

## SCHEDULES

### SCHEDULE 13

Article 38

#### FOR PROTECTION OF THE LONDON BOROUGH OF NEWHAM

1.—(1) The following provisions of this Schedule shall, unless otherwise agreed in writing between DLRL and the Council, have effect.

(2) In this Schedule—

“the Council” means the Council of the London Borough of Newham;

“highway” means a street vested in or maintainable by the Council; and

“highway operations” means the construction of any part of the authorised works which will involve interference with a highway or the traffic in a highway and any temporary stopping up, alteration or diversion of a highway.

2. Before commencing to construct any scheduled work DLRL shall consult the Council about—

(a) the programme for the construction of that work so as to secure, so far as may be reasonably practicable, that the duration of any disturbance occasioned by, or in connection with, such construction shall be reduced to a minimum; and

(b) the land within the Order limits and the temporary land to be occupied and used by DLRL as temporary working sites for the purpose of such construction, the period for which and the manner in which each site shall be used and the steps to be taken by DLRL in order to mitigate any injury to amenity.

3. DLRL shall consult the Council as to—

(a) the routes in the Council’s area proposed to be used by vehicles, machinery and plant, passing to or from any works under construction; and

(b) the proposed manner and method of disposing of any soil or waste material resulting from the carrying out of any operation in connection with the authorised works,

and such soil or waste material shall not be disposed of by DLRL in the Council’s area in any manner as shall be objected to in writing by the Council.

4. Before commencing to construct any authorised work which will involve highway operations, DLRL shall consult the Council as to the time when that work will be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for DLRL to occupy in the construction of that work, and as to the conditions under which that work shall be constructed so as not to cause so far as possible inconvenience to the public and to ensure the safety of the public.

5. Any such highway shall be reinstated by DLRL in a manner reasonably approved by the Council and to its reasonable satisfaction.

6. DLRL shall not, except with the consent of the Council, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway (except on so much thereof as is for the time being temporarily stopped up or occupied under the powers of this Order) so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil or materials on any highway except within a hoarding.

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7. Except in an emergency or where reasonably necessary to secure the safety of the public no direction or instruction shall be given by the Council to the contractors, servants or agents of DLRL regarding any highway operations without the prior consent in writing of DLRL; but the Council shall not be liable for any additional costs which may be incurred as a result of the giving of instructions or directions pursuant to this paragraph.

8. DLRL shall, if reasonably so required by the Council, provide and maintain during such time as DLRL may occupy any part of a highway for the purpose of the construction of any part of the authorised works, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 1994(1) in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

9. DLRL shall indemnify the Council against any claim which may arise as a result of any subsidence of, or damage to, any highway or any retained sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any other property or work belonging to, or under the jurisdiction or control of, the Council on or under any highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of DLRL, its contractors, servants or agents but the Council shall give to DLRL reasonable notice of any such claim and no settlement or compromise of it shall be made without DLRL's prior consent.

10. Wherever in this Schedule provision is made with respect to the approval or consent of the Council, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the Council may require in the interests of safety and in order to minimise inconvenience to persons using the highway, but shall not be unreasonably withheld.

11. Unless otherwise agreed between the parties any difference arising between DLRL and the Council under this Schedule (other than a difference as to its meaning or construction) shall be determined by arbitration in accordance with article 51.

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(1) S.I. 1994/1519.