

This Statutory Instrument has been made in consequence of defects in S.I. 2018/574 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2019 No. 413

INFRASTRUCTURE PLANNING

The Silvertown Tunnel (Correction) Order 2019

Made - - - - *21st February 2019*

Coming into force - - *22nd February 2019*

The Silvertown Tunnel Order 2018^(a) (“the Silvertown Order”) contains a correctable error as defined in paragraph 1(3) of Schedule 4 to the Planning Act 2008^(b) (“the Act”).

Before the end of the relevant period referred to in paragraph 1(6)(a) of Schedule 4 to the Act, the Secretary of State received requests in writing to correct errors in the Silvertown Order, and in accordance with paragraph 1(7) of Schedule 4 to the Act the Secretary of State has informed each local planning authority for the area in which the land to which the Silvertown Order relates is situated that the request has been received.

The Secretary of State, in exercise of the powers conferred by section 119 of, and paragraph 1(4) and (8) of Schedule 4 to, the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the Silvertown Tunnel (Correction) Order 2019 and comes into force on 22nd February 2019.

Correction of original order

2.—(1) The Silvertown Tunnel Order 2018 is corrected as follows.

(2) In article 2(1) (interpretation), in the definition of “TfL”, for “Windsor House, 42 Victoria Street, London, SW1H 0TL” substitute “55 Broadway, London, SW1H 0BL”.

(3) At the end of article 3(3) (disapplication of legislation, etc.) insert “and, within any maintenance period referred to in paragraph (1), any maintenance of any part of the authorised development”.

(4) In article 22(3) (compulsory acquisition of rights) for “paragraph 10” substitute “paragraph 5(8)”.

(5) In article 25(5)(b) (modification of Part 1 of the 1965 Act) omit “end”.

(6) In article 26(10) (application of the 1981 Act) for “1965Act” substitute “1965 Act”.

^(a) S.I. 2018/574.

^(b) 2008 c. 29. Paragraph 1 of Schedule 4 was amended by section 128(2) of, and paragraphs 1 and 70 of Schedule 13 to, the Localism Act 2011 (c. 20). There are other amendments to paragraph 1 that are not relevant to this Order.

(7) In article 44(15) (removal of motor vehicles) for “liably” substitute “liable”.

(8) In article 47(1) (no apparatus in the Silvertown Tunnel area without consent) for “69” substitute “68”.

(9) In Part 1 of Schedule 2 (requirements)—

(a) in paragraph 5(3)(a) (code of construction practice and related plans and strategies) omit “including in the London Borough of Newham, such scheme of ventilation at the Hoola building as necessary to reduce the exposure of first floor residential accommodation to nitrogen oxide to acceptable levels”;

(b) in paragraph 5(3)(k) for “in consultation with the relevant planning authority and the PLA” substitute “by the relevant planning authority in consultation with the PLA”;

(c) in paragraph 6(2)(c) (landscaping scheme) for “avenue” substitute “Avenue”;

(d) in paragraph 7 (monitoring and mitigation strategy) after sub-paragraph (17) insert—

“*Hoola building*

(18) No part of the authorised development is to be opened for public use until a scheme of mitigation (which may consist of or include ventilation) to reduce to acceptable levels any exposure to nitrogen dioxide which occurs as a result of the authorised development at the first floor residential accommodation at the Hoola building, has been submitted to and approved by the London Borough of Newham (“Hoola scheme of mitigation”).

(19) TfL must implement the approved Hoola scheme of mitigation.”;

(e) in paragraph 13 (Siebert Road and Westcombe Hill area noise barriers) for “local planning authority” substitute “relevant planning authority”;

(f) in paragraph 14(4) (cross-river bus services)—

(i) before the definition of “bus” insert—

““the Assessed Case” has the meaning given to that expression in the bus strategy.”;

(ii) at the end of the definition of “London local service” omit “and”; and

(iii) at the end of the definition of “the monitoring period” insert—

“; and

“the Refreshed Assessment” means the updated assessment of the impacts of the authorised development carried out by TfL in accordance with section 1.5 of the bus strategy”;

(g) in paragraph 15 (cross-river cycle/pedestrian facilities)—

(i) in sub-paragraph (2), in each place it occurs, omit “local”;

(ii) after sub-paragraph (2) insert—

“(3) In this paragraph “the monitoring period” has the same meaning as in paragraph 14(4) (cross-river bus services).”;

(h) renumber paragraphs 18(1) (hazardous substances – East Greenwich Gasholder site) and 19(1) (hazardous substances – Brenntag Chemicals site) as paragraphs 18 and 19 respectively;

(i) in renumbered paragraph 19 for “the Secretary of State” substitute “TfL”;

(j) for paragraph 20 (re-use of excavated material on-site) substitute—

“**20.**—(1) The works to implement the authorised development must be undertaken in a manner that will maximise the potential for re-use of suitable excavated material.

(2) Prior to the commencement of any part of the authorised development, for that part of the authorised development details of the storage of suitable excavated material and of its subsequent re-use within or adjoining the Order limits must be submitted to and approved by the relevant planning authority.

(3) Each part of the authorised development must be carried out in accordance with the details of the storage and re-use of excavated material approved under sub-paragraph (2).

(4) In this paragraph “suitable excavated material” means material which is suitable for re-use in accordance with Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste^(a) and CL:AIRE The Definition of Waste: Development Industry Code of Practice (version 2, March 2011).”

(10) In paragraph 54 of Part 5 of Schedule 13 (protective provisions), in the definition of “main river”, for “Department of” substitute “Department for”.

Signed by authority of the Secretary of State for Transport

21st February 2019

Richard Serlin
Senior Civil Servant, Department for Transport Legal Advisers
Government Legal Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects errors in the Silvertown Tunnel Order 2018 (S.I. 2018/574), a development consent order made under the Planning Act 2008, following requests made under paragraph 1(5)(a) of Schedule 4 to that Act.

(a) O.J. No. L 312, 22.11.2008, p. 3.