STATUTORY INSTRUMENTS

2008 No. 1261

The London Gateway Port Harbour Empowerment Order 2008

PART 6

PROTECTIVE PROVISIONS

Crown rights

57.—(1) Nothing in this Order affects prejudicially any estate, interest, right, power, privilege, authority or exemption of the Crown, and in particular, nothing in this Order authorises the Harbour Authority to take, use, enter upon or in any manner interfere with any land, hereditaments or rights of whatsoever description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or

(b) belonging to a Government Department or held in trust for Her Majesty for the purposes of a Government Department, without the consent in writing of that Government Department.

(2) A consent under paragraph (1) may be given unconditionally or subject to such conditions or upon such terms as may be considered necessary or appropriate.

For the protection of the local highway authority

58.—(1) This article applies to the construction of Works Nos. 1 to 8 (Sheets Nos. 224 to 239 of the deposited plans) so far as they relate to or affect the functions of the local highway authority.

(2) Before the Harbour Authority constructs any works referred to in paragraph (1) the Harbour Authority must first notify the local highway authority.

(3) During the construction of the works referred to in paragraph (1), the Harbour Authority shall at all times comply with all reasonable requests of the local highway authority as to public safety, standards of construction and traffic management and shall construct those works under the supervision (if given) of the local highway authority.

(4) For the purposes of the works referred to in paragraph (1), or of complying with the requests of the local highway authority pursuant to paragraph (3), the Harbour Authority may act as agent of the local highway authority.

(5) The Harbour Authority and the local highway authority may enter into agreements with respect to the construction of junctions and other highway improvement, construction or alteration works and such agreements may (without prejudice to the generality of this paragraph)—

(a) make provision for the local highway authority or the Harbour Authority to carry out any functions under this Order which relate to Works Nos. 1 to 8 (Sheets Nos. 224 to 239 of the deposited plans) and for these purposes section 278 of the 1980 Act shall be construed as permitting the Harbour Authority or those authorised on its behalf to carry out the works in the public highway;

(b) provide for the vesting of the whole or any part of Works Nos. 1 to 8 (Sheets Nos. 224 to 239 of the deposited plans) in the local highway authority; and

(c) contain such terms as to payment or otherwise as the parties consider appropriate.

(6) Nothing in this Order shall prevent the local highway authority at its own cost from constructing under its existing powers under the 1980 Act any part of Works Nos. 1 to 8 (Sheets Nos. 224 to 239 of the deposited plans).

(1) The Harbour Authority shall reimburse to the local highway authority the costs incurred for any supervision by the local highway authority of the Harbour Authority pursuant to paragraph (3) insofar as:

(a) that supervision is of those of the works referred to in paragraph (1) that it has been agreed at the time of supervision will be adopted by the local highway authority; and

(b) the local highway authority's costs do not exceed 5% of the cost of those works referred to in sub-paragraph (a).

(2) This article is without prejudice to the operation of section 278 of the 1980 Act.

For the protection of Thurrock Borough Council and others

59. Schedule 6 shall have effect.

For the protection of Network Rail

60. Schedule 7 shall have effect.

For the protection of the Port of London Authority

61. Schedule 8 shall have effect.

For the protection of the Trinity House Lighthouse Service

62. Schedule 9 shall have effect.

For the protection of the Environment Agency

63. Schedule 10 shall have effect.

For the protection of National Grid Gas plc and other statutory undertakers

64. Schedule 11 shall have effect.