost, expense or loss to the extent that such damage, cost, expense or loss is attributable to the act, neglect or default of LRSL or its servants or agents.

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#### **Commencement**

Sch. 16(4)(s. a) para. 5(1)-(3): September 24, 2014

#### **Extent**

Sch. 16(4)(s. a) para. 5(1)-(3): England, Wales, Scotland

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✔ Law In Force

#### **6.**

Without prejudice to the generality of paragraphs 4 and 5 above LRSL may, in approving the plans of or in supervising the carrying out of the specified works or of any protective works carried out by the undertaker by virtue of the provisions of paragraph 4(3) above, impose reasonable conditions with a view to ensuring that—

- (a) nothing shall be done by or on behalf of the undertaker which unreasonably impedes the free, uninterrupted and safe flow of vessels, passengers or customers to or from the piers;
- (b) adequate signing of all alterations of routes for such persons and of any hazards or obstructions to the free movement of such persons is provided.

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#### **Commencement**

Sch. 16(4)(s. a) para. 6(a)-(b): September 24, 2014

#### **Extent**

Sch. 16(4)(s. a) para. 6(a)-(b): England, Wales, Scotland

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✔ Law In Force

#### **7.**

The undertaker shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to those specified works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. a) para. 7: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 7: England, Wales, Scotland

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✓ Law In Force

**8.**

During the construction of any part of the specified works under this Part of this Schedule by LRSL under this Part of this Schedule, LRSL shall at all times afford reasonable facilities to the undertaker and its agents for access to those works, and shall supply the undertaker with such information as they may reasonably require with regard to such works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. a) para. 8: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 8: England, Wales, Scotland

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✓ Law In Force

**9.—**

(1) If any alterations or additions either permanent or temporary, to protected property are reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, then, provided LRSL has first given the undertaker the opportunity to carry out the protective works itself, such alterations and additions may be carried out by LRSL after giving the undertaker reasonable notice of its intention to carry out such alterations or additions and the undertaker shall pay LRSL the reasonable cost thereof as certified by the engineer, including in respect of permanent alterations and additions a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by LRSL in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing protected property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the undertaker to LRSL under this paragraph.

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**Commencement**

Sch. 16(4)(s. a) para. 9(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 9(1)-(2): England, Wales, Scotland

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 Law In Force

**10.**

The undertaker shall repay to LRSL all costs, charges and expenses reasonably incurred by LRSL—

- (a) in constructing any part of the specified works on behalf of the undertaker or any protective works under the provisions of paragraph 5 above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by LRSL in maintaining and renewing such works;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, signalling, watching and lighting its piers in order to prevent, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
- (c) resulting from any speed restrictions or diversions of services which may, in the opinion of the engineer, be required to be imposed by reason of the construction or failure of the specified works, or delays to services or from the substitution of services (whether temporary or permanent) which may be reasonably necessary for the same reason and any loss of revenue which LRSL may incur due to the specified works;
- (d) in respect of any additional temporary lighting of its piers in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction or failure of the specified works; and
- (e) in respect of the consideration of plans and the supervision by the engineer of the construction of the specified works.

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**Commencement**

Sch. 16(4)(s. a) para. 10(a)-(e): September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 10(a)-(e): England, Wales, Scotland

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 Law In Force

**11.**

If at any time after the completion of a specified work, not being a work vested in LRSL, LRSL gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of LRSL undertaking, the undertaker shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect LRSL's undertaking.

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**Commencement**

Sch. 16(4)(s. a) para. 11: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 11: England, Wales, Scotland

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✔ Law In Force

**12.**

Any additional expenses which a LRSL may reasonably incur in altering, reconstructing or maintaining the piers under any powers existing at the making of this Order by reason of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to LRSL.

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**Commencement**

Sch. 16(4)(s. a) para. 12: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 12: England, Wales, Scotland

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✔ Law In Force

**13.—**

(1) The undertaker shall be responsible for, and make good to LRSL, all costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to, or reasonably incurred by, LRSL—

(a) by reason of the construction of the specified works or the failure thereof, or

(b) by reason of any act or omission of the undertaker or any person in its employ, or of its contractors or others whilst engaged upon the construction of the specified works,

and the undertaker shall indemnify LRSL from and against all such claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done in accordance with any requirement of the engineer or under their supervision, shall not (if it was not attributable to the act, neglect or default of the LRSL, or of any person in their employ, or of their contractors or agents) excuse the undertaker from any liability under the provisions of this Part of this Schedule.

(2) LRSL shall give to the undertaker reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the undertaker. Such consent not to be unreasonably withheld.

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**Commencement**

Sch. 16(4)(s. a) para. 13(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 13(1)-(2): England, Wales, Scotland

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 Law In Force

**14.**

Any difference arising between the undertaker and LRSL under this Part of this Schedule (other than a difference as to the meaning or construction of this Part of this Schedule) shall be referred to and settled by arbitration under article 63 (*arbitration*).

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**Commencement**


Sch. 16(4)(s. a) para. 14: September 24, 2014

**Extent**

Sch. 16(4)(s. a) para. 14: England, Wales, Scotland

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**SECTION 3****Protection for Highways Structures**

 Law In Force

**1.**

The provisions of this Part of this Schedule shall have effect unless otherwise agreed in writing by the undertaker and TfL.

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**Commencement**

Sch. 16(4)(s. b) para. 1: September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 1: England, Wales, Scotland

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 Law In Force

**2.**

In this Part of this Schedule—

“approval” in relation to specified works means approval of the engineer appointed by TfL, such approval not to be unreasonably withheld or delayed;

“construction” shall include reconstruction, altering, replacing, relaying, removal, maintenance and repair of the specified works;

“designated works” means—

the construction of Work No. 1a beneath Great West Road at British Grove (A4);  
the construction of Work No. 7 beneath Wandsworth Plain, Armoury Way and Wandsworth High Street (A3);

the construction of Work No. 10b beneath York Road (A3200);

the construction of Work No. 1b adjacent to Chelsea Embankment (A3212);

the construction of Work No. 1c beneath Kirtling St (A3205);

the construction of Work No. 1c, 15a, 15b and 15c (beneath Vauxhall Bridge (A202);

the construction of Work No. 1c beneath Lambeth and Westminster Bridges A3203 and A302;

the construction of Work No. 1c beneath Victoria Embankment (A3211);

the construction of Work No. 17b (low level sewer interception chamber at Blackfriars Bridge, works to Blackfriars bridgehead structure the North Western link from Blackfriars bridge down onto the A3211);

the construction of Work No. 1d beneath Limehouse Link (A1203), Commercial Road (A13), Burdett Road (A1205) & Blackwall Tunnel Northern Approach (A12);  
and

the construction of Work No. 20 (beneath Jamaica Road (A200);

Falconbrook Pumping Station (relocation of bus stops on York Road – part of Work no. 10c);

Kirtling Street (relocation of bus stops on Cringle Street – part of Work no. 13b);

Deptford Church Street (relocation of bus stops on Deptford Church Street – part of Work no. 22b)

“engineer” means the engineer appointed by TfL;

“LBSL” means London Bus Services Limited;

“plans” includes sections, designs, drawings, specifications, soil reports, staging proposals, programmes, calculations, methods of construction, risk assessments and details of the extent, timing and duration of any proposed occupation of protected property and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this Part of this Schedule;

“protected property” means any lands held or used by TfL for the purposes of its operational highway undertaking and any works, apparatus and equipment connected therewith for the maintenance or operation of which TfL is responsible when the relevant specified works are begun;

“the specified works” means so much of the designated works as may be situated within 50 metres (measured in any direction) of, or may in any way affect, protected property and includes the construction of any such work.

“TfL” means Transport for London and in paragraph 9 includes LBSL.

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**Commencement**

Sch. 16(4)(s. b) para. 2 definition of "approval"- definition of "TfL": September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 2 definition of "approval"- definition of "TfL": England, Wales, Scotland

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✔ Law In Force

**3.—**

[(1) The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of TfL, prevent or hinder pedestrian or vehicular access to any protected property. ]<sup>1</sup>

[(2) The provisions of article 56 (application, disapplication and modification of legislative provisions) and article 57 (amendment of local legislation) of, and Schedule 19 (miscellaneous controls) to, this Order shall not apply to land, works, apparatus and equipment to which this Part of this Schedule applies insofar as those provisions would be inconsistent with the provisions of this Part of Schedule 16. ]<sup>1</sup>

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**Notes**

<sup>1</sup> Substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**

Sch. 16(4)(s. b) para. 3(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 3(1)-(2): England, Wales, Scotland

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✔ Law In Force

**[ 3A.—**

(1) The undertaker shall not in the exercise of the powers conferred by this Order, without the consent of TfL, acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over protected property.

(2) The undertaker shall not exercise the powers under article 22 above or the powers under section 11(3) of the 1965 Act in respect of any protected property, except with the consent of TfL.

] <sup>1</sup>

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**Notes**

<sup>1</sup> Added by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Extent**

Sch. 16(4)(s. b) para. 3A(1)-(2): England, Wales, Scotland

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 Law In Force

**4.—**

(1) The undertaker shall, before commencing the specified works, furnish to TfL such proper and sufficient plans of the specified works as may reasonably be required for the approval of the engineer and shall not commence the specified works until the plans have been approved in writing by the engineer or settled by arbitration.

(2) If, within a period of 56 days beginning with the date on which plans have been furnished to TfL under sub-paragraph (1) above, the engineer has not notified their disapproval and the grounds of their disapproval, they shall be deemed to have approved the plans as submitted.

(3) If the undertaker, in the course of carrying out specified works on protected property

- (i) uses any materials that the engineer considers inferior or unfit for the purpose intended,
- (ii) executes any work which will have an adverse effect on the safe and efficient operation of the roads or
- (iii) makes any material deviation from materials approved by the engineer, then TfL shall give notice to the undertaker that TfL desires itself to construct that part of the specified works which in the opinion of the engineer will or may affect the stability of, or the safe operation of protected property, then, provided that TfL has first given the undertaker the opportunity to remedy the specified works, if the undertaker desires such part of the specified works to be constructed, TfL shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with approved plans.

(4) Upon signifying their approval of the plans the engineer may specify any protective works, whether temporary or permanent, which in their opinion should be carried out before the commencement of the specified works to ensure the stability of protected property, the continuation of the safe and effective operation of TfL's operational undertaking including any relocation of works, apparatus and equipment necessitated by the specified works and the comfort and safety of users of the roads comprised within protected property and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch, and the undertaker shall not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed.

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**Commencement**

Sch. 16(4)(s. b) para. 4(1)-(4): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 4(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 5.—

(1) The undertaker shall give to the engineer not less than 56 days' notice of its intention to commence the construction of any of the specified works and also, except in an emergency (when it shall give such notice as may be reasonably practicable), of its intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with protected property.

(2) The specified works shall, when commenced, be carried out—

- (a) with all reasonable dispatch in accordance with approved plans;
- (b) under the supervision (if given), and to the reasonable satisfaction, of the engineer; and
- (c) in such manner as to cause—
  - (i) as little damage as may be to protected property, and
  - (ii) as little interference as may be with the conduct of TfL's undertaking and the use by vehicles and pedestrians of the highways comprised within protected property.

(3) If any damage to protected property or any such interference is caused by the carrying out of the specified works, the undertaker shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to TfL all reasonable expenses to which TfL may be put and compensation for any loss which TfL may sustain by reason of any such damage or interference.

(4) Nothing in this paragraph shall impose any liability on the undertaker with respect to any damage, cost, expense or loss to the extent that such damage, cost expense or loss is attributable to the act, neglect or default of TfL or its servants or agents.

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### Commencement

Sch. 16(4)(s. b) para. 5(1)-(4): September 24, 2014

### Extent

Sch. 16(4)(s. b) para. 5(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 6.

Without prejudice to the generality of paragraphs 4 and 5 above TfL may, in approving the plans of or in supervising the carrying out of the specified works or of any protective works carried out by the undertaker by virtue of the provisions of paragraph 5(3) above, require that—

- (a) nothing shall be done by or on behalf of the undertaker which unreasonably impedes the free, uninterrupted and safe flow of vehicles and pedestrians;
- (b) dust sheets and other works and working methods are used so as to prevent so far as practicable any dust or dirt from the relevant works affecting such persons; and
- (c) adequate signing of all alterations of routes for such persons and of any hazards or obstructions to the free movement of such persons is provided.

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**Commencement**

Sch. 16(4)(s. b) para. 6(a)-(c): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 6(a)-(c): England, Wales, Scotland

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✔ Law In Force

**7.**

The undertaker shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to those specified works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. b) para. 7: September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 7: England, Wales, Scotland

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✔ Law In Force

**8.**

During the construction of any part of the specified works under this Part of this Schedule by TfL under this Part of this Schedule, TfL shall at all times afford reasonable facilities to the undertaker and its agents for access to those works, and shall supply the undertaker with such information as they may reasonably require with regard to such works or the method of construction thereof.

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**Commencement**

Sch. 16(4)(s. b) para. 8: September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 8: England, Wales, Scotland

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✔ Law In Force

**9.—**

(1) If any alterations or additions either permanent or temporary, to protected property are reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, then, provided TfL has first given the undertaker the opportunity to carry out the protective works itself, such alterations and additions may be carried out by TfL after giving the undertaker reasonable notice of its intention

to carry out such alterations or additions and the undertaker shall pay TfL the reasonable cost thereof as certified by the engineer, including in respect of permanent alterations and additions a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by TfL in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing protected property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the undertaker to TfL under this paragraph.

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**Commencement**

Sch. 16(4)(s. b) para. 9(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 9(1)-(2): England, Wales, Scotland

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✔ Law In Force

**10.**

The undertaker shall repay to TfL all costs, charges and expenses reasonably incurred by TfL—

- (a) in constructing any part of the specified works on behalf of the undertaker or any protective works under the provisions of paragraph 4 above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by TfL in maintaining and renewing such works;
- (b) in respect of the employment of any inspectors, watchmen and other persons whom it is reasonably necessary to appoint for inspecting, watching and lighting its protected property in order to prevent, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
- (c) resulting from any speed restrictions, diversions or delays to bus services which may, in the opinion of the engineer, be required to be imposed by reason of the construction or failure of the specified works, or from the substitution of bus service (whether temporary or permanent) which may be reasonably necessary for the same reason and any loss of revenue which may be incurred by TfL due to the specified works;
- (d) in respect of any additional temporary lighting of its protected property in the vicinity of the specified works, being lighting made reasonably necessary by reason of the construction or failure of the specified works; and
- (e) in respect of the consideration of plans and the supervision by the engineer of the construction of the specified works.

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**Commencement**

Sch. 16(4)(s. b) para. 10(a)-(e): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 10(a)-(e): England, Wales, Scotland

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✓ Law In Force

## 11.

If at any time after the completion of a specified work, not being a work vested in TfL, TfL gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of protected property, the undertaker shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect protected property.

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### Commencement

Sch. 16(4)(s. b) para. 11: September 24, 2014

### Extent

Sch. 16(4)(s. b) para. 11: England, Wales, Scotland

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✓ Law In Force

## 12.

Any additional expenses which TfL may reasonably incur in altering, reconstructing or maintaining protected property under any powers existing at the making of this Order by reason of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to TfL.

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### Commencement

Sch. 16(4)(s. b) para. 12: September 24, 2014

### Extent

Sch. 16(4)(s. b) para. 12: England, Wales, Scotland

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✓ Law In Force

## 13.—

(1) The undertaker shall be responsible for and make good to TfL, all costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to, or reasonably incurred by, TfL—

(a) by reason of the construction of the specified works or the failure thereof, or

(b) by reason of any act or omission of the undertaker, of any person in its employ, or of its contractors or others whilst engaged upon the construction of the specified works,

and the undertaker shall indemnify TfL from and against all such claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission, and the fact that any act or thing may have been done in accordance with any requirement of the engineer or under their supervision, shall not (if it was not attributable to the act, neglect or default

of TfL, or of any person in their employ, or of their contractors or agents) excuse the undertaker from any liability under the provisions of this Part of this Schedule.

(2) TfL shall give to the undertaker reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the undertaker such consent not to be unreasonably withheld.

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**Commencement**

Sch. 16(4)(s. b) para. 13(1)-(2): September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 13(1)-(2): England, Wales, Scotland

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✔ Law In Force

**14.**

Any difference arising between the undertaker and TfL under this Part of this Schedule (other than a difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 63 (*arbitration* ). referred to and settled by arbitration under article 63 (*arbitration*)

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**Commencement**

Sch. 16(4)(s. b) para. 14: September 24, 2014

**Extent**

Sch. 16(4)(s. b) para. 14: England, Wales, Scotland

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## SECTION 4

### Protection for Highways and Traffic

✔ Law In Force

**1.**

The provisions of this Part of this Schedule shall have effect unless otherwise agreed in writing by the undertaker and TfL.

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**Commencement**

Sch. 16(4)(s. c) para. 1: September 24, 2014

**Extent**

Sch. 16(4)(s. c) para. 1: England, Wales, Scotland

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✔ Law In Force

**2.—**

(1) In this Part of this Schedule —

“designated works” has the same meaning as in [ Section 3 of Part 4 (protection for highways structures) ]<sup>1</sup> of this Schedule ;

“highway” means any highway of which TfL is the highway authority but does not include any highway affected by the designated works;

“plans” includes detailed drawings and or plans showing in detail the layout and design construction of all road and drainage works (together with longitudinal cross sections) and landscaping including all necessary traffic management measures which may affect any relevant part of the highway and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this Part of this Schedule;

“property of TfL” means any apparatus of TfL affixed to or placed under any highway; and  
“TfL” means Transport for London.

(2) Wherever in this Part of this Schedule provision is made with respect to the approval or consent of TfL, that approval or consent shall be in writing and subject to such reasonable terms and conditions as TfL may require, but shall not be unreasonably withheld.

(3) In exercising the powers conferred by this Order in relation to any highway the undertaker shall have regard to the potential disruption of traffic which may be caused and shall seek to minimise such disruption so far as is reasonably practicable

(4) [...]<sup>2</sup>

(5) In the construction of any part of the said works under a highway no part of it shall, except with the consent of TfL, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway or be nearer than two metres to the surface of the highway.

(6) The undertaker shall not under the powers conferred by or under this Order without the consent of TfL, acquire or enter upon, take or use whether temporarily or permanently or acquire any new rights over any part of any highway, including subsoil beneath the surface of any highway.

(7) The provisions of this paragraph have effect in relation to carrying any part of the works authorised by this Order over a highway or carrying a highway over any part of those works;

(8) Before commencing the construction of, or the carrying out of any work in connection with any bridge which involves interference with a highway, the undertaker shall submit to TfL for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating thereto

and the works shall not be carried out except in accordance with the plans submitted to, and approved by, TfL.

(9) If within 56 days after the plans have been submitted TfL has not approved or disapproved them, it shall be deemed to have approved the plans as submitted.

(10) The undertaker shall secure that so much of the works authorised by this Order as is constructed under any highway shall be so designed, constructed and (for the period of the works) maintained as to carry the appropriate loading recommended for highway bridges by the Secretary of State at the time of construction of the works, and the undertaker shall indemnify TfL against, and make good to TfL, the expenses which TfL may reasonably incur in the repair of any highway, or any tunnels, sewers, drains or apparatus therein, by reason of non-compliance with the provisions of this paragraph.

(11) Any officer of TfL duly appointed for the purpose may at all reasonable times, on giving to the undertaker such notice as may in the circumstances be reasonable, enter upon and inspect any part of the works authorised by this Order which—

- (a) is in, over or under any highway, or
- (b) which may affect any highway or any property of TfL,

(12) during the carrying out of the work, and the undertaker shall give to such officer all reasonable facilities for such inspection and, if he shall be of the opinion that the construction of the work is attended with danger to any highway or to any property of TfL on or under any highway, the undertaker shall adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway

(13) The undertaker shall not alter, disturb or in any way interfere with any property of TfL on or under any highway, or the access thereto, without the consent of TfL, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary shall be made by the undertaker or (if TfL fails to carry out such alteration, diversion, replacement or reconstruction works) by TfL to the reasonable satisfaction of TfL, and, if TfL carries out such works, the expense reasonably incurred by TfL in so doing shall be repaid to TfL by the undertaker.

(14) If within 56 days after a request for consent has been submitted TfL has not given or refused such consent, it shall be deemed to have consented to the request as submitted

(15) The undertaker shall not remove any soil or material from any highway except so much as must be excavated in the carrying out of the works authorised by this Order.

(16) If TfL, after giving to the undertaker not less than 56 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any additional expense in the signposting of traffic diversions, in the diversion of footpaths, in the taking of other measures in relation thereto, or in the repair of any highway by reason of the diversion thereto of traffic from a road of a higher standard, in consequence of the construction of the works authorised by this Order, the undertaker shall repay to TfL the amount of any such expense reasonably so incurred.

(17) An amount which apart from this sub-paragraph would be payable to TfL by virtue of this paragraph in respect of the repair of any highway shall, if the highway fell or would have fallen due for repair as part of the maintenance programme of TfL at any time within ten years of the repair being carried out by the undertaker, so as to confer on TfL financial benefit (whether by securing the completion of overdue maintenance work for which TfL is liable or by deferment of

the time for such work in the ordinary course), be reduced by the amount which represents that benefit.

(18) The undertaker shall not, except with the consent of TfL, deposit any soil or materials, or stand any plant, on or over any highway so as to obstruct or render less safe the use of the highway by any person, or, except with the like consent, deposit any soil or materials on any highway outside a hoarding, but if within 56 days after request for it any such consent is neither given nor refused it shall be deemed to have been given.

(19) The expense reasonably incurred by TfL in removing any soil or materials deposited on any highway in contravention of this paragraph shall be repaid to TfL by the undertaker

(20) The undertaker shall not, except with the consent of TfL, erect or retain on or over a highway to which the public continues to have access any scaffolding or other structure which obstructs the highway

(21) The undertaker shall, if reasonably so required by TfL, provide and maintain to the reasonable satisfaction of TfL, during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Order, temporary bridges and temporary ramps for vehicular or pedestrian traffic over that part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway as a result of the carrying out of the relevant part of the works.

(22) Where any part of any highway has been broken up or disturbed by the undertaker and not permanently stopped up or diverted, the undertaker shall make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of TfL, and shall maintain the same to the reasonable satisfaction of TfL for such time as may reasonably be required for the permanent reinstatement of the highway

(23) The reinstatement of that part of the highway shall be carried out by the undertaker to the reasonable satisfaction of TfL in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the New Roads and Street Works Act 1991 (c. 22).

(24) If any damage to any highway or any property of TfL on or under any highway is caused by, or results from, the construction of any work authorised by this Order or any order or omission of the undertaker, its contractors, agents or employees whilst engaged upon such work, the undertaker may, in the case of damage to a highway, make good such damage to the reasonable satisfaction of TfL and, where the undertaker does not make good, or in the case of damage to property of TfL, the undertaker shall be liable to TfL for the remediation costs of any such damage.

(25) The fact that any act or thing may have been done in accordance with plans approved by TfL shall not of itself (if it was not attributable to the act, neglect or default of TfL or of any person in its employ or its contractors or agents) exonerate the undertaker from any liability, or affect any claim for damages, under this Part or otherwise.

(26) Any difference arising between the undertaker and TfL under this Part of this Schedule (other than a difference as to the meaning or construction of this Part of this Schedule) shall be resolved by arbitration under article 63 (*arbitration*).

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#### Notes

<sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)



- <sup>2</sup> Revoked by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

### Commencement


Sch. 16(4)(s. c) para. 2(1)-(26): September 24, 2014

### Extent

Sch. 16(4)(s. c) para. 2(1)-(26): England, Wales, Scotland

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## PART 5 NETWORK RAIL

 Law In Force

### 1.

The following provisions of this Part of this Schedule shall have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 14, any other person on whom rights or obligations are conferred by that paragraph.


### Commencement

Sch. 16(5) para. 1: September 24, 2014

### Extent

Sch. 16(5) para. 1: England, Wales, Scotland

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 Law In Force

### 2.

In this Schedule—

“asset protection agreement” means an agreement to regulate the construction and maintenance of the specified works, prepared 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 powers under section 8 of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited 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 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;

“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;

“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 Infrastructure Limited and—

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

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

“specified work” means so much of any of the authorised project as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

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#### Commencement

Sch. 16(5) para. 2 definition of "asset protection agreement"- definition of "specified work": September 24, 2014

#### Extent

Sch. 16(5) para. 2 definition of "asset protection agreement"- definition of "specified work": England, Wales, Scotland

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 Law In Force

### 3.—

(1) Where under this Part Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail shall—

(a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and

(b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised project pursuant to this Order.

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**Commencement**

Sch. 16(5) para. 3(1)-(2)(b): September 24, 2014

**Extent**

Sch. 16(5) para. 3(1)-(2)(b): England, Wales, Scotland

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✓ Law In Force

**4.—**

(1) The undertaker shall not exercise the powers conferred by article 20 (protective works to buildings and structures), 21 (Remedial work to buildings and structures) and 22 (authority to survey and investigate the land) 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 Network Rail.

(2) The undertaker 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 Network Rail.

(3) The undertaker shall not exercise the powers conferred by article 42 (*statutory undertakers*) or sections 271 or 274 of the 1990 Act, as applied by article 42 to this Order, in relation to railway property.

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

(5) The powers under paragraphs (1) to (3) of article 57 (*Amendment of local legislation*) to this Order shall not apply in respect of any—

- (a) local enactments specified in Part 2 of Schedule 19 to this Order;
- (b) any bylaw or other provisions made under any of those specified enactments; or
- (c) any other provision of local application,

which make any provision applying to railway property (including, but not limited to, provisions applying to the construction, maintenance, operation, alteration, replacement, improvement or protection of railway property) or any functions, obligations or rights exercisable by Network Rail.

(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent shall not be unreasonably withheld but may be given subject to reasonable conditions.

(7) Without prejudice to paragraph (5) the undertaker shall enter into an asset protection agreement prior to the commencement of the construction of any part of the authorised project.

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**Commencement**

Sch. 16(5) para. 4(1)-(7): September 24, 2014

**Extent**

Sch. 16(5) para. 4(1)-(7): England, Wales, Scotland

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✓ Law In Force

## 5.—

(1) The undertaker shall before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work shall not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of their disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate their approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated their approval or disapproval, he shall be deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in their opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes shall be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works shall be carried out at the expense of the undertaker in either case with all reasonable dispatch and the undertaker shall not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction.

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### Commencement

Sch. 16(5) para. 5(1)-(4): September 24, 2014

### Extent

Sch. 16(5) para. 5(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 6.—

(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 5;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker shall, notwithstanding any such approval, make good such damage and shall pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part shall impose any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

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### Commencement

Sch. 16(5) para. 6(1)-(3): September 24, 2014

### Extent

Sch. 16(5) para. 6(1)-(3): England, Wales, Scotland

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✓ Law In Force

## 7.

The undertaker shall—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as he may reasonably require with regard to a specified work or the method of constructing it.

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### Commencement

Sch. 16(5) para. 7(a)-(b): September 24, 2014

### Extent

Sch. 16(5) para. 7(a)-(b): England, Wales, Scotland

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✓ Law In Force

## 8.

Network Rail shall at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part during their construction and shall supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.

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### Commencement

Sch. 16(5) para. 8: September 24, 2014

### Extent

Sch. 16(5) para. 8: England, Wales, Scotland

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✓ Law In Force

## 9.—

(1) If any permanent or temporary alterations or additions to railway property, are reasonably necessary in consequence of the construction of a specified work, or during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker reasonable notice of its intention to carry out such alterations or additions (which shall be specified in the notice), the undertaker shall pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail shall assume construction of that part of the specified work and the undertaker shall, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer shall, in respect of the capitalised sums referred to in this paragraph and paragraph 10(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving shall be set off against any sum payable by the undertaker to Network Rail under this paragraph.

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**Commencement**

Sch. 16(5) para. 9(1)-(4): September 24, 2014

**Extent**

Sch. 16(5) para. 9(1)-(4): England, Wales, Scotland

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✔ Law In Force

**10.**

The undertaker shall repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by him of the construction of a specified work and otherwise in connection with the implementation of the provisions of this Part of this Schedule;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signaling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

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**Commencement**

Sch. 16(5) para. 10(a)-(e): September 24, 2014

**Extent**

Sch. 16(5) para. 10(a)-(e): England, Wales, Scotland

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✔ Law In Force

**11.**

If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the

undertaker shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

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**Commencement**

Sch. 16(5) para. 11: September 24, 2014

**Extent**

Sch. 16(5) para. 11: England, Wales, Scotland

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✔ Law In Force

**12.**

The undertaker shall not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it shall have first consulted Network Rail and it shall comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

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**Commencement**

Sch. 16(5) para. 12: September 24, 2014

**Extent**

Sch. 16(5) para. 12: England, Wales, Scotland

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✔ Law In Force

**13.**

Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work shall, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

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**Commencement**

Sch. 16(5) para. 13: September 24, 2014

**Extent**

Sch. 16(5) para. 13: England, Wales, Scotland

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✓ Law In Force

## 14.—

(1) The undertaker shall pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part which may be occasioned to or reasonably incurred by Network Rail—

(a) by reason of the construction or maintenance of a specified work or the failure thereof, or

(b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the undertaker shall indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission; and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under their supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail shall give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand shall be made without the prior consent of the undertaker.

(3) The sums payable by the undertaker under sub-paragraph (1) shall include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail shall promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

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### Commencement

Sch. 16(5) para. 14(1)-(6) definition of "train operator": September 24, 2014

### Extent

Sch. 16(5) para. 14(1)-(6) definition of "train operator": England, Wales, Scotland

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✔ Law In Force

## 15.

Network Rail shall, on receipt of a request from the undertaker, from time to time provide the undertaker with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part (including any claim relating to those relevant costs).

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### Commencement

Sch. 16(5) para. 15: September 24, 2014

### Extent

Sch. 16(5) para. 15: England, Wales, Scotland

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✔ Law In Force

## 16.

In the assessment of any sums payable to Network Rail under this Part there shall not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part or increasing the sums so payable.

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### Commencement

Sch. 16(5) para. 16: September 24, 2014

### Extent

Sch. 16(5) para. 16: England, Wales, Scotland

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✔ Law In Force

## 17.

The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the works and land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

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**Commencement**

Sch. 16(5) para. 17(a)-(c): September 24, 2014

**Extent**

Sch. 16(5) para. 17(a)-(c): England, Wales, Scotland

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✔ Law In Force

**18.**

Nothing in this Order, or in any enactment incorporated with or applied by this Order, shall prejudice or affect the operation of Part I of the Railways Act 1993.

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**Commencement**

Sch. 16(5) para. 18: September 24, 2014

**Extent**

Sch. 16(5) para. 18: England, Wales, Scotland

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✔ Law In Force

**19.**

The undertaker shall give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 61 (*certification of plans etc*) of this Order and any such notice shall be given no later than 28 days before any such application is made and shall describe or give (as appropriate)—

- (a) the nature of the application to be made;
  - (b) the extent of the geographical area to which the application relates; and
  - (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.
- 

**Commencement**

Sch. 16(5) para. 19(a)-(c): September 24, 2014

**Extent**

Sch. 16(5) para. 19(a)-(c): England, Wales, Scotland

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✔ Law In Force

**20.**

The undertaker shall no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 61 (*certification of plans etc*) are certified by

the Secretary of State, provide a set of those plans to Network Rail in the form of a computer disc with read only memory.

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**Commencement**

Sch. 16(5) para. 20: September 24, 2014

**Extent**

Sch. 16(5) para. 20: England, Wales, Scotland

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✔ Law In Force

**21.**

Notwithstanding article 54 (*Discharge of requirements, etc* ) any difference or dispute arising between the undertaker and Network Rail under this Part of this Schedule shall be referred to and settled by arbitration under article 63 (*arbitration*).

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**Commencement**

Sch. 16(5) para. 21: September 24, 2014

**Extent**

Sch. 16(5) para. 21: England, Wales, Scotland

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## PART 6

### COMMUNICATIONS NETWORK OPERATORS

✔ Law In Force

**1. Effect**

For the protection of any operator, the following provisions, unless otherwise agreed in writing between the undertaker and the operator, have effect.

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**Commencement**

Sch. 16(6) para. 1: September 24, 2014

**Extent**

Sch. 16(6) para. 1: England, Wales, Scotland

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✓ Law In Force

## 2. Interpretation

In this part of this Schedule—

“the 2003 Act” means the Communications Act 2003;

(a) [...] <sup>1</sup>

(b) “electronic communications apparatus” has the same meaning as in the electronic communications code also hereinafter referred to as apparatus;

(c) “the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act;

“electronic communications code network” means—

(d) so much of an electronic communications network or [ infrastructure system ] <sup>2</sup> provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 or paragraph 17 of Schedule 18 of the 2003 Act; and

(e) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 or paragraph 17 of Schedule 18 of the 2003 Act ; [...] <sup>3</sup>

[ “infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 of that code; and ] <sup>3</sup>

“operator” means the operator of an electronic communications code network.

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### Notes

<sup>1</sup> Words revoked by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(3)(a)(i) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)

<sup>2</sup> Words substituted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(3)(a)(ii) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)

<sup>3</sup> Definition inserted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(3)(a)(iii) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)

### Commencement

Sch. 16(6) para. 2 definition of "the 2003 Act"- definition of "operator": September 24, 2014

### Extent

Sch. 16(6) para. 2 definition of "the 2003 Act"- definition of "operator": England, Wales, Scotland

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✓ Law In Force

### 3. Electronic communications apparatus installed on, under or over any land

The exercise of the powers pursuant to this order are subject to [ Part 10 of Schedule 3A to the Communications Act 2003 ]<sup>1</sup> as if the undertaker were a “relevant undertaker” for the purposes of that paragraph.

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#### Notes

<sup>1</sup> Words substituted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(3)(b) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)

#### Commencement

Sch. 16(6) para. 3: September 24, 2014

#### Extent

Sch. 16(6) para. 3: England, Wales, Scotland

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✓ Law In Force

### 4. Enactments and agreements in respect of apparatus in the promoter's land

Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any electronic communications apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

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#### Commencement

Sch. 16(6) para. 4: September 24, 2014

#### Extent

Sch. 16(6) para. 4: England, Wales, Scotland

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✓ Law In Force

### 5.— Temporary and Permanent stopping up of streets forming part of the public maintainable highway

(1) The temporary stopping up or diversion of any highway under article 15 (*temporary stopping up*) shall not affect any right of the operator under [ Part 8 ]<sup>1</sup> of the electronic communications code to maintain any apparatus which, at the time of the stopping up or diversion, is in that highway.

(2) The undertaker shall give not less than 28 days' notice in writing of its intention to temporarily stop up any highway to any operator of an electronic communications code network whose apparatus is under, over, in, on, along or across the highway and shall include in such notice details of the proposed duration of the temporary stopping up and the reason for it being required.

(3) Where a notice under sub-paragraph (2) has been given, the operator, if it reasonably considers that it is necessary for the safe and efficient operation and maintenance of the apparatus, may, and, if reasonably requested so to do by the undertaker in the notice, shall, as soon as reasonably practicable after the service of the notice—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the operator may reasonably determine and have power to place it, or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such other position as aforesaid.

(4) Subject to the following provisions of this paragraph the undertaker shall pay to any operator of an electronic communications code network an amount equal to the cost reasonably incurred by the operator in or in connection with—

- (a) the execution of protection or relocation works required in consequence of the temporary or permanent stopping up of the highway, and
- (b) the doing of any other work or thing rendered necessary by the execution of protection and or relocation works.

(5) If in the course of the execution of relocation works under sub-paragraph (3)—

- (a) apparatus of better type, greater capacity or greater dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or smaller dimensions, except where this has been solely due to using the nearest currently available type, capacity or dimension, or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus save where the depth as to placing is at the request of the undertaker and or to accommodate the authorised project) is placed at a depth greater than the depth at which existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker, or, in default of agreement, is not determined to be necessary in consequence of the construction of the authorised project in order to ensure the continued efficient operation of the electronic communications code network of the operator then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth (save as aforesaid), as the case may be, the amount which apart from this paragraph would be payable to the operator by virtue of sub-paragraph (4) shall be reduced by the amount of that excess.

(6) For the purposes of sub-paragraph (5)—

- (a) the installation of replacement apparatus in accordance with the standard construction specification in use by the operator at the time of works, the physical conditions and the engineering requirements that the apparatus will be subject to in its relocated position and the extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended provides more than an equivalent service except where such service is solely due to having used equipment of the nearest alternative type, capacity or dimension which may be available at the time it was placed, and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole (in either case of such type,

capacity and dimensions as shall reasonably be appropriate) shall be treated as if it also had been agreed or had been so determined.

(7) The amount which apart from this sub-paragraph would be payable to an operator in respect of works by virtue of sub-paragraph (4) (and having regard, where relevant, to sub-paragraph (5)) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7½ years earlier so as to confer on the operator any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

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#### Notes

- <sup>1</sup> Words substituted by Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017/1011 Sch.4 para.42(3)(c) (December 28, 2017, the day on which 2017 c.30 s.4 and Sch.1 come fully into force)

#### Commencement

Sch. 16(6) para. 5(1)-(7): September 24, 2014

#### Extent

Sch. 16(6) para. 5(1)-(7): England, Wales, Scotland

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 Law In Force

### 6.— Indemnity

(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the installation of any such works authorised by this Schedule or in consequence of the installation, use, maintenance or failure of any of the authorised development by or on behalf of the promoter or in consequence of any act or default of the promoter (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the promoter under this Schedule or any subsidence resulting from any of these works), any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any undertaker, or the undertaker becomes liable to pay any amount to any third party, the promoter shall—

- (a) bear and pay on demand the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) indemnify that undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the undertaker, by reason or in consequence of any such damage or interruption or the undertaker becoming liable to any third party as aforesaid

(2) The fact that any act or thing may have been done by an undertaker on behalf of the promoter or in accordance with a plan approved by an undertaker or in accordance with any requirement of an undertaker or under its supervision shall not (subject to sub-paragraph (3), excuse the promoter from liability under the provisions of this sub-paragraph (1)).



(3) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the neglect or default of an undertaker, its officers, servants, contractors or agents.

(4) An undertaker shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise shall be made without first consulting the promoter and considering their representations.

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**Commencement**

Sch. 16(6) para. 6(1)-(4): September 24, 2014

**Extent**

Sch. 16(6) para. 6(1)-(4): England, Wales, Scotland

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 Law In Force

**7. Arbitration**

Any difference or dispute arising between the undertaker and an operator under this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and that operator, be referred to and settled by arbitration under article 63 (*arbitration*).

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**Commencement**


Sch. 16(6) para. 7: September 24, 2014

**Extent**

Sch. 16(6) para. 7: England, Wales, Scotland

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**PART 7****THE CITY OF LONDON CORPORATION**

 Law In Force

**1. Application**

The provisions of this part shall have effect for the protection of the COL, save as may otherwise be agreed in writing at any time between the COL and the undertaker.

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**Commencement**

Sch. 16(7) para. 1: September 24, 2014

**Extent**

Sch. 16(7) para. 1: England, Wales, Scotland

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✔ Law In Force

**2. Interpretation**

In this Part of this Schedule-

“COL” means the Mayor and Commonalty and Citizens of the City of London, acting in its capacity as Trustees of the Bridge House Estates;

“bridges” means Blackfriars Road Bridge, the Millennium Bridge, Southwark Bridge, London Bridge and Tower Bridge and “bridge” shall mean any of them;

“protective works” means any work indicated in a settled submission (whether permanent or temporary) to be undertaken for the purposes of-

(a) monitoring the effects on a bridge of the specified works, or

(b) reducing the risk of damage being caused to a bridge by the specified works;

“remedial works” means any work undertaken by or on behalf of the undertaker pursuant to paragraph 4;

“settled submissions” are such of the submissions made by the undertaker in accordance with paragraph 3(2) to which-

(a) the COL has confirmed that it has no objections in accordance with paragraph 3(3)(a),

(b) the COL has been deemed to have confirmed that it has no objections in accordance with paragraph 3(4), or

(c) all objections by the COL have been withdrawn or settled by arbitration under article 63 (*arbitration*) following referral in accordance with paragraph 7;

“specified works” means any part of the authorised development as may be situated at-

(d) Blackfriars Bridge Foreshore and associated works within the limit of Work No. 17a and Work No. 17b, or

(e) within the river Thames between Temple Pier on Victoria Embankment and the point 75 metres downstream of Tower Bridge

and includes the construction of any such part of the authorised development.

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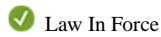
**Commencement**

Sch. 16(7) para. 2 definition of "COL"- definition of "specified works" (e): September 24, 2014

**Extent**

Sch. 16(7) para. 2 definition of "COL"- definition of "specified works" (e): England, Wales, Scotland

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Law In Force

### 3.— Protective works

(1) The provisions of this paragraph shall (unless otherwise agreed in writing by the COL and the undertaker) apply separately to protective works in respect of each bridge and the undertaker will not carry out protective works to the bridges until the procedures in sub-paragraphs (2) to (6) have been complied with.

(2) The undertaker shall submit in relation to each bridge the following submissions to the COL for review and confirm whether the COL has any objections in accordance with the following provisions of this Part—

- (a) an updated technical assessment report;
- (b) an emergency preparedness plan;
- (c) a risk assessment and method statement for the pre-construction and construction stages of the protective works;
- (d) bridge monitoring proposals; and
- (e) details of proposed mitigation measures.

The documentation forming each submission may be provided by the undertaker to the COL on a phased basis and the procedures in sub-paragraphs (3) to (6) shall apply (*mutatis mutandis*) separately to each part of a submission.

(3) Within 28 days (or within such longer period as the undertaker and the COL may agree in writing) following receipt of a submission, the COL shall respond to the undertaker either—

- (a) confirming that the COL has no objection to the submission; or
- (b) specifying (with reasons) the COL's reasonable objections to the submission and suggesting any changes which the COL considers are needed in order to remove the objections, in which event the undertaker shall (where practicable) revise and re-submit the submission and the provisions of this sub-paragraph (3) shall apply to the revised submission (save that the period for the COL to respond shall be reduced to 14 days); or
- (c) specifying the further information which the COL requires in order to assess the submission.

(4) If the COL fails to respond to the submissions or any of them within the period specified in, or otherwise agreed pursuant to, sub-paragraph (3), the COL shall be deemed to have confirmed that it has no objection to the submission.

(5) The undertaker shall not commence construction of the specified works until the procedures set out in the preceding sub-paragraphs have been concluded and all protective works have been completed in accordance with the settled submissions.

(6) If the undertaker wishes to deviate in any material respect from any requirement set out in a Settled Submission, the undertaker shall submit revised details to the COL for review and the provisions of paragraphs 3(3) to 3(5) (*mutatis mutandis*) shall apply, provided that where changes are needed in the event of an emergency the undertaker and the COL may agree in writing such modifications to the procedures and timescales set out in those paragraphs as may be necessary or expedient to allow steps to be taken to mitigate the emergency or its impact.

(7) As soon as is reasonably practicable following completion of the construction of the specified works the undertaker shall in a good and workmanlike manner remove from the bridges all monitoring and other equipment and temporary works installed in accordance with settled submissions and shall reinstate the bridges as nearly as possible to their condition prior to the

carrying out of the protective works (leaving out of account any permanent works carried out in accordance with the settled submission, any monitoring equipment which the undertaker and COL have agreed should remain in place for a period after the completion of construction to allow ongoing monitoring of the bridges and reasonable wear and tear).

(8) The undertaker shall not carry out any protective works on the bridges other than in accordance with a settled submission, and shall not carry out on the bridges—

(a) any work under article 20 or

(b) any work under the authority conferred by article 3 comprising associated development falling within paragraph (p) or (q) of Part 1 of Schedule 1.

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**Commencement**

Sch. 16(7) para. 3(1)-(8)(b): September 24, 2014

**Extent**

Sch. 16(7) para. 3(1)-(8)(b): England, Wales, Scotland

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 Law In Force

**4.— Remedial works**

(1) The provisions of this paragraph shall (unless otherwise agreed by the COL and the undertaker in writing) apply separately to remedial works in respect of each bridge.

(2) If any damage to a bridge shall be caused by the carrying out of, or in consequence of, the construction of the specified works or any protective works carried out in accordance with paragraph 3, the undertaker shall, if the COL requires, make good such damage to the reasonable satisfaction of the COL.

(3) The undertaker shall not carry out on the bridges any work under article.

(4) If at any time after the completion of the construction of the specified works, the COL gives notice to the undertaker informing it that the state of maintenance of any part of the specified works appears to be such as adversely affects the stability or operation of a bridge, the undertaker shall, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect the bridge.

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**Commencement**

Sch. 16(7) para. 4(1)-(4): September 24, 2014

**Extent**

Sch. 16(7) para. 4(1)-(4): England, Wales, Scotland

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✓ Law In Force

## 5.— Inspection and monitoring

(1) The COL shall be entitled (on reasonable notice and subject to complying with any reasonable site safety and induction requirements imposed by the undertaker or its contractors) to enter the site of any works carried out in accordance with the foregoing paragraphs in order to inspect and monitor the conduct of such works; and may make representations to the undertaker as to any concerns about such works which the COL may have in the course of such inspections and the undertaker shall take due account of any such representations.

(2) The COL may further request the undertaker to provide additional details of any works carried out in accordance with the foregoing paragraphs and the undertaker shall use all reasonable endeavours to comply with any such request as soon as possible.

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### Commencement

Sch. 16(7) para. 5(1)-(2): September 24, 2014

### Extent

Sch. 16(7) para. 5(1)-(2): England, Wales, Scotland

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✓ Law In Force

## 6.— Damages, costs and indemnification

(1) Subject to the following provisions of this paragraph, the undertaker shall-

(a) reimburse to the COL all costs and expenses reasonably and properly incurred by it (the amounts of which are to be agreed between the COL and the undertaker in advance of expenditure) in—

- (i) responding to any submission submitted to it in accordance with paragraph 3(2) or 3(6),
- (ii) conducting any inspection or monitoring in accordance with paragraph 5(1), or
- (iii) remedying any damage to a bridge caused by the carrying out of, or in consequence of the specified works or any works carried out in accordance with the foregoing paragraphs;
- (iv) altering, reconstructing or maintaining the bridges under any powers existing at the time of the making of this Order, where necessitated by the specified works, provided that 28 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker;

(b) be responsible for, and make good to the COL, all reasonable costs, charges, damages and expenses not otherwise provided for in this Part which may be occasioned to, or reasonably and properly incurred by, the COL by reason of damage to a bridge or interference or obstruction to the use or operation of a bridge caused by or in consequence of-

- (i) the construction of the specified works or the failure thereof, or
  - (ii) any act or omission of the undertaker or any person in its employ, or of its contractors or others whilst engaged upon the construction of the specified works;
- and

(c) indemnify the COL from and against all such claims and demands arising out of, or in connection with, the construction of the specified works or any such failure, act or omission as referred to in sub-paragraph (1)(b).

(2) The fact that any act or thing may have been done in accordance with the settled submissions, shall not (if it was not attributable to the act, neglect or default of the COL, or of any person in their employ, or of their contractors or agents) excuse the undertaker from any liability under the provisions of this Part.

(3) Nothing in this Part shall impose any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of the COL or its servants, contractors or agents or any liability on the COL with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

(4) The undertaker's liability to indemnify the COL pursuant to sub-paragraph (1)(c) may be limited to a sum to be agreed between the COL and the undertaker.

(5) In no circumstances shall the undertaker be liable to the COL under or in connection with this Part for indirect or consequential loss (including loss of profit) howsoever arising.

(6) The COL shall at all times take all reasonable steps to prevent and mitigate any cost, loss, claim or liability (whether indemnified or not) which it suffers as a result of the undertaker's negligence or breach of this Part.

(7) The COL shall give to the undertaker reasonable notice of any claim or demand to which sub-paragraph (1)(c) applies and shall not compromise or settle any such claim or demand without the prior consent of the undertaker, such consent not to be unreasonably withheld or delayed.

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**Commencement**

Sch. 16(7) para. 6(1)-(7): September 24, 2014

**Extent**

Sch. 16(7) para. 6(1)-(7): England, Wales, Scotland

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 Law In Force

**7. Dispute resolution**

Any difference or dispute arising between the undertaker and the COL under this Part shall, unless otherwise agreed in writing between the undertaker and the COL, be referred to and settled by arbitration under article 63 (*arbitration*).

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**Commencement**

Sch. 16(7) para. 7: September 24, 2014

**Extent**

Sch. 16(7) para. 7: England, Wales, Scotland

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## SCHEDULE 17

### PROCEDURE FOR DISCHARGE OF REQUIREMENTS ETC. AND APPEALS

#### Article 54

✓ Law In Force

#### 1.— Applications made under requirements

(1) Where the undertaker proposes to make an application to a discharging authority for any consent, agreement or approval required by a requirement, it shall no later than twenty eight days prior to submitting such application provide a draft of the proposed application to the discharging authority, unless otherwise agreed by the discharging authority. It shall on the same date provide a complete draft of the proposed application to any requirement consultee and shall affix a notice to a conspicuous object or objects on or near the site of the works which are the subject of such application which shall give details of the proposed application together with the address within the locality where application documents may be inspected and details of the manner in which representations on the application may be made.

(2) Where an application has been made to a discharging authority for any consent, agreement or approval required by a requirement included in this Order, the discharging authority shall give notice to the undertaker of their decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the authority;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 2; or
- (c) such longer period as may be agreed by the undertaker and the discharging authority in writing.

(3) In determining any application under this paragraph the discharging body may either grant or refuse consent, and where consent is refused the discharging authority must provide its reasons for the refusal with the notice of refusal.

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#### Commencement

Sch. 17 para. 1(1)-(3): September 24, 2014

#### Extent

Sch. 17 para. 1(1)-(3): England, Wales, Scotland

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✓ Law In Force

#### 2.— Further information regarding requirements

(1) In relation to any application further to a requirement, the discharging authority shall have the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) In the event that the discharging authority considers such further information to be necessary and the requirement does not specify that consultation with a statutory consultee is required, it shall, within 7 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) In the event that the requirement specifies that consultation with a requirement consultee is required, the discharging authority shall issue the consultation to the requirement consultee within 3 business days of receipt of the application, and shall notify the undertaker in writing specifying any further information requested by the requirement consultee within 1 business day of receipt of such a request and in any event within 15 business days of receipt of the application.

(4) In the event that the discharging authority does not give such notification within this 7 business day period as referred to in paragraph 2(2) it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the undertaker.

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#### Commencement

Sch. 17 para. 2(1)-(4): September 24, 2014

#### Extent

Sch. 17 para. 2(1)-(4): England, Wales, Scotland

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 Law In Force

### 3.— Fees further to requirements

(1) Where an application is made to the discharging authority for written consent, agreement or approval in respect of a requirement, a fee shall be paid to that authority as follows—

(a) fees shall be calculated in accordance with the following table—

<i>Category 1</i>	The erection of buildings— (i) where no floor space is to be created by the development, £170; (ii) where the area of gross floor space to be created by the development does not exceed 40 metres, £170; (iii) where the area of the gross floor space to be created by the development exceeds 40 square metres, but does not exceed 75 square metres, £335; (iv) where the area of the gross floor space to be created by the development exceeds 75 square metres, but does not exceed 3750 square metres, £335 for each 75 square metres of that area; (v) where the area of gross floor space to be created by the development exceeds 3750 square metres, £16,565; and an additional £100 for each 75 square metres
<i>Category 2</i>	The carrying out of any operations not coming within Category 1, £170 for each 0.1 hectare of the site area, subject to a maximum £1,690



(b) where an application is made for discharge of a requirement (“current application”) in respect of which an application has been made previously, the fee payable in respect of the current application shall be £335.

(2) For the purpose of the calculation of fees pursuant to sub-paragraph 3(1)(a)—


- (a) the area shall be taken as consisting of the area of land to which the application relates;
- (b) where the application relates to development within Category 1, the area of gross floor space created by the development shall be ascertained by external measurement of the floor space, whether or not it is bounded (wholly or partly) by external walls of a building;
- (c) where the application relates to development within Category 1 and the gross floor space to be created by the development exceeds 75 square metres and is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floorspace by the figure of 75 shall be treated as being 75 metres; and
- (d) where the application relates to development within Category 2 and the site area exceeds 0.1 hectares and is not an exact multiple of 0.1 hectares, the area remaining after division of the total number of hectares by the figure of 0.1 hectares shall be treated as being 0.1 hectares.

#### Commencement

Sch. 17 para. 3(1)-(2)(d): September 24, 2014

#### Extent

Sch. 17 para. 3(1)-(2)(d): England, Wales, Scotland

 Law In Force

## 4.— Appeals

(1) Save as otherwise provided in this Order, the undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required or permitted by—
  - (i) a requirement included in this Order; or
  - (ii) a document referred to in any requirement included in this Order (unless such consent, agreement or approval has to be obtained by virtue of any other legal requirement); or
  - (iii) any other provision of this Order;

or does not determine such an application within the time period set out;

or grants it subject to conditions;

- (b) the discharging authority issues a notice further to sections 60 and or 61 of the Control of Pollution Act 1974;
- (c) on receipt of a request for further information pursuant to paragraph 2 of this Schedule, the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process shall be as follows—

- (a) any appeal by the undertaker must be made within forty two days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the time period set out, giving rise to the appeal as referred to in paragraph (1);
- (b) the undertaker shall submit the appeal documentation to the Secretary of State and shall on the same day provide copies of the appeal documentation to the discharging authority and any requirement consultee and shall on the same date affix a notice to a conspicuous object or objects on or near the site of the works which are the subject of such appeal which shall give details of the decision of the discharging authority and of the application and notice that an appeal has been made together with the address within the locality where appeal documents may be inspected and details of the manner in which representations on the appeal may be made;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State shall appoint a person to consider the appeal (“the appointed person”) and shall notify the appeal parties of the identity of the appointed person and the address to which all correspondence for their attention should be sent;
- (d) the discharging authority and any requirement consultee (if applicable) shall submit their written representations together with any other representations received by them pursuant to the notice of application referred to in paragraph 1 (1) or the notice of appeal referred to in paragraph 1 (2) (b) of this Schedule to the appointed person in respect of the appeal within 10 business days of the start date and shall ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties shall make any counter-submissions to the appointed person within 10 business days of receipt of written representations pursuant to paragraph (d) above; and
- (f) the appointed person shall make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) The appointment of the person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal they shall as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required pursuant to sub-paragraph (4) shall be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. The appointed person shall notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal shall require submission of written representations to the appointed person within 10 business days of the agreed date but shall otherwise be in accordance with the process and time limits set out in sub-paragraph (2)(c)-(e).

(6) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in its sole discretion such written representations as have been sent out with the relevant time limits.

(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to him that there is sufficient material to enable a decision to be made on the merits of the case.

(9) The decision of the appointed person on an appeal shall be final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(10) If an approval is given by the appointed person pursuant to this Schedule, it shall be deemed to be an approval for the purpose of Schedule 3 (*requirements*) of this Order as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) shall not be taken to affect or invalidate the effect of the appointed person's determination.

(11) Save where a direction is given pursuant to sub-paragraph (12) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person shall be met by the undertaker.

(12) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it shall be made, the appointed person shall have regard to Communities and Local Government Circular 03/2009 or any circular or guidance which may from time to time replace it.

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**Commencement**

Sch. 17 para. 4(1)-(12): September 24, 2014

**Extent**

Sch. 17 para. 4(1)-(12): England, Wales, Scotland

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**SCHEDULE 18****REMOVAL OF CONSENT REQUIREMENTS****Article 55**

 Law In Force

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Consent pursuant to Ss. 109-110 Water Resources Act 1991, Land Drainage Act 1991, or associated byelaws made further to Schedule 25 of Water Resources Act 1991

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Consent under section 23 of the Land Drainage Act 1991

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**Commencement**


Sch. 18 para. 1: September 24, 2014

**Extent**

Sch. 18 para. 1: England, Wales, Scotland

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**SCHEDULE 19****MISCELLANEOUS CONTROLS****Articles 56 and 57****PART 1****PUBLIC GENERAL LEGISLATION**

 Law In Force

**1. Introduction**

This Part 1 of this Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

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**Commencement**

Sch. 19(1) para. 1: September 24, 2014

**Extent**

Sch. 19(1) para. 1: England, Wales, Scotland

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 Law In Force

**2.— Highways Act 1980**

(1) Section 141 of the Highways Act 1980 (restriction on planting trees etc. in or near carriageway) shall not apply to any tree or shrub planted in the course of the authorised project before completion of construction.

(2) Section 167 of that Act (powers relating to retaining walls near streets) shall not apply in relation to—

- (a) the erection of a wall in the course of the authorised project before completion of construction, or
- (b) a wall on land on which works are being carried out, or are to be carried out, in pursuance of the authorised project before completion of construction.

(3) Sections 169(1), 172 and 173 of that Act (control of scaffolding on highways, hoardings to be set up during building etc, and hoardings to be securely erected) shall not apply to anything done in the course of the authorised project before completion of construction.

---

**Commencement**

Sch. 19(1) para. 2(1)-(3): September 24, 2014

**Extent**

Sch. 19(1) para. 2(1)-(3): England, Wales, Scotland

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✓ Law In Force

**3. Building Act 1984**

Nothing in Part 1 of the Building Act 1984 with respect to building regulations, and nothing in any building regulations, shall apply in relation to a building used, or intended for use, by the undertaker for the purposes of the authorised project before completion of construction.

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**Commencement**

Sch. 19(1) para. 3: September 24, 2014

**Extent**

Sch. 19(1) para. 3: England, Wales, Scotland

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✓ Law In Force

**4.— New Roads and Street Works Act 1991**

(1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) shall not apply in relation to the authorised project.

(2) Section 56A of that Act (power to give directions as to placing of apparatus) shall not apply in relation to the placing of apparatus in the course of the authorised project.

(3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works in the twelve months following completion of substantial road works) shall have effect in relation to the authorised project.

(4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) shall not apply to the placing of apparatus in the course of the authorised project.

(5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) shall not apply in relation to apparatus placed in the course of the authorised project.

(6) Section 62(4) of that Act (power when designation as protected street commences or ceases to give directions with respect to works in progress) shall not apply in relation to the authorised project.

(7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) shall not apply in relation to the authorised project.

(8) The powers conferred by section 73A(1) and 78A(1) of that Act (requirements for undertaker to re-surface street) may not be exercised in relation to the authorised project.

(9) Sections 74 and 74A of that Act (charge for occupation of the highway and charge determined by reference to duration of works) shall not apply in relation to the authorised project.

(10) Schedule 3A to that Act (restriction on works following substantial street works) shall not apply where a notice under section 54 (advance notice of certain works) or 55 (notice of starting date of works) of that Act is in respect of the authorised project.

(11) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) shall have effect to require the notification of works proposed to be carried out in the course of the authorised project.

(12) No directions under paragraph 3 of that Schedule (*directions as to the date on which undertakers may begin to execute proposed works*) may be issued to the undertaker.

(13) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) shall not apply in relation to the execution of works in the course of the authorised project.

(14) paragraph 5(1) of that Schedule (*effect of direction under paragraph 4 restricting further works*) shall not apply in relation to the execution of works in the course of the authorised project.

---

#### Commencement

Sch. 19(1) para. 4(1)-(14): September 24, 2014

#### Extent

Sch. 19(1) para. 4(1)-(14): England, Wales, Scotland

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 Law In Force

### 5. Water Industry Act 1991

Section 106(8) of the Water Industry Act 1991 (which qualifies the general right to communicate with the public sewers of a sewerage undertaker) shall not apply in relation to the authorised project.

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**Commencement**

Sch. 19(1) para. 5: September 24, 2014

**Extent**

Sch. 19(1) para. 5: England, Wales, Scotland

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✔ Law In Force

**6.— Party Wall etc. Act 1996**

(1) No notice under section 1(2) or (5) of the Party Wall etc. Act 1996 (notice before building on line of junction with adjoining land) shall be required before the building of any wall in the course of the authorised project before completion of construction.

(2) Sections 1(6) and 2 of the Party Wall etc. Act 1996 (rights of adjoining owners) shall not have effect to confer rights in relation to—

- (a) anything used, or intended to be used, by the undertaker for the purposes of the authorised project before completion of construction, or
- (b) land on which there is any such thing.

(3) Section 6 of the Party Wall etc. Act 1996 (underpinning of adjoining buildings) shall not apply in relation to a proposal to excavate, or excavate for and erect anything, in the course of the authorised project before completion of construction.

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**Commencement**

Sch. 19(1) para. 6(1)-(3): September 24, 2014

**Extent**

Sch. 19(1) para. 6(1)-(3): England, Wales, Scotland

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✔ Law In Force

**7. Planning Act 2008 - Application of the 2010 Regulations (Community Infrastructure Levy)**

Notwithstanding the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010 any building comprised in the authorised development shall be deemed to be

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

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**Commencement**

Sch. 19(1) para. 7(a)-(b): September 24, 2014

**Extent**

Sch. 19(1) para. 7(a)-(b): England, Wales, Scotland

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✔ Law In Force

**8. Local Government (Miscellaneous Provisions) Act 1976**

Section 42 of The Local Government (Miscellaneous Provisions) Act 1976 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided) shall not apply to the extent that it would make provisions of this Order authorising the authorised project subject to other provisions.

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**Commencement**

Sch. 19(1) para. 8: September 24, 2014

**Extent**

Sch. 19(1) para. 8: England, Wales, Scotland

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✔ Law In Force

**9.— Town and Country Planning Act 1990**

(1) No order, notice or regulation under the Town and Country Planning Act 1990 in relation to the preservation of trees, shall have effect in relation to the authorised project.

- (2) Sections 238 and 239 of that Act (consecrated land and burial grounds) shall apply—
- (a) in relation to land, other than a right over land, acquired for the purposes of the authorised project (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and
  - (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 35 (*temporary use of land for carrying out the authorised project*) and 36 (*temporary use of land for maintaining authorised project*), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land.

(3) For the purposes only of Section 106 (1) of that Act the undertaker shall be deemed to be a person interested in the Order Land or any part of it and for the avoidance of doubt Section 106(3)(a) shall include any transferee under Article 9 of this Order.



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**Commencement**

Sch. 19(1) para. 9(1)-(3): September 24, 2014

**Extent**

Sch. 19(1) para. 9(1)-(3): England, Wales, Scotland

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✓ Law In Force

**10.— Coast Protection Act 1949**

(1) The following provisions of the Coast Protection Act 1949 shall not apply to the authorised project.

(2) Those provisions are—

(a) section 16(1) (consent of coast protection authority required for carrying out coast protection work), and

(b) section 18(1) (prohibition of excavation or removal of materials from seashore).

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**Commencement**

Sch. 19(1) para. 10(1)-(2)(b): September 24, 2014

**Extent**

Sch. 19(1) para. 10(1)-(2)(b): England, Wales, Scotland

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✓ Law In Force

**11. Flood and Water Management Act 2010**

Section 30 and Schedule 1 of the Flood and Water Management Act 2010 shall not apply in relation to the authorised project.

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**Commencement**

Sch. 19(1) para. 11: September 24, 2014

**Extent**

Sch. 19(1) para. 11: England, Wales, Scotland

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✓ Law In Force

**12. National Parks and Access to Countryside Act 1949**

Sections 51, 52 and 55 (general provisions as to long-distance routes, approval of proposals relating to long-distance routes, variation of approved proposals) of the National Parks and Access to Countryside Act 1949 shall not apply in relation to the authorised project.

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**Commencement**

Sch. 19(1) para. 12: September 24, 2014

**Extent**

Sch. 19(1) para. 12: England, Wales, Scotland

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 Law In Force

**13.— Control of Pollution Act 1974**

(1) Where a local authority is acting further to Section 60(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised project and works before completion of construction then that local authority shall also have regard to the noise levels referred to in the [ environmental statement ]<sup>1</sup> for each construction site and the principles of the Code of Construction Practice.

(2) Sections 60(7) and 61(7) of the Control of Pollution Act 1974 shall not apply in relation to the authorised project.

(3) Underground tunnelling works shall be regulated by Sections 60 and 61 of the Control of Pollution Act 1974.

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**Notes**

<sup>1</sup> Words substituted by Thames Water Utilities Limited (Thames Tideway Tunnel) (Correction) Order 2015/723 Sch.1 para.1 (March 17, 2015)

**Commencement**


Sch. 19(1) para. 13(1)-(3): September 24, 2014

**Extent**

Sch. 19(1) para. 13(1)-(3): England, Wales, Scotland

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**PART 2****LOCAL LEGISLATION**

 Law In Force

<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1803	cxxx	Deptford Creek Bridge Act 1803
1809	cxlii	Vauxhall Bridge Act 1809
1818	xxviii	Waterloo Bridge and Approaches and Surrey New Roads Act 1818

<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1820	xlix	Southwark Bridge Act 1820
1825	cxviii	South London Docks Act 1825
1827	xxx	London Bridge Act 1827
1828	cxvi	London Docks Act 1828
1836	cxxxiii	Hungerford Market Foot Bridge Act 1836
1848	clxiii	City of London Sewers Act 1848
1850	cxii	Westminster Bridge Act 1850
1853	cvi	London Docks Act 1853
1858	cxviii	Victoria Station and Pimlico Railway Act 1858
1859	lxxxix	Charing Cross Railway Act 1859
1860	cxlvii	Hungerford Market and Charing Cross Bridge Act 1860
1861	cxvii	Lambeth Bridge Act 1861
1863	lxii	Blackfriars Bridge Act 1863
1863	ccxi	Putney and Fulham Bridge Act 1863
1863	xlvi	Queens Road Battersea Extension Act 1863
1864	ccxxxv	Albert Bridge Act 1864
1864	ccxxxviii	Wandsworth Bridge Act 1864
1865	cxcii	Fulham Railway Act 1865
1865	ccclxv	Regents Canal (Limehouse Basin) Act 1865
1867	iii	Blackfriars and Southwark Bridges Act 1867
1867	cci	Wandsworth Bridge Act 1867
1867	ccii	Fulham Railway Act 1867
1868	cxxxv	Thames Embankment (Chelsea) Act 1868
1873	xcvii	Albert Bridge Act 1873
1873	c	Charing Cross and Victoria Embankment Approach Act 1873
1879	cxcviii	Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879
1881	cxcii	Metropolitan Bridges Act 1881
1882	lvi	Metropolis Board of Works (Various Powers) Act 1882
1885	cxcv	Corporation of London (Tower Bridge) Act 1885
1900	ccxix	Thames Tunnel ( Rotherhithe and Ratcliff) Act 1900
1907	clxxv	London County Council (General Powers) Act 1907

<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1911	lxxxiv	City of London (Various Powers) Act 1911
1911	cxx	Corporation of London (Bridges) Act 1911
1912	xlvii	Wandsworth Wimbledon and Epsom District Gas Act 1912
1920	clxxiii	Port of London (Consolidation) Act 1920
1924	lxvii	London County Council (Lambeth Bridge) Act 1924
1926	vii	City of London (Various Powers) Act 1926
1937	xlv	City of London (Various Powers) Act 1937
1954	xxvii	City of London (Various Powers) Act 1954
1957	xxxv	London County Council (General Powers) Act 1957
1961	xxviii	City of London (Various Powers) Act 1961
1961	xliii	London County Council (General Powers) Act 1961
1962	xlv	London County Council (General Powers) Act 1962
1963	xxxiv	City of London (Various Powers) Act 1963
1965	xxxix	City of London (Various Powers) Act 1965
1967	i	London Bridge Act 1967
1967	xlii	City of London (Various Powers) Act 1967
1968	xxxii	Port of London Act 1968 (sections 66 to 75 inclusive) (save for maintenance dredging)
1970	lxxvi	Greater London Council (General Powers) Act 1970
1972	xlv	Thames Barrier Flood Prevention Act 1972
1977	xv	City of London (Various Powers) Act 1977
1981		Thames Region Land Drainage bylaws 1981
1987	xv	City of London (Various Powers) Act 1987
2013	vii	City of London (Various Powers) Act 2013

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**Commencement**

Sch. 19(2) para. 1: September 24, 2014

**Extent**

Sch. 19(2) para. 1: England, Wales, Scotland

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order authorises Thames Water Utilities Limited (referred to in this Order as the undertaker) to construct and operate the Thames Tideway Tunnel and associated infrastructure in London.

The Order would permit the undertaker to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose. The Order also makes provision in connection with the maintenance of the project.

A copy of the Order plans and the book of reference mentioned in this Order and certified in accordance with article 61 of this Order (*certification of plans, etc.*) may be inspected free of charge during working hours at the offices of each relevant planning authority.

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SIZEWELL C PROJECT -  
RESPONSES TO EXAMINING AUTHORITY'S  
WRITTEN QUESTIONS ISSUED ON 21<sup>ST</sup> APRIL 2021

**NOT PROTECTIVELY MARKED**

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APPENDIX 26G THAMES TIDEWAY TUNNEL -  
LEGAL AGREEMENT WITH LONDON BOROUGH  
OF NEWHAM

**NOT PROTECTIVELY MARKED**

**Thames Tideway Tunnel**  
Thames Water Utilities Limited



# Application for Development Consent

Application Reference Number: WWO10001

## Section 106 Agreement

**London Borough of Newham**

Doc Ref: **APP119.11**

Folder **192**  
12 February 2014

**DCO-DT-APP-ZZ100-191100**

**Thames  
Tideway Tunnel**



Creating a cleaner, healthier River Thames

DATED 12 February 2014

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM**  
as the Council

**THAMES WATER UTILITIES LIMITED**  
as the Undertaker

**AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY  
PLANNING ACT 1990 AND SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972**

in relation to the development at Beckton Sewage Treatment Plant



**Berwin Leighton Paisner LLP**  
Adelaide House London Bridge London EC4R 9HA  
Tel: +44 (0)20 3400 1000 Fax: +44 (0)20 3400 1111

We hereby certify this to be  
a true copy of the original  
*Berwin Leighton Paisner LLP*  
Berwin Leighton Paisner LLP  
Adelaide House  
London Bridge  
London EC4R 9HA



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DATED 12 February 2014

## PARTIES

- (1) **THE MAYOR AND BURGESSES OF LONDON BOROUGH OF NEWHAM** of Newham Dockside, 1000 Dockside Road, London E16 2QU (the "**Council**")
- (2) **THAMES WATER UTILITIES LIMITED**, a company incorporated in England with registered number 02366661 whose registered office is at Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB (the "**Undertaker**")

## BACKGROUND

- (A) The Council is the relevant planning authority for the purposes of section 106 of the 1990 Act for the area within which the Land is situated.
- (B) The Undertaker is the owner of the freehold interest in the Existing TWUL Land registered with the Land Registry under titles 157756, EGL427919, EGL541115, and TGL345034 and the unregistered land as identified by a statutory declaration of Alan John Lenander dated 18 February 2011.
- (C) The Undertaker submitted the Application to the Secretary of State on 28 February 2013 and the Application was accepted by the Secretary of State on 27 March 2013.
- (D) The Council is satisfied that the obligations in this Agreement are compliant with Regulation 122 of the CL Regulations 2010 and that they meet the following tests:
  - (a) they are necessary to make the Development acceptable in planning terms; and
  - (b) they are directly related to the Development; and
  - (c) they are fairly and reasonably related in scale and kind to the Development.
- (E) The Undertaker has agreed that the Development shall be carried out only in accordance with the DCO and the rights and obligations set out in this Agreement.
- (F) This Agreement is intended to be enforceable by the Council and subject to Clause 2 (*Land Bound*), Clause 4 (*Conditionality*) and Clause 10 (*Release and Lapse*) to be binding on the Undertaker, and on the Land, and the Undertaker's Successors to that land.

## OPERATIVE PROVISIONS

### 1 STATUTORY POWERS

- 1.1 This Agreement entered into by deed contains planning obligations that are development consent obligations for the purposes of section 106 of the 1990 Act and is entered into pursuant also to section 111 of the Local Government Act 1972 and section 1 of the Localism Act 2011 and all other powers so enabling.

1.2 It is acknowledged by the parties that the obligations contained within this Agreement are enforceable by the Council as local planning authority against:

- (a) The Undertaker in respect of its Qualifying Interest in the Land as bound under Clause 2 (*Land Bound*) of this Agreement; and
- (b) The Undertaker's Successors to its Qualifying Interest in the Land as bound under Clause 2 (*Land Bound*) of this Agreement.

## 2 **LAND BOUND**

Subject to Clause 4 (*Conditionality*), Clause 10 (*Release and Lapse*) and Clause 7 (*Costs*) the planning obligations in this Agreement bind the Land set out in Schedule 3 (*Land*).

## 3 **INTERPRETATION**

3.1 In this Agreement unless the context otherwise requires the following terms (arranged in alphabetical order) shall have the following meanings:

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

"**2008 Act**" means the Planning Act 2008 (as amended);

"**Application**" means the application for development consent made pursuant to the 2008 Act submitted by Thames Water Utilities Limited to the Secretary of State (application reference number WW010001);

"**Borough**" means The London Borough of Newham;

"**Construction Phase**" means the period from Implementation of the Development at the Site until the Construction Phase Completion Date;

"**Construction Phase Completion Date**" means that date the 'completion of construction' (as defined in the DCO) occurs in relation to the Site;

"**Contractor**" means for the purposes of this Agreement the contractor appointed to carry out the works comprising the Development at the Development Site located at Beckton Sewage Treatment Works and at Abbey Mills Pumping Station;

"**Council**" means the party of the first part hereto which shall include its successors to its functions from time to time;

"**Council's Business Development Team**" means the employed team within the Council that exists to maximise economic benefit arising from major contracts and new developments in the Borough, and who work in close partnership with local businesses to support their development and alert them to the potential supply chain opportunities arising as a result of the regeneration of the Borough;

"**DCO**" means the order in the form as may ultimately be made by the Secretary of State if he is minded to issue development consent to the Application;

"**Development**" means the Thames Tideway Tunnel comprising the authorised development and associated development described in Part 1 of Schedule 1 of the DCO and any other development authorised by the DCO which is development within the meaning of Section 32 of the Planning Act 2008;



**"Development Boroughs"** means each of London Borough of Ealing, London Borough of Hammersmith and Fulham, London Borough of Wandsworth, London Borough of Lambeth, City of London Corporation, City of Westminster, Royal Borough of Kensington and Chelsea, London Borough of Newham, London Borough of Greenwich, London Borough of Lewisham, London Borough of Southwark, London Borough of Tower Hamlets, and London Borough of Richmond-upon-Thames;

**"Development Sites"** means each of the worksites at Acton Storm Tanks, Hammersmith Pumping Station, Barn Elms, Putney Embankment Foreshore, Dormay Street, King George's Park, Carnwath Road Riverside, Faiconbrook Pumping Station, Cremorne Wharf Depot, Chelsea Embankment Foreshore, Kirtling Street, Heathwall Pumping Station, Albert Embankment Foreshore, Victoria Embankment Foreshore, Blackfriars Bridge Foreshore, Shad Thames Pumping Station, Chambers Wharf, Earl Pumping Station, Deptford Church Street, Greenwich Pumping Station, King Edward Memorial Park Foreshore, Bekesbourne Street, Abbey Mills Pumping Station, and Beckton Sewage Treatment Works;

**"Implementation"** means commencement of development in relation to the Site pursuant to the DCO by the carrying out of a "material operation" (as defined in section 56(4) of the 1990 Act) save that for the purposes of this Agreement the term shall not include works of demolition, surveys, site clearance or works of archaeological or ground investigation (and in this Agreement **"Implement"** and **"Implemented"** shall be construed accordingly);

**"Land"** means the land described in Clause 2 (*Land Bound*) of this Agreement and detailed in Schedule 3 (*Land*);

**"Local Labour Report"** means a written monitoring report (based on averages over the 6 months preceding the date of the report) to include the following:

- (a) the percentage of those recruited, employed, engaged and/or hired under the Contractor's construction package and are working at a Main Tunnel Drive Site who are living within the Borough in which the Main Tunnel Drive Site is located;
- (b) the percentage of those recruited, employed, engaged and/or hired under the Contractor's construction package who are living within the Development Boroughs;
- (c) the number of apprentices (of minimum 6-month duration) employed as part of the Contractor's construction package (and a cumulative total of all apprentices who have been employed); and;
- (d) any associated information to inform the relative numbers and percentages being reported to demonstrate that the Contractor (and its sub-contractors) are complying with its obligations for local employment and skills as required by the Developer
- (e) rates of staff turnover and conversion rates of apprentices into ongoing employment by the Contractor;
- (f) monitoring information in relation to the Contractor's workforce (age/ethnicity/disabilities/previous employment/ residency (with the duration of residency requested being recorded as less than 6 months; 6 -12 months; 1 – 5 years; or 5 years+) save that employees would only be expected to provide such details on a voluntary basis;

- (g) information relating to the Contractor's anticipated future employee requirements; and
- (h) such information relating to the procurement of local goods and services as may be agreed in writing with the Developer to inform the Summary Local Labour and Services Report;

**"Main Tunnel"** means works nos. 1a to 1d at Schedule 1 to the DCO;

**"Main Tunnel Drive Sites"** means the worksites at Carnwath Road Riverside, Kirtling Street, Chambers Wharf and Greenwich Pumping Station;

**"Monitoring Fee"** means the sum of Ten Thousand pounds (£10,000) to be paid by the Undertaker to the Council towards the Council's administrative costs for monitoring compliance with the obligations under this Agreement;

**"Newham Workplace"** means the Council's partnership one-stop shop for jobs and enterprise, bringing together Jobcentre Plus (JCP), the Council and other key organisations to provide a comprehensive range of personalised, integrated services to both job seekers and employers;

**"Plans"** means the plans attached to this Agreement and comprising the Overview Site Plan (Parts 1 to 4) and the Ownership Plan;

**"Project Hub"** means an allocated space within the Main Drive Site at Greenwich Pumping Station provided for the Contractor which provides space for health and safety and basic skills classes and as a base for community liaison and outreach activities and for the SEM and SCEM;

**"Project Website"** means the website established and maintained by the Undertaker in relation to the Development;

**"Qualifying Interest"** means such interest in the land sufficient to meet the requirements of Section 106(1) of the 1990 Act which shall include the Developer's status as undertaker for the purposes of the DCO in accordance with the provisions of paragraph 10 (3) of Schedule 19 of the DCO whereby the undertaker is deemed to be a person interested in the DCO Land for the purposes of Section 106(1) of the 1990 Act;

**"SCEM"** means Supply Chain Engagement Manager as set out in more detail in paragraph 3(a)(vii) of paragraph 1 (*Local Labour*);

**"SEM"** means Skills and Employment Manager as set out in more detail in paragraph 3(a)(vi) of Schedule 1, Part 1 (*Employment and Skills*);

**"Skills Planning Group"** means the group to be commenced under paragraph 2(a)(i) of Schedule 1, Part 1 (*Employment and Skills*);

**"Site"** means the Development Site at Beckton Sewage treatment Plant and for the purposes of identification only shown edged dashed black on the Ownership Plan;

**"Successor"** means any person deriving title from the Undertaker in respect of its Qualifying Interest and for the purposes of Section 106(3)(b) of the 1990 Act shall include any person to whom powers are transferred further to Article 9 of the DCO.

**"Summary Local Labour and Services Report"** means a written monitoring report which:

- (a) summarises the contents of the Local Labour Reports produced over the preceding 6 (six) month period;
- (b) provides summary information regarding local employment figures in relation to the Development as a whole; and
- (c) provides such information on the procurement of local goods and services as may be agreed between the Undertaker and the Council;

**"Target Beneficiary Groups"** includes local residents, unemployed people, other disadvantaged groups including ex-offenders, and groups which are currently underrepresented in the workforce (for example in terms of age, ethnicity, gender and/or disability);

**"Training and Employment Skills Plan"** means a plan to be submitted to and approved by the Council in accordance with paragraph 3 (*Contractor obligations*) of Schedule 1, Part 1 (*Employment and Skills*);

**"Undertaker"** means Thames Water Utilities Limited and any Successors and statutory assignees;

**"Working Day(s)"** means a day other than a Saturday or Sunday or public holiday in England.

- 3.2 References in this Agreement to the "Undertaker" shall include its Successors and its respective successors in respect of its Qualifying Interest in the Land and its assigns.
- 3.3 References to "Work Nos" or to a "Work No" are references to the works forming part of the Development listed in Schedule 1 of the DCO;
- 3.4 References in this Agreement to the "Council" shall include any successor to its functions as local planning authority.
- 3.5 References in this Agreement to any statutes or statutory instruments include any statute or statutory instrument amending, consolidating or replacing them respectively from time to time in force and references to a statute include statutory instruments and regulations made pursuant to it.
- 3.6 The clause headings in this Agreement are for convenience only and do not form part of the Agreement.
- 3.7 References to clauses paragraphs schedules or recitals shall (unless the context otherwise requires) be references to clauses paragraphs and schedules or recitals in this Agreement.
- 3.8 References to the singular shall include the plural and vice versa.

#### 4 **CONDITIONALITY**

The obligations in this Agreement (save for the covenant in Clause 7 (*Costs*)) are unless otherwise specified conditional upon:

- 4.1 the grant of the DCO; and
- 4.2 Implementation of the DCO by the Undertaker or a person authorised by it.

## 5 **UNDERTAKER'S COVENANTS**

- 5.1 The Undertaker **COVENANTS** with the Council that it will observe and perform the covenants on its part contained in Schedule 1 (*Undertaker's Covenants*).
- 5.2 The Undertaker covenants with the Council to serve written notice to the Council:
- (a) of confirmation of the appointment of the Contractor within 10 Working days of the appointment having been made;
  - (b) at least 20 (twenty) Working Days in advance of the proposed date for Implementation at the Site;
  - (c) at least 20 (twenty) Working Days in advance of the Construction Phase Completion Date at the Site; and
  - (d) of confirmation of the Construction Phase Completion Date at the Site within 10 (ten) Working Days of its occurrence.
- 5.3 Where the proposed date of Implementation provided under Clause 5.2(b) does not take place, the Undertaker shall provide written notice to the Council of the revised date as soon as is reasonably practicable and in any event at least 10 Working Days in advance of the revised date.

## 6 **COUNCIL'S COVENANTS**

The Council **COVENANTS** with the Undertaker that it will observe and perform the covenants on its part contained in Schedule 2 (*Council's Covenants*).

## 7 **COSTS**

- 7.1 The Undertaker **COVENANTS** with the Council that:
- (a) it will no later than the date of this Agreement pay to the Council the Council's reasonable legal costs and, in addition, VAT thereon (except for VAT for which the Council is entitled to credit or repayment from HMRC) in connection with the preparation and completion of this Agreement; and
  - (b) it will on or prior to Implementation pay to the Council the Monitoring Fee.

## 8 **INTEREST ON LATE PAYMENTS**

Any payment due from the Undertaker under this Agreement which is not paid on the due date shall be payable with interest calculated at the rate of 4% above the base lending rate from time to time of Barclays Bank plc.

## 9 **VAT**

- 9.1 All consideration set out in this Agreement is exclusive of VAT.
- 9.2 If VAT is, or becomes, properly chargeable on any supply made pursuant to this Agreement, the recipient of that supply shall pay to the supplier an amount equal to such VAT in addition to the consideration for that supply, against receipt of a valid VAT invoice. The recipient of any such supply shall pay to the supplier an amount equal to any VAT which is chargeable in respect of the supply in question on the later of:

- (a) the day on which the consideration for the supply is paid or given; and
- (b) production of a proper VAT invoice.

9.3 Where a person (the "payer") has paid an amount to any other person (the "payee") on the basis that the payee was entitled to that amount under Clause 9.2 above, but the payee was not properly entitled to the whole or part of that amount under that Clause, then:

- (a) if the payee has not accounted for such amount (or such part thereof) to HMRC, the payee shall forthwith repay such amount (or such part thereof) to the payer and issue an appropriate credit note to the payer; or
- (b) if the payee has accounted for such amount (or such part thereof) to HMRC, the payee shall, if, when and to the extent that it receives repayment or credit for such amount from HMRC, repay such amount (or such part thereof) to the payer and issue an appropriate credit note to the payer.

## 10 RELEASE AND LAPSE

10.1 The parties agree that the Undertaker shall not be liable for a breach of any of its obligations under this Agreement or obligations relating to any part of the Land after it has parted with all of its interests in the Land or the part in respect of which the breach arises (as the case may be) save in either case for antecedent breaches.

10.2 It is further agreed that this Agreement shall lapse and be of no further effect if:

- (a) the DCO lapses without having been Implemented; or
- (b) the DCO is amended or repealed otherwise than with the consent of the Undertaker; or
- (c) the DCO is quashed following a successful legal challenge (in which case any money paid to the Council pursuant to an obligation in this Agreement shall be returned to the Undertaker).

10.3 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission or development consent (other than the DCO) granted (whether or not on appeal) after the date of this Agreement.

10.4 Any obligation under the terms of this Agreement which is expressed to be binding on a particular area of land shall be binding on the Undertaker's Successors but only insofar as they are Successors to that area of land or relevant part of it and on the basis that such Successors benefit from Clause 10.1 in (*mutatis mutandis*) the same way as the Undertaker.

10.5 No Successor to the Undertaker shall be liable for any breach of any obligation which occurs in relation to any area of the Land which that Successor does not own or control or which is carried out by any person other than that Successor (or anyone authorised by the Successor).

10.6 Upon the performance discharge or other fulfilment of the covenant obligations (or any of them) of the Undertaker, any Successor, or the Council under the terms of this Agreement such covenant obligation or obligations shall absolutely cease and determine save in respect of any antecedent breach.

10.7 The Council agrees that (subject to it first being paid a reasonable administration fee not exceeding £50) it will confirm in writing the extent of the obligations which the Undertaker has discharged at the date of the request as soon as is reasonably practicable after receipt of a written request from the Undertaker or a person on its behalf.

## 11 LOCAL LAND CHARGE

11.1 This Agreement is a local land charge and shall be registered as such by the Council.

11.2 Upon the satisfaction of the terms of this Agreement the Council shall at the request of the Undertaker procure that all entries in the register of local land charges relating to them shall be removed or marked as discharged as soon as is reasonably practicable.

## 12 NOTICES

12.1 Any notices required to be served by one party on another under this Agreement shall be served by first class prepaid recorded delivery post or by hand (providing proof of delivery is always obtained) in the following manner:

- (a) on the Council at the address shown above marked "For the attention of Section 106 Monitoring Officer"; and
- (b) on the Undertaker at the address shown at the head of this Agreement, or the registered office of any Successor, and any notice served on the Undertaker (or its successor) shall be marked for the attention of the Company Secretary;

save that any of the parties may by written notice notify the other parties of an alternative address and/or reference for the service of subsequent written notices in which case those details shall be substituted for the details in Clauses 12.1(a) to (b) above.

12.2 Any such notice shall be deemed to have been received as follows:

- (a) if delivered by hand, upon delivery on all relevant addresses;
- (b) if sent by first class post, on the second Working Day after the date of posting.

## 13 NO FETTER ON DISCRETION

Nothing in this Agreement shall be taken to be or shall operate so as to fetter or prejudice the statutory rights powers discretions and responsibilities of the Council or the Undertaker.

## 14 SEVERABILITY

It is agreed that if any part of this Agreement shall be declared unlawful or invalid by a Court of competent jurisdiction then (to the extent possible) the offending provisions will be severed from the Agreement and the remainder of this Agreement shall continue in full force and effect.

15 **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Agreement shall be enforceable by a third party who is not a party to the Agreement and for the avoidance of any doubt the terms of the Agreement may be varied by agreement between the parties without the consent of any third party being required.

16 **WAIVER**

No waiver (whether express or implied) by the Council of any breach or default by the Undertaker in performing or observing any of the terms and conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said terms and conditions or from acting upon any subsequent breach or default in respect thereto by the Undertaker.

17 **DISPUTE RESOLUTION**

17.1 In the event of any dispute or difference arising between the parties arising out of this Agreement such dispute or difference may be referred to an expert, being an independent and fit person holding professional qualifications appropriate in light of the subject matter of the dispute, to be appointed (in the absence of agreement) by the President (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications.

17.2 In the absence of agreement between the parties to the dispute or difference as to the professional qualifications of the expert to be appointed pursuant to Clause 17.1, or as to the appropriate professional body, within ten Working Days after any party has given to the other parties to the dispute or difference a written request to concur in the professional qualifications of the expert to be appointed pursuant to Clause 17.1 then the question of the appropriate qualifications or professional body shall be referred to a solicitor to be appointed by the President for the time being of the Law Society of England and Wales on the application of any party to the dispute or difference. Such solicitor shall act as an expert and his decision as to the professional qualifications of such person, or as to the appropriate professional body, shall be final and binding on the parties to the dispute or difference and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties to the dispute or difference in equal shares.

17.3 The expert shall act as an expert and not as an arbitrator.

17.4 The expert shall be appointed subject to an express requirement that he reaches his decision and communicates it to the parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than forty six Working Days from the date of his appointment to act.

17.5 The expert shall be required to give notice to each of the said parties inviting each of them to submit to him within ten Working Days of his appointment written submissions and supporting material and shall afford to each of the said parties an opportunity to make counter submissions within a further fifteen Working Days in respect of any such submission and material and the expert's decision shall be given in writing within twenty Working Days from receipt of any counter submissions or in the event that there are no counter submissions within twenty-one Working Days of receipt of the written submissions and supporting material with reasons and in the absence of manifest material error the expert's decision shall be final and binding on the said parties.

17.6 The expert may award the costs of the dispute resolution in such proportions as he see fit but in the absence of an express award to this effect the costs of the dispute resolution shall be borne by the parties to the dispute in equal shares.

18 **JURISDICTION**

This Agreement is governed by and interpreted in accordance with English law and the parties agree to submit to the exclusive jurisdiction of the English courts.

**This Agreement has been executed as a deed and delivered on the date stated at the beginning of this Agreement.**



**Schedule 1**  
**Undertaker's Covenants**

**Part 1**  
**Employment and Skills**

Unless the Council agrees otherwise in writing with the Undertaker and provided always that the Undertaker (and its agents employees contractors and sub-contractors) shall not be required to do or refrain from doing anything that would result in anti-competitive business practices or anything which is not in accordance with any law rule or regulation (whether domestic or otherwise) during the Construction Phase and for the purposes of the Development the Undertaker covenants with the Council:

**1 Local Labour**

- (a) That the Undertaker shall require its Contractors and their sub-contractors to use reasonable endeavours to:
- (i) achieve a cumulative target of 20% of employees working at the Site who are living within the Borough;
  - (ii) achieve a cumulative target of 25% of employees working at the Development Sites who are living within the Development Boroughs;
  - (iii) achieve a target of at least 30% of employees working in relation to river transport who are living within Greater London, Kent, or Essex (or any or all of those Counties); and
  - (iv) ensure the employment of at least one apprentice for every 50 employees across the duration of the construction contracts for the Development, with such arrangements being based on the following:
    - (A) apprenticeships to be based on a 6-month minimum period;
    - (B) the total number of apprenticeships to be calculated by the average number of employees estimated for each contract package multiplied by the estimated contract duration against 6-month or 12-month apprenticeship placements; and
    - (C) a minimum of one apprentice to be employed at any time during the period of the construction contract.
- (b) That the Undertaker shall provide the Council with a Summary Labour and Services Report every 6 (six) months or such longer time period as may be agreed in writing between the Undertaker and the Council;

**2 Skills Planning Group**

- (a) That the Undertaker will:
- (i) Prior to Implementation establish a Skills Planning Group which is to be maintained throughout the Construction Phase and whose purpose will be to identify future training requirements and potential employer interventions, and which is to comprise:

- (A) a chair who is a senior member of the Undertaker's project executive management team, representatives from the Council, and involve as needed at the Undertaker's discretion;
- (B) other representatives of the Undertaker;
- (C) representatives from the Undertaker's contractors;
- (D) representatives from Further Education (FE) colleges and
- (E) representatives from other training organisers (including but not limited to the Tunnelling and Underground Construction Academy (TUCA) and the National Construction College); and
- (F) other delivery and funding agencies such as Construction Skills-CITB and the Skills Funding Agency;

### 3 **Contractor obligations**

- (a) That the Undertaker shall require its Contractor to:
  - (i) participate in the Skills Planning Group;
  - (ii) within 3 months of being appointed by the Undertaker to submit and obtain approval by the Council (including working closely with the Council and/or its nominated agents/brokers Newham Workplace) of a Training and Employments Skills Plan which will:
    - (A) have regard to similar plans promoted by Construction Skills-CITB and/or National Skills Academy for Construction;
    - (B) will set out a schedule of a range of opportunities and activities over the Construction Phase including various new entrant opportunities which should include (but not be limited to) apprenticeships and traineeships; and
    - (C) provide information and a mechanism for reporting to the Council's Business Development Team through a Contractor's procurement tracker and provide an initial forecast of employee requirements in relation to its contract package;
  - (iii) provide the Council with the Labour Return Report in relation to its contract package every 3 (three) months (or at such other intervals as may be agreed between the contractor and Council), and provide a copy to the Undertaker;
  - (iv) provide details to Newham Workplace of all job vacancies in relation to their proposed work on the Development and further provide details on a monthly basis of ongoing or new job vacancies throughout the course of their contract with the Undertaker;
  - (v) provide details supply-chain opportunities within the Development as soon as reasonably practicable and in any event with a minimum of 1 weeks' prior notice;
  - (vi) to employ a Skills and Employment Manager ("**SEM**") to be based at the Project Hub who will:

- (A) have responsibility for job brokerage and outreach and will work to maximise the number of contractor employees drawn from the Target Beneficiary Groups; and
  - (B) liaise with Newham Workplace, including arranging for attendance at site meetings and allowing officers access to the Site on request (and subject to reasonable notice and compliance with any health and safety requirements) to allow Newham Workplace to communicate and promote its services to the Contractor and its sub-contractors;
- (vii) to employ a Supply Chain Engagement Manager ("**SCEM**") to be based at the Project Hub who will:
- (A) have responsibility to engage with local businesses to maximise opportunities arising from the Development;
  - (B) develop a Local Procurement Plan (including working closely with the Council's Business Development Team) that sets out the relevant works packages and procurement methods, and an associated Procurement Method Statement setting out how local businesses will be engaged in the context of similar activities being undertaken by the Council, and to include details of supplier and/or subcontract engagement activities (such as events for meeting the Contractor, procurement workshops or specific engagement with local business enterprises or trade associations); and
  - (C) carry out one supplier and/or subcontract engagement activity (as identified in the Local Procurement Plan) in partnership with the Council's Business Development Team for every 50 procurement packages under its contract with the Undertaker;

4 **Contract procurement**

- (a) That the Undertaker shall use and shall require the Contractor to use the online procurement portal *Competefor* to advertise contracts for the Development.

**Schedule 2  
Council's Covenants**

The Council covenants with the Undertaker as follows:

**1 Acting Reasonably**

It will at all times act reasonably and in particular (without prejudice to generality) where any approval or expression of satisfaction is required by this Agreement it will not be unreasonably withheld or delayed.

**Schedule 3**  
**Land**

The land hatched and edged in red on the Ownership Plan and comprising the land for which the Undertaker has a freehold interest registered with the Land Registry under titles 157756, EGL427919, EGL541115, and TGL345034 and the unregistered land as identified by a statutory declaration of Alan John Lenander dated 18 February 2011



EXECUTION PAGE

Executed as a deed by **THE MAYOR AND  
THE BURGESSES OF THE LONDON  
BOROUGH OF NEWHAM** by affixing its  
Common Seal in the presence

\_\_\_\_\_ :



\_\_\_\_\_  
d Signatory

Executed as a deed by **THAMES WATER  
UTILITIES LIMITED** by the affixing of its  
Common Seal in the presence of:



247328

\_\_\_\_\_  
Authorised Signatory





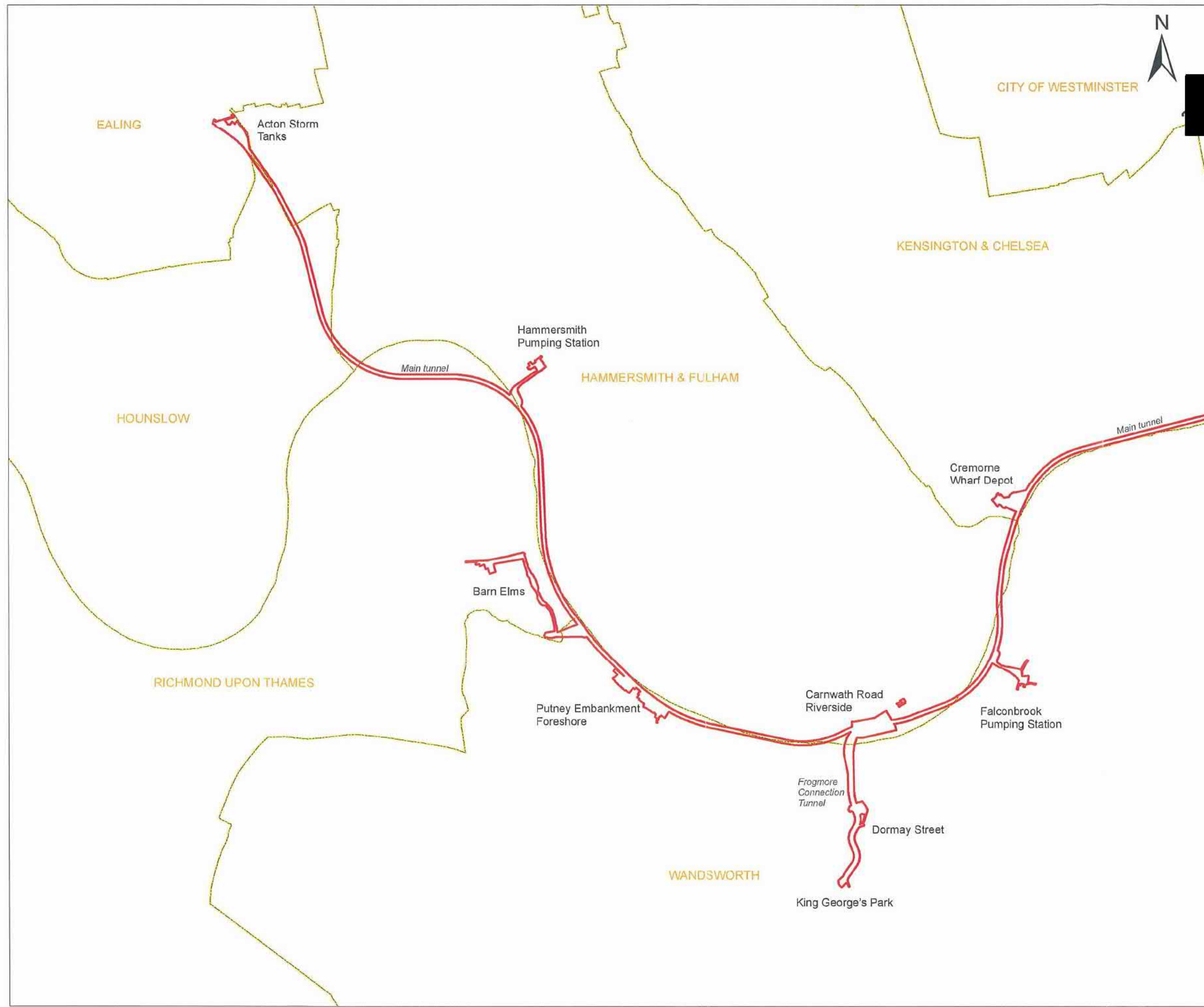
**Appendix  
Plans**

**Overall Site Plan (Parts 1 to 4) - Plans showing Main Tunnel and sites for information purposes only**

**Ownership Plan – plan showing extent of Development Site at Beckton Sewage Treatment Works and the Existing TWUL Land**

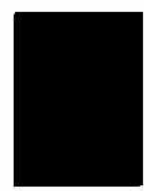


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- Key**
- Order Units
  - Local Authority Boundary

THE CORPORATION OF THE BOROUGH OF NORTHAMPTON was hereunto affixed in the presence of



Authorised Signatory

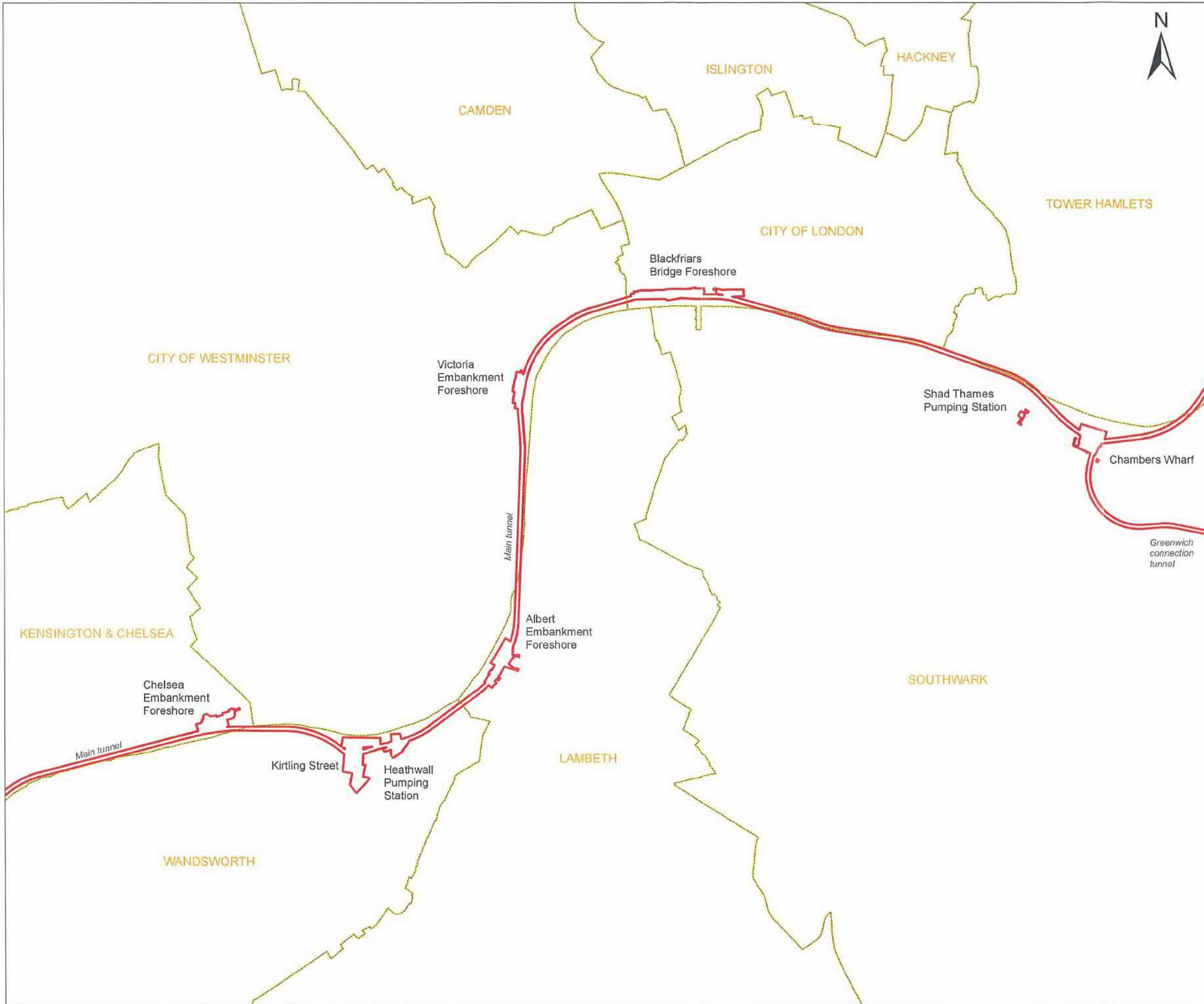


**Location**  
Project wide

**Document Information**  
**Section 106 Agreement**  
Overview Site Plan  
Part 1 of 4

1PL04-PN-00176  
December 2013





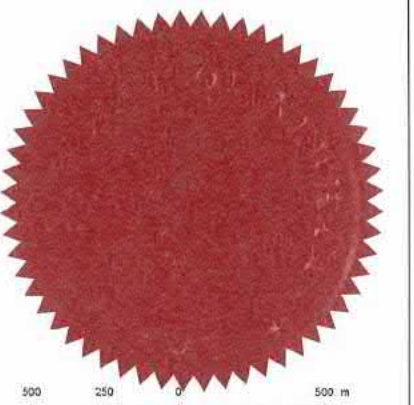
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- Key**
- Order Limits
  - Local Authority Boundary

THE BOROUGH OF NEWHAM  
 LONDON BOROUGH OF NEWHAM  
 was hereunto affixed in  
 the presence of

Authorized Signatory

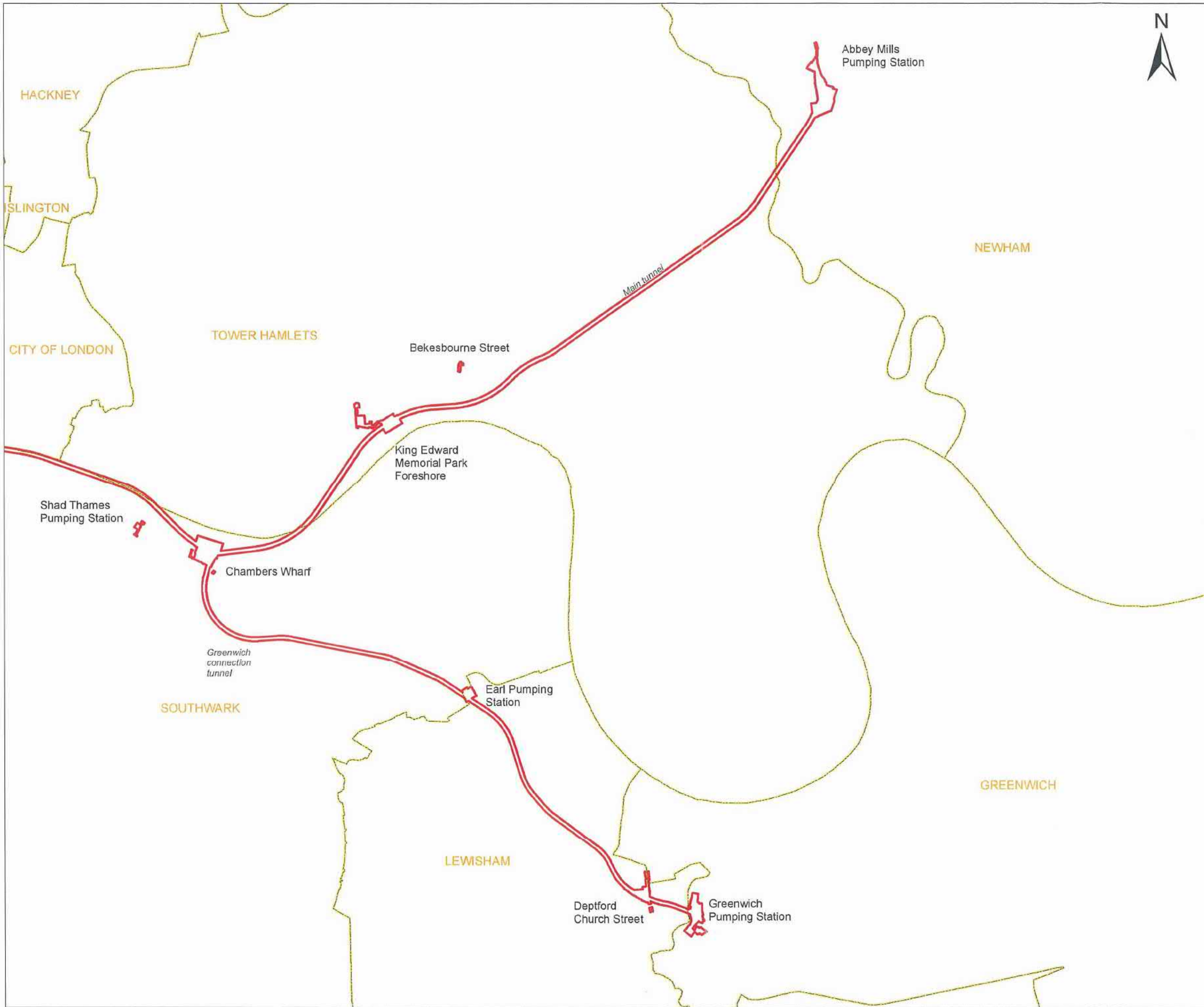


**Location**  
 Project wide

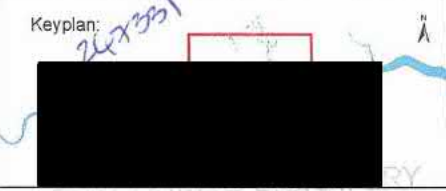
**Document Information**  
 Section 106 Agreement  
 Overview Site Plan  
 Part 2 of 4

1PL04-PN-00177  
 December 2013





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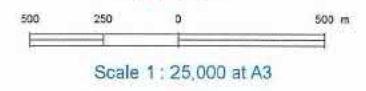


- Key**
- Order Limits
  - Local Authority Boundary

THE COMMON SEAL OF THE MAYOR AND COUNCIL OF THE LONDON BOROUGH OF NEWHAM was hereunto affixed in the presence of



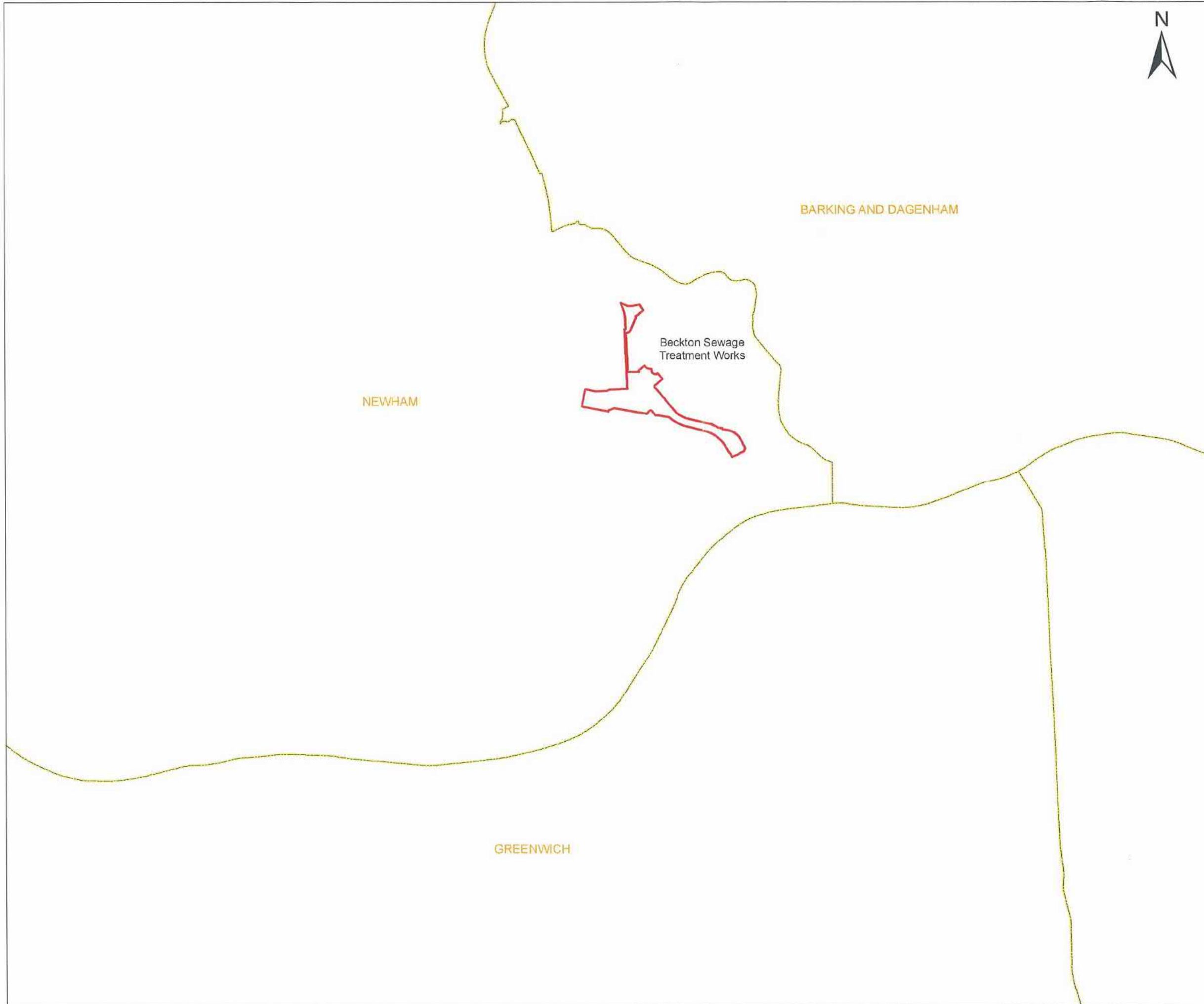
Authorized Signatory



**Location**  
Project wide

**Document Information**  
Section 106 Agreement  
Overview Site Plan  
Part 3 of 4

1PL04-PN-00178  
December 2013



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Keyplan: *267332*

Key  
 Order Limits  
 Local Authority Boundary

IN WITNESS WHEREOF I, the Mayor of the London Borough of Newham, have hereunto affixed in the presence of

Authorised Signatory

Scale 1 : 25,000 at A3

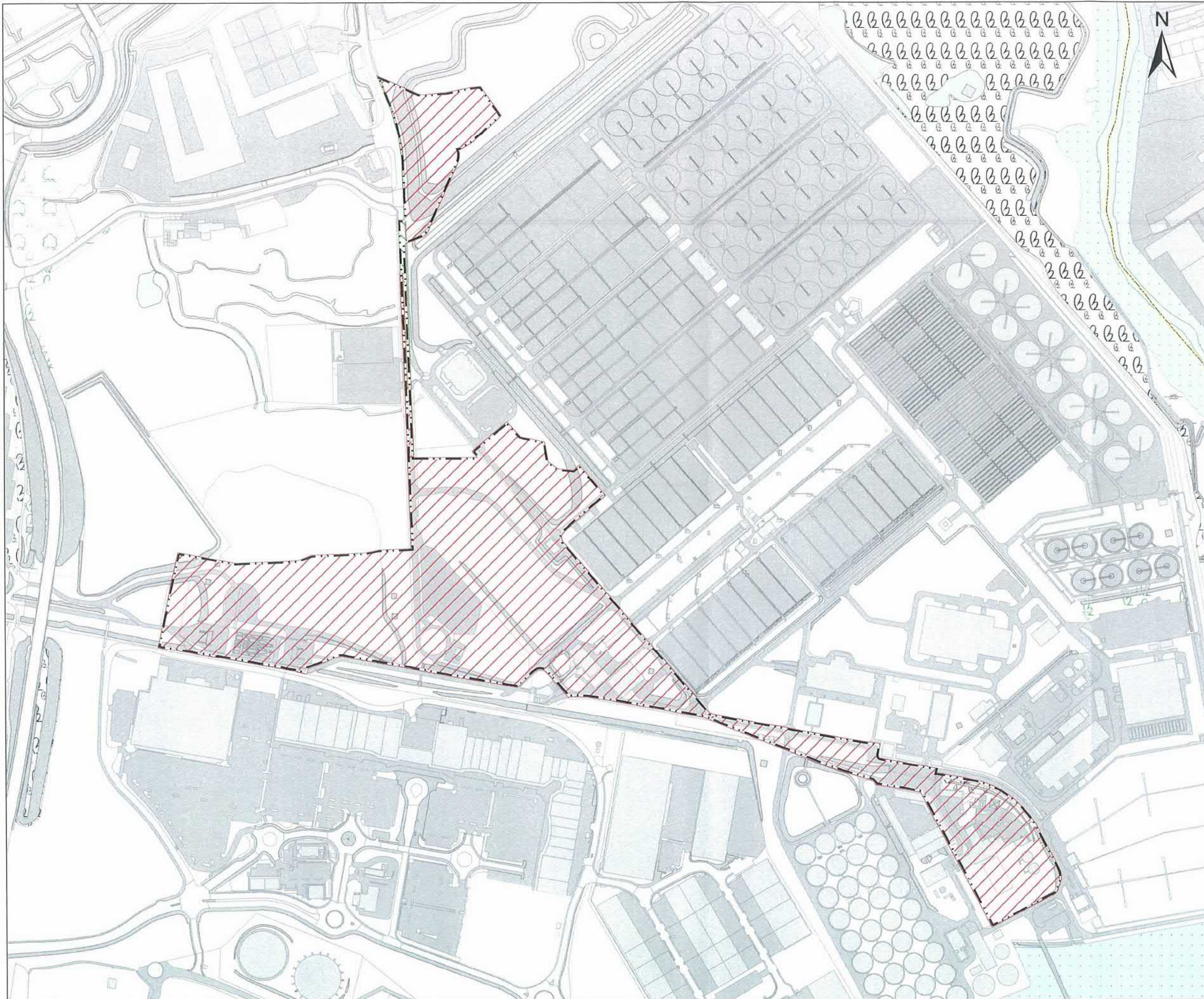


Location  
**Project wide**

Document Information  
**Section 106 Agreement**  
 Overview Site Plan  
 Part 4 of 4

1PL04-PN-00179  
 December 2013





Thames Tideway Tunnel  
 Creating a cleaner, healthier River Thames



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Keyplan:

267533

-  Local Authority Boundary
-  Limits of Land to be Acquired or Used
-  TWUL Owned Land
-  Land Not Owned by TWUL

Local Authority Boundary

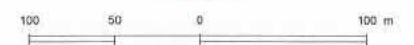
Limits of Land to be Acquired or Used

TWUL Owned Land

Land Not Owned by TWUL

THE CORPUS OF THE  
 OF NEWHAM  
 OF NEWHAM  
 OF NEWHAM

Authorised Signatory



Scale 1 : 4,500 at A3

**Location**  
 Beckton Sewage Treatment Works  
 London Borough of Newham

**Document Information**  
 Section 106 Agreement  
 Ownership Plan

1PL04-PN-00227  
 December 2013



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