

SILVERTOWN TUNNEL

3.1 Draft Development Consent Order

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APFP Regulation 5(2)(b)

Revision 2

Planning Act 2008

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

December 2016

Silvertown Tunnel

Draft Development Consent Order

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Draft Development Consent Order 3.1

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
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Draft Development Consent Order

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201[] No.

INFRASTRUCTURE PLANNING

Silvertown Tunnel Order 201[]

Made - - - - - ***

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An application has been made to the Secretary of State, under section 37 of the Planning Act 2008(a) ("the 2008 Act") in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b) for an Order granting development consent.

The application was examined by a Panel of three members ("the Panel") pursuant to Chapter 3 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(a).

(a) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20).

(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522 and S.I. 2013/755.

The Panel, having examined the application with the documents that accompanied the application, and the representations made and not withdrawn, has, in accordance with section 83(1) of the 2008 Act, made a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

[In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied, having considered the report and recommendation of the Panel, that the parcels of open space comprised within the Order land, when burdened with a new right created under this Order, will be no less advantageous than they were before the making of this Order to the following persons: (a) the persons in whom it is vested; (b) other persons, if any, entitled to rights of common or other rights; and (c) the public.]

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120, 122, 123 and 149A of the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Silvertown Tunnel Order 201[] and comes into force on [] 201[].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961**(b)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(c)**;

“the 1980 Act” means the Highways Act 1980**(d)**;

-
- (a) S.I. 2010/103, amended by S.I. 2012/635.
- (b) 1961 c.33. 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 1980 Act which are not relevant to this Order.
- (c) 1965 c.56. 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 sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Section 11(1) 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.
- (d) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), (3) and (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 by, and section 1(3) was amended by, section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(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 1992 (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

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(a);

“the 1984 Act” means the Road Traffic Regulation Act 1984(b);

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“the 1999 Act” means the Greater London Authority Act 1999(e);

“the 2004 Act” means the Traffic Management Act 2004(f);

“the 2008 Act” means the Planning Act 2008(g);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“the authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order;

“authorised person” means—

- (a) a person acting in the course of that person’s duties who—
 - (i) is an employee, agent, contractor or sub-contractor of TfL; or
 - (ii) is authorised by TfL to exercise one or more of its functions under this Order; or
- (b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire Services Act 2004 or person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, acting in the execution of that person’s duties within the tunnels;

“the Blackwall Tunnel” means the existing road tunnel under the River Thames between Blackwall and the Greenwich Peninsula and forming part of the A102 road, which is a GLA road, as shown by solid green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel approaches” means the northern and southern approaches to the Blackwall Tunnel, the linear extent of which is shown by dashed green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel area” means the extent of the public highway comprised in and along the Blackwall Tunnel and the Blackwall Tunnel approaches;

“the book of reference” means the document of that description set out in Schedule 14 certified by the Secretary of State as the book of reference for the purposes of this Order;

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

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); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). 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 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.

- (a) 1981 c.66. 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 Schedule 8 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 amendments to the 1981 Act which are not relevant to this Order.
- (b) 1984 c.27.
- (c) 1990 c.8. Section 206(1) was amended by section 192(8) to, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 c.29 (date in force to be appointed see section 241(3), (4)(a),(c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- (d) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 79(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
- (e) 1999 c.29.
- (f) 2004 c.18.
- (g) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20).

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

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

“the charging policy” means the document described as the charging policies and procedures set out in Schedule 14 certified by the Secretary of State as the charging policies and procedures for the purposes of this Order, or any revision of that document approved by the Mayor of London under article 52 (the charging policy);

“the classification of roads (classification) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the classification of roads (classification) plans for the purposes of this Order;

“the classification of roads (designation) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the classification of roads (designation) plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“construct” includes execution, placing, altering, replacing, relaying and removal and “construction” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act^(a);

“dangerous goods” means a substance or article of which the international carriage by road is prohibited, or authorised on certain conditions, by Annex A of the European Agreement Concerning the International Carriage of Dangerous Goods by Road as from time to time amended;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“the engineering section drawings and plans” means the documents of that description set out in Schedule 14 certified by the Secretary of State as the engineering section drawings and plans for the purposes of this Order;

“the environmental statement” means the documents of that description set out in Schedule 14 certified by the Secretary of State as the environmental statement for the purposes of this Order;

“flood risk activity” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010^(b);

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the GLA” means the Greater London Authority;

“GLA Road” has the same meaning as in the 1980 Act;

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

“Highways England” means Highways England Company Limited (Company No. 9346363);

“the land plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the land plans for the purposes of this Order;

(a) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c.38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).

(b) S.I. 2010/675 (as amended).

“the limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation);

“maintain” and any of its derivatives include inspect, repair, adjust, alter, remove or reconstruct and any derivative of “maintain” is to be construed accordingly;

“Mayoral development corporation” means a corporation established under section 198 of the Localism Act 2011(a);

“the monitoring strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the monitoring strategy for the purposes of this Order and which in particular contains commitments in respect of—

- (a) traffic monitoring;
- (b) air quality monitoring;
- (c) noise monitoring; and
- (d) socio-economic monitoring;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads and a vehicle (including a horse box) designed or adapted to be towed by a motor vehicle;

“the Order land” means the land shown coloured pink and the land shown coloured blue on the land plans and described in the book of reference;

“the Order limits” means the Order limits shown on the works plans;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(b) (interpretation);

“the PLA” means the Port of London Authority;

“the relevant planning authority” means the local planning authority for the land in question, being the Council of the Royal Borough of Greenwich or the Council of the London Borough of Newham, as the case may be, or any successor to either of those councils as planning authority;

“the rights of way and access plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the river area” means so much of the bed, waters, foreshore, banks and walls of the river Thames in the London Borough of Newham as is comprised in the land numbered 04-034, 04-035, 05-001, 05-002, 05-004, 05-006 and 06-001 in the book of reference and shown on the land plans and which is located within the limits of deviation of Work No. 20 as shown on the works plans;

“the Silvertown Tunnel” means the twin bore road tunnel to be constructed as Work No. 1, and as shown by solid blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel approaches” means the northern and southern approaches to the Silvertown Tunnel, the linear extent of which is shown by dashed blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel area” means the extent of the public highway to be comprised in and along the Silvertown Tunnel and the Silvertown Tunnel approaches;

“the special category land plan” means the plan of that description set out in Schedule 14 certified by the Secretary of State as the special category land plan for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“STIG” means the Silvertown Tunnel Implementation Group, the consultative body established by article 65;

(a) 2011 c.20.
(b) 1981 c.67.

“street” means a street within the meaning of section 48 of the 1991 Act (streets, street works and undertakers), 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;

“TfL” means Transport for London, the body corporate established under section 154 of the 1999 Act, of Windsor House, 42 Victoria Street, London, SW1H 0TL;

“traffic authority” has the same meaning as in section 121A of the 1984 Act;

“the traffic impacts mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the traffic impacts mitigation strategy for the purposes of this Order and which sets out the process for mitigating any significant adverse localised traffic or traffic-related impacts attributable to the operation of the authorised development, should these be identified during the monitoring activities secured by the monitoring strategy;

“the traffic regulation measures (speed limits and restricted roads) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the traffic regulation measures (speed limits and restricted roads) plans for the purposes of this Order;

“the traffic regulation measures (clearways and prohibitions) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the traffic regulation measures (clearways and prohibitions) plans for the purposes of this Order;

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

“the tunnels areas” means the Blackwall Tunnel area and the Silvertown Tunnel area;

“the tunnels” means the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels location and operational boundaries plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the tunnels location and operational boundaries plans for the purposes of this Order;

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

“the works plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to TfL include any wholly-owned subsidiary (as defined in section 1159 of the Companies Act 2006) of TfL.

(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 airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the enjoyment of interests or rights and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(4) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(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 are to 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 Schedule 1 (authorised development).

PART 2

WORKS PROVISIONS

Principal powers

Disapplication of legislation, etc.

3.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879**(a)**;
- (b) Metropolitan Board of Works (Various Powers) Act 1882**(b)**;
- (c) London County Council (General Powers) Act 1907**(c)**;
- (d) Port of London (Consolidation) Act 1920**(d)**;
- (e) London Overground Wires &c. Act 1933**(e)**;
- (f) London County Council (General Powers) Act 1957**(f)**;
- (g) London County Council (General Powers) Act 1961**(g)**;
- (h) London County Council (General Powers) Act 1962**(h)**;
- (i) sections 66 to 75 of the Port of London Act 1968**(i)**;
- (j) Greater London Council (General Powers) Act 1970**(j)**;
- (k) Thames Barrier and Flood Prevention Act 1972**(k)**;
- (l) Thames Water Authority Land Drainage Byelaws 1981**(l)**;
- (m) Greater London Council (General Powers) Act 1986**(m)**;
- (n) section 24 (restrictions on abstraction) of the Water Resources Act 1991**(n)**;
- (o) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991; and
- (p) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010**(o)** in respect of a flood risk activity only.

(2) Despite the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010**(p)** any building comprised in the authorised development is 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.

(a) 1879 c.cxcvii.
(b) 1882 c.lvi.
(c) 1907 c.clxxv.
(d) 1920 c.clxxiii.
(e) 1933 c.xliv.
(f) 1957 c.xxxv.
(g) 1961 c.xliii.
(h) 1962 c.xlv.
(i) 1968 c.xxxii.
(j) 1970 c.lxxvi.
(k) 1972 c.xl.
(l) 1981.
(m) 1986 c.iv.
(n) 1991 c.57.
(o) S.I. 2010/675 (as amended).
(p) S.I. 2010/948.

Development consent granted by the Order

4.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), TfL is granted development consent for the authorised development.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Limits of deviation

5.—(1) In constructing or maintaining the authorised development, TfL may deviate—

- (a) laterally from the lines, situations or positioning of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) vertically from the levels shown on the engineering section drawings and plans—
 - (i) to any extent upwards not exceeding 0.5 metres except in relation to the parts of the authorised development referred to in column (1) of the table below, where the extent of permitted deviation for each such part is set out in column (2) of that table; and
 - (ii) to any extent downwards as may be found to be necessary or convenient.

<i>(1)</i> <i>Part of authorised development</i>	<i>(2)</i> <i>Upwards vertical deviation limit</i>
Work Nos. 1(a), 1(b), 1(c) and 1(e)	<p>(1) Where any part of the authorised development referred to in column (1) is located below the bed of the river Thames, to any extent not exceeding 1.5 metres provided that the deviation would not result in the level of the bed within the navigable channel of the river Thames being above 5.80 metres below chart datum.</p> <p>(2) Where any part of the authorised development referred to in column (1) is located elsewhere, to any extent not exceeding 3 metres.</p>

(2) Without limitation on the scope of paragraph (1), in constructing or maintaining the authorised development TfL may within the limits mentioned in paragraph (1)—

- (a) deviate from the points of commencement and termination of those parts of the authorised development shown on the works plans; and
- (b) deviate from the design of any tunnel or tunnel structure and vary the number of tunnel cross-passages shown on the engineering section drawings and plans.

Streets

Street works

6.—(1) TfL may, for the purposes of the authorised development enter on so much of any street and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;

- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

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

(3) TfL must not carry out works to any street under paragraph (1) for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent.

Application of the 1991 Act

7.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts) of the 1980 Act or section 184 (vehicle crossings) of that Act.

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major highway works by virtue of paragraph (1), to be construed as references to TfL.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order—

- section 56 (directions as to timing);
- section 56A (power to give directions as to placing of apparatus);
- section 58 (restrictions following substantial road works);
- section 58A (restriction on works following substantial street works);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing etc. of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by TfL under the powers conferred by article 10 (temporary stopping up and restriction of use of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act^(a) referred to in paragraph (4) are—

- section 54^(b) (advance notice of certain works), subject to paragraph (6);
- section 55^(c) (notice of starting date of works), subject to paragraph (6);

(a) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).

(b) As also amended by section 49(1) of the Traffic Management Act 2004.

(c) As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004.

section 57(a) (notice of emergency works);
section 59(b) (general duty of street authority to co-ordinate works);
section 60 (general duty of undertakers to co-operate);
section 68 (facilities to be afforded to street authority);
section 69 (works likely to affect other apparatus in the street);
section 75 (inspection fees);
section 76 (liability for cost of temporary traffic regulation); and
section 77 (liability for cost of use of alternative route),

and all such other provisions as apply for the purposes of the provisions mentioned above.

(6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(7) Nothing in article 8 (construction and maintenance of new, altered or diverted streets)—

- (a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and TfL is not by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to street works as respects which the provisions of Part 3 of the 1991 Act apply.

Construction and maintenance of new, altered or diverted streets

8.—(1) Any street (other than a GLA Road) constructed under this Order must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed in writing with the street authority, must be maintained by and at the expense of TfL for a period of 12 months from its completion and thereafter by the street authority.

(2) Where a street (other than a GLA Road) is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and, unless otherwise agreed in writing with the street authority, that part of the street must be maintained by and at the expense of TfL for a period of 12 months from its completion and thereafter by the street authority.

(3) Where land not previously part of the public highway comes to form part of the public highway by virtue of the construction, diversion or alteration of a street under this Order, unless otherwise agreed with the street authority the land is deemed to have been dedicated as public highway on the expiry of a period of 12 months from completion of the street that has been constructed, altered or diverted.

(4) In any action against TfL in respect of loss or damage resulting from any failure by TfL to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that TfL 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 must 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;

(a) As also amended by section 52(3) of the Traffic Management Act 2004.

(b) As amended by section 42 of the Traffic Management Act 2004.

- (d) whether TfL 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 TfL 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 TfL 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 TfL 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) The date of completion of any works referred to in paragraphs (1) and (2) is to be agreed between TfL and the street authority, acting reasonably.

Permanent stopping up of streets and private means of access

9.—(1) Subject to the provisions of this article, TfL may, in connection with the carrying out of the authorised development, stop up each of the streets and private means of access specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 3 (permanent stopping up of highways and private means of access) to the extent specified and described in column (3) of those Parts of that Schedule.

(2) No street or private means of access specified in columns (1) and (2) of Parts 1 and 3 of Schedule 3 (being a street to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by TfL, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in columns (1) and (2) of Parts 2 and 4 of Schedule 3 (being a street or private access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all of the land which abuts on either side of the street or private means of access to be stopped up.

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

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

(5) Prior to the whole or part stopping up of each of the public rights of way identified in columns 1 to 3 of Parts 1 and 2 of Schedule 3 and shown on the rights of way and access plans TfL must erect a site notice at each end of the rights of way to be extinguished no less than 28 days prior to the extinguishment of that right of way.

(6) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and

- (b) TfL may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by TfL.

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

(8) This article is subject to article 32 (apparatus and rights of statutory undertakers in stopped up streets).

Temporary stopping up and restriction of use of streets

10.—(1) TfL may, during and for the purposes of carrying out the authorised development, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), TfL may use any street temporarily stopped up under the powers conferred by this article and lying within the Order limits as a temporary working site.

(3) TfL must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(4) TfL must not temporarily stop up, alter or divert any street for which it is not the street authority without the consent of the street authority, which may attach reasonable conditions to any consent.

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

Access to works

11. TfL may, for the purposes of the authorised development and with the consent of the street authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as TfL reasonably requires for the purposes of the authorised development.

Agreements with street authorities

12.—(1) A street authority and TfL may enter into agreements with respect to—

- (a) the construction of any new street including any structure carrying the street, whether or not over or under any part of the authorised development;
- (b) the strengthening or improvement of any street under the powers conferred by this Order;
- (c) the maintenance of any street or of the structure of any bridge or tunnel carrying a street over or under the authorised development;
- (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order;
- (e) the execution in the street of any of the authorised development; or
- (f) any such works as the parties may agree.

(2) Such an agreement may, without limitation on the scope of paragraph (1)—

- (a) provide for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between TfL and the street 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; and
- (d) contain such terms as to payment and otherwise as the parties consider appropriate.

Use of private roads for construction

13.—(1) TfL may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised development.

(2) TfL must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

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

Supplemental powers

Discharge of water

14.—(1) Subject to paragraphs (3) and (4), TfL may use any watercourse, public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development 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 TfL under paragraph (1) is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991 (right to communicate with public sewers) **(a)**.

(3) TfL must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs, whose consent may be given subject to such terms and conditions as that person may reasonably impose.

(4) TfL must 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
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) TfL must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(6) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010**(b)**.

(7) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to the GLA, the Homes and Communities Agency, the Environment Agency, an internal drainage board, a joint planning board, a local authority, a sewerage undertaker, a Mayoral development corporation or an urban development corporation; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991**(a)**, have the same meaning as in that Act.

(a) 1991 c.56.
(b) S.I. 2010/675.

Protective works to buildings

15.—(1) Subject to the following provisions of this article, TfL may at its own expense and from time to time carry out such protective works to any building lying within the Order limits as TfL considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or
- (b) after the completion of that part of the authorised development in the vicinity of the 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 development is first opened for use.

(3) Subject to paragraph (5), for the purpose of determining how the functions under this article are to be exercised TfL may enter and survey—

- (a) any building falling within paragraph (1) and any land within its curtilage; and
- (b) where necessary or expedient, land which is adjacent to the building falling within paragraph (1) but outside its curtilage (whether or not such adjacent land is inside or outside the Order limits),

and place on, leave on and remove from the land monitoring apparatus.

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

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

and in either case TfL may take exclusive possession of the building and land if this is reasonably required for the purpose of carrying out the protective works.

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to a building;
- (b) a right under paragraph (3) to enter a building (and land within its curtilage) or land;
- (c) a right under paragraph (4)(a) to enter and take possession of a building (and land within its curtilage); or
- (d) a right under paragraph (4)(b) to enter and take possession of land,

TfL must, 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) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (5)(c) or (5)(d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question of whether 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 67 (arbitration).

(7) TfL must 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) protective works are carried out under this article to a building; and

(a) 1991 c.57.

- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for 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 development,

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

(9) Without affecting article 37 (no double recovery), nothing in this article relieves TfL from any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance).

(10) Any compensation payable under paragraph (7) or (8) is to 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—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development;
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development; and
- (c) any works the purpose of which is to secure the safe operation of the authorised development or to prevent or minimise the risk of such operation being disrupted.

Authority to survey and investigate land

16.—(1) TfL may for the purposes of this Order enter on—

- (a) any land shown within the Order limits; and
- (b) where reasonably necessary, any land which is adjacent to but outside the Order limits,

and—

- (i) survey or investigate the land;
- (ii) without limitation to the scope of sub-paragraph (i), make trial holes in such positions on the land as TfL thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (iii) without limitation to the scope of sub-paragraph (i), carry out ecological or archaeological investigations on such land, including making any excavations or trial holes on the land for such purposes;
- (iv) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
- (v) enter on the land for the purpose of exercising any of the powers conferred by sub-paragraphs (i) to (iv).

(2) 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.

(3) Any person entering land under this article on behalf of TfL—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so; and
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority.

(5) TfL must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers 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.

Work in the River Thames

17.—(1) TfL may, in connection with the construction and maintenance of the authorised development, temporarily interfere with the river area.

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) TfL may, in connection with the construction and maintenance of the authorised development temporarily moor or anchor barges or other vessels or craft in the river area and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction or maintenance of the authorised development.

(3) The power conferred by paragraphs (1) and (2) must be exercised in such a way which secures—

- (a) that no more of the river area is closed to navigation at any time than is necessary in the circumstances; and
- (b) that, if complete closure to navigation of the river area becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.

(4) Except in the case of an emergency, TfL must notify the owner of any mooring and the owner or master of any vessel or structure likely to be regularly affected by the proposal to exercise the powers conferred by this Order at least 35 days before the exercise of those powers.

(5) If—

- (a) by reason of the exercise of the powers conferred by this Order it is reasonably necessary for the owner of any mooring to incur costs in temporarily or permanently altering, removing, re-siting, repositioning or reinstating that mooring, or laying down and removing substituted moorings or buoys, or carrying out dredging operations for any such purpose, not being costs which it would have incurred for any other reason; and
- (b) the owner of the mooring in question gives to TfL not less than 28 days' notice of its intention to incur such costs, and acting reasonably takes into account any representations which TfL may make in response to the notice within 14 days of the receipt of the notice,

TfL must pay the costs reasonably so incurred by the owner of that mooring.

(6) A person may not without the consent in writing of TfL (which may be given subject to conditions)—

- (a) use, for the purpose of landing or embarking persons or landing or loading goods from or into any vessel, any work constructed or used in connection with the authorised development; or
- (b) remove, move or otherwise interfere with any work, machinery, apparatus, tools or other things in use or intended for use in constructing the authorised development.

Felling or lopping of trees

18.—(1) TfL may fell or lop any tree or shrub within or overhanging land within the Order limits, or cut back its roots, if TfL reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), TfL must do no unnecessary damage to any tree or shrub and must 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, is to be determined under Part 1 of the 1961 Act.

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Compulsory acquisition of land

19.—(1) TfL may acquire compulsorily so much of the Order land as is required for the authorised development, or to facilitate it, or as is incidental to it.

(2) This article is subject to article 22 (compulsory acquisition of rights) and article 26 (acquisition of subsoil, etc., only).

Compulsory acquisition of land – incorporation of the minerals code

20. Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 are incorporated into this Order subject to the modifications that—

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

Time limit for exercise of powers to possess land temporarily or to acquire land compulsorily

21.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 (execution of declaration) of the 1981 Act as applied by article 25 (application of the Compulsory Purchase (Vesting Declarations) Act 1981),

in relation to any part of the Order land.

(2) The authority conferred by article 29 (temporary use of land for carrying out the authorised development) ceases at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents TfL from 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.

Compulsory acquisition of rights

22.—(1) Subject to paragraphs (2) and (3), TfL may acquire such rights over the Order land or impose restrictive covenants affecting the land as may be required for any purpose for which that land may be acquired under article 19 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence, instead of acquiring the whole of the land.

(2) In the case of the Order land specified in columns (1) and (2) of Schedule 4 (land in which only new rights etc., may be acquired) TfL's powers of compulsory acquisition under article 19 are limited to the acquisition of such wayleaves, easements, new rights in the land or the imposition of restrictive covenants as TfL may require for or in connection with the authorised development.

(3) Subject to section 8 (other provisions as to divided land) of the 1965 Act, as substituted by paragraph 5 of Schedule 5 (modification of compensation and compulsory purchase enactments

for creation of new rights), where TfL acquires a right over land or the benefit of a restrictive covenant under paragraph (1) or (2), TfL is not required to acquire a greater interest in that land.

(4) Schedule 5 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

Private rights over land

23.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) from the date of acquisition of the land by TfL, whether compulsorily or by agreement; or
- (b) on the date of entry onto the land by TfL under section 11(1) (powers of entry) of the 1965 Act (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or burden of the restrictive covenant—

- (a) from the date of the acquisition of the right or the benefit of the restrictive covenant by TfL, whether compulsorily or by agreement; or
- (b) on the date of entry onto the land by TfL under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over any part of the Order land that is vested in or acquired by TfL are extinguished on commencement of any activity authorised by this Order which interferes with or breaches those rights.

(4) Subject to the provisions of this article, all private rights over land of which TfL takes temporary possession under this Order are suspended and unenforceable for as long as TfL remains in lawful possession of the land.

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

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 31 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

- (a) any notice given by TfL before—
 - (i) the completion of the acquisition of the land or the acquisition of the rights or the imposition of restrictive covenants over or affecting the land;
 - (ii) TfL's appropriation of it;
 - (iii) TfL's entry onto it; or
 - (iv) TfL's taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between TfL and the person in or to whom the right in question is vested or belongs.

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

- (a) is made with a person in or to whom the right 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 is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) References in this article to private rights over land include any right of way, trust, incident, 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 virtue of a contract, agreement or undertaking having that effect.

Power to override easements and other rights

24.—(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by TfL or by any person deriving title from TfL or by any contractors, servants or agents of TfL) 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 development;
- (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) is 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) is to 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 TfL 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 is enforceable against TfL.

(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.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

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

(2) The 1981 Act, as applied, has effect with the following modifications.

(3) In section 1 (application of act) for subsection (2) there is substituted—

“(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.”.

(4) In section 3 (preliminary notices) for subsection (1) there is 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 must 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.

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

(6) In that section, for subsections (5) and (6) there is 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.”.

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

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

(8) Omit section 5A (time limit for general vesting declaration).

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

(10) References to the 1965 Act in the 1981 Act are to be construed as references to the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act to the compulsory acquisition of land under this Order.

Acquisition of subsoil, etc., only

26.—(1) TfL may acquire compulsorily so much of, or such rights over, the subsoil of and airspace over the land referred to in paragraph (1) of article 19 (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) In the case of the Order land specified in columns (1) and (2) of Schedule 6 (land in which only subsoil and new rights above it may be acquired) TfL’s powers of compulsory acquisition under article 19 are limited to—

- (a) the acquisition of such subsoil; and
- (b) the acquisition of such easements or other new rights and the imposition of restrictive covenants in the remaining subsoil and the surface of the land,

as TfL may require for or in connection with the authorised development.

(3) Where TfL acquires any part of, or rights over, the subsoil or surface of or airspace over land referred to in paragraphs (1) or (2), TfL is not required to acquire an interest in any other part of the land.

(4) Paragraph (3) does not prevent article 27 (acquisition of part of certain properties) from applying where TfL acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

(5) References in paragraph (2)(a) to subsoil are references to the subsoil lying at and below the depths specified in column (3) of Schedule 6 beneath the level of the surface of the land, and references to the remaining subsoil in paragraph (2)(b) are references to the part of the subsoil lying above the shallowest part of the subsoil acquired under paragraph (2)(a) but below the level of the surface of the land.

- (6) For the purposes of paragraph (5) “the 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 river, dock, canal, navigation, watercourse or other water area, the level of the surface of the ground covered by water; or
 - (c) in any other case, ground surface level,
- at the time of this Order coming into force.

Acquisition of part of certain properties

27.—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as to divided land) (as applied by section 125 (application of compulsory acquisition provisions) 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 TfL a counter-notice objecting to the sale of the land subject to the notice to treat and stating 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 must 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 must sell only the land subject to the notice to treat is, unless TfL agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine 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) in the case of part of land consisting 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 must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine 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) in the case of part of land consisting 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 is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine 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 is 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 TfL is authorised to acquire compulsorily under this Order.

(8) If TfL agrees to take the land subject to the counter-notice, or if the tribunal determine 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 is 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 TfL 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, TfL 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 must 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, TfL must 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.

Rights over or under streets

28.—(1) TfL may enter on, appropriate and use so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development.

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

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

- (a) any subway or underground building; or
- (b) any cellar, vault, arch 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 in respect of which the power of appropriation conferred by paragraph (1) is exercised without TfL acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

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

Temporary possession of land

Temporary use of land for carrying out the authorised development

29.—(1) TfL may, in connection with the carrying out of the authorised development but subject to article 21(1) (time limit for exercise of powers to possess land temporarily or to acquire land compulsorily)—

(a) enter on and take temporary possession of—

- (i) the land specified in columns (1) and (2) of Schedule 7 (land of which only temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and
- (ii) any of the Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (expectation of declaration) of the 1981 Act;

- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) and buildings on that land;
- (d) construct any works on that land as are mentioned in Schedule 1 (authorised development) or article 17 (works in the River Thames); and
- (e) provide any temporary facilities or works on that land for the benefit of landowners or occupiers temporarily displaced as a result of the carrying out of the authorised development.

(2) TfL's temporary possession of the river area under paragraph (1)(a)(i) is limited to what is necessary for TfL safely to carry out the authorised development under Schedule 1 (authorised development) or article 17 (work in the River Thames). At times and places where TfL is carrying out the authorised development, the public right of navigation in the river area is suspended and is unenforceable against the PLA.

(3) Any person who suffers loss as a result of the suspension of any private right of navigation under this article is entitled to be paid compensation for such loss by TfL, to be determined, in case of dispute, under Part 1 of the 1961 Act.

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

(5) TfL may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of any land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 7, or
- (b) in the case of any land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless TfL has, by 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 in relation to that land.

(6) Before giving up possession of land of which temporary possession has been taken under this article, TfL must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but TfL is not required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d);
- (c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development; or
- (d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development.

(7) Subject to paragraph (12), TfL must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (7).

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

(11) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory

acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(12) Paragraph (7) does not apply to any compensation payable to the PLA under paragraph 48 of Schedule 13 (protective provisions).

Temporary use of land for maintaining the authorised development

30.—(1) Subject to paragraph (4), at any time during the maintenance period relating to any of the authorised development, TfL may—

- (a) enter upon and take temporary possession of any land within the Order limits if possession is reasonably required for the purpose of maintaining the authorised development;
- (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 development; 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) TfL's temporary possession of the river area under paragraph (1) is limited to what is necessary for TfL safely to carry out any maintenance of the authorised development. At times and places where TfL is carrying out any maintenance of the authorised development, the public right of navigation in the river area is suspended and is unenforceable against the PLA.

(3) Any person who suffers loss as a result of the suspension of any private right of navigation under this article is entitled to be paid compensation for such loss by TfL, to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (1) does not authorise TfL 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.

(5) Not less than 28 days before entering upon and taking temporary possession of land under this article TfL must serve notice of the intended entry on the owners and occupiers of the land and that notice must contain the purpose for which TfL intends to take possession of the land.

(6) TfL 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 development for which possession of the land was taken.

(7) Before giving up possession of land of which temporary possession has been taken under this article, TfL must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

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

(9) Any dispute as to a person's entitlement to compensation under paragraph (8), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(10) Nothing in this article affects any liability to pay compensation under section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (8).

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

(12) Section 13 (refusal to give possession to the acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(13) In this article “the maintenance period”, in relation to any part of the authorised development, means the period of 5 years beginning with the date on which—

- (a) that part of the authorised development is first opened for public use (where that part of the authorised development is intended to be used by the public); or
- (b) in respect of any other part of the authorised development, that part is first brought into operational use by TfL.

Supplementary

Statutory undertakers

31.—(1) Subject to the provisions of article 22(2) (compulsory acquisition of rights), Schedule 13 (protective provisions) and paragraph (2), TfL may—

- (a) exercise the powers conferred by articles 19 (compulsory acquisition of land) and 22 (compulsory acquisition of rights) in relation to so much of the Order land as belongs to statutory undertakers; and
- (b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; or
- (b) article 32 (apparatus and rights of statutory undertakers in stopped up streets).

Apparatus and rights of statutory undertakers in stopped up streets

32.—(1) Where a street is stopped up under article 9 (permanent stopping up of streets and private means of access), any statutory utility whose apparatus is under, in, on, along or across the street has 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 9 any statutory utility whose apparatus is under, in, on, over, along or across the street may, and if reasonably requested to do so by TfL must—

- (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, TfL must 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 TfL, 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) is to 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 is not to 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 is to 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)) must, 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) Paragraphs (3) to (6) do not apply where the authorised development constitutes major highway works, major bridge works or major transport works for the purposes of Part 3 of the 1991 Act, but instead—

- (a) the allowable costs of the relocation works are to be determined in accordance with section 85 (sharing of cost of necessary measures) of that Act and any regulations for the time being having effect under that section; and
- (b) the allowable costs are to be borne by TfL and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this article—

“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(a).

Recovery of costs of new connection

33.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 31 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from TfL 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) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 31, 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,

is entitled to recover from TfL 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 does not have effect in relation to apparatus to which article 32 (apparatus and rights of statutory undertakers in stopped up streets) or Part 3 of the 1991 Act applies.

(4) In this article—

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

(a) 2003 c.21.

“public utility undertaker” means a gas, water, electricity or sewerage undertaker.

Special category land

34.—(1) On the exercise by TfL of the relevant Order powers, so much of the special category land as is required for the purposes of the exercise of those rights is 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 the relevant Order powers.

(2) In this article—

“the relevant Order powers” means powers exercisable over the special category land by TfL under article 22 (compulsory acquisition of rights); and

“the special category land” means the land identified as forming open space and numbered 03-021, 03-029, 03-037, 03-037b and 03-037c in the book of reference and on the special category land plan.

Compensation

Disregard of certain interests and improvements

35.—(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 must not take into account—

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

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration as part of the authorised development 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 development, directly or indirectly concerned.

Set-off for enhancement in value of retained land

36.—(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 must 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 development.

(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 22 (compulsory acquisition of rights), the tribunal must 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 development.

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

No double recovery

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

PART 4

OPERATIONAL PROVISIONS

Application of Part 4

38.—(1) Articles 44 to 46, 48 and 49 apply—

- (a) to the Blackwall Tunnel area on the date of the commencement of construction of the Silvertown Tunnel; and
- (b) to the Silvertown Tunnel area from the date the Silvertown Tunnel is first open to the public.

(2) For the purposes of this article the date of commencement of construction of the Silvertown Tunnel is the date specified in a notice published by TfL in *The London Gazette*.

Maintenance of the authorised development

39.—(1) TfL may at any time maintain the authorised development.

(2) Paragraph (1) does not extend to any maintenance works which would give rise to any materially new or materially worse environmental effects from those assessed in the environmental statement.

Local legislation relating to the Blackwall Tunnel

40. The provisions of the Thames Tunnel (Blackwall) Act 1887^(a) and the London County Council (Tunnel and Improvements) Act 1938^(b), and any other local enactment relating to the Blackwall Tunnel area, have effect subject to the provisions of this Order.

Power to operate and use the tunnels

41. TfL may operate and use the tunnels.

Protection of the tunnels, etc.

42. A person may not, without the consent in writing of TfL—

- (a) interfere with any part of the tunnels; or
- (b) remove, move or otherwise interfere with any such work or any machinery, apparatus, tools or other things in use or intended for use in connection with the tunnels.

Closing the tunnels

43.—(1) TfL may, whenever in its opinion it is necessary to do so, close either or both of the tunnels, whether wholly or partially.

(2) Where TfL proposes to close either or both of the tunnels, it must except in an emergency—

- (a) give not less than 7 days' notice in such manner as TfL considers appropriate; and

(a) 1887 c.clxxii.

(b) 1938 c.lxxxii.

- (b) throughout the period of such closure display signs at convenient situations on the roads communicating with the tunnels giving warning of the closure.

Removal of motor vehicles

44.—(1) If any obstruction is caused by a motor vehicle waiting, loading, unloading or breaking down in the tunnels areas, the person in charge of the motor vehicle must immediately remove it; and if that person fails to do so an authorised person may take all reasonable steps to remove the obstruction.

(2) An authorised person who removes a motor vehicle under paragraph (1) may do so by towing or driving the motor vehicle or in such other manner as the authorised person may think necessary and may take such measures in relation to the motor vehicle as the authorised person considers necessary to enable the motor vehicle to be removed.

(3) Where under paragraph (1), an authorised person requires a person to remove a motor vehicle and the authorised person determines that the manner of removal proposed by the person required to remove it may cause danger to other persons using the road, the authorised person may require the motor vehicle to be moved in such other manner as the authorised person considers safe or may remove or arrange for the removal of the motor vehicle if the person required to remove it refuses to remove it in the manner so required.

(4) A motor vehicle removed by an authorised person under this article must be delivered to TfL or to a person authorised by TfL to keep motor vehicles so removed (“the custodian” in either case).

(5) In a case where the owner of the motor vehicle has disclaimed all rights of ownership of the motor vehicle and its contents, the custodian may dispose of them in such manner as it sees fit at any time.

(6) In any case not falling within paragraph (5), a motor vehicle or its contents must not be disposed of before the end of the period of five weeks beginning with the date on which the motor vehicle was removed and until the custodian has, for the purpose of ascertaining the owner of the motor vehicle, taken such steps as are specified in paragraph (7) and either—

- (a) the custodian has failed to ascertain the name and address of the owner, or
- (b) the owner has failed to comply with a notice complying with paragraph (8) served on the owner by post.

(7) The steps referred to in paragraph (6) are—

- (a) if the motor vehicle carries a United Kingdom registration mark, the custodian must ascertain from the records kept by the Secretary of State under the Vehicle Excise and Registration Act 1994^(a) the name and address of the person by whom the motor vehicle is kept; and
- (b) if the motor vehicle does not carry such a registration mark, the custodian must make such inquiries as appear to the custodian reasonably practicable to ascertain the owner of the motor vehicle.

(8) A notice under paragraph (6)(b) must be addressed to the owner which—

- (a) states—
 - (i) reasons for the removal of the motor vehicle;
 - (ii) the place to which the motor vehicle has been removed;
 - (iii) the registration mark and make of the motor vehicle;
 - (iv) the steps to be taken to obtain possession of the motor vehicle;
 - (v) the outstanding penalty charges payable in respect of the motor vehicle;

(a) 1994 c.22.

- (vi) that unless the motor vehicle is removed by the owner on or before the date specified in sub-paragraph (b), the custodian intends to dispose of it; and
- (b) requires the owner to remove the motor vehicle from the custody of the custodian within 21 days of the date on which the notice was served.
- (9) The custodian is entitled to treat the registered keeper of the motor vehicle as the person entitled to its contents unless and to the extent that some other person satisfies the custodian of their claim to all or part of them.
- (10) Where there is more than one claim to the motor vehicle or its contents, the custodian must determine which person is entitled to the motor vehicle or its contents on the basis of evidence provided to it.
- (11) Where a motor vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (4), the custodian may (whether or not any claim is made under this article) recover from the person who was the owner of the motor vehicle when the motor vehicle was removed the charges applied by paragraph (13) for—
- (a) its removal and storage; and
- (b) if the motor vehicle has been disposed of, its disposal.
- (12) Where, by virtue of paragraph (11)(a), any sum is recoverable in respect of a motor vehicle by a custodian, the custodian is entitled to retain custody of it until that sum is paid.
- (13) Penalty charges set by regulations made under paragraph 27 of Schedule 23 to the 1999 Act in respect of the removal, storage and disposal of vehicles apply to the removal, storage and disposal of motor vehicles under this article as if the statement of charges published under article 53(5) (power to charge for use of the tunnels) is a charging scheme made by order under that Schedule and TfL is the charging authority.
- (14) A person (“the claimant”) may take possession of a motor vehicle (with its contents) which has been removed and delivered to a custodian and has not been disposed of under this article, if the conditions specified in paragraph (15) are satisfied.
- (15) The conditions are that—
- (a) the claimant satisfies the custodian that the claimant is the owner of the motor vehicle or that the claimant is authorised by the owner to take possession of the motor vehicle; and
- (b) all outstanding penalty charges applied by paragraph (13) are paid to TfL.
- (16) On giving the claimant possession of a motor vehicle pursuant to this article, the custodian must give the claimant a statement of the right of the owner (or the person in charge of the motor vehicle when the motor vehicle was removed) to appeal, of the steps to be taken in order to appeal and of the address to which representations should be sent.
- (17) Schedule 8 has effect in relation to appeals against the imposition of penalty charges and the service of penalty charge notices.
- (18) An adjudicator appointed by the Lord Chancellor under paragraph 3 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001^(a) is an adjudicator for the purposes of hearing appeals under Schedule 8.
- (19) If, after a motor vehicle has been disposed of by a custodian pursuant to this article, a person claims to have been the owner of the motor vehicle at the time when it was disposed of and the conditions specified in paragraph (20) are fulfilled, a sum calculated in accordance with paragraph (21) is payable by the custodian to the owner.
- (20) The conditions are that—
- (a) the person claiming satisfies the custodian that the person so claiming was the owner of the motor vehicle at the time it was disposed of; and
- (b) the claim is made before the end of the period of one year beginning with the date on which the motor vehicle was disposed of.

(a) S.I. 2001/2313

(21) The sum payable under paragraph (19) is calculated by deducting from the proceeds of sale the sums that would have been payable under paragraph (20) had the motor vehicle been claimed by the owner immediately before its disposal together with such penalty charge as may be imposed in respect of the disposal of a motor vehicle.

(22) For the purposes of this article the owner of a motor vehicle is taken to be the person by whom the motor vehicle is kept; and in determining for those purposes who was the owner of the motor vehicle at any time, it is presumed (unless the contrary appears) that the owner was the person in whose name the motor vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

(23) For the purposes of this article “breaking down” includes by way of a mechanical defect, lack of fuel, oil, water or power required for the motor vehicle or any other circumstances in which a person in charge of the motor vehicle could not immediately, safely and without damage to the motor vehicle or its accessories drive it under its own power away from the tunnels areas.

Removal of other obstructions

45.—(1) Where an obstruction or hazard is caused in the tunnels areas by a load falling from a motor vehicle and the person in charge of the motor vehicle fails to remove it, an authorised person may take all reasonable steps to remove the load.

(2) An authorised person must deliver a load which it has removed to TfL or to a person authorised by TfL to keep loads so removed (“the custodian” in either case).

(3) The custodian must take reasonable steps to ascertain the identity of the owner of the load.

(4) Where the custodian has been unable to ascertain contact details for the owner of the load, the custodian may dispose of or sell the load as the custodian thinks fit.

(5) Where the custodian has been able to ascertain contact details for the owner of the load, the custodian must notify such person that—

- (a) the load is in the possession of the custodian;
- (b) the owner must take possession of the load within five weeks of the date of the notice;
- (c) the owner may only take possession of the load on the payment of the custodian’s expenses in removing and storing the load; and
- (d) if the owner fails to act in accordance with the requirements in the notice, title in the load vests in the custodian.

(6) The custodian may recover any expenses reasonably incurred in the removal and storage of a load from the owner of the load.

(7) Unless the owner of the load acts in accordance with the notice requirements, title in the load vests in the custodian on the date specified in the notice.

(8) Where a load consists of, or includes, liquids or semi-liquids or items which are loose or an aggregate, or noxious, perishable or otherwise hazardous or difficult to collect-up or remove, and the driver of the motor vehicle fails to remove it or the fallen load poses a hazard, paragraphs (3) to (7) do not apply and an authorised person or custodian (as the case may be) may, as it sees fit, immediately wash, clean or clear away or remove the fallen load or otherwise dispose of it or sell it.

Dangerous goods

46.—(1) Charges imposed under article 53 (power to charge for use of the tunnels) may include provision for charges to be imposed for—

- (a) escorting motor vehicles carrying dangerous goods through the tunnels; and
- (b) the recovery of TfL’s reasonable administrative costs incurred in granting applications for consent to taking such goods into the tunnels to the extent required by byelaws made under article 48 (byelaws relating to the Silvertown Tunnel area and the Blackwall tunnel area).

(2) TfL is to be treated as having in the tunnels areas the same enforcement powers as any body mentioned in regulation 32 of the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations 2009^(a) in relation to roads and to the extent permitted by regulation 32.

(3) The exercise of the enforcement powers mentioned in paragraph (2) is subject to any limitation which applies to the Health and Safety Executive under the regulations.

(4) Nothing in this article prejudices or prevents a body mentioned in regulation 32 of the Carriage of Dangerous Goods and the Use of Transportable Pressure Equipment Regulations 2009 from exercising any power conferred on it by those regulations.

No apparatus in the Silvertown Tunnel area without consent

47. Regardless of anything contained in any enactment, no person is to enter upon, break up or interfere with the Silvertown Tunnel area, or any part of it, for the purpose of placing or doing anything in or in relation to any sewer, drain, main, pipe, wire or other apparatus or executing any work except with the written consent of TfL and in accordance with such terms and conditions as TfL may determine, including as to payment.

Byelaws relating to the Silvertown Tunnel area and the Blackwall Tunnel area

48.—(1) TfL may make byelaws regulating—

- (a) the efficient management and operation of the tunnels;
- (b) travel in the tunnels areas;
- (c) the maintenance of order in the tunnels areas; and
- (d) the conduct of persons in the tunnels areas.

(2) The byelaws contained in Schedule 9 have effect and are to be treated as byelaws made by TfL under paragraph (1) and subsequently confirmed by the Secretary of State on the date this order comes into force.

(3) The byelaws in Schedule 9 apply to—

- (a) the Blackwall Tunnel area from the date of the commencement of construction of the Silvertown Tunnel; and
- (b) the Silvertown Tunnel area from the date it is first open to the public,

until such time as they are amended or revoked by further byelaws made under paragraph (1).

(4) Subject to paragraph (5), the provisions of subsections 236(3) to (8), (10C) and (11) of the Local Government Act 1972^(b) (procedure etc., for byelaws) apply in relation to byelaws made by TfL under paragraph (1), except that the application of section 236(10C) only requires TfL to send a copy of any byelaws made by it and subsequently confirmed to—

- (a) the Mayor of London;
- (b) the Council of the London Borough of Newham;
- (c) the Council of the London Borough of Tower Hamlets; and
- (d) the Council of the Royal Borough of Greenwich.

(5) TfL may make byelaws under paragraph (1) in accordance with the procedure in the Byelaws (Alternative Procedure) (England) Regulations 2016^(c) as if those regulations applied to the making and revoking of byelaws under this article.

(6) Byelaws made under this article are enforceable by TfL and any authorised person.

(7) The Blackwall Tunnel By-laws 1968 are revoked as from the date of the commencement of construction of the Silvertown Tunnel.

(a) S.I. 2009/1348
(b) 1972 c.70.
(c) S.I. 2016/165.

(8) For the purposes of this article the date of commencement of construction of the Silvertown Tunnel is the date specified as the date of commencement of construction of the Silvertown Tunnel in a notice published by TfL in *The London Gazette*.

Fixed penalty notices

49.—(1) This article applies where it appears to an authorised person that a person has committed an offence under byelaws made under article 48 (byelaws relating to the Silvertown Tunnel area and the Blackwall Tunnel area).

(2) The authorised person may serve on that person a fixed penalty notice in respect of the offence.

(3) Where a person is given a fixed penalty notice under this article in respect of an offence—

- (a) no proceedings may be instituted for that offence before the expiration of 14 days after the date of the notice; and
- (b) that person may not be convicted of the offence if the fixed penalty is paid before the expiration of 14 days after the date of the notice.

(4) A fixed penalty notice must state—

- (a) the amount of the fixed penalty;
- (b) particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence;
- (c) the time by which and the manner (including the number to be used for payments by credit or debit card) in which the fixed penalty must be paid; and
- (d) that proceedings may be instituted if payment is not made within the time specified in the fixed penalty notice.

(5) The amount of the fixed penalty is—

- (a) one fifth of the maximum amount of the fine to which the person to whom the fixed penalty notice is issued would be liable on summary conviction provided that person pays the fixed penalty in full within 7 days of issue of the fixed penalty notice; or
- (b) one half of the maximum amount of the fine to which the person to whom the fixed penalty notice is issued would be liable on summary conviction.

(6) An authorised person may require a person to whom this article applies to pay a deposit of one tenth of the maximum amount of the fine to which a person may be liable under level 3 on the standard scale on accepting a fixed penalty notice if that person fails to provide, when requested, a residential address in the United Kingdom.

(7) Payment of the deposit must be made—

- (a) in person to the authorised person by cash, credit or debit card, if the authorised person has the necessary means to accept payment in that manner; or
- (b) by telephone by credit or debit card to the number stipulated in the fixed penalty notice for making payments.

(8) TfL must apply the deposit towards payment of the fixed penalty.

(9) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the chief finance officer of TfL; and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(10) In this article—

“credit card” means a card or similar thing issued to any person, use of which enables the holder to defer payment of the deposit;

“debit card” means a card or similar thing issued by any person, use of which causes the deposit to be paid by the electronic transfer of funds from any current account of the holder at a bank or other institution providing banking facilities; and

“fixed penalty notice” means a notice offering the opportunity of the discharge of liability to conviction of an offence under byelaws made under article 48.

Classification of roads, etc.

50.—(1) The roads described in paragraphs 1 to 3 and 19 to 22 of Part 1 of Schedule 10 are to be classified as the A12 from such day as TfL may determine, as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(2) The roads described in paragraphs 6 to 18 of Part 1 of Schedule 10 are to be classified as the A102 from such day as TfL may determine, as if such classification had been made under section 12(3) of the 1980 Act.

(3) The roads described in paragraphs 4 to 18 of Part 1 of Schedule 10 shall become GLA roads on such day as TfL may determine, as if from that day they were the subject of an order directing the same under section 14B (orders of the authority changing what are GLA roads) of the 1980 Act.

(4) The road described in Part 2 of Schedule 10 shall cease to be a GLA road on such day as TfL may determine, as if from that day it was the subject of an order directing the same under section 14B of the 1980 Act.

Operational land for purposes of the 1990 Act

51. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of the 1990 Act.

PART 5

USER CHARGING

The charging policy

52.—(1) TfL must exercise its functions under this Part in accordance with the policies and procedures set out in the charging policy.

(2) TfL may revise the charging policy but only after it has—

(a) consulted in relation to the proposed changes to the charging policy—

(i) organisations it considers representative of regular users of the tunnels; and

(ii) STIG;

(b) considered the responses to the consultation carried out under sub-paragraph (a); and

(c) submitted the proposed revised charging policy to the Mayor of London for approval.

(3) Any revised charging policy proposed by TfL will only have effect if it is approved by the Mayor of London, who may approve it with or without modifications.

(4) If the Mayor of London intends to approve a revised charging policy with material modifications, the Mayor of London must consult—

(a) organisations the Mayor considers representative of regular users of the tunnels; and

(b) STIG,

on the proposed modifications and must consider any responses to the consultation received when deciding whether to approve a revised charging policy.

Power to charge for use of the tunnels

53.—(1) Subject to and in accordance with the provisions of this Part, from the date when the Silvertown Tunnel is first opened for use by the public, TfL may levy charges in respect of motor vehicles using either of the tunnels.

(2) The charge payable to TfL for use of the tunnels by any motor vehicle is at such a level for that class of vehicle as TfL may from time to time determine.

(3) TfL may determine different charges (including a nil charge)—

- (a) as between the tunnels;
- (b) for different classes of motor vehicles;
- (c) for different times of the day;
- (d) for different days of the week;
- (e) for different directions of travel; and
- (f) for different methods or means of recording, administering, collecting or paying the charge.

(4) Any charge payable to TfL under this article may be waived, suspended, reduced, compounded or discounted by TfL at any time.

(5) TfL must publish the charges determined under paragraph (3) in a statement of charges in such manner as TfL considers appropriate not later than 56 days before the charges are intended to take effect.

(6) The statement of charges published under paragraph (5) must set out, amongst other things—

- (a) the tunnels in respect of which the charges apply;
- (b) the classification of motor vehicles for the purposes of determining the charge payable by any motor vehicle;
- (c) the times at and days on which the charges will be payable;
- (d) the amount of the charges payable;
- (e) exemptions from charges;
- (f) discounts from charges;
- (g) any documents or equipment specified by TfL under article 54(3);
- (h) payment means or methods; and
- (i) a summary of the applicable enforcement provisions.

(7) Where any motor vehicle falls within the definition of more than one class of vehicles it is deemed to fall in the class of vehicle bearing the highest charge.

(8) References in this Part to classes of motor vehicles are references to the classes defined or described by reference to any characteristics of the motor vehicles or to any other circumstances.

Payment and recovery of charges and penalty charges

54.—(1) The person liable to pay any charge payable under this Part, and any penalty charge imposed in connection with this Part, is the registered keeper of the motor vehicle concerned.

(2) The charge, and any penalty charge, must be paid by such methods or means as may be specified in the statement of charges published under article 53(5) (power to charge for use of the tunnels).

(3) To enable the collection of charges by a particular method or means of payment TfL may specify in the statement of charges—

- (a) documents required to be displayed by, or
- (b) equipment required to be carried on board,

any motor vehicle in respect of which the charge is to be paid using that method or means of payment.

(4) TfL may enter into an agreement with any person (“an advance payment agreement”) under which, on such terms as may be provided by the agreement, charges for a motor vehicle to be used in the Blackwall Tunnel or the Silvertown Tunnel may be paid in advance.

(5) An advance payment agreement may relate to such use of the Blackwall Tunnel or the Silvertown Tunnel, on such number of occasions or during such period, as may be provided by it, may provide for a reduction in the charges payable and may make any other necessary provision including in relation to payment of an administration charge.

(6) Where any charge payable under this Part, and any penalty charge imposed in connection with this Part, remains unpaid after it has become due for payment, TfL may recover from the person liable to pay the charge the amount of the charge together with all other reasonable costs and expenses including administrative expenses, enforcement expenses and interest arising out of any such failure to pay.

(7) TfL may appoint any person to collect as its agent any charge payable under this Part and any penalty charge imposed in connection with this Part.

Penalty charges, examination of motor vehicles, etc.

55.—(1) Regulations made under paragraph 12 (penalty charges) of Schedule 23 to the 1999 Act have effect in relation to the tunnels as if the statement of charges published under article 53(5) (power to charge for use of the tunnels) is a charging scheme made by order under that Schedule, TfL is the charging authority and the tunnels are the charging area.

(2) The following paragraphs of Schedule 23 to the 1999 Act, and any regulations made under them, have effect in relation to the tunnels as if the statement of charges published under article 53(5) is a charging scheme made by order under that Schedule, TfL is the charging authority and the tunnels are the charging area—

- (a) paragraph 14 (installation of equipment on roads or elsewhere);
- (b) paragraph 25 (offences);
- (c) paragraph 26 (examination of motor vehicles, etc.); and
- (d) paragraph 27 (removal or immobilisation of motor vehicles).

Application by TfL of charges levied

56. The charges payable under this Part, and any penalty charges imposed in connection with this Part, may be applied by TfL in—

- (a) paying the costs and expenses incurred in planning, consenting, designing, constructing, managing, operating and maintaining the Silvertown Tunnel and any costs associated with financing any of the same;
- (b) paying the costs and expenses incurred in managing, operating and maintaining the Blackwall Tunnel and any costs associated with financing any of the same;
- (c) providing such funds as are, or are likely to be, necessary to discharge TfL’s obligations contained in any agreement entered into by TfL under article 58 (transfer of benefit of Order, etc.);
- (d) making payment into any maintenance or reserve fund kept in respect of the Silvertown Tunnel or the Blackwall Tunnel; and
- (e) making payments to TfL’s general fund.

PART 6
MISCELLANEOUS AND GENERAL

Benefit of Order

57.—(1) Subject to article 58 (transfer of benefit of Order, etc.) and paragraph (2), the provisions of this Order conferring functions on TfL have effect solely for the benefit of TfL.

(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express protection, benefit or accommodation of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Transfer of benefit of Order, etc.

58.—(1) TfL may, regardless of any provision in any enactment, enter into agreements—

- (a) to transfer, charge or otherwise dispose of to another person (“the transferee”) any interest of TfL in the authorised development or TfL’s right to construct, maintain, use or operate the authorised development; or
- (b) to grant to another person (“the grantee”) for a period agreed between TfL and the grantee any interest of TfL in the authorised development or TfL’s right to construct, maintain, use or operate the authorised development; and
- (c) that are connected with or consequential on any agreement entered into under subparagraph (a) or (b),

and, with the consent of the Mayor of London, TfL may provide for the transferee, the grantee or another person to exercise or be responsible for any functions of TfL relevant to those agreements, including any of its functions under this Order, either exclusively or concurrently with TfL or any other person.

(2) Any agreement referred to in paragraph (1) may provide (to the extent TfL considers necessary in connection with the design, construction, financing, funding, maintenance, use or operation of the authorised development) for—

- (a) any matters that are connected with the matters referred to in that paragraph or are consequential on them;
- (b) the financing or defraying of, or the making of contributions by TfL or by any other person towards, the cost of designing, constructing, maintaining, using or operating the authorised development;
- (c) TfL to provide services and facilities to the transferee, grantee or any other person on such terms (including as to payment) as the parties think fit; and
- (d) TfL or the transferee, grantee or any other person to provide guarantees, indemnities or any other form of security.

(3) Where an agreement has been made under paragraph (1), references in this Order to TfL are to be read as including references to the transferee, the grantee or any other person who may exercise, enjoy or be responsible for any functions of TfL pursuant to that agreement.

(4) The exercise by any person further to any agreement made under paragraph (1), of the functions conferred by or under this Order or any other enactment, is subject to the same restrictions, liabilities and obligations as would apply by or under this Order if those powers were exercised by TfL.

(5) Subject to paragraph (6), any consent given by the Mayor of London under paragraph (1) may be given subject to such reasonable terms and conditions as the Mayor considers appropriate in the circumstances.

(6) The Mayor of London must not give consent under paragraph (1) to any proposal for the exclusive transfer of any compulsory acquisition function unless the Secretary of State is satisfied that the person proposed to exercise or be responsible for that function has sufficient resources to discharge all associated compensation liabilities.

(7) TfL must within 10 business days after entering into an agreement under paragraph (1) in relation to which any functions of TfL in respect of the deemed marine licence granted by article 61 are transferred to another party, notify the MMO in writing, and the notice must include particulars of the other party to the agreement under paragraph (1) and details of the extent, nature and scope of the functions transferred or otherwise dealt with which relate to the deemed marine licence granted under article 61.

(8) In this article—

- (a) “compulsory acquisition function” means any function of TfL under articles 19, 22, 23, 26 and 28;
- (b) “functions” means statutory and other powers, duties, rights, interests and obligations;
- (c) references to the authorised development include references to any land held in connection with the authorised development; and
- (d) references to the authorised development include references to the provisions of this Order relating to the use and operation of the Blackwall Tunnel.

Application of landlord and tenant law

59.—(1) This article applies to any agreement entered into by TfL under article 58 (transfer of benefit of Order, etc.) so far as it relates to the terms on which any land is subject to a lease granted by or under that agreement.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No enactment or rule of law to which paragraph (2) applies is to 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.

Traffic regulation measures

60.—(1) Subject to the provisions of this article, TfL may, for the purposes of the authorised development—

- (a) make provision, in respect of those roads specified in column (2) of Part 1 of Schedule 11 (traffic regulation, etc.), as to the speed limit and restricted road status of those roads as specified in column (3) of that Part of that Schedule;
- (b) make provision, in respect of those roads specified in column (2) of Part 2 of Schedule 11, as to the clearway status of, and the application of other prohibitions to, those roads as specified in column (3) of that Part of that Schedule;
- (c) make provision, in respect of those roads specified in column (2) of Part 3 of Schedule 11, as to prescribed routes to apply to those roads as specified in column (3) of that Part of that Schedule;
- (d) in respect of those roads specified in column (2) of Part 4 of Schedule 11, revoke or vary the orders specified in column (3) of that Part of that Schedule in the manner specified in column (4) of that Part of that Schedule;
- (e) vary the orders specified in column (2) of Part 5 of Schedule 11 in the manner specified in column (3) of that Part of that Schedule; and

- (f) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by TfL under this paragraph.

(2) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(a) when used in accordance with regulation 3(5) of those regulations.

(3) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, TfL may, in so far as necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation of the authorised development—

- (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, 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 TfL.

(4) The power conferred by paragraph (3) may be exercised at any time prior to the expiry of 24 months from the opening of the Silvertown Tunnel for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (3) may have effect both before and after the expiry of that period.

(5) TfL must not exercise the powers conferred by paragraph (1) or (3) unless TfL has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of TfL's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of TfL's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the road is situated and that notice must include the time periods within which the traffic authority may specify the manner in which, under sub-paragraph (b), TfL must advertise its intention to exercise the powers conferred by paragraph (1) or (3); and

- (b) advertised TfL's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of TfL's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of TfL's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by TfL under paragraph (1) or (3)—

- (a) has 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 (power of local authorities to provide parking spaces) of the 1984 Act, and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of, as the case may be—

(a) 2004 c.18.

- (i) Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act;
or
- (ii) Part 2 (bus lanes) to the London Local Authorities Act 1996(a)

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by TfL from time to time by subsequent exercise of the powers conferred by paragraph (1) or (3) within a period of 24 months from the opening of the Silvertown Tunnel for public use.

(8) Before exercising the powers conferred by paragraphs (1) or (3) TfL must consult such persons as TfL considers necessary and appropriate and must take into consideration any representations made to TfL by any such person.

(9) In the case of Saffron Avenue as identified in Part 2 of Schedule 11 (and shown on sheet 4 of the traffic regulation measures (clearways and prohibitions) plans), the powers conferred by this article cannot be exercised by TfL without the consent of the owner of that road.

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

Deemed marine licence

61. TfL is granted a deemed marine licence under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009(b) to carry out the activities specified in Part 1 of Schedule 12 (deemed marine licence), subject to the licence conditions set out in Part 2 of that Schedule.

Defence to proceedings in respect of statutory nuisance

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

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by TfL for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974(d);
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by TfL for the purposes of or in connection with the construction or maintenance of the authorised development.

Protective provisions

63. Schedule 13 (protective provisions) has effect.

(a) 1996 c.ix
(b) 2009 c.23; there are amendments that are not relevant to this Order.
(c) 1990 c.43; there are amendments that are not relevant to this Order.
(d) 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990, c.25. There are other amendments to the 1974 Act which are not relevant to this Order.

Certification of documents

64.—(1) As soon as practicable after the making of this Order, TfL must submit copies of each of the plans and documents set out in Schedule 14 to the Secretary of State for certification as true copies of those plans and documents.

(2) Where any plan or document set out in Schedule 14 requires to be amended to reflect the terms of the Secretary of State’s decision to make this Order, that plan or document in the form amended to the Secretary of State’s satisfaction is the version of the document required to be submitted for certification under paragraph (1).

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

(4) TfL must, following certification of the plans and documents in accordance with paragraph (1), make those plans and documents available in electronic form for inspection by members of the public.

Silvertown Tunnel Implementation Group

65.—(1) TfL must establish, chair and fund the reasonable running costs of a consultative body to be known as the Silvertown Tunnel Implementation Group (in this Order referred to as “STIG”).

(2) STIG will comprise one representative of each of the following bodies—

- (a) TfL (as chair of STIG);
- (b) the GLA;
- (c) the Council of the London Borough of Barking and Dagenham;
- (d) the Council of the London Borough of Bexley;
- (e) the Council of the London Borough of Bromley;
- (f) the City of London Corporation;
- (g) the Council of the Royal Borough of Greenwich;
- (h) the Council of the London Borough of Hackney;
- (i) the Council of the London Borough of Lewisham;
- (j) the Council of the London Borough of Newham;
- (k) the Council of the London Borough of Redbridge;
- (l) the Council of the London Borough of Southwark;
- (m) the Council of the London Borough of Tower Hamlets;
- (n) the Council of the London Borough of Waltham Forest;
- (o) Highways England, or any other person which in place of Highways England—
 - (i) is for the time being the traffic authority for the Dartford river crossings between Dartford, Kent and Thurrock, Essex; or
 - (ii) is for the time being the traffic authority for the proposed new river crossing known as the Lower Thames Crossing east of Gravesend, Kent and Tilbury, Essex, if the crossing is granted development consent under the 2008 Act; and
- (p) any other person or body TfL considers appropriate.

(3) Each body mentioned in paragraph (2)(b) to (2)(p) above must notify TfL of the identity of its nominated representative.

(4) If the chair or any person nominated under paragraph (3) cannot attend a STIG meeting, the nominating body may nominate a person (on an occasional or standing basis, as it determines) to act as the nominating body’s substitute representative at the meeting.

(5) STIG may consider the following matters relating to implementation of the authorised development—

- (a) implementation of the monitoring strategy in accordance with its provisions;
- (b) implementation of the traffic impacts mitigation strategy in accordance with its provisions;
- (c) the level of charges from time to time required to be paid for use of the tunnels under article 53 and any exemptions and discounts;
- (d) any proposed revisions to the charging policy under article 52; and
- (e) for a period ending three years after the Silvertown Tunnel has been opened to traffic, reviewing TfL's proposals for cross-river bus services through the Silvertown Tunnel and how those proposals have been implemented,

and may make recommendations to TfL accordingly.

(6) In taking any decision in respect of any of the matters set out in paragraph (5), TfL must have regard to any recommendations made by STIG.

(7) The first meeting of STIG must be held not less than three years before the date on which the Silvertown Tunnel is expected to be open for public use. Meetings of STIG must be held at least once a year on a date to be determined by TfL, until such time as the monitoring strategy and the traffic impacts mitigation strategy have been implemented in accordance with their provisions, except in the first year after the Silvertown Tunnel has been opened for public use when STIG must meet twice in that year with a gap (so far as practicable) of approximately six months between the first and second meeting. Once the monitoring strategy and the traffic impacts mitigation strategy have been implemented in accordance with their provisions, STIG will meet as determined by TfL, but not more frequently than once a year.

(8) In order for a meeting of STIG to be quorate there must be present—

- (a) a representative from at least two of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets;
- (b) a representative from TfL; and
- (c) two representatives from the other bodies listed in paragraph (2)(a) to (p) above.

(9) Except as otherwise provided for in this article, STIG may determine its own procedures provided that—

- (a) all questions or other matters coming before or to be decided by STIG are decided by a simple majority of those present and voting at the meeting;
- (b) a person appointed as a substitute under paragraph (4) above may cast a vote;
- (c) in the case of an equality of votes cast the chair will have a second or casting vote; and
- (d) a vote must be taken if requested by any one representative present.

(10) STIG may establish committees, sub-committees and working groups for any purpose it considers appropriate and appoint their membership, which may include persons other than those representatives appointed in accordance with paragraph (3). STIG may delegate any of its functions under paragraph (5) to any such committee, sub-committee or working group.

(11) The operation of STIG must be reviewed annually by a committee of STIG consisting of one representative from each of the Councils of the Royal Borough of Greenwich and the London Boroughs of Newham and Tower Hamlets, and representatives of TfL.

(12) Failure by any body mentioned in paragraph (2)(a) to (p) above to appoint a representative to STIG, or any defect in any such representative's appointment, will not invalidate STIG's acts or proceedings.

(13) Part VA of the Local Government Act 1972 (Access to meetings and documents of certain authorities, committees and sub-committees) and the Public Bodies (Admission to Meetings) Act 1960 do not apply to STIG or to its meetings or proceedings.

Service of notices

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

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the consent of the recipient and subject to paragraphs (5) to (8) by electronic transmission.

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

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

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

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

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

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

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

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

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article must not be taken to exclude the employment of any method of service not expressly provided for by it.

(a) 1978 c.30.

(10) In this article “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

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

Consents, agreements and approvals

68.—(1) Where any application is made to a relevant authority, the consent, agreement or approval concerned must, if given, be given in writing and is not to be unreasonably withheld or delayed.

(2) Subject to paragraph (4), if a relevant authority which has received an application fails to notify TfL of its decision before the end of the period of 28 days beginning with the date on which the application was received, the relevant authority is deemed to have given its consent, agreement or approval, as the case may be.

(3) Any application to which this article applies must include a written statement that the provisions of paragraph (2) apply to that application.

(4) This article does not apply to any consent, agreement or approval required under Part 1 of Schedule 2 or under Schedule 13 to this Order.

(5) In this article—

- (a) “application” means an application or request for any consent, agreement or approval required or contemplated by any of the provisions of this Order; and
- (b) “relevant authority” means a planning authority, a traffic authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain.

Signed by authority of the Secretary of State for Transport

Address
Date

Name
Title
Department for Transport

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In—

the Royal Borough of Greenwich in respect of part of Work No. 1 and the whole of Work Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; and

in the London Borough of Newham in respect of part of Work No. 1 and the whole of Work Nos. 15, 16, 17, 18, 19 and 20,

a development which, in accordance with a direction made by the Secretary of State for Transport on 25 June 2012 under section 35 of the 2008 Act, is development for which development consent is required, and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

Work No. 1 – shown on sheets 1, 2 and 3 of the works plans and being the construction of a twin bore highway tunnel for a length of approximately 1,440 metres from a portal on the Greenwich peninsula in the Royal Borough of Greenwich, and passing beneath the River Thames, to a portal in Silvertown in the London Borough of Newham, to include—

- (c) the construction of a section of cut and cover tunnel, between its portal on the Greenwich peninsula (the South Portal) and the tunnel-boring machine launch chamber located on the Greenwich peninsula, and comprising two tunnels, one for northbound traffic and one for southbound traffic with two-lane carriageways in each direction, and including the south portal, and cross-passages connecting the two tunnels, or a cellular tunnel;
- (d) the construction of a section of bored tunnel, comprising two tunnels, one for northbound traffic and one for southbound traffic, with two-lane carriageways in each direction, between the tunnel-boring machine launch chamber located in Silvertown and the tunnel-boring machine launch chamber located on the Greenwich peninsula, including cross-passages connecting the two tunnels;
- (e) the construction of a section of cut and cover tunnel between its portal in Silvertown (the North Portal) and the tunnel-boring machine launch chamber located in Silvertown, and comprising two tunnels, one for northbound traffic and one for southbound traffic with two-lane carriageways in each direction, and including the north portal, and cross-passages connecting the two tunnels, or a cellular tunnel;
- (f) the construction of an anti-recirculation wall at the South Portal;
- (g) the construction of two tunnel-boring machine launch chambers, one in the London Borough of Newham (Silvertown) and one in the Royal Borough of Greenwich (Greenwich peninsula);
- (h) the construction of vertical shafts and head houses to facilitate access to the tunnels; and
- (i) the construction of accesses to the head houses.

Work No. 2 - shown on sheet 1 of the works plans and being the improvement of the existing two-lane A102 Blackwall Tunnel Southern Approach southbound carriageway over a length of approximately 595 metres from a point approximately 260 metres south of the existing Blackwall Tunnel Southbound South Portal to a point approximately 20 metres south of the existing gantry on the existing slip road leading to Millennium Way, to include—

- (a) the improvement of the existing A102 Blackwall Tunnel Southern Approach southbound two-lane carriageway;

- (b) the construction of retaining walls of varying heights in highway verges to retain the A102 Blackwall Tunnel Southern Approach southbound carriageway;
- (c) the construction of a new overbridge to carry the realigned A102 Blackwall Tunnel Southern Approach southbound two-lane carriageway over the proposed Silvertown Tunnel Southern Approach northbound carriageway (Work No. 5);
- (d) the widening of the existing A102 Blackwall Tunnel Southern Approach southbound carriageway to create new two lanes and a weaving section between the Silvertown Tunnel Southern Approach southbound carriageway (Work No. 6) and the existing diverge slip road leading to Millennium Way (Work No. 7);
- (e) the improvement of the central reservation between the improved A102 Blackwall Tunnel Southern Approach northbound and southbound carriageways;
- (f) the construction of new cross-over facilities in the central reservation;
- (g) the construction of new overhead signage and traffic management equipment gantries;
- (h) the construction of new access and egress for premises known as Studio 338, as shown on sheet 1 of the rights of way and access plans;
- (i) the provision of improved non-motorised user route alongside the improved A102 Blackwall Tunnel Southern Approach southbound carriageway;
- (j) the provision of planting and landscaping;
- (k) the removal of an existing gas pressure reduction station; and
- (l) the removal of redundant existing gantries.

Work No. 3 - shown on sheet 1 of the works plans and being the improvement of the existing two-lane A102 Blackwall Tunnel Southern Approach northbound carriageway over a length of approximately 500 metres from a point level with the existing gantry on the existing southbound diverge slip road leading to Millennium Way to its tie-in with the existing carriageway at a point approximately 65 metres north of the existing Blackwall Tunnel Gatehouse, to include—

- (a) the improvement of the existing two-lane A102 Blackwall Tunnel Southern Approach northbound carriageway;
- (b) the widening of the existing A102 Blackwall Tunnel Southern Approach northbound carriageway to accommodate a new two-lane diverge slip road to the northbound carriageway of the proposed Silvertown Tunnel Southern Approach northbound (Work No.5);
- (c) works associated with the improvement of the central reservation between the improved A102 Blackwall Tunnel Southern Approach northbound and southbound carriageways (Work No. 2(e));
- (d) works associated with the construction of new cross-over facilities in the central reservation (Work No. 2(f));
- (e) works associated with the construction of new overhead signage and traffic management equipment gantries (Work No. 2(g));
- (f) the provision of planting and landscaping; and
- (g) the removal of redundant existing gantries.

Work No. 4 - shown on sheet 1 of the works plans and being the works required for the improvement of the existing Tunnel Avenue from a point approximately 65 metres south of a point level with the junction of the existing Tunnel Avenue with Morden Wharf Road, to a point adjacent to the location of the existing Blackwall Tunnel Gatehouse, to include—

- (a) works to improve the alignment of the existing Tunnel Avenue to provide a segregated and independent local two-way carriageway over a length of approximately 485 metres;
- (b) the construction of new (replacement) private means of access to local business premises as shown on sheet 1 of the rights of way and access plans;

- (c) the construction of an improved bus-only access to, and operational egress from, the A102 Blackwall Tunnel Southern Approach northbound carriageway (Work No. 3);
- (d) the construction of a new hardened verge between the improved Tunnel Avenue and the A102 Blackwall Tunnel Southern Approach northbound carriageway (Work No. 3);
- (e) the construction of new overhead signage and traffic management equipment gantries;
- (f) the removal of redundant existing gantries; and
- (g) the provision of improved non-motorised user route alongside the improved Tunnel Avenue.

Work No. 5 - shown on sheet 1 of the works plans and being the construction of a new two-lane carriageway over a length of approximately 150 metres, forming the proposed Silvertown Tunnel Southern Approach northbound carriageway from the proposed diverge nosing (from Work No. 3) to the proposed South Portal of the Silvertown Tunnel (Greenwich), to include—

- (a) the construction of a two-lane open-cut carriageway, with a retaining wall of varied height in the western verge, passing under the new overbridge carrying the improved A102 Blackwall Tunnel Southern Approach southbound carriageway (Work No. 2);
- (b) the construction of a ground slab beneath the carriageway; and
- (c) the construction of a new cross-over facility in the central reservation.

Work No. 6 - shown on sheet 1 of the works plans and being the construction of a new two-lane carriageway over a length of approximately 160 metres, forming the proposed Silvertown Tunnel Southern Approach southbound carriageway from the proposed South Portal of the Silvertown Tunnel (Greenwich) to the proposed merge nosing with the improved A102 Blackwall Tunnel Southern Approach southbound carriageway (Work No. 2), to include—

- (a) the construction of a two-lane open-cut carriageway with a retaining wall of varied height in the eastern verge and maintenance access;
- (b) the construction of a ground slab beneath the carriageway; and
- (c) the construction of a new cross-over facility in the central reservation.

Work No. 7 - shown on sheet 1 of the works plans and being the improvement of approximately 45 metres of the A102 Blackwall Tunnel Southern Approach southbound carriageway two-lane diverge slip road leading to the existing Millennium Way, to include works to tie in the improved highway with the existing highway.

Work No. 8 - shown on sheet 1 of the works plans and being the construction of a new cross-over between the northbound and southbound carriageways of the improved A102 Blackwall Tunnel Southern Approach (Work Nos. 2 and 3).

Work No. 9 - shown on sheet 1 of the works plans and being the construction of a new bus-only carriageway, with a combined length of approximately 185 metres, linking the existing A102 Blackwall Tunnel Southern Approach southbound carriageway with the existing northbound carriageway of Millennium Way and linking to the new bus-only carriageway (Work No. 10), including—

- (a) the construction of diverge bus-only access carriageway from the existing A102 Blackwall Tunnel Southern Approach southbound carriageway (to the north of Work No. 2);
- (b) the construction of a new bus-only carriageway with a length of approximately 35 metres providing a direct link between the new bus-only diverge from the southbound A102 Blackwall Tunnel Southern Approach carriageway (Work No. 9(a)) and the new bus-only merge to the northbound Silvertown Tunnel Southern Approach (Work No. 10); and
- (c) the construction of a new junction for a bus-only egress onto the existing northbound carriageway of Millennium Way.

Work No. 10 - shown on sheet 1 of the works plans and being the improvement of the existing Pavilion Lane to provide a new bus-only carriageway, over a length of approximately 215 metres linking the existing northbound carriageway of Millennium Way with the northbound carriageway of the proposed Silvertown Tunnel Southern Approach (Work No. 5), to include—

- (a) the construction of a new bus-only junction to provide access from the existing northbound carriageway of Millennium Way;
- (b) the construction of a new carriageway and a retaining wall of varied height in the eastern verge with maintenance access;
- (c) the construction of a new bus-only junction to provide access to the proposed Silvertown Tunnel Southern Approach northbound carriageway (Work No. 5);
- (d) the construction of a ground slab beneath the carriageway;
- (e) the construction of a drainage attenuation tank and associated infrastructure; and
- (f) the construction of a replacement private means of access to an existing electricity substation, from the northbound carriageway of the existing Millennium Way, as shown on sheet 1 of the rights of way and access plans.

Work No. 11 - shown on sheet 1 of the works plans and being the construction of a new Boord Street foot and cycle bridge to provide access for non-motorised users across the A102 Blackwall Tunnel Southern Approach and Tunnel Avenue in the vicinity of the western end of Boord Street, to include—

- (a) works to remove the existing Boord Street footbridge;
- (b) the construction of a new bridge deck and parapets spanning over the improved A102 Blackwall Tunnel Southern Approach southbound and northbound carriageways (Work Nos. 2 and 3) and Tunnel Avenue (Work No. 4);
- (c) the construction of ramps and staircases to serve the new foot and cycle bridge; and
- (d) the construction of a non-motorised user route across the proposed new Boord Street foot and cycle bridge as shown on sheet 1 of the rights of way and access plans.

Work No. 12 – shown on sheet 1 of the works plans and being the works associated with the construction of a Silvertown Tunnel services compound in the vicinity of the South Portal (Greenwich), to include—

- (a) the construction of tunnel services buildings;
- (b) the construction of a new private means of access to the tunnel services compound from the existing northbound carriageway of Millennium Way, as shown on sheet 1 of the rights of way and access plans;
- (c) the construction of internal access roads and operational parking facilities;
- (d) the construction of a replacement private means of access to land surrounding the existing gasholder, from the existing northbound carriageway of Millennium Way, as shown on sheet 1 of the rights of way and access plans;
- (e) the provision of security fencing and bollards; and
- (f) the provision of landscaping.

Work No. 13 - shown on sheet 1 of the works plans and being the construction of a replacement gas pressure reduction station (PRS) (removed under Work No. 2) at a location to the west of the existing northbound carriageway of Millennium Way, including a new private means of access as shown on sheet 1 of the rights of way and access plans.

Work No. 14 - shown on sheet 1 of the works plans and being the permanent diversion of statutory undertakers' apparatus and works associated with such diversions, located in Boord Street and Millennium Way.

Work No. 15 – shown on sheet 3 of the works plans and being the construction of the new Silvertown Tunnel Northern Approach, to include—

- (a) the improvement of a length of approximately 140 metres of the existing northbound and southbound two-lane standard carriageways of the A1020 Lower Lea Crossing from the point at which it crosses the DLR to its junction with the improved Tidal Basin Roundabout (Work No. 16);
- (b) the construction of a two-lane carriageway over a length of approximately 70 metres forming the new southbound carriageway of the Silvertown Tunnel Northern Approach, crossing through the improved Tidal Basin Roundabout (Work No. 16);
- (c) the construction of a new open-cut highway over a length of approximately 220 metres with two-lane carriageways in each direction from the junction with the improved Tidal Basin Roundabout (Work No. 16) to the proposed North Portal of the Silvertown Tunnel (Silvertown) (Work No. 1) and with retaining walls of varied height in both verges;
- (d) the construction of an anti-recirculation wall at the North portal;
- (e) the construction of a ground slab beneath the carriageway;
- (f) the construction of a new central reservation between the northbound and southbound carriageways of the new Silvertown Tunnel Northern Approach, including a new cross-over facility;
- (g) the construction of a new overhead signage and traffic management equipment gantry;
- (h) the construction of an improved non-motorised user route along the improved A1020 Lower Lea Crossing with crossing points;
- (i) the construction of a new slip road from the southbound carriageway of the improved A1020 Lower Lea Crossing linking to the improved Tidal Basin Roundabout (Work No. 16);
- (j) the construction of a new slip road between the existing A1020 Silvertown Way northbound off-slip and the new Silvertown Tunnel Northern Approach southbound carriageway; and
- (k) the construction of drainage attenuation tanks and associated infrastructure behind the retaining walls of the open cut section of the new Silvertown Tunnel Northern Approach.

Work No. 16 - shown on sheet 3 of the works plans and being the improvement of the existing Tidal Basin Roundabout for a length of approximately 415 metres, to include—

- (a) the construction of an improved, signalised three-lane roundabout gyratory section;
- (b) the construction of an improved private means of access to the DLR assets, as shown on sheet 3 of the rights of way and access plans;
- (c) the construction of an improved private means of access to existing statutory undertakers' apparatus, as shown on sheet 3 of the rights of way and access plans;
- (d) the construction of an improved and signal-controlled non-motorised user route around and across the improved Tidal Basin Roundabout; and
- (e) the construction of a drainage attenuation tank and associated infrastructure within the improved Tidal Basin Roundabout.

Work No. 17 – shown on sheet 3 of the works plans and being the works associated with the construction of a Silvertown tunnel services compound in the vicinity of the North Portal (Silvertown), to include—

- (a) the construction of tunnel services buildings;
- (b) the construction of a new private means of access to the tunnel services compound from the realigned Dock Road (Work No. 18) as shown on sheet 3 of the rights of way and access plans;
- (c) the construction of internal access roads and operational parking facilities;
- (d) the construction of a drainage attenuation tank and associated infrastructure to the west of the proposed Silvertown Tunnel Northern Approach (Work No, 15);

- (e) the provision of security fencing and bollards; and
- (f) the provision of landscaping.

Work No. 18 – shown on sheet 3 of the works plans and being the construction of Dock Road on a new alignment, for a length of approximately 430 metres, to include—

- (a) the construction of a new two-lane highway with a single carriageway in each direction, from a point adjacent to the existing stairs from Dock Road to Silvertown Way, to a junction with the improved Tidal Basin Roundabout (Work No. 16), and including a length of new highway leading to the new private means of access to the tunnel services compound (Work No. 17(b));
- (b) the construction of new non-motorised user routes including pedestrian and cyclist crossings;
- (c) the construction of replacement private means of accesses to local business premises, as shown on sheet 3 of the rights of way and access plans;
- (d) the construction of a new junction with Scarab Close as shown on sheet 3 of the rights of way and access plans including a new retaining wall of varying height to support the existing DLR embankment; and
- (e) the construction of a drainage attenuation tank and associated infrastructure to the west of the proposed Silvertown Tunnel Northern Approach (Work No. 15) including a new drainage outfall connecting to the existing drainage culvert passing beneath the existing DLR embankment.

Work No. 19 – shown on sheet 3 of the works plans and being the improvement to the existing Tidal Basin Road for a length of approximately 280 metres, to include resurfacing works to the existing Tidal Basin Road from the junction with the improved Tidal Basin Roundabout (Work No. 16) to the existing junction with the A1011/A1020 Silvertown Way southbound carriageway.

Work No. 20 – shown on sheet 3 of the works plans and being the construction (and subsequent removal on completion of construction of the authorised development) of a temporary jetty at a location adjacent to the existing Royal Victoria Dock outfall on the north bank of the River Thames in the area known as Thames Wharf, for the transportation of materials associated with the construction of the authorised development, including related dredging works and construction operations (including piling, scouring and scour protection) within the River Thames and associated works required for strengthening of the existing river wall.

And for the purposes of or in connection with the construction of any of the works and other development mentioned above, ancillary or related development consisting of—

works within highways, including—

- (a) alteration of the layout of any street permanently or temporarily, including increasing the width of the carriageway of any street by reducing the width of any kerb, footway, cycleway, or verge within the street; and altering the level or increasing the width of any such kerb, footway, cycleway or verge within the street, works for the strengthening, improvement, repair, maintenance or reconstruction of any street;
- (b) street works, including breaking up or opening a street, or any sewer, drain or tunnel under it, and tunnelling or boring under a street;
- (c) relocation or provision of new road traffic signs, signals, street lighting and carriageway lane markings; and
- (d) works to place, alter, remove or maintain street furniture or apparatus (including statutory undertakers' apparatus) in, under or above a street, including mains, sewers, drains, pipes, cables, cofferdams, lights, fencing and other boundary treatments;

works within the river Thames (to the extent that they are situated within the Order limits) to—

- (e) alter, clean, modify, dismantle, refurbish, reconstruct, remove, relocate or replace any work or structure (including river walls);

- (f) carry out excavations and clearance, deepening, scouring, cleansing, dumping and pumping operations;
- (g) carry out dredging, which may include such dredging works as may be required to provide side slopes or otherwise secure the dredged area against situation, scouring or collapse;
- (h) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of the Merchant Shipping Act 1995(a)) obtained in carrying out any such operations;
- (i) remove or relocate any mooring (including NAABSAs (Not Always Afloat But Safely Aground) being berths in tidal waters, which are exposed at low water);
- (j) remove and relocate any vessel or structure sunk, stranded, abandoned, moored or left (whether lawfully or not);
- (k) temporarily remove, alter, strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the river; and
- (l) construct, place and maintain works and structures including piled fenders, protection piles and cofferdams; and

other works and development—

- (m) for the strengthening, alteration or demolition of any building;
- (n) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers, drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;
- (o) ramps, steps, footpaths, footways, cycle tracks, cycleways, bridleways, equestrian tracks, non-motorised user routes or links, byways open to all traffic and crossing facilities;
- (p) embankments, viaducts, bridges, aprons, abutments, shafts, foundations, retaining walls, drainage works, outfalls, pollution control devices, pumping stations, culverts, wing walls, fire suppression system water tanks and associated plant and equipment, highway lighting and fencing;
- (q) settlement mitigation measures for the benefit or protection of, or in relation to, any land, building or structure, including monitoring and safeguarding of existing infrastructure, utilities and services affected by the authorised development;
- (r) to alter the course of, or otherwise interfere with, navigable or non-navigable watercourses;
- (s) landscaping, noise barriers, works associated with the provision of ecological mitigation, and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development;
- (t) areas of hard or soft landscaping works, or public realm, at various locations adjacent to the proposed highway and associated works;
- (u) site preparation works, site clearance (including fencing and other boundary treatments, vegetation removal, works of demolition, including demolition of existing structures, and the creation of alternative highways or footpaths) and earthworks (including soil stripping and storage and site levelling);
- (v) construction compounds and working sites, temporary structures, storage areas (including storage of spoil and other materials), temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction-related buildings, temporary worker accommodation facilities, welfare facilities, office facilities, other ancillary accommodation, construction lighting, haulage roads and other buildings, machinery, apparatus, works and conveniences;

(a) 1995 c. 21.

- (w) service compounds, plant and equipment rooms, offices, staff mess rooms, welfare facilities, and other ancillary and administrative accommodation;
- (x) for the benefit or protection of the authorised development; and
- (y) of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development which do not give rise to any materially new or materially different environmental effects from those assessed as set out in the environmental statement.

SCHEDULE 2 REQUIREMENTS

Article 4

PART 1 REQUIREMENTS

Interpretation

1. In this Part of this Schedule—

“the biodiversity action plan and mitigation strategy” means the biodiversity action plan and mitigation strategy contained in appendix 9.H of the environmental statement;

“the code of construction practice” means the document of that description set out in Schedule 14 certified by the Secretary of State as the code of construction practice for the purposes of this Order and which sets a framework to control impacts arising from construction of the authorised development;

“the design principles” means the document of that description set out in Schedule 14 certified by the Secretary of State as the design principles for the purposes of this Order and which set out the principles for the detailed design of the authorised development;

“the flood risk assessment” means the flood risk assessment contained in appendix 16.A of the environmental statement; and

“the Silvertown Tunnel Design Review Panel” means the panel set up and administered by Urban Design London to provide design assurance throughout the detailed design process for the authorised development, whose terms of reference are attached to the design principles.

Time limit for commencement of the authorised development

2. The authorised development must commence within 5 years of the date on which this Order comes into force.

Design principles and design review panel

3.—(1) The authorised development must be designed and implemented in accordance with the design principles.

(2) TfL must engage with the Silvertown Tunnel Design Review Panel during the detailed design of the authorised development in the manner provided for by the design principles.

Detailed design of above ground buildings and structures

4.—(1) Construction of any permanent above ground buildings and structures must not commence until details of the siting, design and external appearance of those permanent above ground buildings and structures have been submitted to and approved in writing by the relevant planning authority.

(2) The authorised development must be carried out in accordance with details approved by the relevant planning authority under sub-paragraph (1).

(3) In this paragraph, “permanent above ground buildings and structures” means Work Nos. 11(b), 11(c), 12(a) and 17(a).

Code of construction practice and related plans and strategies

5.—(1) The authorised development must be carried out in accordance with the code of construction practice.

(2) No part of the authorised development may be commenced until the following plans and strategies, required by the code of construction practice, have been prepared for that part of the authorised development and, where relevant, in the manner specified below—

- (a) Construction Environmental Management Plan: to be prepared in consultation with the relevant planning authority;
- (b) Construction Site River Strategy: to be prepared in consultation with the relevant planning authority;
- (c) Emergency Plan: to be prepared in consultation with the local emergency services and the relevant planning authority (subject to sub-paragraph (3)(g));
- (d) Fire Plan: to be prepared in consultation with the London Fire and Emergency Planning Authority;
- (e) Lighting Management Plan: to be prepared in consultation with the relevant planning authority and the Environment Agency; and
- (f) Site Waste Management Plan.

(3) No part of the authorised development may be commenced until the following plans and strategies, required by the code of construction practice, have been prepared in the specified manner for that part of the authorised development and approved by the relevant planning authority, the Environment Agency or the PLA (as the case may be)—

- (a) Air Quality Management Plan: to be approved by the relevant planning authority;
- (b) Archaeological Written Scheme of Investigation: to be prepared in consultation with Historic England and approved by the relevant planning authority;
- (c) Community Engagement Plan: to be approved by the relevant planning authority;
- (d) Construction Materials Management Plan: to be approved by the relevant planning authority;
- (e) Construction Traffic Management Plan: to be approved by the relevant planning authority, in consultation with the relevant highway authority;
- (f) Ecology Management Plan: to be prepared in consultation with Natural England and approved by the relevant planning authority;
- (g) Flood Warning and Evacuation Plan (which forms part of the Emergency Plan to be prepared under sub-paragraph (2)(c)): to be approved by the Environment Agency;
- (h) Groundwater Monitoring and Verification Plan: to be approved by the Environment Agency;
- (i) Noise and Vibration Management Plan: to be approved by the relevant planning authority; and
- (j) Passage Plan: to be approved by the PLA.

(4) The relevant highway authority for the purposes of sub-paragraph (3)(e) is each highway authority for the highways affected by the Construction Traffic Management Plan.

(5) The authorised development must be carried out in accordance with the plans and strategies prepared or approved under sub-paragraphs (2) and (3).

(6) TfL must make the plans and strategies prepared or approved under sub-paragraphs (2) and (3) available in an electronic form suitable for inspection by members of the public until the authorised development has been opened for public use.

Landscaping scheme

6.—(1) No part of the authorised development may commence until a written landscaping scheme for that part has been submitted to and approved in writing by the relevant planning authority.

(2) A landscaping scheme prepared under sub-paragraph (1) must include details of hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials; and
- (e) implementation timetables for all landscaping works.

(3) Each part of the authorised development must be carried out in accordance with the relevant landscaping schemes approved under sub-paragraph (1).

(4) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(5) Any tree or shrub planted as part of a landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Monitoring and mitigation strategies

7. In carrying out the authorised development, TfL must implement and act in accordance with—

- (a) the monitoring strategy; and
- (b) the traffic impacts mitigation strategy.

Surface water drainage details

8.—(1) No part of the authorised development which comprises any part of a surface water drainage system must commence until written details of that surface water drainage system have been submitted to and approved by the relevant planning authority.

(2) The surface water drainage system for the relevant part of the authorised development must be constructed in accordance with the details approved under sub-paragraph (1).

External lighting details

9.—(1) No part of the authorised development is to be opened for public use until written details of any external lighting to be installed in connection with the operation of any building or other structure forming part of the authorised development have been submitted to and approved by the relevant planning authority.

(2) Each part of the authorised development must be carried out in accordance with the relevant details of the external lighting approved under sub-paragraph (1).

Signage strategy

10.—(1) No part of the authorised development is to be opened for public use until a strategy for any highway signage to be installed on that part has been submitted to and approved by the relevant highway authority.

(2) The relevant highway authority for the purposes of sub-paragraph (1) is, in each case, the highway authority for the highway in relation to which the highway signage is to be installed.

(3) Each part of the authorised development must be carried out in accordance with the relevant strategy approved under sub-paragraph (1).

Flood risk assessment

11. The authorised development must be carried out in accordance with the flood risk assessment.

Operational noise mitigation measures

12.—(1) No part of the authorised development may open for public use until—

- (a) written details of proposed noise mitigation measures in respect of the use and operation of that part, including noise barriers and any low noise surfacing, have been submitted to and approved by the relevant planning authority following consultation with the relevant highway authority; and
- (b) the approved noise mitigation measures have been implemented in accordance with the approved details.

(2) The relevant highway authority for the purposes of sub-paragraph (1) is, in each case, the highway authority for the highway in relation to which the noise mitigation is to be installed.

(3) The written details referred to in sub-paragraph (1) must either reflect the mitigation measures included in the environmental statement or, where the mitigation proposed materially differs from the mitigation identified in the environmental statement, TfL must provide evidence with the written details submitted that the mitigation proposed would not give rise to any materially new or materially worse adverse environmental effects than those reported in the environmental statement taking into account the mitigation identified in it.

Euro VI buses

13.—(1) TfL must ensure that any bus ordinarily using the Silvertown Tunnel as part of a London local service must comply with the emissions limits for heavy duty vehicles set out in Annex I to Regulation (EC) No 595/2009 of the European Parliament and of the Council (as amended by Annex XV of Commission Regulation (EU) No 582/2011) or with equivalent emissions standards.

(2) In this paragraph—

- (a) “bus” means a public service vehicle designed and constructed for the carriage of both seated and standing passengers; and
- (b) “London local service” means a London local service which TfL has determined as being required under section 181 of the 1999 Act.

Biodiversity action plan and mitigation strategy

14. The authorised development must be carried out in accordance with the biodiversity action plan and mitigation strategy.

PART 2

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Interpretation

15. In this Part of this Schedule, “discharging authority” means—

- (a) any body responsible for giving any consent, agreement or approval required by a requirement included in Part 1 of this Schedule, or for giving any consent, agreement or approval further to any document referred to in any such requirement; or

- (b) the local authority in the exercise of its functions set out in sections 60 and 61 of the Control of Pollution Act 1974(a).

Applications made under requirements

16.—(1) Where TfL proposes to make an application to a discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, no later than twenty eight days prior to submitting the application TfL must provide a draft of the proposed application to the discharging authority, unless otherwise agreed by the discharging authority.

(2) At the same time as submitting a draft of a proposed application to the Council of the London Borough of Newham under paragraph (1) in respect of—

- (a) any consent, agreement or approval required by paragraph 5(3) of Part 1 of this Schedule, or
- (b) any consent, agreement or approval required further to any document referred to in any such requirement,

TfL must consult the Council of the London Borough of Tower Hamlets about the draft of the proposed application and when finalising the contents of the application TfL must take into account any comments made by the Council of the London Borough of Tower Hamlets during that consultation.

(3) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the discharging authority must give notice to TfL of its 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 discharging authority; or
- (b) where further information is requested under paragraph 17, the day immediately following that on which the further information has been supplied by TfL,

or such longer period as may be agreed in writing by TfL and the discharging authority.

(4) Where an application has been made to the Council of the London Borough of Newham in respect of—

- (a) any consent, agreement or approval required by paragraph 5(3) of Part 1 of this Schedule, or
- (b) any consent, agreement or approval required further to any document referred to in any such requirement,

the Council must not give notice to TfL of its decision until the Council has consulted the Council of the London Borough of Tower Hamlets in respect of that application.

(5) In determining any application made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the discharging authority may—

- (a) give or refuse its consent, agreement or approval; or
- (b) give its consent, agreement or approval subject to reasonable conditions,

and where consent, agreement or approval is refused or granted subject to conditions the discharging authority must provide its reasons for that decision with the notice of the decision.

(a) 1974 c.40.

Further information regarding requirements

17.—(1) In relation to any application referred to in paragraph 16, the discharging authority may request such further information from TfL as it considers necessary to enable it to consider the application.

(2) If the discharging authority considers that further information is necessary and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within 10 days of receipt of the application, notify TfL in writing specifying the further information required.

(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the discharging authority must issue the application to the consultee within five days of receipt of the application, and notify TfL in writing specifying any further information requested by the consultee within five days of receipt of such a request.

(4) If the discharging authority does not give the notification within the period specified in subparagraph (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of TfL.

Appeals

18.—(1) TfL may appeal to the Secretary of State in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required by—
 - (i) a requirement contained in Part 1 of this Schedule; or
 - (ii) a document referred to in any requirement contained in Part 1 of this Schedule ;
- (b) the discharging authority does not determine such an application within the time period set out in paragraph 16(1), or grants it subject to conditions;
- (c) the discharging authority issues a notice further to sections 60 or 61 of the Control of Pollution Act 1974;
- (d) on receipt of a request for further information pursuant to paragraph 17 of this Part of this Schedule, TfL 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
- (e) on receipt of any further information requested, the discharging authority notifies TfL that the information provided is inadequate and requests additional information which TfL considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

- (a) any appeal by TfL must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 16(1), giving rise to the appeal referred to in sub-paragraph (1);
- (b) TfL must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the discharging authority and any consultee specified under the relevant requirement contained in Part 1 of this Schedule;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the attention of the appointed person should be sent;
- (d) the discharging authority and any consultee (if applicable) must submit their written representations together with any other representations to the appointed person in respect of the appeal within 10 days of the start date specified by the appointed person and must ensure that copies of their written representations and any other representations as sent

to the appointed person are sent to each other and to TfL on the day on which they are submitted to the appointed person;

- (e) the appeal parties must make any counter-submissions to the appointed person within 10 days of receipt of written representations pursuant to sub-paragraph (c) above; and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable after the end of the 10 day period for counter-submissions under paragraph (e).

(3) The appointment of the appointed 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 the appointed person must 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) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within 10 days of the date specified by the appointed person but must 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 the appointed person 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 the sole discretion of the appointed person such written representations as have been sent outside of 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 the appointed person 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 is 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 a judicial review.

(10) If an approval is given by the appointed person pursuant to this Part of this Schedule, it is deemed to be an approval for the purpose of Part 1 of this Schedule 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) is not to 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 are to be met by TfL.

(12) On application by the discharging authority or TfL, 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 is to be made, the appointed person must have regard to relevant guidance on the Planning Practice Guidance website or any official circular or guidance which may from time to time replace it.

SCHEDULE 3

Articles 8 and 9

PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS

PART 1

HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
<i>The rights of way and access plans – sheet 1</i>			
In the administrative area of the Royal Borough of Greenwich; in the county of Greater London	Boord Street and Dreadnought Street	A length from a point on the existing Boord Street approximately 130m south-west of its junction with the existing Millennium Way to the existing Dreadnought Street, and then in a generally north westerly direction, for a total distance of approximately 90 metres.	Reference A To be substituted by a length of new highway from a point on Boord Street approx. 130m south-west of its junction with the existing Millennium Way to the premises known as Studio 338, in a generally north westerly direction, for a distance of approximately 80 metres.
	Footbridge (including National Cycle Route No. 1 & Thames Path)	The whole footbridge	Reference B To be substituted by a length of new Boord Street foot and cycle bridge from a point on Boord Street approx. 140 m south-west of its junction with the existing Millennium Way, in a generally south westerly direction, to its junction with the improved Tunnel Avenue.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
	—	—	Reference C Silvertown Tunnel Southbound. A length of new highway from the new Silvertown Tunnel South Portal, in a generally north-easterly direction to the new Silvertown Tunnel North Portal, for a distance of approximately 1425 metres.
	—	—	Reference D Silvertown Tunnel Northbound. A length of new highway from the new Silvertown Tunnel South Portal, in a generally south-westerly direction to the new Silvertown Tunnel North Portal, for a distance of approximately 1405 metres.
	—	—	Reference E Silvertown Tunnel Southern Approach Southbound. A length of new highway from the new South Portal of the Silvertown Tunnel, in a generally south easterly direction, for a distance of approximately 160 metres.

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
	—	—	<p>Reference F</p> <p>Silvertown Tunnel Southern Approach Northbound. A length of new highway from its junction with the existing A102 Blackwall Tunnel Southern Approach northbound, in a generally north-easterly direction to the new South Portal of the Silvertown Tunnel, for a distance of approximately 130 metres.</p>
	—	—	<p>Reference G</p> <p>Pavilion Lane (Realigned) A length of new highway from a point on the existing A102 Blackwall Tunnel Southern Approach Southbound 130m south of the existing Blackwall Tunnel Southbound South Portal, in a generally southerly direction then turning eastwards to its junction with the northbound carriageway of the existing Millennium Way, for a distance of approximately 150 metres.</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
	–	–	Reference H Pavilion Lane (Realigned) A length of new highway from a point on the northbound carriageway of the existing Millennium Way 75 metres to the north west of its junction with the existing Edmund Halley Way, in a generally southerly direction to its junction with the Silvertown Tunnel Southern Approach Northbound, for a distance of approximately 215 metres.
<i>The rights of way and access plans – sheet 2</i>			
In the administrative areas of the Royal Borough of Greenwich and the London Borough of Newham; in the county of Greater London	–	–	Reference C – Refer to sheet 1
	–	–	Reference D – Refer to sheet 1
<i>The rights of way and access plans – sheet 3</i>			

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
In the administrative area of the London Borough of Newham; in the county of Greater London	Dock Road (including National Cycle Route No. 13 (part))	A length from its junction with the existing Tidal Basin Roundabout, in a south westerly direction and then in a south easterly direction, for a total distance of approximately 395 metres.	Reference A To be substituted by a length of new highway from a point approximately 110 metres west of the point where the existing A1020 Silvertown Way off-slip joins the Tidal Basin Roundabout, in a generally south-easterly direction, to a point where it joins the existing North Woolwich Road, for a distance of approximately 430 metres.
	Scarab Close (part)	A length from its junction with the existing Dock Road in a south westerly direction, for a distance of approximately 25 metres.	Reference A (part) To be substituted in part by new highway (being part of the realigned Dock Road (Reference A)) from a point approximately 110 metres west of the existing A1020 Silvertown Way off-slip, in a generally southerly direction, to a point where it joins the existing Scarab Close, for a distance of approximately 55 metres.

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
	–	–	<p>Reference B</p> <p>New left turn off-slip. A length of new highway from a point on the existing A1020 Silvertown Way off-slip approximately 40 metres south-east of the Tidal Basin Roundabout, initially in a north-westerly direction then turning in a southerly direction, to a point where it joins the Silvertown Tunnel Northern Approach Southbound, for a distance of approximately 95 metres.</p>
	–	–	Reference C – Refer to sheet 1
	–	–	Reference D – Refer to sheet 1
	–	–	<p>Reference E</p> <p>Silvertown Tunnel Northern Approach Southbound. A length of new highway from a point approximately 70 metres west of the point where the existing A1020 Silvertown Way off-slip joins the Tidal Basin Roundabout, in a generally south-easterly direction to the new North Portal of the Silvertown Tunnel, for a distance of approximately 205 metres.</p>

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
	–	–	<p>Reference F</p> <p>Silvertown Tunnel Northern Approach Northbound.</p> <p>A length of new highway from the North Portal of the new Silvertown Tunnel, in a generally north-westerly direction to its junction with the new (part of the) Tidal Basin Roundabout, for a distance of approximately 210 metres.</p>
	–	–	<p>Reference G</p> <p>A length of new highway from a point on the new Dock Road (realigned), approximately 60 metres to the south-east of its tie-in with the North Woolwich Road, in a generally north westerly direction, for a distance of approximately 80 metres.</p>

<i>(1) Area</i>	<i>(2) Highway to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New highway to be substituted/provided</i>
	Tidal Basin Roundabout (part) (including National Cycle Route No. 13 (part))	A length from a point on the existing Tidal Basin Roundabout where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way on the northern side of the existing roundabout, in a generally south-easterly direction, and then in a southerly direction and then in an easterly direction, to a point where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way on the southern side of the existing roundabout.	Reference H (part) To be substituted by a length of new highway from a point on the existing Tidal Basin Roundabout where the new Tidal Basin Roundabout passes under the existing A1011 Silvertown Way on the northern side of the existing roundabout, in a generally south-easterly direction, and then in a southerly direction and then in an easterly direction, to a point where the new Tidal Basin Roundabout passes under the existing A1011 Silvertown Way on the southern side of the existing roundabout, for a distance of approximately 270 metres.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New highway to be substituted/provided</i>
	—	—	<p>Reference H (part)</p> <p>A length of new highway within the central island of the new part of Tidal Basin Roundabout from a point on the new Tidal Basin Roundabout approximately 90 metres south west of the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way, in a generally south-easterly direction for a distance of approximately 45 metres to a point where it joins the new Tidal Basin Roundabout at a point approximately 95 metres south west of the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way.</p>

PART 2

HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
<i>The rights of way and access plans – sheet 1</i>		
In the administrative area of the Royal Borough of Greenwich; in the county of Greater London	Pavilion Lane	A length from its junction with the existing Millennium Way in a generally southerly direction to the existing A102 Blackwall Tunnel Southern Approach Southbound, for a distance of approximately 180 metres.
<i>The rights of way and access plans – sheet 2</i>		
None	None	–
<i>The rights of way and access plans – sheet 3</i>		
In the administrative area of the London Borough of Newham; in the county of Greater London	Layby north of the existing A1020 Lower Lea Crossing, approximately 35 metres east of the existing overbridge, on which the A1020 Lower Lea Crossing passes over the Docklands Light Railway Woolwich Branch.	The whole layby.
	Area north of the Tidal Basin Roundabout.	Area of existing carriageway forming part of the existing A1020 Lower Lea Crossing approaching the existing Tidal Basin Roundabout.

PART 3

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

(1) Area	(2) <i>PMA to be stopped up</i>	(3) <i>Extent of stopping up</i>	(4) <i>New PMA to be substituted/provided</i>
<i>The rights of way and access plans – sheet 1</i>			
In the administrative area of the Royal Borough of Greenwich; in the county of Greater London	–	–	Reference 1 New private means of access on the north side of the new Silvertown Tunnel South Portal, providing access to the new tunnel services compound from the south side of the existing Millennium Way.
	Reference a Access to premises (occupied by Priority TM Limited and Southern Gas Networks plc) on the south side of the existing Millennium Way, approximately 50 metres south-east of its junction with the existing Edmund Halley Way.	A length from its junction with the existing Millennium Way south-eastward, for a distance of approximately 20 metres.	Reference 2 To be substituted by a new private means of access located to the east of the new Silvertown Tunnel, providing access from the south side of the existing Millennium Way.
	–	–	Reference 3 New private means of access located around the rear, east and west sides of the premises known as Studio 338, providing pedestrian access from the new highway (Reference A).

<i>(1) Area</i>	<i>(2) PMA to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New PMA to be substituted/provided</i>
	<p>Reference c</p> <p>Access to premises (occupied by Brenntag UK Ltd) from the south-west side of the existing Tunnel Avenue, from a point immediately south of the existing footbridge.</p>	<p>A length from its junction with the existing Tunnel Avenue south-westwards for a distance of approximately 10 metres.</p>	<p>Reference 4</p> <p>To be substituted by a new private means of access on the south-west side of the existing Tunnel Avenue, in the same location as the existing access to Brenntag UK Ltd, but repositioned at the new highway boundary of the improved Tunnel Avenue.</p>
	<p>Reference d</p> <p>Access to premises (occupied by London Power Networks plc) from the east side of the existing Pavilion Lane, approximately 50 metres south of its junction with the existing Millennium Way.</p>	<p>The whole hardened area in front of the existing electricity substations.</p>	<p>Reference 5</p> <p>To be substituted by a new private means of access located on the west side of the new Silvertown Tunnel, providing access from the west side of the existing Millennium Way.</p>
	<p>–</p>	<p>–</p>	<p>Reference 6</p> <p>New private means of access located on the east side of the Silvertown tunnel, providing access from the south side of the existing Millennium Way, to new pressure reduction station (PRS).</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>PMA to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New PMA to be substituted/provided</i>
	<p>Reference e</p> <p>Access to premises (occupied by O’Keefe) from the south-east side of the existing Boord Street approximately 155 metres to the south-west of the existing Millennium Way.</p>	<p>A length from its junction with the existing Boord Street, south-eastwards, for a distance of approximately 5 metres.</p>	<p>Reference 7</p> <p>New private means of access located on the south-east side of the existing Boord Street, in the same location as the existing access to O’Keefe, but repositioned at the new highway boundary of the A102 Southbound and providing access for non-motorised users only.</p>
<i>The rights of way and access plans – sheet 2</i>			
None	None	–	None
<i>The rights of way and access plans – sheet 3</i>			
<p>In the administrative area of the London Borough of Newham; in the county of Greater London</p>	<p>Reference b</p> <p>Access to premises (occupied by Docklands Light Railway Limited) from the north-west side of the existing Scarab Close, approximately 45 metres to the west of the existing Dock Road.</p>	<p>A length from its junction with the existing Scarab Close, westwards for a distance of approximately 40 metres.</p>	<p>Reference 1</p> <p>To be substituted by a new private means of access to Docklands Light Railway, on the west side of the new part of Tidal Basin Roundabout, from the circulatory carriageway of the roundabout.</p>
	–	–	<p>Reference 2</p> <p>New private means of access to the new tunnel services compound on the east side of the Silvertown Tunnel from the new highway to be known as the Tunnel Services Compound Access Road (off the realigned Dock Road).</p>

<i>(1) Area</i>	<i>(2) PMA to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New PMA to be substituted/provided</i>
	<p>Reference h</p> <p>Access to premises (occupied by Docklands Light Railway Limited and ASD Limited) from the south-west side of the existing Dock Road, approximately 235 metres south-east of the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road south-westwards for a distance of approximately 105 metres.</p>	<p>Reference 3 (part)</p> <p>To be substituted by a new private means of access from the south side of the new Dock Road (realigned).</p>
	<p>Reference i</p> <p>Access to premises (occupied by Docklands Light Railway Limited and Quintain (No.8) Limited) from the south-west side of the existing Dock Road, 300m south-east of the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road south-westwards for a distance of approximately 65 metres.</p>	<p>Reference 3 (part)</p> <p>To be substituted by a new private means of access from the south side of the new Dock Road (realigned).</p>
	<p>Reference k (part)</p> <p>Scarab Close (part)</p>	<p>A length from a point on the existing Scarab Close, approximately 75 metres south-west of its junction with the existing Dock Road, in a south-westerly direction, for a distance of approximately 5 metres.</p>	<p>Reference 4</p> <p>To be substituted by a new private means of access from the west side of the new Dock Road (realigned).</p>

<i>(1) Area</i>	<i>(2) PMA to be stopped up</i>	<i>(3) Extent of stopping up</i>	<i>(4) New PMA to be substituted/provided</i>
	<p>Reference m</p> <p>Access to existing statutory undertakers' apparatus from the south-west side of the existing Tidal Basin Roundabout.</p>	<p>A length from its junction with the existing Tidal Basin Roundabout in a north-easterly direction, for a distance of approximately 15 metres.</p>	<p>Reference 5</p> <p>To be substituted by a new private means of access, in the same location as the existing access to statutory undertakers' apparatus, but repositioned from the edge of the new part of the Tidal Basin Roundabout.</p>

PART 4

PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>PMA to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
<i>The rights of way and access plans – sheet 1</i>		
In the administrative area of the Royal Borough of Greenwich; in the county of Greater London	Reference b Access to premises (occupied by Brenntag UK Ltd) from the north side of the existing Morden Wharf Road approximately 20 metres to the east of the existing Tunnel Avenue.	A length from its junction with the existing Morden Wharf Road northwards, for a distance of approximately 5 metres.
<i>The rights of way and access plans – sheet 2</i>		
None	None	–
<i>The rights of way and access plans – sheet 3</i>		
In the administrative area of the London Borough of Newham; in the county of Greater London	Reference a Access to premises (occupied by Docklands Light Railway Limited) from the north of the existing A1020 Lower Lea Crossing, approximately 60 metres west of the existing Tidal Basin Roundabout.	A length from its junction with the existing A1020 Lower Lea Crossing in a northerly direction for a distance of approximately 15 metres.
	Reference c Access to premises (occupied by McGee Group) from the south-east side of the existing Scarab Close, approximately 25 metres west of the existing Dock Road.	A length from its junction with the existing Scarab Close south-eastwards for a distance of approximately 10 metres.
	Reference d Access to premises (occupied by McGee Group) from the south-east side of the existing Scarab Close, approximately 35 metres west of the existing Dock Road.	A length from its junction with the existing Scarab Close south-eastwards for a distance of approximately 10 metres.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>PMA to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>
	<p>Reference e</p> <p>Access to premises (occupied by Hanson Quarry Products Europe Limited) from the north-west side of the existing Dock Road, approximately 70 metres south-east of the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road, north-eastwards for a distance of approximately 10 metres.</p>
	<p>Reference f</p> <p>Access to premises (occupied by Hanson Quarry Products Europe Limited) from the north-west side of the existing Dock Road, approximately 125 metres south-east from the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road north-eastwards for a distance of approximately. 5 metres.</p>
	<p>Reference g</p> <p>Access to premises (occupied by O'Connell Plant and Groundworks Limited) from the north-west side of the existing Dock Road, approximately 165 metres south-east of the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road north-eastwards for a distance of approximately 5 metres.</p>
	<p>Reference j</p> <p>Access to premises (occupied by Docklands Light Railway Limited) from the south-west side of the existing Dock Road, approximately 330 metres south-east of the existing Scarab Close.</p>	<p>A length from its junction with the existing Dock Road south-westwards for a distance of approximately 10 metres.</p>
	<p>Reference k (part)</p> <p>Scarab Close (part)</p>	<p>A length from a point on the existing Scarab Close, approximately 25 metres south-west of its junction with the existing Dock Road, in a south-westerly direction, for a distance of approximately 50 metres.</p>

SCHEDULE 4

Article 22

LAND IN WHICH ONLY NEW RIGHTS MAY BE ACQUIRED

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot Reference Number(s) shown on land plans</i>
Royal Borough of Greenwich	01-036, 01-044a, 01-045a, 01-065, 01-066, 01-076, 01-088, 01-088a, 02-016a, 02-017a, 02-018a, 02-018b, 02-018c, 02-026a, 02-030, 02-033, 02-039, 02-041, 02-043, 02-046, 02-047a, 02-053, 02-053a, 02-062, 02-075, 02-088, 02-089, 03-001, 03-002a, 03-003a, 03-004a, 03-009, 03-017, 03-019, 03-020, 03-021, 03-026, 03-028, 03-030, 03-033, 03-035, 03-037, 03-037a, 03-037c, 03-038, 03-039, 03-042, 03-043, 03-047, 03-049, 03-050, 04-005, 04-006, 04-008, 04-010, 04-011, 04-015, 04-016, 04-016a, 04-018, 04-021, 04-022, 04-024, 04-025, 04-028, 04-030, 04-030a, 04-030b and 04-031
London Borough of Newham	04-032, 04-034, 04-036, 05-002, 05-005, 05-007, 05-010, 05-015, 05-022, 05-027, 05-029, 05-038, 05-038a, 05-044a, 05-045a, 05-046, 05-048a, 05-052, 05-057, 05-073, 05-087, 05-087a, 05-089, 05-092, 05-099, 05-105, 05-112, 05-117, 05-132, 06-016, 06-017a, 06-040, 06-063, 06-071, 06-072, 06-092, 06-092a, 06-098a, 07-005, 07-007b, 07-010, 07-011, 07-012, 07-016, 07-026, 07-027 and 07-028

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

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

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

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

(3) For section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5 substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

- (a) a right over or a restrictive covenant affecting land consisting of a house, building or manufactory can be taken or imposed without material detriment or damage to the house, building or manufactory; or
- (b) a right over or a restrictive covenant affecting land consisting of a park or garden belonging to a house can be taken or imposed without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right or imposition of the restrictive covenant but also the use to be made of the right or restrictive covenant proposed to be acquired or imposed, and, in a case where the right or restrictive covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”.

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land must be read (according to the Requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or

(a) 1973 c.26.

- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (provisions as to divided land) substitute—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Tribunal; and
- (b) before the Tribunal has determined that question the Tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs,

the Silvertown Tunnel Order 201[X] (“the Order”) ceases, in relation to that person, to authorise the purchase of the right or imposition of a restriction and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section must be determined by the Tribunal.

(3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),
are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

SCHEDULE 6

Article 26

LAND IN WHICH ONLY SUBSOIL OR NEW RIGHTS ABOVE
SUBSOIL AND SURFACE MAY BE ACQUIRED

<i>(1)</i> Area	<i>(2)</i> Plot Reference Number(s) shown on land plans	<i>(3)</i> Depth beneath the level of the surface of the land
Royal Borough of Greenwich	03-024, 03-029, 03-031, 03-37b, 04-017, 04-019, 04-020 and 04-23	0.5 metres
	03-040, 03-041, 03-045	2 metres
	04-014	3 metres
	03-046, 03-048	4 metres
	04-007, 04-009	5 metres
	04-012	6 metres
	04-013	7 metres
London Borough of Newham	04-033, 05-003, 05-008 and 05-011	0.5 metres
	05-009	2 metres
	–	3 metres
	–	4 metres
	–	5 metres
	–	6 metres
	–	7 metres

SCHEDULE 7

Article 29

LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> Area	<i>(2)</i> Plot Reference Number(s) shown on land plans	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
Royal Borough of Greenwich	01-007, 01-008, 01-011	Working space to facilitate removal of existing gantry.	Work No. 4
	01-022, 01-027	Working space to facilitate improvement of Tunnel Avenue and construction of new Boord Street foot and cycle bridge.	Work Nos. 4 and 11
	01-044, 01-045	Access to works and working space to facilitate improvement of A102 Blackwall Tunnel Southern Approach, and construction of new Boord Street foot and cycle bridge and temporary diversion of Millennium Way.	Work Nos. 1, 2, 3, 11 and 14
	01-045b, 01-083, 01-084, 01-087, 01-090, 02-018, 02-021, 02-022, 02-026	Temporary diversion of Millennium Way and Edmund Halley Way, and working space to facilitate construction of Silvertown Tunnel.	Work Nos. 1 and 12
	01-047a, 01-060a	Working space to facilitate construction of new access/egress to/from premises.	Work No. 2
	01-047	Working space to facilitate construction of new Boord Street foot and cycle bridge; new access/egress to/from premises; and improvement of A102 Blackwall Tunnel Southern Approach.	Work Nos. 2 and 11

<i>(1) Area</i>	<i>(2) Plot Reference Number(s) shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
	01-061, 01-091, 02-045	Working space to facilitate construction of gantry.	Work Nos. 2 and 4
	01-077, 01-077a, 01-086, 02-015, 02-016, 02-017	Working space and construction compounds to facilitate construction of Silvertown Tunnel and its Southern Approach and services compound.	Work Nos.1, 2, 5, 6 and 12
	02-036, 02-051	Working space and construction compounds to facilitate construction of Silvertown Tunnel, new Pavilion Lane and access to statutory undertakers' apparatus.	Work Nos. 1, 5, 6, 10 and 12
	02-036b, 02-037, 02-041a, 02-047, 02-050, 02-052, 02-052b, 02-052c	Working space to facilitate construction of new Pavilion Lane and new access to statutory undertakers' apparatus.	Work No. 10
	02-043a	Working space and construction compounds to facilitate construction of the Silvertown Tunnel and new Pavilion Lane; and temporary diversion of Millennium Way and Edmund Halley Way.	Work Nos.1,10, 12
	02-059, 02-062a, 02-075a	Working space and construction compounds to facilitate construction of Silvertown Tunnel; and temporary diversion of Millennium Way and Edmund Halley Way.	Work No. 1
	02-066, 02-067, 02-070, 02-081	Working space to facilitate construction of new Pavilion Lane.	Work No. 9

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Plot Reference Number(s) shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
	02-072, 02-073	Working space to facilitate construction of new Pavilion Lane; and temporary diversion of Millennium Way.	Work Nos. 1 and 9
	02-078, 02-079, 02-080	Working space to facilitate temporary diversion of Millennium Way.	Work No. 1
	02-084, 02-087	Working space to facilitate improvement of the A102 Blackwall Tunnel Southern Approach and construction of new Pavilion Lane.	Work Nos. 2 and 9
	03-002, 03-002b, 03-003, 03-004, 03-005, 03-006	Working space to facilitate temporary diversion of Millennium Way.	Work Nos.1 and 14
	03-007, 03-008, 03-017a, 03-026a	Working space and construction compounds to facilitate construction of Silvertown Tunnel; and temporary diversion of Edmund Halley Way.	Work No. 1
	03-013, 03-014	Provision of a temporary replacement car park and associated buildings.	Work No. 1
	03-034, 03-036, 03-044, 04-001, 04-002, 04-003, 04-004	Provision of a temporary replacement car park.	Work No. 1
	04-026, 04-027	Working space to facilitate river wall works.	Work No. 1
London Borough of Newham	04-035, 05-001, 05-004, 05-006, 06-001	Working space to facilitate construction of Silvertown Tunnel and construction of temporary jetty and transportation area, including related dredging works and operations, and the establishment of an exclusion zone for the jetty.	Work Nos. 1 and 20

<i>(1) Area</i>	<i>(2) Plot Reference Number(s) shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
	05-014, 05-018, 05-019, 05-024, 05-025, 05-026, 05-040, 05-041, 05-042, 05-043, 05-044, 05-045, 05-048, 05-048b, 05-049, 05-050, 05-051, 05-054, 05-060, 05-064, 05-075, 05-081, 05-084, 05-109, 05-111, 06-006, 06-008, 06-009, 06-019, 06-020, 06-032, 06-036, 06-037, 06-042, 06-044, 06-053, 06-054, 06-055	Working space and construction compounds to facilitate construction of Silvertown Tunnel and realigned Dock Road and temporary relocated car parking and access thereto.	Work Nos. 1, 17 and 18
	05-016, 05-023, 05-028, 05-032, 05-033, 05-035,	Working space and construction compounds to facilitate construction of Silvertown Tunnel, realigned Dock Road and temporary jetty and temporary relocated car parking and access thereto.	Work Nos. 1, 17, 18 and 20
	05-047, 06-002, 06-003, 06-004, 06-005, 06-007, 06-010, 06-011, 06-012, 06-013, 06-027, 06-033, 06-035, 06-057, 06-060	Working space and construction compounds to facilitate construction of Silvertown Tunnel and realigned Dock Road, and to provide a temporary storage area and related access, and temporary relocated car parking and access thereto.	Work Nos. 1, 17 and 18
	06-066, 06-068, 06-096, 06-098, 07-006, 07-007a, 07-007, 07-008, 07-009	Working space to facilitate improvement of the existing Tidal Basin Roundabout and Tidal Basin Road.	Work Nos. 16 and 19

<i>(1) Area</i>	<i>(2) Plot Reference Number(s) shown on land plans</i>	<i>(3) Purpose for which temporary possession may be taken</i>	<i>(4) Relevant part of the authorised development</i>
	06-075, 06-078	Working space to facilitate improvement of the existing Tidal Basin Roundabout and Tidal Basin Road, and temporary relocated car parking and access thereto.	Work Nos. 16, 17 and 19
	06-093	Working space and construction compounds to facilitate construction of the Silvertown Tunnel and its Northern Approach and services compound, and temporary relocated car parking and access thereto.	Work Nos. 1, 15 and 17
	07-029	Working space and construction compounds to facilitate construction of the Silvertown Tunnel and its Northern Approach and services compound.	Work Nos. 1, 15 and 17

SCHEDULE 8

Article 44(17)

REMOVAL OF MOTOR VEHICLES

PART 1

PRELIMINARY

1.—(1) In this Schedule—

“the 1999 Act” means the Greater London Authority Act 1999;

“adjudicator” means a person specified in article 44(18);

“appeal” means an appeal under paragraph 4(1) or 9(1);

“appellant” means the person bringing the appeal;

“the charging scheme” means a charging scheme applying by virtue of article 44(13);

“hearing” means an oral hearing;

“hiring agreement” has the same meaning as in section 66 of the Road Traffic Offenders Act 1988(a);

“penalty charge notice” has the meaning given in paragraph 5;

“person liable” in relation to a motor vehicle means the registered keeper of that motor vehicle or the person who is liable to pay a charge or penalty charge imposed by a charging scheme; and

“vehicle-hire firm” has the same meaning as in section 66 of the Road Traffic Offenders Act 1988.

(2) In determining for the purposes of any provision of this Schedule whether a charge or penalty charge has been paid before the end of a particular period, it must be taken to be paid when it is received by TfL.

PART 2

REPRESENTATIONS AND APPEALS IN RELATION TO THE REMOVAL OF MOTOR VEHICLES

Persons to whom Part 2 applies

2. This part of this Schedule applies to a person (referred to as a “relevant person”) who—

- (a) pays or causes to be paid a penalty charge to recover a motor vehicle after it has been removed from the tunnels area in accordance with the charging scheme;
- (b) receives any sum after a motor vehicle has been sold or destroyed in accordance with the charging scheme; or
- (c) is informed that the proceeds of disposal of a motor vehicle do not exceed the amount of the penalty charges payable in respect of the motor vehicle in accordance with the charging scheme.

(a) 1988 c.53

Right to make representations

3.—(1) A relevant person must, on the happening of an event such as is referred to in sub-paragraph (a), (b) or (c) of paragraph 2, immediately be informed by notice in writing, by or on behalf of TfL, of that person's right to make representations under this paragraph and that person's right of appeal under paragraph 4.

(2) A relevant person may make representations in writing to TfL on one or more of the grounds mentioned in sub-paragraph (3).

(3) The grounds are—

- (a) that the penalty charge paid to secure the release or recovery of the motor vehicle exceeded the amount applicable in the circumstances of the case;
- (b) in a case where the motor vehicle was removed and penalty charges were outstanding with respect to the motor vehicle, that—
 - (i) those penalty charges were all incurred before the person liable in relation to the motor vehicle at the time of its removal had become the person liable in relation to that motor vehicle; or
 - (ii) the number of penalty charges incurred after that person had become the person liable was fewer than such number as may be specified in the charging scheme; or
- (c) that the relevant person is a vehicle-hire firm and—
 - (i) the motor vehicle in question was at the time the motor vehicle was removed hired from that firm under a hiring agreement; and
 - (ii) the person hiring it had signed a statement of liability acknowledging that person's liability in respect of any penalty charge incurred in respect of the motor vehicle during the currency of the hiring agreement.

(4) TfL may disregard any representations received by it after the end of the period of 28 days beginning with the date on which the relevant person is informed in accordance with sub-paragraph (1) of that person's right to make representations.

(5) It is the duty of the person to whom representations are made under this paragraph, before the end of the period of 56 days beginning with the day on which it receives the representations—

- (a) to consider them and any supporting evidence which the person making them provides; and
- (b) to serve on that person a notice of its decision as to whether or not it accepts that the ground in question has been established.

(6) Where TfL serves notice under sub-paragraph (5)(b) that it accepts that a ground has been established it must (when serving that notice or as soon as practicable after it has done so) refund any penalty charge or charges—

- (a) paid to recover the motor vehicle after it had been removed from the tunnels area;
- (b) deducted from the proceeds of sale of the motor vehicle,

except to the extent (if any) to which those sums were properly paid or deducted.

(7) Where TfL serves notice under sub-paragraph (5)(b) that it does not accept that a ground has been established, that notice must—

- (a) inform the relevant person of that person's right to appeal to an adjudicator;
- (b) indicate the nature of the adjudicator's power to award costs against any person making a valid appeal;
- (c) describe in general terms the form and manner in which such an appeal is required to be made; and
- (d) provide such other information as TfL considers appropriate.

(8) Where TfL fails to comply with sub-paragraph (5) before the end of the period of 56 days there mentioned—

- (a) TfL is deemed to have accepted that the ground in question has been established and to have served notice to that effect under sub-paragraph (6); and
- (b) sub-paragraph (6) has effect as if it required any refund to be made immediately after the end of that period.

(9) Any notice required to be served under this paragraph may be served personally or by post or in such form as is agreed between TfL and the relevant person.

(10) Where the person on whom any document is required to be served by sub-paragraph (5) is a body corporate, the document is duly served if it is sent by post or any such form as is agreed to the secretary or clerk to that body.

Right to appeal to an adjudicator

4.—(1) Where TfL serves notice under paragraph 3(5)(b) that it does not accept that a ground on which representations were made under that paragraph has been established, the person making those representations may appeal to an adjudicator against TfL’s decision, before—

- (a) the end of the period of 28 days beginning with the date of service of the notice; or
- (b) such longer period as an adjudicator may allow following consultation with TfL.

(2) An adjudicator may allow a longer period for an appeal under paragraph (1)(b) whether or not the period specified in paragraph (1)(a) has already expired.

(3) On an appeal under this paragraph, the adjudicator must consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 3(3) and, if the adjudicator concludes—

- (a) that any of the representations are justified; and
- (b) that TfL would have been under the duty imposed by paragraph 3(6) to refund any sum if TfL had served notice that it accepted that the ground in question had been established,

the adjudicator must direct the authority to make the necessary refund.

- (4) TfL must comply with a direction of the adjudicator.

PART 3

RECOVERY OF PENALTY CHARGES

Penalty charge notices

5.—(1) Where a charge with respect to a motor vehicle under the charging scheme has not been paid by the time by which it is required by the charging scheme to be paid and, in those circumstances, the scheme provides for the payment of a penalty charge, TfL may serve a notice (“a penalty charge notice”).

(2) A penalty charge notice must be served on the registered keeper of the motor vehicle unless the penalty charge to which it relates is payable by another person, in which case the penalty charge notice must be served on that other person.

(3) A penalty charge notice must state—

- (a) the amount of the penalty charge to which it relates;
- (b) the grounds on which TfL believes that the penalty charge is payable with respect to the motor vehicle;
- (c) the time, in accordance with the charging scheme under which it is imposed, and the manner in which the penalty charge must be paid;
- (d) the amount of the reduced penalty charge if it is duly paid in the time specified in the charging scheme;

- (e) the amount of the increased penalty charge if—
 - (i) the penalty charge is not paid; or
 - (ii) no representations are made under paragraph 6, before the end of the relevant period as defined by paragraph 10(3)(a);
- (f) the address to which payment of the penalty charge must be sent;
- (g) that the person on whom the notice is served (“the recipient”) may be entitled to make representations under paragraph 10; and
- (h) the effect of paragraph 9.

Representations against penalty charge notice

6.—(1) Where it appears to the recipient that one or other of the grounds mentioned in sub-paragraph (3) are satisfied, the recipient may make representations in writing to that effect to TfL.

(2) TfL may disregard any such representations which are received by it after the end of the period of 28 days beginning with the date on which the penalty charge notice was served.

(3) The grounds are—

- (a) that the recipient—
 - (i) never was the registered keeper in relation to the motor vehicle in question;
 - (ii) had ceased to be the person liable before the date on which the motor vehicle was used in the tunnels; or
 - (iii) became the person liable after that date;
- (b) that the charge payable for the use or keeping of the motor vehicle on a road on the occasion in question was paid at the time and in the manner required by the charging scheme;
- (c) that no penalty charge is payable under the charging scheme;
- (d) that the motor vehicle had been used or kept, or permitted to be used or kept, on a road by a person who was in control of the motor vehicle without the consent of the registered keeper;
- (e) that the penalty charge exceeded the amount applicable in the circumstances of the case;
- (f) that the recipient is a vehicle-hire firm and—
 - (i) the motor vehicle in question was at the material time hired from that firm under a hiring agreement; and
 - (ii) the person hiring it had signed a statement of liability acknowledging liability in respect of any penalty charge notice imposed in relation to the motor vehicle during the currency of the hiring agreement.

(4) Where the ground mentioned in sub-paragraph (3)(a)(ii) is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the motor vehicle was disposed of by the person making the representations (if that information is in that person’s possession).

(5) Where the ground mentioned in sub-paragraph (3)(a)(iii) is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the motor vehicle was acquired by the person making the representations (if that information is in that person’s possession).

(6) Where representations are duly made under this paragraph to TfL it must—

- (a) consider them and any supporting evidence which the person making them provides; and
- (b) serve on that person notice of its decision as to whether or not it accepts that the ground in question has been established.

Cancellation of penalty charge notice

7.—(1) Where representations are made under paragraph 6 and TfL accepts that the ground in question has been established it must—

- (a) cancel the penalty charge notice; and
- (b) state in the notice served under paragraph 6(6) that the penalty charge notice has been cancelled.

(2) The cancellation of a penalty charge notice under this paragraph is not to be taken to prevent TfL concerned from serving a fresh penalty charge notice on the same or another person.

Rejection of representations against penalty charge notice

8.—(1) Where any representations are made under paragraph 6 but TfL does not accept that a ground has been established, the notice served under paragraph 6(6) (“the notice of rejection”) must—

- (a) state that a charge certificate may be served under paragraph 10 unless before the end of the period of 28 days beginning with the date of service of the notice of rejection—
 - (i) the penalty charge is paid; or
 - (ii) the person on whom the notice is served appeals to an adjudicator against the penalty charge;
- (b) indicate the nature of an adjudicator’s power to award costs against any person appealing to the adjudicator; and
- (c) describe in general terms the form and manner in which an appeal to an adjudicator must be made.

(2) A notice of rejection may contain such other information as TfL considers appropriate.

Adjudication by an adjudicator

9.—(1) Where TfL serves notice under paragraph 6(6) that it does not accept that a ground on which representations were made under that paragraph has been established, the person making those representations may appeal to an adjudicator against TfL’s decision before—

- (a) the end of the period of 28 days beginning with the date of service of that notice; or
- (b) such longer period as an adjudicator may allow, following consultation with TfL.

(2) An adjudicator may allow a longer period for an appeal under sub-paragraph (1)(b) whether or not the period specified in sub-paragraph (1)(a) has already expired.

(3) On an appeal under this paragraph, the adjudicator must consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 6(3) and may give TfL such directions as the adjudicator considers appropriate.

(4) TfL must comply with a direction of the adjudicator given under sub-paragraph (3).

Charge certificates

10.—(1) Where a penalty charge notice is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, TfL may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased to the sum specified in the charging scheme under which it was incurred.

(2) Where TfL has served a charge certificate on any person it may cancel the charge certificate and serve or cancel such further charge certificates as it thinks fit.

(3) The relevant period, in relation to a penalty charge notice, is the period of 28 days beginning—

- (a) where no representations are made under paragraph 6, with the date on which the penalty charge notice is served;
- (b) where—
 - (i) such representations are made;
 - (ii) a notice of rejection is served by TfL; and
 - (iii) no appeal against the notice of rejection is made,
 with the date on which the notice of rejection is served; or
- (c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator’s decision is served on the appellant.

(4) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of the adjudicator’s decision, the relevant period in relation to a penalty charge notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

Enforcement of charge certificate

11. Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, TfL may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

Invalid notices

12.—(1) This paragraph applies where—

- (a) a county court makes an order under paragraph 11;
- (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2); and
- (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court’s order is served on that person, served on the county court which made the order.

(2) The statutory declaration must state that the person making it—

- (a) did not receive the penalty charge notice in question;
- (b) made representations to TfL under paragraph 6 but did not receive a notice of rejection; or
- (c) appealed to an adjudicator under paragraph 9 against the rejection by TfL of representations made by that person under paragraph 6 but had no response to the appeal.

(3) Sub-paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of that person’s case to insist on that person serving a statutory declaration within the period of 21 days allowed for by sub-paragraph (1).

(4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as the district judge considers appropriate.

(5) Where a statutory declaration is served under sub-paragraph (1)(c)—

- (a) the order of the court is deemed to have been revoked;
- (b) the charge certificate is deemed to have been cancelled;
- (c) in the case of a declaration under sub-paragraph (2)(a), the penalty charge notice to which the charge certificate relates is deemed to have been cancelled; and
- (d) the district judge must serve written notice of the effect of service of the declaration on the person making it and on TfL.

(6) Service of a declaration under sub-paragraph (2)(a) must not be taken to prevent TfL from serving a fresh penalty charge notice on the same or another person.

(7) Where a declaration has been served under sub-paragraph (2)(b) or (c), TfL must refer the case to the adjudicator who may give such directions as the adjudicator considers appropriate.

Enforcement by execution

13.—(1) Subject to sub-paragraph (2)—

- (a) an unpaid penalty charge which is recoverable in accordance with paragraph 11 as if it were payable under a county court order; and
- (b) a sum to be paid by a person (other than TfL) under an adjudication of an adjudicator which is recoverable in accordance with paragraph 14 as if it were payable under a county court order,

is to be treated for purposes of enforcement by execution as if it was a specified debt in the Enforcement of Road Traffic Debts Order 1993 (“the 1993 Order”)(**a**).

(2) For the purposes of the enforcement of an unpaid penalty charge referred to in sub-paragraph (1)(a) or the enforcement of the payment of a sum referred to in sub-paragraph (1)(b)—

- (a) any reference in the 1993 Order to “the authority” is to be treated as a reference to TfL; and
- (b) the reference in article 3(1) of the 1993 Order to “the time for serving a statutory declaration” is to be treated as a reference to, as the case may be—
 - (i) the period of 21 days allowed by paragraph 12(1)(c); or
 - (ii) where a longer period has been allowed pursuant to paragraph 12(4), that period.

14. Any amount which is payable under an adjudication must, if a county court so rules, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.

Service by post

15. Any penalty charge notice, charge certificate or other notice under this Schedule may be served by post (or in such other form as is agreed between the person to be served and TfL) and, where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

Procedure

16. The procedure to be applied to proceedings under this Schedule is that which applies to adjudication proceedings in relation to road user charging under the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001(**b**) as amended from time to time.

(a) S.I. 1993/2073
(b) S.I. 2001/2313

BLACKWALL AND SILVERTOWN TUNNELS BYELAWS

PART 1

PRELIMINARY

Citation and commencement

1. These byelaws may be cited as the Blackwall and Silvertown Tunnels Byelaws 2017 and were made by Transport for London under article 48(1) of the Silvertown Tunnel Order 201[] and subsequently confirmed by the Secretary of State on [xx month, 2017].

Interpretation

2.—(1) In these byelaws unless the context otherwise requires—

“the approaches” means the Blackwall Tunnel approaches and the Silvertown Tunnel approaches”;

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

(i) is an employee, agent, contractor or sub-contractor of TfL; or

(ii) is authorised by TfL; or

(b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire Services Act 2004 or person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002, acting in the execution of that person’s duties within the tunnels;

“the Blackwall Tunnel” means the existing road tunnel under the River Thames between Blackwall and the Greenwich Peninsula and forming part of the A102 road, which is a GLA road, as shown by solid green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel approaches” means the northern and southern approaches to the Blackwall Tunnel, the linear extent of which is shown by dashed green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel area” means the extent of the public highway comprised in and along the Blackwall Tunnel and the Blackwall Tunnel approaches;

“the byelaws” means these byelaws;

“dangerous goods” means a substance or article of which the international carriage by road is prohibited, or authorised on certain conditions, by Annex A of the European Agreement Concerning the International Carriage of Dangerous Goods by Road as from time to time amended;

“fixed penalty notice” is a notice issued under article 49 of the Silvertown Tunnel Order 201[];

“marshalling area” means an area (if any) provided for the marshalling of motor vehicles using, or intending to use, the tunnels;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“the Silvertown Tunnel” means the twin bore road tunnel to be constructed as Work No. 1, and as shown by solid blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel approaches” means the northern and southern approaches to the Silvertown Tunnel, the linear extent of which is shown by dashed blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel area” means the extent of the public highway to be comprised in and along the Silvertown Tunnel and the Silvertown Tunnel approaches;

“trailer” means a vehicle (including a horse box) designed or adapted to be towed by a motor vehicle;

“the tunnels” means the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels areas” means the Blackwall Tunnel area and the Silvertown Tunnel area;

“tunnel equipment” includes plant and machinery, and any emergency, safety or communications equipment;

“tunnel infrastructure” means the structure (including the carriageway) of the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels location and operational boundaries plans” means the plans of that description certified by the Secretary of State under article 64 of the Silvertown Tunnel Order 201[];

“vaporiser” means an electronic device that can be used to deliver nicotine or other substances to a person inhaling from the device; and

“Work No. 1” means the work of that description in Schedule 1 to the Silvertown Tunnel Order 201[].

(2) The Interpretation Act 1978 applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

PART 2

CONDUCT AND BEHAVIOUR

Smoking etc.

3. A person in the tunnels must not—

- (a) smoke or carry an item that is alight including a lit cigar, cigarette, cigarillo, match, pipe or lighter; or
- (b) use a vaporiser.

Unacceptable behaviour

4. A person must not—

- (a) climb upon, remove or damage (whether deliberately or negligently) any tunnel infrastructure or tunnel equipment;
- (b) post a bill, placard or notice on any tunnel infrastructure or tunnel equipment;
- (c) write, print, draw or paint on or cut, mark or stamp any tunnel infrastructure or tunnel equipment;
- (d) fix anything to any tunnel equipment or tunnel infrastructure;
- (e) spit, urinate or defecate in the tunnels areas;
- (f) leave litter or waste in the tunnels areas;
- (g) move, alter, deface or otherwise interfere with any notice belonging to TfL which is exhibited or placed in the tunnels areas; or
- (h) act in any way as to cause a nuisance in the tunnels areas.

PART 3

EQUIPMENT AND SAFETY

General safety

5.—(1) A person must not operate, obstruct, interfere with or stop any tunnel equipment except—

- (a) by means of any of the controls intended for use by that person; or
- (b) in an emergency and by means of equipment on or near which is a notice indicating that it is to be used in an emergency.

(2) A person must not place, throw, drop or trail anything which is capable of injuring or endangering any person or damaging any property in the tunnels areas.

(3) A person must not obstruct or in any way interfere with the tunnels areas.

(4) A person must not, without reasonable cause, activate, use or interfere with any emergency, safety or communications equipment within the tunnels areas.

PART 4

ACCESS AND TRAFFIC

Unauthorised access and loitering

6.—(1) A person must not enter, attempt to enter or remain in any part of the tunnels areas where there is a notice prohibiting or restricting access.

- (2) A person must not loiter in the tunnels areas if asked to leave by an authorised person.
- (3) A driver of a motor vehicle must not sleep within the tunnels areas.

Traffic regulation

7.—(1) A person (other than an authorised person) must not enter the tunnels on foot.

(2) A person (other than an authorised person) must not use or cause to be used within the tunnels areas a pedal cycle (whether electric or not), tricycle, barrow, cart, buggy, pedicab, rickshaw, vehicle used as a personal transporter, or human or animal drawn means of conveyance except if it is conveyed as the load or part of the load of a motor vehicle.

(3) A person must not take into the tunnels an animal unless the animal is enclosed in a motor vehicle or trailer.

(4) A person must not release an animal from a motor vehicle.

(5) A person must not enter the tunnels in a vehicle which has insufficient fuel or power for the journey to be completed in the tunnels without the need for additional fuel or power.

(6) A person must not abandon a motor vehicle in the tunnels areas except in an emergency as directed by an authorised person.

(7) A person must not operate a motor vehicle music or sound system at such volume as to cause nuisance to users of the tunnels.

(8) A person must not unnecessarily, inappropriately or excessively use a car horn, klaxon or lights (including car lamps) in the tunnels areas.

(9) A person must not take or cause to be taken into the tunnels areas a motor vehicle which by reason of its condition is likely to break down or is in such condition as is likely to injure persons or damage property.

(10) A person must not use or cause to be used a motor vehicle in the tunnels unless the load carried by the motor vehicle is at all times contained or secured (if necessary by physical restraint

other than its own weight) and is in such a position that neither danger nor nuisance is caused or is likely to be caused to a person or property by reason of the load or any part of the load falling or being thrown from the motor vehicle.

(11) No driver of or passenger in a motor vehicle which has broken down may carry out repairs to or refuel a motor vehicle in the tunnels areas without the permission of an authorised person.

(12) A driver of a motor vehicle which has broken down in the tunnels areas must—

- (a) immediately notify an authorised person of the breakdown; and
- (b) switch on the motor vehicle's hazard lights.

(13) A driver of a motor vehicle which has shed its load in full or in part in the tunnels such that it has caused, or may cause, an obstruction or other hazard to users of the tunnels must—

- (a) not attempt to reclaim the load;
- (b) immediately inform an authorised person of the loss of the load and of its approximate location; and
- (c) immediately inform an authorised person of the identity of, and contact details for, the owner of the load.

(14) A person must not take into the Blackwall Tunnel a motor vehicle which has—

- (a) a weight of more than 44,000 kilograms;
- (b) an axle load of more than 10,000 kilograms for a single non-driving axle and 11,500 kilograms for a single driving axle;
- (c) a width of more than 2.9 metres; or
- (d) a rigid length of more than 18.65 metres.

(15) A person must not take into the Blackwall Tunnel a motor vehicle of a height greater than the heights set out in this table—

<i>Direction</i>	<i>Traffic lanes and maximum vehicle heights</i>
Northbound	Lane 1 (nearside): 4 metres or 13 feet Lane 2 (offside): 2.8 metres or 9 feet
Southbound	Both lanes: 4.7 metres or 15 feet and six inches

(16) A driver of a motor vehicle must not (unless directed by an authorised person) drive in the tunnels areas at a speed of less than ten miles per hour except where the driver is prevented from driving at or above ten miles per hour on account of the traffic flow.

(17) A driver of a motor vehicle must comply with any direction given by an authorised person or traffic notice, sign or signal at any time in terms of the traffic lanes to be used by motor vehicles or not to be used by motor vehicles.

Dangerous goods

8.—(1) A person must not, except with the consent of TfL, take or cause or permit to be taken into the tunnels areas a motor vehicle carrying dangerous goods and must at all times when in the tunnels areas comply with the conditions imposed by paragraph (2) below.

(2) The consent of TfL, if granted, is subject to the following conditions—

- (a) no person may drive into the tunnels any motor vehicle to which paragraph (1) applies except with such escort as may be directed or required by an authorised person and the driver of every such motor vehicle must take and comply with such directions or precautionary measures as an authorised person considers expedient in the circumstances; and

(b) a driver of a motor vehicle to which paragraph (1) applies must be accompanied by a person legally entitled to drive the motor vehicle who will be capable of stopping the motor vehicle in the event of sudden illness or incapacity overtaking the driver while in the tunnels.

(3) The driver of a motor vehicle to which paragraph (1) applies must stop on arriving at any marshalling area and must not proceed further into the tunnels without the consent of, or as directed by, an authorised person.

(4) The consent of TfL under this byelaw may be granted generally or specifically, including in respect of any category or description of dangerous goods.

(5) TfL must provide and maintain on its website a mechanism for potential tunnel users to obtain the consent required under paragraph (1) above or granted under paragraph (4).

(6) A driver of a motor vehicle in the tunnels areas must not prevent an authorised person from inspecting the motor vehicle for the purpose of ascertaining compliance with the requirements which apply at any time in respect of the carriage of dangerous goods.

PART 5 ENFORCEMENT, ETC.

Name and address

9.—(1) A person reasonably suspected by an authorised person of breaching or attempting to breach a byelaw must immediately give that person's name and address when requested to do so by an authorised person.

(2) The authorised person requesting details under byelaw 9(1) must state the nature of the suspected breach of the byelaw in general terms at the time of the request.

Compliance with instructions and notices, etc.

10.—(1) A person in the tunnels areas must carry out the reasonable instructions of an authorised person or the requirements of a notice displayed by TfL.

(2) A person must not obstruct an authorised person acting in the course of the duties of the authorised person.

(3) A person acting in compliance with the instructions of an authorised person does not commit a breach of the byelaw which otherwise prohibits the act.

(4) A person is not subject to a penalty for breach of a byelaw by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular byelaw was displayed.

Identification of authorised persons

11.—(1) An authorised person who is exercising any power conferred on an authorised person by any of the byelaws must produce a form of identification when requested to do so.

(2) The form of identification mentioned in byelaw 11(1) must include the name of the authorised person's employer and a means of identifying the authorised person.

Fines

12. A person who breaches any byelaw commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Breaches by authorised persons

13. An authorised person acting in the course of the duties of the authorised person is not liable for a breach of a byelaw.

Attempted breach

14. A person who attempts to breach a byelaw is liable to the same penalty as a person who breaches a byelaw.

SCHEDULE 10

Article 50

CLASSIFICATION OF ROADS, ETC.

PART 1

CLASSIFICATION AND DESIGNATION OF GLA ROADS (TRANSPORT FOR LONDON ROAD NETWORK)

In the administrative area of the Royal Borough of Greenwich—

A12 Blackwall Tunnel Southern Approach Southbound

1. A length of highway proposed to be improved and to be classified as part of the A12, commencing from the existing Blackwall Tunnel South Portal on the existing A102 Blackwall Tunnel Southern Approach Southbound carriageway and continuing in a generally south-easterly direction to a point where it merges with the Silvertown Tunnel Southern Approach Southbound carriageway, at a point approximately 115 metres north-west of the centre point of where it passes under the existing Boord Street footbridge.

Identified by a green line on the classification of roads plans (classification).

A12 Blackwall Tunnel Southern Approach Northbound

2. A length of highway proposed to be improved and to be classified as part of the A12, commencing from a point where it diverges from the Silvertown Tunnel Southern Approach Northbound carriageway, at a point approximately 160 metres north-west of the centre point of where it passes under the existing Boord Street footbridge, and continuing in a generally north-westerly direction, to the existing Blackwall Tunnel South Portal on the existing A102 Blackwall Tunnel Southern Approach Northbound carriageway.

Identified by a green line on the classification of roads plans (classification).

A12 Crossover between Blackwall Tunnel Southern Approach Northbound and Southbound Carriageways

3. A length of highway proposed to be improved and to be classified as part of the A12, commencing from a point on the existing A102 Blackwall Tunnel Southern Approach Northbound carriageway approximately 350 metres south of the existing Blackwall Tunnel South Portal, and continuing in a generally northerly direction, to a point where it joins the existing A102 Blackwall Tunnel Southern Approach Southbound carriageway at a point approximately 400 metres south of the existing Blackwall Tunnel South Portal, at a point immediately south of the existing junction of the A102 Blackwall Tunnel Southern Approach Southbound with the existing Pavilion Lane.

Identified by a green line on the classification of roads plans (classification).

Pavilion Lane (Realigned) (to Millennium Way)

4. A length of new unclassified highway proposed to be constructed and to be designated as a GLA Road (forming part of the Transport for London Road Network (“TLRN”)), commencing at a point on the existing A102 Blackwall Tunnel Southern Approach Southbound approximately 130 metres south of the existing Blackwall Tunnel Southbound South Portal and continuing in a generally southerly direction then turning eastwards to its junction with the existing Millennium

Way, at a point approximately 90 metres north-west of its junction with the existing Edmund Halley Way.

Identified by a dark blue line on the classification of roads plans (designation).

Pavilion Lane (Realigned) (from Millennium Way)

5. A length of new unclassified highway proposed to be constructed and to be designated as a GLA Road (forming part of the TLRN), commencing from a point on the existing Millennium Way approximately 75 metres north-west of its junction with the existing Edmund Halley Way and continuing in a generally southerly direction to its junction with the Silvertown Tunnel Southern Approach Northbound, proposed to be located approximately 75 metres south-west of the centre point of the existing Millennium Way, which is approximately 50 metres south-east of the centre point of its junction with the existing Edmund Halley Way.

Identified by a dark blue line on the classification of roads plans (designation).

A102 Silvertown Tunnel Southern Approach Northbound

6. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), commencing from a point where it diverges from the A102 Blackwall Tunnel Southern Approach Northbound carriageway at a point approximately 160 metres north-west of the centre point of where it passes under the existing Boord Street footbridge, and continuing in a generally northerly direction to the South Portal of the Silvertown Tunnel (Northbound) proposed to be located approximately 40 metres south-west of the centre point of the existing Millennium Way which is approximately 50 metres south-east of the centre point of its junction with the existing Edmund Halley Way.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Silvertown Tunnel Southern Approach Southbound

7. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), commencing from the South Portal of the Silvertown Tunnel (Southbound) proposed to be located approximately 40 metres south-west of the centre point of the existing Millennium Way which is approximately 65 metres south-east of the centre point of its junction with the existing Edmund Halley Way, and continuing in a generally south-easterly direction to a point where it merges with the existing A102 Blackwall Tunnel Southern Approach Southbound carriageway, at a point approximately 115 metres north-west of the existing Boord Street footbridge.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

In the administrative areas of the Royal Borough of Greenwich and the London Borough of Newham—

A102 The Silvertown Tunnel Northbound

8. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Silvertown Tunnel (Northbound), commencing from a point at the South Portal of the proposed Silvertown Tunnel proposed to be located approximately 30 metres south-west of the centre point of the existing Millennium Way, which is approximately 55 metres south-east of the centre point of its junction with the existing Edmund Halley Way, to a point at the North Portal of the proposed Silvertown Tunnel proposed to be located approximately 65 metres west of the centre point of the existing westbound carriageway of the existing A1101 Silvertown Way that is approximately 20

metres north-west of the point where the existing A1020 Silvertown Way off-slip diverges from the existing A1101 Silvertown Way westbound, and crossing the Borough boundary at the mid-point beneath the River Thames.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 The Silvertown Tunnel Southbound

9. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Silvertown Tunnel (Southbound), commencing from a point at the North Portal of the proposed Silvertown Tunnel, proposed to be located approximately 50 metres west of the centre point of the existing westbound carriageway of the existing A1101 Silvertown Way that is approximately 20 metres north-west of the point where the existing A1020 Silvertown Way off-slip diverges from the existing A1101 Silvertown Way westbound, to a point at the South Portal of the proposed Silvertown Tunnel, which is proposed to be located approximately 30 metres south-west of the centre point of the existing Millennium Way which is approximately 65 metres south-east of the centre point of its junction with the existing Edmund Halley Way, and crossing the Borough boundary at the mid-point beneath the River Thames.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

In the administrative area of the London Borough of Newham—

A102 The Silvertown Tunnel Northern Approach Northbound

10. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Silvertown Tunnel Northern Approach Northbound, commencing from the North Portal of the Silvertown Tunnel (Northbound) proposed to be located approximately 65 metres west of the centre point of the existing westbound carriageway of the existing A1101 Silvertown Way which is approximately 20 metres north-west of the point where the existing A1020 Silvertown Way off-slip diverges from the existing A1101 Silvertown Way westbound, and continuing, in a generally north westerly direction to the point where it joins the new Tidal Basin Roundabout, at a point approximately 90 metres west of the point where the existing A1011 Silvertown Way off-slip joins the Tidal Basin Roundabout.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 The Silvertown Tunnel Northern Approach Southbound

11. A length of new highway proposed to be constructed and to be classified as the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Silvertown Tunnel Northern Approach Southbound, commencing from its junction with the new Tidal Basin Roundabout, at a point approximately 70 metres west of the point where the existing A1011 Silvertown Way off-slip joins the Tidal Basin Roundabout and continuing in a generally south-easterly direction to the North Portal of the Silvertown Tunnel (Southbound) proposed to be located approximately 50 metres west of the centre point of the existing westbound carriageway of the existing A1011 Silvertown Way which is approximately 20 metres north-west of the point where the existing A1020 Silvertown Way off-slip diverges from the existing A1101 Silvertown Way westbound.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Silvertown Way Off-Slip (Dedicated Left Turn)

12. A length of new highway proposed to be constructed and to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Silvertown Way Off-Slip dedicated left turn, commencing from a point on the existing A1020 Silvertown Way off-slip approximately 40 metres south-east of the point where the existing A1020 Silvertown Way off-slip joins the Tidal Basin Roundabout and continuing initially in a north-westerly direction then turning in a southerly direction to a point where it joins the Silvertown Tunnel Northern Approach Southbound, approximately 35 metres south-east of the existing Scarab Close.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Tidal Basin Roundabout

13. A length of highway comprising, in part, improved existing highway and, in part, new highway proposed to be constructed, all to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as Tidal Basin Roundabout, over the entire length of the circulatory carriageway of the Tidal Basin Roundabout and including a section of new carriageway through the centre island of the roundabout.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Lower Lea Crossing Eastbound

14. A length of existing highway proposed to be improved and to be classified as part of the A102, and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Lower Lea Crossing (eastbound), commencing from a point on the existing A1020 Lower Lea Crossing at the centre point of where the existing A1020 Lower Lea Crossing meets the Borough boundary, and continuing in a generally south-easterly direction to a point where it joins the new Tidal Basin Roundabout at a point approximately 90 metres south-west of the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way, and continuing in a generally south easterly direction towards the Silvertown Tunnel Northern Approach Southbound to a point where it joins the new Tidal Basin Roundabout at a point approximately 95 metres south-west of the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Lower Lea Crossing Westbound

15. A length of existing highway proposed to be improved and to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Lower Lea Crossing (westbound), commencing from a point on the existing A1020 Lower Lea Crossing at the centre point of where the existing A1020 Lower Lea Crossing meets the Borough boundary and continuing in a generally south easterly direction to a point where it joins the new Tidal Basin Roundabout at a point approximately 105 metres south west of the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

In the administrative area of the London Borough of Tower Hamlets—

A102 Lower Lea Crossing (Eastbound and Westbound)

16. A length of existing highway proposed to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Lower Lea Crossing (westbound and eastbound), commencing from a point on the existing A1020 Lower Lea Crossing at the centre point of where the existing A1020 Lower Lea Crossing meets the Borough boundary and continuing in a generally north westerly direction to a point where it joins the existing A1020 Leamouth Circus Roundabout at a point approximately 35 metres north-west of the centre point of where the existing A1020 Lower Lea Crossing crosses the existing Docklands Light Railway.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Leamouth Circus Roundabout

17. A length of existing highway proposed to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Leamouth Circus Roundabout, over the entire length of the circulatory carriageway of the existing A1020 Leamouth Circus Roundabout including spurs leading off the arms of the roundabout for a length terminating at the crossing point of the existing roads, in each case.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A102 Leamouth Road (Northbound and Southbound)

18. A length of existing highway proposed to be classified as part of the A102 and to be designated as a GLA Road (forming part of the TLRN), and to be known as the Leamouth Road (northbound and southbound), commencing from the point of its junction with the existing A1020 Leamouth Circus Roundabout, and continuing in a generally northerly direction to its junction with the existing A13 East India Dock Road, including the off-slip and the on-slip on the existing A13 East India Dock Road.

Identified by a dark blue line on the classification of roads plans (classification) and by a dark blue line on the classification of roads plans (designation).

A12 Blackwall Tunnel Northern Approach Southbound

19. A length of existing highway proposed to be classified as part of the A12, commencing from a point where it diverges from the existing A12 Blackwall Tunnel Northern Approach Southbound carriageway, at the junction with the existing A13 East India Dock Road, and continuing in a generally south-easterly direction, to the existing Blackwall Tunnel North Portal on the existing A102 Blackwall Tunnel Northern Approach Southbound carriageway, and including the on-slip from the existing A13 East India Dock Road.

Identified by a green line on the classification of roads plans (classification).

A12 Blackwall Tunnel Northern Approach Northbound

20. A length of existing highway proposed to be classified as part of the A12, commencing from the existing Blackwall Tunnel North Portal on the existing A102 Blackwall Tunnel Northern Approach Northbound carriageway and continuing in a generally northerly direction to a point where it joins the existing A12 Blackwall Tunnel Northern Approach Northbound carriageway, at the junction with the existing A13 East India Dock Road, and including the off-slip on the existing A13 East India Dock Road.

Identified by a green line on the classification of roads plans (classification).

In the administrative areas of the Royal Borough of Greenwich and the London Borough of Tower Hamlets—

A12 Blackwall Tunnel Southbound

21. A length of existing highway proposed to be classified as the A12, commencing from a point at the North Portal of the existing Blackwall Tunnel Southbound, to a point at the South Portal of the existing Blackwall Tunnel Southbound, crossing the Borough boundary at the mid-point beneath the River Thames.

Identified by a green line on the classification of roads plans (classification).

A12 Blackwall Tunnel Northbound

22. A length of existing highway proposed to be classified as the A12, commencing from a point at the South Portal of the existing Blackwall Tunnel Northbound, to a point at the North Portal of the existing Blackwall Tunnel Northbound, crossing the Borough boundary at the mid-point beneath the River Thames.

Identified by a green line on the classification of roads plans (classification).

PART 2

RE-DESIGNATION OF GLA ROAD AS A LOCAL AUTHORITY ('BOROUGH') ROAD

In the administrative area of the Royal Borough of Greenwich—

Tunnel Avenue

23. A length of existing GLA Road (forming part of the A102 Blackwall Tunnel Southern Approach Northbound) proposed to be improved and to be designated as ceasing to be a GLA road, and becoming unclassified, commencing from a point close to the existing Tunnel Avenue where the existing bus link joins the existing A102 Blackwall Tunnel Northern Approach Northbound, approximately 65 metres north-west of the existing Boord Street footbridge, in a generally north-westerly direction, to a point on the existing Tunnel Avenue approximately 100 metres south-east of the existing Blackwall Tunnel Gate House located on the A102 Blackwall Tunnel Northern Approach Northbound.

Identified by an orange line on the classification of roads plans (designation).

SCHEDULE 11

Article 60

TRAFFIC REGULATION MEASURES, ETC.

PART 1

SPEED LIMITS AND RESTRICTED ROADS

Note 1: Where roads are to become restricted roads as indicated in this Schedule (Part 1) and as shown on the plans relating to this Schedule (the traffic regulation measures plans (speed limits and restricted roads)), speed limits are to apply in accordance with the provisions of the Road Traffic Regulation Act 1984 (which defines national speed limits of 30 miles per hour on ‘restricted roads’ by reference to street lighting).

Note 2: Where existing speed limits (to be retained) are shown on the traffic regulation measures plans (speed limits and restricted roads) (sheets 1 to 4) which relate to Part 1 of this Schedule, this is for information only and such speed limits are not subject to this order.

<i>Borough</i> (1)	<i>Road name, number and length</i> (2)	<i>Speed limit and restricted road status</i> (3)
<i>The traffic regulation measures plans (speed limits and restricted roads) sheet 1</i>		
Royal Borough of Greenwich	Silvertown Tunnel Southern Approach Southbound A length of new highway from the south portal of the Silvertown Tunnel Southbound, in a generally south-easterly direction to a point where it merges with the existing A102 Blackwall Tunnel Southern Approach southbound.	Restricted road
	Silvertown Tunnel Southern Approach Northbound A length of new highway from its junction with the existing A102 Blackwall Tunnel Southern Approach northbound, in a generally northerly direction to the south portal of the Silvertown Tunnel Northbound.	Restricted road

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Speed limit and restricted road status (3)</i>
	<p>Pavilion Lane (realigned)</p> <p>A length of new highway from a point on the existing A102 Blackwall Tunnel Southern Approach Southbound 130m south of the existing Blackwall Tunnel Southbound South Portal, in a generally southerly direction then turning eastwards to its junction with the northbound carriageway of the existing Millennium Way, for a distance of approximately 150 metres, and a length of new highway from a point on the northbound carriageway of the existing Millennium Way 75 metres to the north west of its junction with the existing Edmund Halley Way, in a generally southerly direction to its junction with the Silvertown Tunnel Southern Approach Northbound, for a distance of approximately 215 metres.</p>	Restricted road
<i>The traffic regulation measures plans (speed limits and restricted roads) sheets 1 and 2</i>		
Royal Borough of Greenwich	<p>Silvertown Tunnel</p> <p>A length of new highway (tunnel) from the Borough boundary between the Royal Borough of Greenwich and the London Borough of Newham at the centre of the River Thames to the south portal of the Silvertown Tunnel Southern Approach along both the northbound and southbound carriageways of the tunnel.</p>	Restricted road
<i>The traffic regulation measures plans (speed limits and restricted roads) sheets 2 and 3</i>		
London Borough of Newham	<p>Silvertown Tunnel</p> <p>A length of new highway (tunnel) from the north portal of the Silvertown Tunnel Northern Approach to the Borough boundary between the Royal Borough of Greenwich and the London Borough of Newham at the centre of the River Thames, along both the northbound and southbound carriageways of the tunnel.</p>	Restricted road
<i>The traffic regulation measures plans (speed limits and restricted roads) sheet 3</i>		
London Borough of Newham	<p>Silvertown Tunnel Northern Approach</p> <p>A length of new highway from the point where Silvertown Tunnel Northern Approach meets Tidal Basin Roundabout in a generally south-easterly direction to the north portal of the Silvertown Tunnel along both the northbound and southbound carriageways.</p>	Restricted road

<i>Borough</i> (1)	<i>Road name, number and length</i> (2)	<i>Speed limit and restricted road status</i> (3)
	<p>Silvertown Way Off-Slip (Dedicated Left Turn)</p> <p>A length of new highway from a point on the A1020 Silvertown Way off-slip approximately 40 metres south-east of the Tidal Basin Roundabout initially in a north-westerly direction then turning in a southerly direction to a point where it joins the Silvertown Tunnel Northern Approach southbound.</p>	Restricted road
	<p>Dock Road (realigned)</p> <p>A length of new highway from the point where the realigned Dock Road meets Tidal Basin Roundabout, in a south easterly direction, for a distance of approximately 430 metres.</p>	Restricted road
	<p>Tidal Basin Roundabout</p> <p>A length of the circulatory carriageway, including the north to south through link, from a point on the existing Tidal Basin Roundabout at the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way, and continuing in a generally south-westerly direction and then turning southwards and then turning eastwards to the centre point of where the existing Tidal Basin Roundabout passes under the existing A1011 Silvertown Way.</p>	Restricted road
	<p>Tunnel Services Compound Access Road (off realigned Dock Road)</p> <p>A length of new highway from its junction with the realigned Dock Road (approximately 360 metres south-east from where Dock Road meets the new Tidal Basin Roundabout) in a generally north westerly direction, for a distance of approximately 80 metres.</p>	20 miles per hour Removal of restricted road status
<i>The traffic regulation measures plans (speed limits and restricted roads) sheet 4</i>		
London Borough of Tower Hamlets	<p>Leamouth Circus Roundabout</p> <p>The length of circulatory carriageway on the existing Leamouth Circus Roundabout.</p>	Restricted road

<i>Borough</i> (1)	<i>Road name, number and length</i> (2)	<i>Speed limit and restricted road status</i> (3)
	<p>Aspen Way (Westbound)</p> <p>A length of existing highway from the point where Aspen Way westbound carriageway meets Leamouth Circus Roundabout in a westerly direction for approximately 40 metres.</p>	Restricted road
	<p>A1020 Leamouth Road</p> <p>A length of existing highway from the point where A1020 Leamouth Road meets Leamouth Circus Roundabout in northerly direction for approximately 150 metres along both the northbound and southbound carriageways.</p>	Restricted road

PART 2

TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Measures (3)</i>
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 1</i>		
Royal Borough of Greenwich	<p>Silvertown Tunnel Southern Approach Southbound</p> <p>A length of new highway from the south portal of the Silvertown Tunnel Southbound, in a generally south-easterly direction to a point where it merges with the existing A102 Southbound.</p>	Clearway (Red Route) (to include verges)
	<p>Silvertown Tunnel Southern Approach Northbound</p> <p>A length of new highway from its junction with the existing A102 Blackwall Tunnel Southern Approach northbound, in a generally northerly direction to the south portal of the Silvertown Tunnel Northbound.</p>	Clearway (Red Route) (to include verges)
	<p>Pavilion Lane (realigned)</p> <p>A length of new highway from a point on the existing A102 Blackwall Tunnel Southern Approach Southbound 130m south of the existing Blackwall Tunnel Southbound South Portal, in a generally southerly direction then turning eastwards to its junction with the northbound carriageway of the existing Millennium Way, for a distance of approximately 150 metres, and a length of new highway from a point on the northbound carriageway of the existing Millennium Way 75 metres to the north west of its junction with the existing Edmund Halley Way, in a generally southerly direction to its junction with the Silvertown Tunnel Southern Approach Northbound, for a distance of approximately 215 metres.</p>	Clearway (Red Route Side Road) (to include verges)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 1 and 2</i>		
Royal Borough of Greenwich	<p>Silvertown Tunnel</p> <p>A length of new highway (tunnel) from the Borough boundary between the Royal Borough of Greenwich and the London Borough of Newham at the centre of the River Thames to the south portal of the Silvertown Tunnel Southern Approach along both the northbound and southbound carriageways.</p>	Clearway (Red Route) (to include verges)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 2 and 3</i>		

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Measures (3)</i>
London Borough of Newham	<p>Silvertown Tunnel</p> <p>A length of new highway (tunnel) from the north portal of the Silvertown Tunnel Northern Approach to the Borough boundary between Royal Borough of Greenwich and London Borough of Newham at the centre of the River Thames along both the northbound and southbound carriageways.</p>	Clearway (Red Route) (to include verges)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 3</i>		
London Borough of Newham	<p>Silvertown Tunnel Northern Approach</p> <p>A length of new highway from the point where Silvertown Tunnel Northern Approach meets Tidal Basin Roundabout in a generally south easterly direction to the north portal of the Silvertown Tunnel along both the northbound and southbound carriageways.</p>	Clearway (Red Route) (to include verges)
	<p>Silvertown Way Off-Slip (Dedicated Left Turn)</p> <p>A length of new highway from a point on the A1020 Silvertown Way off-slip approximately 40 metres south-east of the Tidal Basin Roundabout initially in a north-westerly direction then turning in a southerly direction to a point where it joins the Silvertown Tunnel Approach Southbound.</p>	No Stopping (Red Route)
	<p>Tidal Basin Roundabout</p> <p>The length of the entire circulatory carriageway of the Tidal Basin Roundabout including the north to south through link.</p>	No Stopping (Red Route)
	<p>A1020 Silvertown Way Northbound Off-Slip</p> <p>A length of existing slip road from the start of the nosing on the A1020 Silvertown Way northbound to the point where the slip road meets Tidal Basin Roundabout.</p>	No Stopping (Red Route Side Road)
	<p>A1020 Silvertown Way Southbound On-Slip</p> <p>The length of existing slip road from where it meets Tidal Basin Roundabout to the end of the nosing on A1020 Silvertown Way southbound.</p>	No Stopping (Red Route Side Road)

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Measures (3)</i>
	<p>Tidal Basin Road</p> <p>A length of existing highway from the point where Tidal Basin Road meets Tidal Basin Roundabout, to its junction with Western Gateway along both the westbound and eastbound carriageway.</p>	No Stopping (Red Route Side Road)
	<p>Tunnel Services Compound Access Road (off realigned Dock Road)</p> <p>A length of new highway from its junction with the realigned Dock Road (approximately 360 metres south-east from where Dock Road meets the new Tidal Basin Roundabout) in a generally north westerly direction, for a distance of approximately 80 metres.</p>	Waiting and loading restriction No waiting or loading at any time
	<p>Dock Road (realigned)</p> <p>A length of new highway from the point where Dock Road meets Tidal Basin Roundabout in a southerly direction to the northern kerb line of Scarab Close junction.</p>	No Stopping (Red Route Side Road)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 3 and 4</i>		
London Borough of Newham	<p>A1020 Lower Lea Crossing</p> <p>A length of existing highway from the point where Lower Lea Crossing meets Tidal Basin Roundabout, to the Borough boundary between London Borough of Newham and London Borough of Tower Hamlets along both the eastbound and westbound carriageways.</p>	No Stopping (Red Route)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 4</i>		
London Borough of Tower Hamlets	<p>A1020 Lower Lea Crossing</p> <p>A length of existing highway from the Borough boundary between London Borough of Newham and London Borough of Tower Hamlets to the point where Lower Lea Crossing meets the Leamouth Circus Roundabout along both the eastbound and westbound carriageways.</p>	No Stopping (Red Route)

<i>Borough</i> (1)	<i>Road name, number and length</i> (2)	<i>Measures</i> (3)
	<p>A1020 Lower Lea Crossing to Canning Town Station Access</p> <p>A length of existing highway from its on-slip with A1020 Lower Lea Crossing westbound to approximately 45 metres north along the access road and a length of existing highway from its off-slip with A1020 Lower Lea Crossing westbound to approximately 45 metres north along the access road.</p>	No Stopping (Red Route Side Road)
	<p>Orchard Place Northern Slip Road</p> <p>A length of the existing slip road from its junction with A1020 Lower Lea Crossing Eastbound carriageway in a generally easterly direction to its junction with Orchard Place.</p>	No Stopping (Red Route Side Road)
	<p>Orchard Place Southern Slip Road</p> <p>A length of the existing slip road from its junction with A1020 Lower Lea Crossing Westbound carriageway in a generally easterly direction to its junction with Orchard Place.</p>	No Stopping (Red Route Side Road)
	<p>Leamouth Circus Roundabout</p> <p>The length of the circulatory carriageway on the existing Leamouth Circus Roundabout.</p>	No Stopping (Red Route Side Road)
	<p>Blackwall Way</p> <p>A length of existing highway from the point where Blackwall Way meets Leamouth Circus Roundabout to the start of the north splitter island on the Blackwall Way/Newport Avenue roundabout along both the northbound and southbound carriageways.</p>	No Stopping (Red Route Side Road)
	<p>Aspen Way (Westbound)</p> <p>A length of existing highway from the point where Aspen Way westbound carriageway meets Leamouth Circus Roundabout, in a westerly direction for approximately 30 metres.</p>	Clearway (Red Route Side Road) (to include verges)

<i>Borough</i> (1)	<i>Road name, number and length</i> (2)	<i>Measures</i> (3)
	<p>Saffron Avenue</p> <p>A length of existing private highway from the point where Saffron Avenue meets Leamouth Circus Roundabout to the point where it meets the Saffron Avenue/Oregano Drive mini-roundabout.</p>	<p>No Stopping (Red Route Side Road)</p> <p>Saffron Avenue is a private road. This measure can only be effected with the landowner's consent</p>
	<p>A1020 Leamouth Road</p> <p>A length of existing highway from the point where the A1020 Leamouth Road meets Leamouth Circus Roundabout in northerly direction for approximately 150 metres along both the northbound and southbound carriageways.</p>	<p>No Stopping (Red Route Side Road)</p>
	<p>Silvocea Way</p> <p>A length of existing highway from the point where Silvocea Way meets Leamouth Circus Roundabout in a generally northerly direction for a distance of approximately 35 metres to the southern kerb line of the access to the petrol station.</p>	<p>No Stopping (Red Route Side Road)</p>

PART 3
PRESCRIBED ROUTES

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Measures (3)</i>
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 1</i>		
Royal Borough of Greenwich	<p>Pavilion Way (Realigned)</p> <p>A length of new highway from a point on the existing A102 Blackwall Tunnel Southern Approach Southbound 130m south of the existing Blackwall Tunnel Southbound South Portal, in a generally southerly direction then turning eastwards to its junction with the northbound carriageway of the existing Millennium Way, for a distance of approximately 150 metres, and a length of new highway from a point on the northbound carriageway of the existing Millennium Way 75 metres to the north west of its junction with the existing Edmund Halley Way, in a generally southerly direction to its junction with the Silvertown Tunnel Southern Approach Northbound, for a distance of approximately 215 metres.</p>	<p>New prescribed route</p> <p>Prohibition of entry (no entry at any time except by buses)</p>
	<p>Silvertown Tunnel Southern Approach Southbound</p> <p>The nearside lane of a length of new highway from the south portal of the Silvertown Tunnel Southbound, in a generally south easterly direction, for a distance of approximately 20 metres.</p>	<p>New prescribed route</p> <p>Prohibition of entry in the nearside lane (no entry at any time with the exception of buses, taxis and goods vehicles in excess of 7.5 tonnes)</p>
	<p>Silvertown Tunnel Southern Approach Northbound</p> <p>The nearside lane of a length of new highway from a point approximately 50 metres south of the south portal of the Silvertown Tunnel northbound, in a generally northerly direction to the south portal of the Silvertown Tunnel northbound.</p>	<p>New prescribed route</p> <p>Prohibition of entry in the nearside lane (no entry at any time with the exception of buses, taxis and goods vehicles in excess of 7.5 tonnes)</p>

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Measures (3)</i>
	A102 Blackwall Tunnel Southern Approach Northbound On-Slip A length of new highway from its junction with A102 Blackwall Tunnel Southern Approach northbound carriageway approximately 70 metres south of Blackwall Tunnel Gatehouse, to its junction with Tunnel Avenue.	New prescribed route Prohibition of entry (no entry at any time except by buses)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 1 and 2</i>		
Royal Borough of Greenwich	Silvertown Tunnel A length of new highway (tunnel) from the Borough boundary between Royal Borough of Greenwich and London Borough of Newham at the centre of the River Thames to the south portal of the Silvertown Tunnel Southern Approach along the nearside lane of the northbound and southbound carriageways.	New prescribed route Prohibition of entry in the nearside lane (no entry at any time with the exception of buses, taxis and goods vehicles in excess of 7.5 tonnes)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 2 and 3</i>		
London Borough of Newham	Silvertown Tunnel A length of new highway (tunnel) from the Borough boundary between Royal Borough of Greenwich and London Borough of Newham at the centre of the River Thames to the north portal of the Silvertown Tunnel Northern Approach along the nearside lane of the northbound and southbound carriageways.	New prescribed route Prohibition of entry in the nearside lane (no entry at any time with the exception of buses, taxis and goods vehicles in excess of 7.5 tonnes)
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 3</i>		
London Borough of Newham	Silvertown Tunnel Northern Approach Northbound and Southbound A length of new highway from the north portal of the Silvertown Tunnel, in a generally northerly direction, for a distance of approximately 10 metres along the nearside lane of the northbound and southbound carriageways.	New prescribed route Prohibition of entry in the nearside lane (no entry at any time) with the exception of buses, taxis and goods vehicles in excess of 7.5 tonnes

PART 4

REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Title of Order (3)</i>	<i>Revocations or Variations (4)</i>
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 1</i>			
Royal Borough of Greenwich	Tunnel Avenue Tunnel Avenue, from its junction with A102 Blackwall Tunnel Southern Approach approximately 100 metres south east of Blackwall Tunnel Gatehouse to a point approximately 35 metres south-east of the extended south easternmost building line of No. 215 Blackwall Tunnel Approach.	The GLA and GLA Side Roads (Greenwich) Red Route (Clearway) Consolidation Traffic Order (GLA 2007 No. 417)	Order to be partially revoked As identified on sheet 1 by a dashed purple line broken by the characters "xx"
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 3</i>			
London Borough of Newham	Dock Road (Realigned) A length of new highway from the northern kerb line of Scarab Close junction in a south easterly direction, for a distance of approximately 430 metres.	Traffic Management Order The Newham (Waiting and Loading Restriction) Order 2011 No. 107	Order to be varied (varying the length of the realigned Dock Road to which the Order applies) Dock Road, along both sides, from the northern kerb line of Scarab Close junction and a point approximately 20 metres south-east of the north-western boundary of Waterfront Studios Business Centre As identified on sheet 3 by a dashed orange line broken by the character "A"

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Title of Order (3)</i>	<i>Revocations or Variations (4)</i>
	Tidal Basin Roundabout The length of the entire existing circulatory carriageway of the Tidal Basin Roundabout.	Traffic Management Order The Newham (Waiting and Loading Restriction) Order 2011 No. 107	Order to be partially revoked As identified on sheet 3 by a dashed orange line broken by the characters "xx"
<i>The traffic regulation measures (clearways and prohibitions) plans, sheets 3 and 4</i>			
London Borough of Newham	A1020 Lower Lea Crossing A length of existing highway from the point where Lower Lea Crossing meets Tidal Basin roundabout to the Borough boundary between London Borough of Newham and London Borough of Tower Hamlets along both the westbound and eastbound carriageways.	Traffic Management Order The Newham (Waiting and Loading Restriction) Order 2011 No. 107	Order to be partially revoked As identified on sheets 3 and 4 by a dashed orange line broken by the characters "xx"
<i>The traffic regulation measures (clearways and prohibitions) plans, sheet 4</i>			
London Borough of Tower Hamlets	A1020 Lower Lea Crossing A length of existing highway from the Borough boundary between London Borough of Newham and London Borough of Tower Hamlets to the point where Lower Lea Crossing meets the Leamouth Circus Roundabout along both the eastbound and westbound carriageways.	Traffic Management Order The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14	Order to be partially revoked As identified on sheet 4 by a dashed orange line broken by the characters "xx"

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Title of Order (3)</i>	<i>Revocations or Variations (4)</i>
	<p>Orchard Place Northern Slip Road</p> <p>A length of the existing slip road from its junction with A1020 Lower Lea Crossing Eastbound carriageway in a generally easterly direction for approximately 115 metres to its junction with Orchard Place.</p>	<p>Traffic Management Order</p> <p>The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14</p>	<p>Order to be partially revoked</p> <p>As identified on sheet 4 by a dashed orange line broken by the characters "xx"</p>
	<p>Orchard Place Southern Slip Road</p> <p>A length of the existing slip road from its junction with A1020 Lower Lea Crossing Westbound carriageway in a generally easterly direction for approximately 140 metres to its junction with Orchard Place.</p>	<p>Traffic Management Order</p> <p>The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14</p>	<p>Order to be partially revoked</p> <p>As identified on sheet 4 by a dashed orange line broken by the characters "xx"</p>
	<p>Blackwall Way</p> <p>A length of the existing Blackwall Way from the point where it meets Leamouth Circus Roundabout to the start of the north splitter island on Blackwall Way/Newport Avenue roundabout along both the northbound and southbound carriageway.</p>	<p>Traffic Management Order</p> <p>The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14</p>	<p>Order to be partially revoked</p> <p>As identified on sheet 4 by a dashed orange line broken by the characters "xx"</p>

<i>Borough (1)</i>	<i>Road name, number and length (2)</i>	<i>Title of Order (3)</i>	<i>Revocations or Variations (4)</i>
	<p>A1020 Leamouth Road</p> <p>A length of existing highway from the point where the A1020 Leamouth Road meets Leamouth Circus Roundabout, in a northerly direction for approximately 150 metres along both the northbound and southbound carriageways.</p>	<p>Traffic Management Order</p> <p>The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14</p>	<p>Order to be partially revoked</p> <p>As identified on sheet 4 by a dashed orange line broken by the characters "xx"</p>
	<p>Silvocea Way</p> <p>A length of existing highway from the point where Silvocea Way meets Leamouth Circus Roundabout in a generally northerly direction for a distance of approximately 35 metres to the southern kerb line of the access to the petrol station.</p>	<p>Traffic Management Order</p> <p>The Tower Hamlets (Waiting and Loading Restriction) Order 2012 No. 14</p>	<p>Order to be partially revoked</p> <p>As identified on sheet 4 by a dashed orange line broken by the characters "xx"</p>

PART 5

VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS DUE TO ROAD RE-CLASSIFICATION

<i>Borough (1)</i>	<i>Title of Order (2)</i>	<i>Revocations or Variations (3)</i>
Royal Borough of Greenwich	Traffic Management Order The Greenwich (Waiting and Loading Restriction) Order 2007 No. 28	Orders to be varied Substitute all references to A102 Blackwall Tunnel Southern Approach with A12 Blackwall Tunnel Southern Approach. Substitute all references to A102 Blackwall Tunnel with A12 Blackwall Tunnel. Substitute all references to A102 Blackwall Tunnel Northern Approach with A12 Blackwall Tunnel Northern Approach
	Traffic Management Order The Greenwich (Prescribed Routes) (No. 132) Traffic Order 2007	
	Traffic Management Order The Greenwich (Prescribed Routes) (No. 141) Traffic Order 2009	
Royal Borough of Greenwich, London Borough of Newham, and London Borough of Tower Hamlets	GLA 2005 No. 016 The A12/A102 GLA Road (Blackwall Tunnel Northern Approach Road, Blackwall Tunnel Southern Approach Road and Northbound Blackwall Tunnel, London Boroughs of Greenwich and Tower Hamlets) (Restricted Road) Order 2005	
	GLA 2006 No. 044 The A12/A102 GLA Road (Blackwall Tunnel Northern Approach Road, Blackwall Tunnel Southern Approach Road and the Southbound Blackwall Tunnel, London Boroughs of Greenwich and Tower Hamlets) (Variable Speed Limits) Order 2006	
	GLA 22006 No. 403 The A102 GLA Road (Blackwall Tunnel Southern Approach Road, London Borough of Greenwich) (Prohibition of Traffic and Pedestrians) Order 2006	

<i>Borough</i> (1)	<i>Title of Order</i> (2)	<i>Revocations or Variations</i> (3)
	<p>GLA 2011 No. 279</p> <p>The A102 GLA Side Road (Tunnel Avenue, London Borough of Greenwich) Banned Turn Experimental Traffic Order 2011</p>	
	<p>GLA 2009 No. 152</p> <p>The A12 and 102 GLA Roads (Blackwall Tunnel and Blackwall Tunnel Approaches, Greenwich and Tower Hamlets) Prescribed Routes Traffic Order 2009</p>	
	<p>GLA 2011 No. 452</p> <p>The Blackwall Tunnel (No. 1) Traffic Order 1982 A102 GLA Road (London Borough of Greenwich) Experimental Variation Order 2011</p>	
	<p>GLA 2007 No. 417</p> <p>The GLA Roads and GLA Side Roads (Greenwich) Red Route (Clearway) Consolidation Traffic Order 2007</p>	

SCHEDULE 12

Article 61

DEEMED MARINE LICENCE

PART 1

GENERAL

Interpretation

1. In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the authorised development” has the meaning given in paragraph 3(2);

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

“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 conditions with those numbers in Part 2;

“the licence holder” means Transport for London and any transferee pursuant to article 58 of the Order;

“licensed activity” means any of the activities specified in Part 1 of this licence;

“the MMO” means the Marine Management Organisation;

“the Order” means the Silvertown Tunnel Order 201[]; and

“the 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.

Contacts

2.—(1) Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence are as follows—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel—0300 123 1032

Fax—0191 376 2681

Email—marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation

MMO Lowestoft

Pakefield Road

Lowestoft

Suffolk

NR33 OHT

Tel—01502 573 149 or 01502 572 769

Email—lowestoft@marinemangement.org.uk

(2) The contact details for the MMO Marine Pollution Response Team are—

Tel (during office hours)—0300 200 2024

Tel (outside office hours)—07770 977 825 or 0845 051 8486

Email—dispersants@marinemangement.org.uk

or such replacement contact details notified to the licence holder in writing by the MMO.

Details of licensed marine activities

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 development (including any maintenance dredging activities); 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 development” means the development described in Schedule 1 (authorised development) to the Order, and any other development within the meaning of section 32 of the 2008 Act that is authorised by the Order.

(3) The grid coordinates for the area of the River Thames within which the licence holder may carry out licensed activities are specified below and more particularly shown on the [works plans]—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
[XX]	[XX]	[XX]

PART 2

CONDITIONS APPLYING TO CONSTRUCTION ACTIVITIES

Construction method statement

4.—(1) The licence holder must submit a method statement, for approval by the MMO, at least 6 weeks prior to the commencement of any licensed activity.

(2) The method statement must include the following details—

- (a) the detailed construction methodology to be employed by the licence holder in carrying out the licensed activity; and
- (b) a programme of works including timings and durations, method of delivery of material to site and plant to be used during the works.

(3) The licence holder must not commence the licensed activity until the MMO has approved in writing the submitted method statement.

(4) The licensed activity must be carried out in accordance with the approved method statement, unless otherwise agreed in writing by the MMO.

Marine pollution contingency plan

5.—(1) The licence holder must submit a marine pollution contingency plan, for approval by the MMO, at least 6 weeks prior to the commencement of any licensed activity.

(2) The marine pollution contingency plan must set out the licence holder's assessment of the likely risks which could arise as a result of a spill or collision during construction and operation of the authorised development and the methods and procedures the licence holder intends to put in place to address them.

(3) The MMO must consult the Environment Agency and the Port of London on the marine pollution contingency plan before approving it.

(4) The licence holder must not commence the licensed activity until the MMO has approved in writing the submitted marine pollution contingency plan.

(5) The licensed activity must be carried out in accordance with the approved marine pollution contingency plan, unless otherwise agreed in writing by the MMO.

Concrete and cement

6. The licence holder must not discharge waste concrete slurry or wash water from concrete or cement into the River. The licence holder must site concrete and cement mixing and washing areas at least 10 metres from the River or surface water drain to minimise the risk of run off entering the River.

Coatings and treatments

7. The licence holder must ensure that any coatings and any treatments are suitable for use in the River and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency.

Spills etc.

8. The licence holder must—

- (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 12 hours of the spill occurring; and
- (c) store all waste in designated areas that are isolated from surface water drains and open water and are bunded.

Percussive piling

9. Where a licensed activity involves percussive piling the licence holder must commence piling activities using soft-start techniques for at least 20 minutes to ensure an incremental increase in pile power until full operational power is achieved. Should piling cease for at least 10 minutes the soft-start procedures must be repeated.

Removal of temporary structures, etc.

10.—(1) Subject to sub-paragraph (2), the licence holder must remove all equipment, temporary structures, waste and debris associated with the licensed activities from the River within 6 weeks of the completion of those activities, unless otherwise agreed in writing by the MMO.

(2) The licence holder must remove the temporary structures constructed under Work No. 20 described in Schedule 1 to the Order as soon as reasonably practicable after the use of that Work in connection with the construction of the authorised development has ceased, unless otherwise agreed in writing by the MMO.

PART 3

PROCEDURE FOR THE DISCHARGE OF CONDITIONS

Meaning of “application”

11. In this Part, “application” means a submission by the licence holder for approval of a construction method statement under condition 4 or a marine pollution contingency plan under condition 5.

Further information regarding application

12.—(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) If the MMO does not make a request under sub-paragraph (1) within 20 business days of the day immediately following that on which the application is received by the MMO, it shall be deemed to have sufficient information to consider the application and is not entitled to request further information after this date without the prior agreement of the licence holder.

Determination of application

13.—(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 12; 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.

Notice of determination

14.—(1) Subject to sub-paragraph (2) or (3), the MMO must give notice to the licence holder of the determination of the application within 30 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 condition 12, the MMO must give notice to the licence holder of the determination of the application no later than 30 business days of the day immediately following that on which the further information 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 sub-paragraph (1) such period to be no more than 60 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 sub-paragraph (1) or (2) the application is deemed to have been refused.

Arbitration

15.—(1) Subject to condition 14(2), any difference under any provision of this licence must, 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 14(1) or 14(2) is to be taken, or to operate so as to, fetter or prejudice the statutory rights, powers, discretions or responsibilities of the MMO.

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. The provisions of this Part have effect for the protection of statutory undertakers unless otherwise agreed in writing between TfL and the statutory undertaker in question.

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of a statutory undertaker within paragraph (a) of the definition of that term, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by the statutory undertaker for the purposes of electricity supply;
- (b) in the case of a statutory undertaker within paragraph (b) of the definition of that term, any mains, pipes or other apparatus belonging to or maintained by the statutory undertaker for the purposes of gas supply;
- (c) in the case of a statutory undertaker within paragraph (c) of the definition of that term—
 - (i) mains, pipes or other water apparatus belonging to or maintained by the statutory undertaker for the purposes of water supply; and
 - (ii) mains, pipes or other water apparatus that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991(b); and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“statutory undertaker” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);

(a) 1989 c.29.

(b) 1991 c.56.

(c) 1986 c.44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by section 76 of the Utilities Act 2000 (c.27).

- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
 - (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,
- for the area of the authorised development, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between TfL and the statutory undertaker are regulated by Part 3 of the 1991 Act.

4.—(1) Regardless of the temporary stopping up, alteration or diversion of streets under the powers conferred by article 10 (temporary stopping up and restriction of use of streets), a statutory undertaker is at liberty at all times to take all necessary access across any such street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the temporary stopping up, alteration or diversion was in that street.

(2) Where any street is stopped up under article 9 (permanent stopping up of streets and private means of access), any statutory undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and TfL must grant to the statutory undertaker legal easements reasonably satisfactory to the statutory undertaker in respect of such apparatus and access to it, but nothing in this paragraph affects any right of TfL or of the statutory undertaker to require the removal of that apparatus under paragraph 6 or to carry out works under paragraph 8.

5. Despite any provision in this Order or anything shown on the land plans, TfL must not acquire any apparatus otherwise than by agreement.

6.—(1) If, in the exercise of the powers conferred by this Order, TfL acquires any interest in any land in which any apparatus is placed or over which access to any apparatus is enjoyed or requires that the statutory undertaker's apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of a statutory undertaker to maintain that apparatus in that land and to gain access to it must not be extinguished, until alternative apparatus has been constructed and is in operation, and access to it has been provided, to the reasonable satisfaction of the statutory undertaker in question in accordance with sub-paragraphs (2) to (7).

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, TfL requires the removal of any apparatus placed in that land, TfL must give to the statutory undertaker in question 28 days' written notice of that requirement, together with a plan and section 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 a statutory undertaker reasonably needs to remove any of its apparatus) TfL must, subject to sub-paragraph (3), afford to the statutory undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of TfL and 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 TfL, or TfL 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 statutory undertaker in question must, on receipt of a written notice to that effect from TfL, as soon as reasonably practicable use reasonable 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 TfL under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the statutory undertaker in question and TfL or in default of agreement settled by arbitration in accordance with article 67 (arbitration).

(5) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 67 (arbitration), and after the grant to the statutory 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 TfL to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if TfL gives notice in writing to the statutory 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 controlled by TfL, that work, instead of being executed by the statutory undertaker, may be executed by TfL, with the prior written consent of the statutory undertaker (which must not be unreasonably withheld or delayed and is to be subject to any such conditions as are reasonable and proper to protect the apparatus) in accordance with plans and in a position agreed between the statutory undertaker and TfL or, in default of agreement, determined by arbitration in accordance with article 67 (arbitration), without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(7) Nothing in sub-paragraph (6) authorises TfL 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 600 millimetres of the apparatus.

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, TfL affords to a statutory undertaker facilities and rights for the construction and maintenance in land of TfL of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between TfL and the statutory undertaker in question or in default of agreement settled by arbitration in accordance with article 67 (arbitration).

(2) In settling those terms and conditions in respect of alternative apparatus to be constructed in land of TfL, the arbitrator must—

- (a) give effect to all reasonable requirements of TfL for ensuring the safety and efficient operation of the tunnels and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of TfL; 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, under, over or above the tunnels for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by TfL 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 statutory 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 must make such provision for the payment of compensation by TfL to that statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

8.—(1) Not less than 28 days before starting the execution of any works authorised by this Order that will or may affect any apparatus the removal of which has not been required by TfL under paragraph 6(2), TfL must submit to the statutory undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by TfL, reasonably requires the removal of any apparatus and gives written notice

to TfL of that requirement, paragraphs 1 to 7 applies as if the removal of the apparatus had been required by TfL under paragraph 6(2).

(5) Nothing in this paragraph precludes TfL 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, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) TfL is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

(7) Nothing in sub-paragraph (6) entitles TfL to carry out works to any apparatus but, upon receipt of notice from TfL, the statutory undertaker must proceed to carry out such works as may be required without unnecessary delay.

9.—(1) Subject to the following provisions of this paragraph, TfL must repay to the statutory undertaker in question the proper and reasonable expenses incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

(2) The value of any apparatus removed under this Part is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with this Part—

- (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,

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 TfL or, in default of agreement, is not determined by arbitration in accordance with article 67 (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 statutory undertaker in question by virtue of sub-paragraph (1) is to 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 is not to 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 is to 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 a statutory undertaker in respect of works by virtue of sub-paragraph (1) must, 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 statutory undertaker in question 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.

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the works referred to in paragraph 6(2), 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 a statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertaker, TfL must—

- (a) bear and pay the cost reasonably incurred by that statutory undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that statutory undertaker for any other expenses, loss, damages, penalty or costs incurred by the statutory undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on TfL with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a statutory undertaker, its officers, servants, contractors or agents.

(3) A statutory undertaker must give TfL reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of TfL which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

11. If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed TfL must provide such alternative means of access to that apparatus as will enable the statutory undertaker to maintain or use the apparatus no less effectively than was possible before the obstruction.

PART 2

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12.—(1) For the protection of any operator, the following provisions have effect, unless otherwise agreed in writing between TfL and the operator.

(2) In this Part of this Schedule—

“the 2003 Act” means the Communications Act 2003(a);

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A)(b) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act(c);

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system 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 of the 2003 Act; and
- (b) 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 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

13. The exercise of the powers of article 31 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984(d) (undertaker’s works).

(a) 2003 c.21.

(b) Paragraph 1(3A) was inserted by section 106(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Communications Act 2003.

(c) See section 106.

(d) 1984 c.12. Paragraph 23 was amended by section 190 of, and paragraph 68 of Schedule 25 and part 1 of Schedule 27 to, the Water Act 1989 (c.15), section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and section 106(2) of, and paragraphs 1, 5(d) and 8 of Schedule 3 to, the Communications Act 2003.

14.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or
- (b) there is any interruption in the supply of the service provided by an operator,

TfL must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and make reasonable compensation to that operator for any other expenses, loss, damages, penalty or costs incurred by it, by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on TfL with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator must give TfL reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of TfL which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) Any difference arising between TfL and the operator under this Part of this Schedule must be referred to and settled by arbitration under article 67 (arbitration).

15. This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between TfL and an operator are regulated by the provisions of Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

PART 3 FOR THE PROTECTION OF NATIONAL GRID

Application

16. The following provisions have effect for the protection of National Grid unless otherwise agreed in writing between TfL and National Grid.

Interpretation

17. In this Schedule—

“alternative apparatus” means appropriate alternative apparatus to enable National Grid to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means—

- (a) electric lines or electrical plant as defined in the Electricity Act 1989(a), belonging to or maintained by National Grid; and
- (b) mains, pipes or other apparatus belonging to or maintained by National Grid for the purposes of gas supply,

together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of National Grid for the purposes of transmission,

(a) 1989 c.29.

distribution or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised development” has the same meaning as in article 2 of this Order and (unless otherwise specified) for the purposes of this Schedule includes the use and maintenance of the authorised development;

“commence” has the same meaning as in article 2 of this Order and commencement is construed to have the same meaning;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence event which, if exceeded, requires TfL to submit for National Grid’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence which National Grid and TfL agree is attributable to the authorised development (or in default of agreement is settled by arbitration in accordance with article 67 (arbitration) of the Order to be attributable to the authorised development) and is identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“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;

“maintain” and “maintenance” includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Grid including construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Grid” means either—

- (a) National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH or any of its entities or successor entities; or
- (b) National Grid Gas PLC (Company No. 200600) whose registered office is at 1-3 Strand, London, WC2N 5EH or any of its entities or successor entities;

“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 and assess the works to be executed; and

“specified work” means so much of any of the authorised development or activities authorised by this Order and undertaken in association with the authorised development—

- (a) that will or may be situated 15 metres (measured in any direction) within, or which may adversely affect, any apparatus the removal of which has not been required by TfL under paragraph 20(2) or otherwise; or
- (b) that includes any of the activities that are referred to in paragraph 8 of T/SP/SSW/22 (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/SSW/22”).

18. This Schedule does not apply to apparatus in respect of which the relations between TfL and National Grid are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Grid in stopped up streets

19.—(1) Without limitation on the scope of any other protection afforded to National Grid elsewhere in the Order, where any street is stopped up under article 9 (permanent stopping up of streets), if National Grid has any apparatus in the street or accessed via that street National Grid is

entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and TfL must grant to National Grid, or procure the granting to National Grid of, legal easements reasonably satisfactory to National Grid 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, alteration or diversion of any street under the powers of article 10 (temporary stopping up and restriction of use of streets), National Grid is at liberty at all times to take all necessary access across any stopped up, altered or diverted street and to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up, alteration or diversion was in that street.

Acquisition of land

20.—(1) This Order does not authorise the acquisition or extinguishment of land or rights in land or override any interest in land owned by National Grid that is required for the retention or maintenance of any retained apparatus except with National Grid's agreement (such agreement not to be unreasonably withheld or delayed).

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised development (or in such other timeframe as may be agreed between National Grid and TfL) that are subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Grid or affects the provisions of any enactment or agreement regulating the relations between National Grid and TfL in respect of any apparatus laid or erected in land belonging to or secured by TfL, TfL must as National Grid reasonably requires enter into such deeds of easement or consent upon such terms and conditions as may be agreed between National Grid and TfL acting reasonably and which must be no less favourable on the whole to National Grid unless otherwise agreed by National Grid, and it is the responsibility of TfL to procure or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised development.

(3) Where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid or other enactments relied upon by National Grid as of right or other use in relation to the apparatus, then the provisions in this Part of this Schedule prevail.

(4) No agreement or consent granted by National Grid under any other provision of this Part of this Schedule constitutes agreement under sub-paragraph (1).

Removal of apparatus

21.—(1) If, in the exercise of the agreement reached in accordance with paragraph 20 or in any other authorised manner, TfL acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Grid to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Grid in accordance with sub-paragraphs (2) to (5) inclusive.

(2) If, for the purpose of executing any works comprised in the authorised development in, on, under or over any land purchased, held, appropriated or used under this Order, TfL requires the removal of any apparatus placed in that land, it must give to National Grid 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 National Grid reasonably needs to remove any of its apparatus) TfL must, subject to sub-paragraph (3), afford to National Grid to their satisfaction (taking into account paragraph 22(1)) the necessary facilities and rights for—

- (a) the construction of alternative apparatus in other land of, or land secured by, TfL; 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, or land secured by, TfL, or TfL 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, National Grid must, on receipt of a written notice to that effect from TfL, 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 does not extend to the requirement for National Grid to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of, or land secured by, TfL under this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Grid and TfL.

(5) National Grid must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to National Grid 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 TfL to be removed under the provisions of this Part of this Schedule.

(6) Where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation or removal of apparatus (including but not limited to the payment of costs and expenses relating to such relocation or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Grid as of right or other use in relation to the apparatus then the provisions in this Part of this Schedule prevail.

Facilities and rights for alternative apparatus

22.—(1) Where, in accordance with the provisions of this Part of this Schedule, TfL affords to National Grid facilities and rights for the construction and maintenance and protection in land of TfL of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between TfL and National Grid and must be no less favourable on the whole to National Grid than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless agreed by National Grid.

(2) If the facilities and rights to be afforded by TfL and agreed with National Grid under sub-paragraph (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 National Grid 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 matter must be referred to arbitration and the arbitrator must make such provision for the payment of compensation by TfL to National Grid as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of National Grid as Gas Undertaker

23.—(1) Not less than 56 days before the commencement 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 TfL under paragraph 21(2) or otherwise, TfL must submit to National Grid a plan.

(2) In relation to specified works, or any works that (wherever situated) impose any load directly upon any apparatus, the plan to be submitted to National Grid under sub-paragraph (1) must show—

- (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 and positioning of plant;

- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) details of any ground monitoring scheme if required.

(3) TfL must not commence any works to which sub-paragraph (2) applies until National Grid has given written approval of the plan so submitted.

(4) Any approval of National Grid required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5) or (7); and
- (b) must not be unreasonably withheld.

(5) In relation to a work to which sub-paragraph (1) and (2) applies, National Grid may require such modifications to be made to the plan 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 executed under sub-paragraph (1) or (2) must be executed only in accordance with the plan, submitted under sub-paragraph (1) or (2), as amended from time to time by agreement between TfL and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (4), (5), (7) or (8) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid is entitled to watch and inspect the execution of those works.

(7) Where National Grid requires protective works to be carried out either themselves or by TfL (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Grid's satisfaction prior to the commencement of any work to which sub-paragraph (1) or (2) applies and National Grid must give 56 days' notice of such works from the date of submission of a plan in line with sub-paragraph (1) or (2) (except in an emergency).

(8) If National Grid in accordance with sub-paragraph (5) or (7) and in consequence of the works proposed by TfL, reasonably requires the removal of any apparatus and gives written notice to TfL of that requirement, paragraphs 16 to 18 and 21 to 22 apply as if the removal of the apparatus had been required by TfL under paragraph 21(2).

(9) Nothing in this paragraph precludes TfL 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 apply to and in respect of the new plan.

(10) TfL is not 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 must give to National Grid notice as soon as is reasonably practicable and a plan of those works and must—

- (a) comply with sub-paragraph (5), (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 this Order comply with National Grid's policies for safe working in proximity to gas apparatus enshrined in Specification for safe working in the vicinity of National Grid, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW22 and the Health and Safety Executive's guidance note "Avoiding Danger from underground services HSG47".

(12) As soon as reasonably practicable after any ground subsidence event, TfL must implement an appropriate ground mitigation scheme.

Retained apparatus: protection of National Grid as Electricity Undertaker

24.—(1) Not less than 56 days before the commencement of any specified work that does not require the removal of apparatus under paragraph 21(2) (removal of apparatus) TfL must submit to

National Grid a plan and seek from National Grid details of the underground extent of their electricity tower foundations.

(2) The plan to be submitted under sub-paragraph (1) must show—

- (a) the exact position of the specified work;
- (b) the level at which the specified work is proposed to be constructed or renewed;
- (c) the manner of the construction or renewal of the specified work including details of excavation and positioning of plant;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) details of any ground monitoring scheme if required.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must include a method statement which must in addition to the matters set out in sub-paragraph (2)—

- (a) describe details of any cable trench design including route, dimensions, clearance to pylon foundations;
- (b) demonstrate that pylon foundations will not be affected prior to, during and post construction;
- (c) describe details of load bearing capacities of trenches;
- (d) describe details of cable installation methodology including access arrangements, jointing bays and backfill methodology;
- (e) provide a written management plan for high voltage hazard during construction and on-going maintenance of the cable route;
- (f) provide written details of the operations and maintenance regime for the cable, including frequency and method of access;
- (g) assess earth rise potential if reasonably required by National Grid's engineers; and
- (h) provide evidence that trench bearing capacity is to be designed to 26 tonnes to take the weight of overhead line construction traffic.

(4) TfL must not commence any works requiring the submission of a plan under sub-paragraph (1) until National Grid has given written approval of the plan so submitted.

(5) Any approval of National Grid required in relation to a plan submitted under sub-paragraph (1)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (6) or (8); and
- (b) must not be unreasonably withheld.

(6) In relation to a work requiring the submission of a plan under sub-paragraph (1), National Grid may require such modifications to be made to the plan 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.

(7) Works requiring the submission of a plan under sub-paragraph (1) must be executed only in accordance with the plan, as amended from time to time by agreement between TfL and National Grid and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (5), (6), (8) or (9) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Grid is to be entitled to watch and inspect the execution of those works.

(8) Where National Grid require any protective works to be carried out either themselves or by TfL (whether of a temporary or permanent nature) such protective works must be carried out to National Grid's satisfaction prior to the commencement of works requiring the submission of a

plan under sub-paragraph (1) and National Grid must give 56 days' notice of such works from the date of submission of the plan (except in an emergency).

(9) If National Grid in accordance with sub-paragraph (6) or (8) and in consequence of the works proposed by TfL, reasonably requires the removal of any apparatus and gives written notice to TfL of that requirement, paragraphs 16 to 18 and 21 to 22 apply as if the removal of the apparatus had been required by TfL under paragraph 21(2).

(10) Nothing in this paragraph precludes TfL 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 apply to and in respect of the new plan.

(11) TfL is not 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 must give to National Grid notice as soon as is reasonably practicable a plan of those works and must—

- (a) comply with sub-paragraph (6), (7) and (8) insofar as is reasonably practicable in the circumstances; and
- (b) comply with sub-paragraph (12) at all times.

(12) At all times when carrying out any specified works TfL must comply with National Grid's policies for development near or over headlines enshrined in ENA TA 43-8 and the Health and Safety Executive's guidance note 6 "Avoidance of Danger from Overhead Lines".

(13) As soon as reasonably practicable after any ground subsidence event, TfL must implement an appropriate ground mitigation scheme.

Protective works to buildings

25. TfL must not exercise the powers conferred by article 15 (protective work to buildings), so as to obstruct or render less convenient the access to any apparatus without the written consent of National Grid.

Expenses

26.—(1) Subject to the following provisions of this paragraph, TfL must repay to National Grid on demand all charges, costs and expenses reasonably incurred or in the case of sub-paragraph (a) compensation properly paid by National Grid in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any such works as are referred to in this Part of this Schedule including without limitation—

- (a) in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation in the event that National Grid elects to use compulsory purchase powers to acquire any necessary rights under paragraph 21 sub-paragraph (3) all costs incurred as a result of such action;
- (b) carrying out any diversion work or providing alternative apparatus;
- (c) cutting off any apparatus from any other apparatus or making safe 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 Part of this Schedule.

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part 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 TfL or in default of agreement settled by arbitration in accordance with article 67 (arbitration) of the Order to be necessary, then, if such placing involves cost in the construction of works under 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 National Grid by virtue of sub-paragraph (1) must be reduced by the amount of that excess except 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 the full costs must be borne by TfL.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus must 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 must 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 National Grid in respect of works by virtue of sub-paragraph (1) must, 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 National Grid 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.

Indemnity

27.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised development by or on behalf of TfL or in consequence of any act or default of TfL (or any person employed or authorised by him) in the course of carrying out such works (including without limitation works carried out by TfL under this Schedule or any subsidence resulting from any of these works), any material 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 National Grid, or there is any interruption in any service provided, or in the supply of any goods, by National Grid, or National Grid becomes liable to pay any amount to any third party, TfL must—

- (a) bear and pay on demand the cost reasonably incurred by National Grid in making good such damage or restoring the supply; and
- (b) indemnify National Grid for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Grid, by reason or in consequence of any such damage or interruption or National Grid becoming liable to any third party.

(2) The fact that any act or thing may have been done by National Grid on behalf of TfL or in accordance with a plan approved by National Grid or in accordance with any requirement of National Grid as a consequence of the authorised development or under its supervision does not (unless sub-paragraph (3) applies) excuse TfL from liability under the provisions of sub-paragraph (1) unless National Grid fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not materially accord with the approved plan or as otherwise agreed between TfL and National Grid.

- (3) Nothing in sub-paragraph (1) imposes any liability on TfL in respect of—
- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Grid, its officers, servants, contractors or agents; and
 - (b) any authorised development or works authorised by this Part of this Schedule carried out by National Grid as an assignee, transferee or lessee of TfL with the benefit of this Order pursuant to section 156 of the 2008 Act or under article 58 of this Order subject to the proviso that once such works become apparatus (“new apparatus”), any works yet to be executed and not falling within this sub-paragraph (b) are subject to the full terms of this Part of this Schedule including this paragraph 27 in respect of such new apparatus.

(4) National Grid must give TfL reasonable notice of any such claim or demand and no settlement or compromise is to be made without National Grid first consulting TfL and considering their representations.

(5) National Grid must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph 27 applies. If requested to do so by TfL, National Grid must provide an explanation of how the claim has been minimised. TfL is only liable under this paragraph 27 for claims reasonably incurred by National Grid.

Enactments and agreements

28. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Grid and TfL, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between TfL and National Grid in respect of any apparatus laid or erected in land belonging to TfL on the date on which this Order is made.

Co-operation

29. National Grid and TfL must use their best endeavours to co-ordinate with each other on the timing and method of execution of any works carried out under this Order or this Part of this Schedule 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 other party’s operations.

Access

30. If in consequence of the agreement reached in accordance with paragraph 20 or the powers granted under this Order the access to any apparatus is materially obstructed, TfL must provide such alternative means of access to such apparatus as will enable National Grid to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

31. Any difference or dispute arising between TfL and National Grid under this Schedule must, unless otherwise agreed in writing between TfL and National Grid, be determined by arbitration in accordance with article 67 (arbitration) of this Order.

PART 4

FOR THE PROTECTION OF THE PORT OF LONDON AUTHORITY

32. The provisions of this Part of this Schedule have effect for the protection of the Port of London Authority unless otherwise agreed in writing between TfL and the Port of London Authority.

Definitions

33. In this Part of this Schedule—

“construction” includes execution, placing, relaying, renewal and works of maintenance and, in its application to a specified work which includes or comprises any operation, means the carrying out of that operation and “construct” and “constructed” have corresponding meanings;

“the PLA” means the Port of London Authority;

“plans” includes navigational risk assessments, plans, sections, elevations, drawings, specifications and programmes and construction methods including, where applicable, such relevant hydraulic information about the River Thames as may be reasonably requested by the PLA;

“specified work” means any part of the authorised development (which for this purpose includes the removal of any part of the authorised development and any operation or the exercise of any other function under article 16 (authority to survey and investigate land) or 17 (work in the River Thames) of this Order, whether or not involving the placing of apparatus or the carrying out of works), which—

- (a) is, may be, or takes place in, on, under or over the surface of land below mean high water level forming part of the River Thames; or
- (b) may affect the River Thames or any function of the PLA,

including any projection over the River Thames by any authorised work or any plant or machinery; and

“tunnelling works” means so much of Work No. 1 as is carried out wholly under the bed of the River Thames.

Approval of detailed design

34.—(1) TfL must not commence the construction of any specified work until plans of the work have been approved in writing by the PLA, but the PLA’s approval is not required under this paragraph for any tunnelling works forming part of a specified work, provided that the vertical and horizontal alignment of the tunnelling works are within the limits of deviation.

(2) TfL must submit to the PLA plans of the specified work and such further particulars as the PLA may, within 28 days starting with the day on which plans are submitted under this sub-paragraph, reasonably require, and the particulars so supplied are to provide all information necessary to enable the PLA to determine whether approval should be given and, if so, whether conditions should be imposed.

(3) Any approval of the PLA required under this paragraph must not be unreasonably withheld but may be given subject to such reasonable modifications, terms and conditions as the PLA may make for the protection of—

- (a) traffic in, or the flow or regime of, the River Thames;
- (b) the use of its land, or the River Thames, for the purposes of performing its functions; or
- (c) the performance of any of its functions connected with environmental protection.

(4) Requirements made under sub-paragraph (3) may include conditions as to—

- (a) the proposed location of any temporary work and its dimensions;
- (b) the programming of temporary works;
- (c) the removal of any temporary work and the undertaking by TfL of any related work or operation that the PLA considers to be necessary for the purpose of removing or preventing any obstruction to navigation;
- (d) the relocation, provision and maintenance of works, moorings, apparatus and equipment necessitated by the specified work; and

- (e) the expiry of the approval if TfL does not commence construction or carrying out of the approved specified work within a prescribed period.

(5) Subject to sub-paragraph (6), an application for approval under this paragraph is deemed to have been refused if it is neither given nor refused within 42 days of the specified day.

(6) An approval of the PLA under this paragraph is not deemed to have been unreasonably withheld if approval within the time limited by sub-paragraph (5) has not been given pending the outcome of any consultation on the approval in question that the PLA is obliged to carry out in the proper exercise of its functions.

(7) TfL must carry out all operations for the construction of any specified work without unnecessary delay and to the reasonable satisfaction of the PLA so that traffic in, or the flow or regime of, the River Thames, and the exercise of the PLA's functions, do not suffer more interference than is reasonably practicable. The PLA is entitled at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect and survey those operations and TfL must provide all reasonable facilities to enable that inspection and survey to take place.

(8) In this paragraph "the specified day" means, in relation to any specified work—

- (a) the day on which plans and sections of that work are submitted to the PLA under sub-paragraph (1); or
- (b) the day on which TfL provides the PLA with all further particulars of the work that have been requested by the PLA under that sub-paragraph,

whichever is the later.

As built drawings

35. As soon as reasonably practicable following the completion of the construction of the authorised development, TfL must provide to the PLA as built drawings of any specified works (but not including any work constructed or placed within the tunnels) in a form and scale to be agreed between TfL and the PLA to show the position of those works in relation to the River Thames.

Discharges, etc.

36.—(1) TfL must not without the consent of the PLA exercise the powers conferred by article 14 (discharge of water) so as to—

- (a) deposit in or allow to fall or be washed into the River Thames any gravel, soil or other material;
- (b) discharge or allow to escape either directly or indirectly into the River Thames any offensive or injurious matter in suspension or otherwise; or
- (c) directly or indirectly discharge any water into the River Thames.

(2) Any consent of the PLA under this paragraph must not be unreasonably withheld but may be given subject to such terms and conditions as the PLA may reasonably impose.

(3) Any consent under this paragraph is 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 35 days of the day on which the request for consent is submitted under sub-paragraph (1).

37. TfL must not, in exercise of the powers conferred by article 14 (discharge of water), damage or interfere with the beds or banks of any watercourse forming part of the River Thames unless such damage or interference is approved as a specified work under this Order or is otherwise approved in writing by the PLA.

Navigational lights, buoys, etc.

38.—(1) TfL must, at or near a specified work, exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the PLA may from time to time reasonably require.

(2) The PLA must give TfL not less than 20 business days written notice of a requirement under sub-paragraph (1) except in the case of emergency when the PLA must give such notice as is reasonably practicable.

Directions as to lights

39. TfL must comply with any reasonable directions issued from time to time by the Harbour Master with regard to the lighting of a specified work, or the screening of such lighting, so as to ensure that it is not a hazard to navigation on the River Thames.

Removal, etc. of the PLA's moorings and buoys

40.—(1) Subject to sub-paragraph (2), if by reason of the construction of any specified work it is reasonably necessary for the PLA 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 PLA;
- (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, TfL must pay the costs reasonably so incurred by the PLA.

(2) The PLA must give to TfL not less than 20 business days' notice of its intention to incur such costs, and take into account any representations which TfL may make in response to the notice within 10 business days of the receipt of the notice.

Removal of temporary works

41.—(1) On completion of the construction of the whole or any part of a permanent specified work, TfL must—

- (a) as soon as practicable after such completion seek approval under paragraph 34 for the removal required by sub-paragraph (b); and
- (b) as soon as practicable after the grant of that approval under paragraph 34 remove—
 - (i) in the case of completion of part, any temporary tidal work (other than a residual structure) carried out only for the purposes of that part of the permanent specified work;
 - (ii) on completion of all the specified works, any remaining temporary tidal work (other than a residual structure); and
 - (iii) in either case, any materials, plant and equipment used for such construction,

and make good the site to the reasonable satisfaction of the PLA.

(2) For the purposes of TfL making good the site in accordance with sub-paragraph (1)(b), the PLA may require that—

- (a) any residual structure is cut off by TfL at such level below the bed of the River Thames as the PLA may reasonably direct; and
- (b) TfL takes such other steps to make the residual structure safe as the PLA may reasonably direct.

(3) As soon as reasonably practicable after TfL has complied with the PLA's requirements under sub-paragraphs (1) and (2) in relation to any residual structure, the PLA will grant TfL a works licence for that structure under section 66 of the Port of London Act 1968, and the terms of the licence are to reflect such requirements.

(4) For the avoidance of doubt, article 3(1)(i) will not apply to a residual structure which will, accordingly, be subject to sections 66 to 75 of the Port of London Act 1968.

(5) In this article—

"residual structure" means any part of a temporary tidal work that the PLA agrees cannot reasonably be removed by TfL on completion of the construction of the permanent specified works; and

"tidal work" means any specified work any part of which is, or may be, or, in, under or over the surface of land below mean high water level forming part of the River Thames.

Protective action

42.—(1) If any specified work—

- (a) is constructed otherwise than in accordance with the requirements of this Part of this Schedule or with any condition in an approval given under paragraph 34(3); or
- (b) during construction gives rise to sedimentation, scouring, currents or wave action, which would be materially detrimental to traffic in, or the flow or regime of, the River Thames,

then the PLA may by notice in writing require TfL at TfL's own expense to comply with the remedial requirements specified in the notice.

(2) The requirements that may be specified in a notice given under sub-paragraph (1) are—

- (a) in the case of a specified work to which sub-paragraph (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 sub-paragraph (1)(b), such requirements as may be specified in the notice for the purpose of preventing, mitigating or making good the sedimentation, scouring, currents or wave action so far as required by the needs of traffic in, or the flow or regime of, the River Thames.

(3) If TfL does not comply with a notice under sub-paragraph (1), or is unable to do so then the PLA may in writing require TfL to—

- (a) remove, alter or pull down the specified work, and where the specified work is removed to restore the site of that work (to such extent as the PLA reasonably requires) to its former condition; or
- (b) take such other action as the PLA may reasonably specify for the purpose of remedying the non-compliance to which the notice relates.

(4) If a specified work gives rise to environmental impacts over and above those anticipated by any environmental document, TfL must, in compliance with its duties under any enactment, take such action as is necessary to prevent or mitigate those environmental impacts and in so doing must consult and seek to agree the necessary measures with the PLA.

(5) If the PLA becomes aware that any specified work is causing an environmental impact over and above those anticipated by any environmental document, the PLA must notify TfL of that environmental impact, the reasons why the PLA believes that the environmental impact is being caused by the specified work and of measures that the PLA reasonably believes are necessary to counter or mitigate that environmental impact. TfL must implement either the measures that the PLA has notified to TfL or such other measures as TfL believes are necessary to counter the environmental impact identified, giving reasons to the PLA as to why it has implemented such other measures.

(6) In this paragraph "environmental document" means—

- (a) the environmental statement; and
- (b) any other document containing environmental information provided by TfL to the PLA for the purposes of any approval under paragraph 34.

Abandoned or decayed works

43.—(1) If a specified work is abandoned or falls into decay, the PLA may by notice in writing require TfL to take such reasonable steps as may be specified in the notice either to repair or restore the specified work, or any part of it, or to remove the specified work and (to such extent and within such limits as the PLA reasonably requires) restore the site of that work to its condition prior to the construction of the specified work.

(2) If any specified work is in such condition that it is, or is likely to become, a danger to or an interference with navigation in the River Thames, the PLA may by notice in writing require TfL to take such reasonable steps as may be specified in the notice—

- (a) to repair and restore the work or part of it; or
- (b) if TfL so elects, to remove the specified work and (to such extent as the PLA reasonably requires) to restore the site to its former condition.

(3) If on the expiration of such reasonable period as may be specified in a notice under this paragraph the work specified in the notice has not been completed to the satisfaction of the PLA, the PLA may undertake that work and any expenditure reasonably incurred by the PLA in so doing is recoverable from TfL.

Facilities for navigation

44.—(1) TfL must not in the exercise of the powers conferred by this Order interfere with any marks, lights or other navigational aids in the river without the consent of the PLA, and must ensure that access to such aids remains available during and following construction of any specified work.

(2) TfL must provide at any specified work, or must afford reasonable facilities at such work (including an electricity supply) for the PLA to provide at TfL's cost, from time to time such navigational lights, signals, radar or other apparatus for the benefit, control and direction of navigation as the PLA may deem necessary by reason of the construction and presence of the specified work and must ensure access remains available to such facilities during and following construction of the specified work.

Survey of riverbed

45.—(1) Before the commencement of construction of the first specified work below mean high water level to be constructed following approval under paragraph 34, the PLA may, at TfL's expense (such expense to be that which is reasonably incurred), carry out a survey (or externally procure the carrying out of a survey) of such parts of the River Thames as might be affected by sedimentation, scouring, currents or wave action that might result from the construction of such of the authorised development as would constitute specified works below mean high water level if they were to be constructed, for the purposes of establishing the condition of the River Thames at that time and the PLA must make available to TfL the results of any such survey.

(2) Before the commencement of construction of any other specified work approved under paragraph 34, the PLA may, at TfL's expense (such expense to be that which is reasonably incurred), carry out a survey (or externally procure the carrying out of a survey) of such parts of the River Thames as might be affected by sedimentation, scouring, currents or wave action resulting from that specified work for the purpose of establishing the condition of the River Thames at that time and the PLA must make available to TfL the results of any such survey.

(3) The PLA may, at TfL's expense (such expense to be that which is reasonably incurred), carry out such surveys (or externally procure the carrying out of surveys) of the River Thames as are reasonably required during the construction of any specified work to ascertain the effect of that specified work on the River Thames and the PLA must make available to TfL the results of any such survey.

(4) After completion of, respectively, any specified work and all the specified works constructed under this Order, the PLA may, at TfL's expense (such expense to be that which is reasonably incurred) carry out a further survey (or externally procure the carrying out of a survey) of the parts

of the River Thames which were surveyed prior to the construction of that work, or as the case may be a survey of the completed specified works as so constructed, for the purpose of establishing the condition of the River Thames and the effect that the specified work is, or as the case may be the specified works are, having on navigation, the flow and the regime of the River Thames and the exercise of the PLA's functions and the PLA must make available to TfL the results of any such survey.

(5) The PLA must not under this paragraph carry out a survey of any part of the River Thames in respect of which TfL has provided to the PLA survey material which the PLA is satisfied establishes the condition of the River Thames, and in the case of a survey under sub-paragraph (3), the effect of the specified work, or as the case may be the specified works.

(6) A survey carried out under this paragraph is the property of the PLA.

Statutory functions

46. Subject to article 3 (disapplication of legislation, etc.) the exercise in, under or over the River Thames by TfL of any of its functions under this Order is subject to—

- (a) any enactment relating to the PLA;
- (b) any byelaw, direction or other requirement made by the PLA or the Harbour Master under any enactment; and
- (c) any other exercise by the PLA or the Harbour Master of any function conferred by or under any enactment.

Indemnity

47.—(1) TfL is responsible for and must make good to the PLA all financial costs, charges, damages losses or expenses which may be incurred reasonably or suffered by the PLA by reason of—

- (a) the construction or operation of a specified work or its failure;
- (b) the exercise of any other power under this Order; or
- (c) any act or omission of TfL, its employees, contractors or agents or others whilst engaged on the construction or operation of a specified work or dealing with any failure of a specified work,

and TfL must indemnify the PLA from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission.

(2) The fact that any act or thing may have been done—

- (a) by the PLA on behalf of TfL; or
- (b) by TfL, its employees, contractors or agents in accordance with plans or particulars submitted to or modifications or conditions specified by the PLA, or in a manner approved by the PLA, or under its supervision or the supervision of its duly authorised representative,

does not (if it was done or required without negligence on the part of the PLA or its duly authorised representative, employee, contractor or agent) excuse TfL from liability under the provisions of this paragraph.

(3) The PLA must give TfL reasonable notice of any such claim or demand as is referred to in sub-paragraph (1) and no settlement or compromise of it is to be made without the prior consent of TfL.

Compensation for temporary works

48.—(1) Regardless of article 3 (disapplication of legislation, etc.), and unless otherwise agreed in writing between TfL and the PLA, compensation is payable to the PLA in respect of any specified work constructed on land specified in Schedule 7 (land of which only temporary possession may be taken) lying below mean high water level, and the rights conferred in

connection with construction of such a specified work by article 29 (temporary use of land for carrying out the authorised development) as if TfL had been required—

- (a) to obtain a licence for the work under section 66 (licensing of works) of the Port of London Act 1968; and
- (b) to pay consideration for the licence determined in accordance with the provisions of section 67 (consideration for licence) of that Act;

and the PLA's reasonable costs incurred in connection with the preparation of its claim for that compensation are recoverable from TfL.

(2) In determining the amount of that compensation, no account is to be taken of the value of any other specified work whose construction is facilitated by the construction and use of any specified work mentioned in sub-paragraph (1).

Disposals, etc.

49. TfL must within 7 days after the completion of any sale, agreement or other transaction under article 58 (transfer of benefit of Order, etc.) in relation to which any powers, rights and obligations of TfL are transferred to another party, notify the PLA in writing, and the notice must include particulars of the other party to the transaction under article 58, the general nature of the transaction and details of the extent, nature and scope of the works or functions sold, transferred or otherwise dealt with.

Disputes

50. Any dispute arising between TfL and the PLA under this Part of this Schedule is to be determined by arbitration as provided in article 67 (arbitration).

PART 5

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

51. The following provisions apply for the protection of the Environment Agency unless otherwise agreed in writing between TfL and the Agency.

Definitions

52. In this Part of this Schedule—

“the Agency” means the Environment Agency;

“authorised work” means any work forming part of the authorised development;

“construction” includes execution, placing, altering, replacing, relaying and removal and

“construct” and “constructed” are to be construed accordingly;

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, tidal monitoring and any ancillary works constructed as a consequence of works carried out for drainage purposes;

“environmental duties” means the Agency's duties in the Environment Act 1959(a), the Natural Environment and Rural Communities Act 2006(b) and the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003(c);

“fishery” means any waters containing fish and fish in such waters and the spawn, habitat or food of such fish;

“flood defence” 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;

“plans” includes sections, drawings, specifications and method statements;

“relevant section of river wall” means [TO BE DEFINED];

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 16 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery; or
- (d) affect the conservation, distribution or use of water resources;

“TE2100 levels” means 6.2 metres above ordnance datum; and

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer.

Approvals

53.—(1) Before commencement of any specified work, TfL must submit to the Agency—

- (a) plans of the specified work;
- (b) the results of an intrusive survey of the river wall giving details of the structural condition and bearing capacity of the relevant sections of river wall;
- (c) information to demonstrate that that the authorised works will not prevent the relevant sections of river wall being raised to TE2100 levels in the future; and
- (d) such further particulars available to it as the Agency may within 28 days of the receipt of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency or determined under paragraph 58.

(3) Any approval of the Agency required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) is deemed to have been given if it is neither given nor refused within 8 weeks of the submission of the plans or within 4 weeks of the receipt of further particulars if such particulars have been required by the Agency for approval;
- (c) in the case of a refusal, accompanied by a statement of the grounds of refusal; and
- (d) may be given subject to such reasonable requirements as the Agency may make for the protection of any drainage work, fishery or water resources, for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

(5) Without limitation on the scope of sub-paragraph (3)(d), but subject always to the provisions of that paragraph as to reasonableness, the requirements which the Agency may make under that paragraph include conditions requiring TfL at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works as are reasonably necessary to—

- (a) safeguard any drainage work against damage;
- (b) secure that the efficiency of any flood defence is not impaired; or
- (c) ensure that the risk of flooding is not otherwise increased,

by reason of any specified work.

Construction and inspection

54.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 53 must be constructed—

- (a) without unnecessary or unreasonable delay;
- (b) in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule; and
- (c) to the reasonable satisfaction of the Agency,

and an officer of the Agency is entitled to watch and inspect the construction of such works.

(2) TfL must give to the Agency not less than 10 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its having been brought into use not later than 7 days after the date on which it is been brought into use.

(3) If any part of a specified work or any protective work required by the Agency is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the Agency may by notice in writing require TfL, at TfL's own expense, to comply with the requirements of this Part of this Schedule or (if TfL so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the 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.

(4) Subject to sub-paragraph (5) if, within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon TfL, 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 is recoverable from TfL.

(5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency must not except in an emergency exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined.

Emergency powers

55.—(1) Subject to sub-paragraph (2), if by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by TfL to the reasonable satisfaction of the Agency and if TfL fails to do so, the Agency may make good the same and recover from TfL the expense reasonably incurred by it in so doing.

(2) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (1), the Agency must not except in a case of immediate foreseeable need exercise the powers conferred by sub-paragraph (1) until the dispute has been finally determined in accordance with paragraph 58.

Free passage of fish

56.—(1) TfL must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in the fishery during the construction of any specified work.

(2) If by reason of—

- (a) the construction of any specified work; or
- (b) the failure of any such work,

damage to the fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on TfL 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, TfL fails to take such steps as are described in sub-paragraph (2), the Agency may take those steps and may recover from TfL the expense reasonably incurred by it in doing so.

(4) In any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from TfL the reasonable cost of so doing provided that notice specifying those steps is served on TfL as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

Indemnities and Costs

57.—(1) TfL must indemnify the Agency in respect of all costs, charges and expenses which the Agency may reasonably incur or have to pay or which it may sustain—

- (a) in the examination or approval of plans under this Part of this Schedule; and
- (b) in the inspection of the construction of the specified works or any protective works required by the Agency under this Part of this Schedule.

(2) Without affecting the other provisions of this Part of this Schedule, TfL must indemnify the Agency from all claims, demands, proceedings, costs, damages, expenses or loss, which may be made or taken against, recovered from, or incurred by, the Agency by reason of—

- (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
- (b) any damage to the fishery;
- (c) any raising or lowering of the water table in land adjoining the authorised development or any sewers, drains and watercourses;
- (d) any flooding or increased flooding of any such lands; or
- (e) inadequate water quality in any water in any watercourse or other surface waters or in any groundwater,

which is caused by the construction of any of the specified works or any act or omission of TfL, its contractors, agents or employees whilst engaged upon the work.

(3) The Agency must give to TfL reasonable notice of any such claim or demand and no settlement or compromise may be made without the agreement of TfL.

(4) The fact that any work or thing has been executed or done by TfL in accordance with a plan approved or deemed to be approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve TfL from any liability under the provisions of this Part of this Schedule.

Dispute resolution

58. Any difference or dispute arising between TfL and the Agency under this Part of this Schedule is to, unless otherwise agreed in writing between TfL and the Agency, be determined by arbitration in accordance with article 67 (arbitration) of the Order.

SCHEDULE 14

Article 64

DOCUMENTS TO BE CERTIFIED

<i>(1)</i> <i>Document</i>	<i>(2)</i> <i>Description</i>
book of reference	<p>The book of reference contained in document reference 4.3 (revision 0) (subject to the substitutions below)</p> <p>Part 5 of the book of reference contained in appendix B of document reference 8.21 (which substitutes Part 5 of the book of reference contained in document reference 4.3 (revision 0))</p>
charging policies and procedures	The charging policies and procedures contained in document reference 7.11 (revision 1)
classification of roads (classification) plans	The classification of roads (classification) plans contained in document reference 2.7 (revision P01 in respect of all sheets)
classification of roads (designation) plans	The classification of roads (designation) plans contained in document reference 2.7 (revision P01 in respect of all sheets)
code of construction practice	The code of construction practice contained in document reference 6.10 (revision 2)
design principles	The design principles contained in document reference 7.4 (revision 1)
engineering section drawings and plans	The engineering section drawings and plans contained in document reference 2.8 (revision P01 in respect of all sheets)
environmental statement	<p>The environmental statement and associated figures and appendices contained in documents referenced 6.1, 6.2 and 6.3 (revision 0) (subject to the substitutions below)</p> <p>The revised chapter 8 of the environmental statement contained in document reference 6.1.8 (revision 1) (which substitutes chapter 8 of the environmental statement contained in document reference 6.1 (revision 0))</p> <p>The revised chapter 10 of the environmental</p>

	<p>statement contained in document reference 6.1.10 (revision 1) (which substitutes chapter 10 of the environmental statement contained in document reference 6.1 (revision 0))</p> <p>The revised chapter 12 of the environmental statement contained in document reference 6.1.12 (revision 1) (which substitutes chapter 12 of the environmental statement contained in document reference 6.1 (revision 0))</p> <p>The revised chapter 13 of the environmental statement contained in document reference 6.1.13 (revision 1) (which substitutes chapter 13 of the environmental statement contained in document reference 6.1 (revision 0))</p> <p>The revised chapter 16 of the environmental statement contained in document reference 6.1.13 (revision 1) (which substitutes chapter 16 of the environmental statement contained in document reference 6.1 (revision 0))</p> <p>The revised figure 8.1 of the environmental statement contained in document reference figure 8.1 (revision 1) (which substitutes figure 8.1 of the environmental statement contained in document reference 6.2 (revision 0))</p> <p>The revised figure 10.1 of the environmental statement contained in document reference figure 10.1 (revision 1) (which substitutes figure 10.1 of the environmental statement contained in document reference 6.2 (revision 0))</p> <p>The revised figure 10.3 of the environmental statement contained in document reference figure 10.3 (revision 1) (which substitutes figure 10.3 of the environmental statement contained in document reference 6.2 (revision 0))</p> <p>The revised appendix 8.A of the environmental statement contained in document reference 6.3.8.1 (revision 1) (which substitutes appendix 8.A of the environmental statement contained in document reference 6.3 (revision 0))</p> <p>The revised appendix 9.G of the environmental statement contained in document reference 6.3.9.7 (revision 1) (which substitutes appendix 9.G of the environmental statement contained in</p>
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	<p>document reference 6.3 (revision 0))</p> <p>The revised appendix 10.A of the environmental statement contained in document reference 6.3.10.1 (revision 1) (which substitutes appendix 10.A of the environmental statement contained in document reference 6.3 (revision 0))</p> <p>The revised appendix 10.B of the environmental statement contained in document reference 6.3.10.2 (revision 1) (which substitutes appendix 10.B of the environmental statement contained in document reference 6.3 (revision 0))</p>
land plans	The land plans contained in document reference 2.3 (revision P00 in respect of all sheets)
monitoring strategy	The monitoring strategy contained in document reference 7.6 (revision 1)
rights of way and access plans	The rights of way and access plans contained in document reference 2.6 (revision P01 in respect of all sheets)
special category land plan	The special category land plan contained in document reference 2.4 (revision P01)
traffic impacts mitigation strategy	The traffic impact mitigation strategy contained in document reference 7.7 (revision 1)
traffic regulation measures (speed limits and restricted roads) plans	The traffic regulation measures (speed limits and restricted roads) plans contained in document reference 2.9 (revision P01 in respect of all sheets)
traffic regulation measures (clearways and prohibitions) plans	The traffic regulation measures (clearways and prohibitions) plans contained in document reference 2.9 (revision P01 in respect of all sheets)
the tunnels location and operational boundaries plans	The tunnels location and operational boundaries plans contained in document reference 2.1 (revision P01 in respect of all sheets except for sheet 1 of the tunnels location and operational boundaries plans (location plan) which is revision P02)
works plans	The works plans contained in document reference 2.5 (revision P02 in respect of all sheets)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Transport for London to construct, operate and maintain the Silvertown Tunnel. This is a new road tunnel linking the areas north and south of the River Thames in London between the Greenwich Peninsula and Silvertown.

The Order would permit Transport for London to acquire, compulsorily or by agreement, land and rights in land and to use land for this purpose.

The Order also includes provisions in relation to the operation of the existing Blackwall Tunnel and the new Silvertown Tunnel, including for the implementation of user charging at both tunnels.

A copy of all documents mentioned in this Order and certified in accordance with article 64 of this Order (certification of documents) may be inspected free of charge during working hours at Transport for London, Windsor House, 42 Victoria Street, London, SW1H 0TL.

201[] No.

INFRASTRUCTURE PLANNING

Silvertown Tunnel Order 201[]

Pinsent Masons LLP

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14 December 2016