

SCHEDULES

SCHEDULE 10

Section 38.

DISAPPLICATION AND MODIFICATION OF MISCELLANEOUS CONTROLS

Ecclesiastical law

- 1 (1) No obligation or restriction imposed under ecclesiastical law or otherwise in relation to consecrated land shall have effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Part of this Act with respect to works.
- (2) Sub-paragraph (1) above shall not apply in relation to the use of land comprised in a burial ground for the purpose of constructing any of the works authorised by this Part of this Act.

Overground wires

- 2 Nothing in the London Overground Wires &c. Act 1933, or in any byelaw made under that Act, shall extend or apply to any wire or part of a wire erected or placed, proposed to be erected or placed, or for the time being maintained, by the nominated undertaker in exercise of the powers conferred by this Part of this Act.

London Building Acts (Amendment) Act 1939

- 3 (1) This paragraph has effect in relation to the London Building Acts (Amendment) Act 1939.
- (2) The following provisions, namely—
- (a) Part III (construction of buildings and structures generally),
 - (b) Part IV (construction of special and temporary buildings and structures), and
 - (c) Part V (means of escape in case of fire),
- shall not apply to anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Part of this Act.
- (3) Sub-paragraph (2) above shall not apply in relation to a building which is a house or a hotel or which is used as offices or showrooms and does not form part of a railway station.
- (4) No notice under section 45(1)(a) or (b) (notice before building at junction with adjoining land) shall be required before the building of any wall in exercise of the powers conferred by this Part of this Act.
- (5) Sections 45(1)(c) and 46 (rights of adjoining owners) shall not have effect to confer rights in relation to—
- (a) anything held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Part of this Act, or

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(b) land on which there is any such thing.

(6) Section 50 (underpinning of adjoining buildings) shall not apply in relation to a proposal to erect anything in exercise of the powers conferred by this Part of this Act.

Coast works

- 4 The following provisions of the Coast Protection Act 1949, namely—
- (a) section 16(1) (consent of coast protection authority required for carrying out coast protection work),
 - (b) section 18(1) (prohibition of excavation or removal of materials from seashore), and
 - (c) section 34(1) (consent of Secretary of State required for works detrimental to navigation),

shall not apply in relation to anything done within the limits of deviation for the scheduled works in exercise of the powers conferred by this Part of this Act in relation to those works, or any work in connection with them.

Highways etc.

- 5 (1) The following enactments, namely—
- (a) section 15(1) of the Greater London Council (General Powers) Act 1970, and
 - (b) section 169(1) of the Highways Act 1980,
- (which control obstructions of the highway in connection with works related to buildings) shall not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of any of the powers conferred by this Part of this Act with respect to works.
- (2) Section 141 of the Highways Act 1980 (restriction on planting trees or shrubs in or near carriageway) shall not apply to any tree or shrub planted for the purposes of or in connection with the exercise of any of the powers conferred by this Part of this Act with respect to works.
- (3) Section 167 of the Highways Act 1980 (powers relating to retaining walls near streets) shall not apply to any length of a retaining wall erected on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Part of this Act.
- (4) Nothing in section 8(2) to (5) of the Greater London Council (General Powers) Act 1986 (powers of borough councils in relation to retaining walls supporting the carriageway or footway of certain highways) shall apply with respect to any retaining wall erected in exercise of the powers conferred by this Part of this Act.

Areas of special scientific interest

- 6 Sections 28(5) and 29(3) of the Wildlife and Countryside Act 1981 (which restrict, in relation to areas of special scientific interest, the carrying out of operations likely to damage the special flora, fauna or features) shall not apply to any operation carried out for the purposes of or in connection with the exercise of any of the powers conferred by this Part of this Act with respect to works.

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Building regulations

- 7 (1) Nothing in Part I of the Building Act 1984 with respect to building regulations, and nothing in any building regulations, shall apply in relation to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Part of this Act.
- (2) Sub-paragraph (1) above shall not apply in relation to a building which is a house or a hotel or which is used as offices or showrooms and does not form part of a railway station.
- (3) Any building to which sub-paragraph (2) above applies shall be disregarded for the purposes of section 4(1)(b) of the Building Act 1984 (exception for certain buildings belonging to statutory undertakers).

Deposits in the sea

- 8 (1) Section 5 of the Food and Environment Protection Act 1985 (requirement of licences for deposit of substances and articles in the sea etc.) shall not apply to the deposit of substances and articles within the limits of deviation for Work No. 10, 10R(2), 13 or 22J in exercise of the powers conferred by this Part of this Act in relation to that work, or any work in connection with it.
- (2) In the case of substances and articles which have been excavated or dredged, sub-paragraph (1) above shall only apply to deposit in the course of use as a construction material.

London lorries: general

- 9 (1) This paragraph applies where an application for the issue of a permit under the London Lorry Ban Order is made under paragraph 10 below or is otherwise expressed to be made in connection with the carrying out of authorised works.
- (2) The application shall be granted if the issue of a permit is reasonably required—
- (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or
 - (b) for the purpose of enabling authorised works to be carried out in accordance with approved arrangements.
- (3) If the application is granted, no condition may be imposed which is likely to obstruct the carrying out of authorised works—
- (a) in a timely and efficient manner, or
 - (b) in accordance with approved arrangements.
- (4) If the applicant is aggrieved by a decision under sub-paragraph (2) or (3) above, he may appeal to the Secretary of State by giving notice in writing of the appeal to him and the authority whose decision is appealed against within 28 days of notification of the decision.
- (5) On an appeal under sub-paragraph (4) above, the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against.
- (6) If on an appeal under sub-paragraph (4) above against a decision under sub-paragraph (3) above the Secretary of State varies the decision, the variation shall

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have effect from and including the date on which the appeal was constituted or such later date as the Secretary of State may specify.

(7) The applicant may not challenge a decision under sub-paragraph (3) above otherwise than by an appeal under sub-paragraph (4) above.

(8) In this paragraph—

“approved arrangements” means arrangements approved for the purposes of any of the following provisions of Schedule 6 to this Act—

(a) paragraph 7, so far as relating to item 1 or 6 in the table in that paragraph,

(b) paragraph 16, so far as relating to item 5 in the table in that paragraph,

(c) paragraph 23, so far as relating to item 5 in the table in that paragraph, and

(d) paragraph 25;

“authorised works” means works authorised by this Part of this Act; and

“the London Lorry Ban Order” means the Greater London (Restriction of Goods Vehicles) Traffic Order 1985.

London lorries: emergency permits

10 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey—

(a) proposed to be undertaken in connection with the carrying out of authorised works, and

(b) for which a permit under the London Lorry Ban Order will be required.

(2) The person may apply for a permit under the Order for the journey by giving the details mentioned in sub-paragraph (3) below to the authority concerned by telephone or by means of facsimile transmission.

(3) The details referred to above are—

(a) the identity of the applicant,

(b) a number on which he can be contacted by telephone or by means of facsimile transmission,

(c) the registration number of the vehicle to which the application relates,

(d) the authorised works in connection with which the journey is to be undertaken,

(e) whether any approved arrangements are relevant to the application, and, if so, what they are,

(f) the date when the journey is proposed to be undertaken,

(g) if it is proposed to stop anywhere in Greater London for the purpose of making a delivery or collection, the place or places at which, and the time or times when, it is proposed to stop for that purpose.

(4) In this paragraph—

“approved arrangements”, “authorised works” and “the London Lorry Ban Order” have the same meanings as in paragraph 9 above; and

“working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

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- 11 (1) An authority responsible for dealing with applications for permits under the London Lorry Ban Order shall make arrangements enabling applications under paragraph 10 above to be made at any time.
- (2) Once an application for a permit has been made under paragraph 10 above, then, for the purpose of any relevant journey, the application shall be treated as granted subject to such conditions as the Secretary of State may by order specify for the purposes of this provision.
- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) above if it is begun before the authority to which the application is made has communicated its decision on the application to the applicant by telephone or by means of facsimile transmission.
- (4) If an application under paragraph 10 above has been granted, or is treated as granted, then, while the vehicle concerned is undertaking a journey covered by the application, paragraph 4 of the London Lorry Ban Order and of the Westminster Lorry Ban Order shall have effect in relation to it with the substitution for paragraph (a) of—
- “(a) in relation to any goods vehicle being driven by any person in a restricted street during the prescribed hours in respect of which an application under paragraph 10 of Schedule 10 to the Channel Tunnel Rail Link Act 1996 has been granted, or is treated as granted, provided that any conditions subject to which the application is granted, or treated as granted, are complied with; or”.
- (5) The power to make an order under sub-paragraph (2) above includes—
- (a) power to make different provision for different cases, and
- (b) power to make an order varying or revoking any order previously made under that provision.
- (6) In this paragraph—
- “the London Lorry Ban Order” has the same meaning as in paragraph 9 above; and
- “the Westminster Lorry Ban Order” means the City of Westminster (Restriction of Goods Vehicles) Traffic Order 1992.

Works under streets in Greater London

- 12 The following provisions of the Greater London Council (General Powers) Act 1986, namely—
- (a) section 5(1) (consent of borough council required for demolition of works under a street),
- (b) section 6(1) (consent of borough council required for works preventing access to premises under a street), and
- (c) section 7(1) (consent of borough council required for infilling in premises under a street),

shall not apply to anything done in exercise of the powers conferred by this Part of this Act with respect to works.

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Communication with public sewers in London

- 13 Section 106(8) of the Water Industry Act 1991 (which qualifies the general right to communicate with the public sewers of a sewerage undertaker) shall not apply where the proposed communication involves a drain or sewer serving the rail link.