STATUTORY INSTRUMENTS

2014 No. 2384

INFRASTRUCTURE PLANNING

The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014

Made - - - - Coming into force

3rd September 2014 24th September 2014

THE THAMES WATER UTILITIES LIMITED (THAMES TIDEWAY TUNNEL) ORDER 2014

PART 1

PRELIMINARY

- 1. Citation and Commencement
- 2. Interpretation

PART 2

WORKS PROVISIONS

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- 3. Development consent etc. granted by the Order
- 4. Authorisation of use
- 5. Maintenance of authorised project
- 6. Limits of Deviation
- 7. Defence to proceedings in respect of statutory nuisance

Benefit of order

- 8. Benefit of Order
- 9. Transfer of benefit of Order

Streets and traffic regulations

- 10. Street works
- 11. Power to alter layout, etc., of streets
- 12. Construction and maintenance of altered streets
- 13. Stopping up of streets

- 14. Public rights of way and permissive paths
- 15. Temporary stopping up
- 16. Access to works
- 17. Agreements with street authorities
- 18. Traffic regulation

Supplemental powers

- Discharge of water
 Protective works to
 - Protective works to buildings and structures
- 21. Remedial works to buildings, or apparatus or equipment
- 22. Authority to survey and investigate the land
- 23. Removal of human remains
- 24. Cemex
- 25. Felling or lopping of trees
- 26. Trees subject to tree preservation orders
- 27. Trees in conservation areas

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- 29. Compulsory acquisition of rights
- 30. Acquisition of subsoil only
- 31. Acquisition of land limited to subsoil lying more than 9 metres beneath surface
- 32. Power to override easements and other rights
- 33. Statutory authority to override easements and other rights
- 34. Application of the Compulsory Purchase (Vesting Declarations) Act 1981

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- 35. Temporary use of land for carrying out the authorised project
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- 37. Disregard of certain interests and improvements
- 38. Set-off for enhancement in value of retained land
- 39. No double recovery
- 40. Compulsory acquisition of land incorporation of the mineral code

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- 43. Apparatus and rights of statutory undertakers in stopped-up streets
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- 45. Time limit for exercise of authority to acquire land compulsorily
- 46. Private rights of way
- 47. Public rights of navigation
- 48. Rights under or over streets and city walkways

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- 52. Safeguarding
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- 60. Unilateral undertaking Project-wide matters
- 61. Certification of plans etc
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- 12. Chelsea Embankment Foreshore
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- 22. Arbitration

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National Grid electricity and gas

- 1. Application
- 2. Interpretation
- 3. Except for paragraphs 4 (Apparatus of undertakers in stopped up...
- 4. Apparatus of Undertakers in stopped up streets
- 5. Protective works to buildings
- 6. Acquisition of land
- 7. Removal of apparatus
- 8. Approval of plans for Alternative Apparatus
- 9. Facilities and rights for alternative apparatus
- 10. Retained apparatus: protection Gas Undertakers
- 11. Retained apparatus: Protection: Electricity Undertakers
- 12. Expenses
- 13. Indemnity
- 14. Ground subsidence monitoring scheme in respect of Undertaker's apparatus
- 15. Enactments and agreements
- 16. Co-operation
- 17. Access
- 18. Arbitration

SECTION 2

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- 1. Application
- 2. Interpretation
- 3. This part of this Schedule does not apply to apparatus...
- 4. Temporarily stopped up streets
- 5. Protective works to buildings
- 6. Acquisition of land

- 7. Removal of apparatus
- 8. Facilities and rights for alternative apparatus
- 9. Retained apparatus— protection
- 10. Expenses
- 11. Compensation
- 12. Enactments and agreements
- 13. Co-operation
- 14. Access
- 15. Arbitration

SECTION 3

Other electricity undertakers

- 1. Application
- 2. Interpretation
- 3. This part of this Schedule does not apply to apparatus...
- 4. Temporarily stopped up streets
- 5. Protective works to buildings
- 6. Removal of apparatus
- 7. Facilities and rights for alternative apparatus
- 8. Retained apparatus— protection
- 9. Expenses
- 10. Enactments and agreements
- 11. Co-operation
- 12. Access
- 13. Arbitration

SECTION 4

Other gas undertakers

- 1. Application
- 2. Interpretation
- 3. This part of this Schedule does not apply to apparatus...
- 4. Temporarily stopped up streets
- 5. Protective works to buildings
- 6. Removal of apparatus
- 7. Facilities and rights for alternative apparatus
- 8. Retained apparatus— protection
- 9. Expenses
- 10. Enactments and agreements
- 11. Co-operation
- 12. Access
- 13. Arbitration

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- 1. The provisions of this Part of this Schedule shall, unless...
- 2. The construction or carrying out of any tidal work is...
- 3. Definitions
- 4. Time limits
- 5. Tidal works: approval of detailed design
- 6. Public rights of navigation
- 7. General provision as to construction of works including inspection

- 8. Works to river banks
- 9. Discharges etc.
- 10. Navigational lights, buoys, etc
- 11. Removal etc of the Authority's moorings and buoys
- 12. Removal of temporary works
- 13. Survey of river bed
- 14. Sedimentation, etc: remedial action
- 15. Protective action
- 16. Obstruction in the river
- 17. Scour monitoring and mitigation
- 18. Abandoned or Decayed Works
- 19. Permanent works where land not acquired
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- 21. Indemnities, costs and exercise of DCO powers and compensation
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- 1. The following provisions shall apply for the protection of the...
- 2. The requirement for consent under Section 109 of the Water...
- 3. Definitions
- 4. Structural integrity of flood defences
- 5. Approvals
- 6. Inspection and construction
- 7. Protection of drainage works and flood defences
- 8. Scour and accretion monitoring and mitigation
- 9. Maintenance of flood defences
- 10. Emergency Powers
- 11. Approval of Construction Environment Management Plan
- 12. Protection for Fish and Fisheries
- 13. Dispute Resolution
- 14. Indemnities and Costs
- 15. Notices

PART 4 — TRANSPORT FOR LONDON

SECTION 1

Protection of TfL Railway Companies

- 1. The provisions of this Part of this Schedule shall have...
- 2. In this Part of this Schedule— "approval" in relation to...
- 3. (1) The undertaker shall not under the powers conferred by...
- 4. (1) The undertaker shall, before commencing the specified works, furnish...
- 5. (1) The undertaker shall give to the engineer not less...
- 6. Without prejudice to the generality of paragraphs 4 and 5...
- 7. The undertaker shall at all times afford reasonable facilities to...
- 8. During the construction of any part of the specified works...
- 9. (1) If any alterations or additions either permanent or temporary,...
- 10. The undertaker shall repay to any protected person all costs,...
- 11. (1) In this paragraph— "apparatus" means any lines, circuits, wires...
- 12. If at any time after the completion of a specified...
- 13. Any additional expenses which a protected person may reasonably incur...
- 14. Third party and other costs

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15. Any difference arising between the undertaker and a protected person...

SECTION 2

For the Protection of London River Services Limited

- 1. The provisions of this Part of this Schedule shall have...
- 2. In this Part of this Schedule— "approval" in relation to...
- 3. (1) The undertaker shall not under the powers conferred by...
- 4. (1) The undertaker shall, before commencing the specified works, furnish...
- 5. (1) The undertaker shall give to the engineer not less...
- 6. Without prejudice to the generality of paragraphs 4 and 5...
- 7. The undertaker shall at all times afford reasonable facilities to...
- 8. During the construction of any part of the specified works...
- 9. (1) If any alterations or additions either permanent or temporary,...
- 10. The undertaker shall repay to LRSL all costs, charges and...
- 11. If at any time after the completion of a specified...
- 12. Any additional expenses which a LRSL may reasonably incur in...
- 13. (1) The undertaker shall be responsible for, and make good...
- 14. Any difference arising between the undertaker and LRSL under this...

SECTION 3

Protection for Highways Structures

- 1. The provisions of this Part of this Schedule shall have...
- 2. In this Part of this Schedule— "approval" in relation to...
- 3. (1) The undertaker shall not in the exercise of the...
- 4. (1) The undertaker shall, before commencing the specified works, furnish...
- 5. (1) The undertaker shall give to the engineer not less...
- 6. Without prejudice to the generality of paragraphs 4 and 5...
- 7. The undertaker shall at all times afford reasonable facilities to...
- 8. During the construction of any part of the specified works...
- 9. (1) If any alterations or additions either permanent or temporary,...
- 10. The undertaker shall repay to TfL all costs, charges and...
- 11. If at any time after the completion of a specified...
- 12. Any additional expenses which TfL may reasonably incur in altering,...
- 13. (1) The undertaker shall be responsible for and make good...
- 14. Any difference arising between the undertaker and TfL under this...

SECTION 4

Protection for Highways and Traffic

- 1. The provisions of this Part of this Schedule shall have...
- 2. (1) In this Part of this Schedule "designated works"...
 - PART 5 NETWORK RAIL
- 1. The following provisions of this Part of this Schedule shall...
- 2. In this Schedule— "asset protection agreement" means an agreement to...
- 3. (1) Where under this Part Network Rail is required to...
- 4. (1) The undertaker shall not exercise the powers conferred by...
- 5. (1) The undertaker shall before commencing construction of any specified...
- 6. (1) Any specified work and any protective works to he...
- 7. The undertaker shall— (a) at all times afford reasonable facilities...

- 8. Network Rail shall at all times afford reasonable facilities to...
- 9. (1) If any permanent or temporary alterations or additions to...
- 10. The undertaker shall repay to Network Rail all reasonable fees,...
- 11. If at any time after the completion of a specified...
- 12. The undertaker shall not provide any illumination or illuminated sign...
- 13. Any additional expenses which Network Rail may reasonably incur in...
- 14. (1) The undertaker shall pay to Network Rail all reasonable...
- 15. Network Rail shall, on receipt of a request from the...
- 16. In the assessment of any sums payable to Network Rail...
- 17. The undertaker and Network Rail may, subject in the case...
- 18. Nothing in this Order, or in any enactment incorporated with...
- 19. The undertaker shall give written notice to Network Rail if...
- 20. The undertaker shall no later than 28 days from the...
- 21. Notwithstanding article 54 (Discharge of requirements, etc) any difference or...

PART 6 — COMMUNICATIONS NETWORK OPERATORS

- 1. Effect
- 2. Interpretation
- 3. Electronic communications apparatus installed on, under or over any land
- 4. Enactments and agreements in respect of apparatus in the promoter's land
- 5. Temporary and Permanent stopping up of streets forming part of the public maintainable highway
- 6. Indemnity
- 7. Arbitration

PART 7 — THE CITY OF LONDON CORPORATION

- 1. Application
- 2. Interpretation
- 3. Protective works
- 4. Remedial works
- 5. Inspection and monitoring
- 6. Damages, costs and indemnification
- 7. Dispute resolution

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- 1. Applications made under requirements
- 2. Further information regarding requirements
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- 3. Building Act 1984
- 4. New Roads and Street Works Act 1991
- 5. Water Industry Act 1991
- 6. Party Wall etc. Act 1996
- 7. Planning Act 2008 Application of the 2010 Regulations (Community Infrastructure Levy)
- 8. Local Government (Miscellaneous Provisions) Act 1976

- 9. Town and Country Planning Act 1990
- 10. Coast Protection Act 1949
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- 12. National Parks and Access to Countryside Act 1949
- Control of Pollution Act 1974
 PART 2 LOCAL LEGISLATION

Explanatory Note