
STATUTORY INSTRUMENTS

2007 No. 2297

**The Docklands Light Railway (Capacity Enhancement
and 2012 Games Preparation) Order 2007**

PART 2

WORKS PROVISIONS

Streets

Stopping up of streets and extinguishment of rights

9.—(1) Subject to the provisions of this article, DLRL may, in connection with the construction of the authorised works, stop up the designated footpath and the designated highway.

(2) The designated footpath shall not be wholly or partly stopped up under this article unless either—

- (a) the replacement footpath has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary replacement footpath is first provided and thereafter maintained by DLRL between points T1 and T2 at Royal Albert Station to the reasonable satisfaction of the street authority until completion and opening of the replacement footpath in accordance with sub-paragraph (a).

(3) The designated highway shall not be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the designated highway.

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

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

(5) Where the designated footpath and the designated highway have been stopped up under this article—

- (a) all rights of way over or along the designated footpath and in the designated highway so stopped up shall be extinguished; and
- (b) DLRL may appropriate and use for the purposes of the authorised works so much of the site of the designated footpath and so much of the designated highway owned by DLRL as is bounded on both sides by land owned by DLRL.

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

(7) This article is subject to paragraph 2 of Schedule 8 and paragraph 3 of Schedule 12.

(8) In this article—

“designated highway” means so much of Hertsmere Road in the London Borough of Tower Hamlets as is comprised in the airspace directly beneath the underside of the railway viaduct but not below a point 5.3 metres above the level of the surface of Hertsmere Road at the date of the coming into effect of this Order;

“designated footpath” means the footpath in the London Borough of Newham at Royal Albert Station between points P1, P2 and P3;

“railway viaduct” means that part of the scheduled works proposed to carry the Bank to Canary Wharf Railway over Hertsmere Road in the London Borough of Tower Hamlets;

“replacement footpath” means the footpath in the London Borough of Newham at Royal Albert Station between points P3 and P4.

“temporary replacement footpath” means a temporary alternative route for pedestrians who could have used the designated footpath between a point as close as reasonably practicable to the commencement and termination points of the designated footpath.