
STATUTORY INSTRUMENTS

2015 No. 781

The Crossrail (Plumstead Sidings) Order 2015

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

3.—(1) The promoter may construct and maintain or, insofar as those works are already in existence, retain and maintain the scheduled works.

(2) Subject to article 4 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works and land plans, and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the promoter may, for the purposes of or in connection with the scheduled works or otherwise for the purposes of, or in connection with, Crossrail, carry out and maintain, or insofar as they are already in existence, retain and maintain any of the following—

- (a) railway electrification and signalling works;
- (b) all such bridges, ramps, means of access, approaches, buildings, yards, apparatus, plant and machinery as may be necessary or convenient;
- (c) all such embankments, aprons, abutments, retaining walls, wing walls, drainage and culverts as may be necessary or convenient;
- (d) works to alter, or alter the position of, apparatus, including mains, sewers, drains and cables;
- (e) works to alter the course of, or otherwise interfere with, a watercourse other than a navigable watercourse;
- (f) junctions and communications with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;
- (g) landscaping, and other permanent mitigation works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works;
- (h) all such drains and connections to mains drainage systems as may be necessary or convenient; and
- (i) works for the benefit or protection of premises affected by the scheduled works.

(4) Subject to paragraph (5), the promoter may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the authorised works, other than works that would interfere with a navigable watercourse.

(5) The works specified in paragraphs (3) and (4) may only be carried out within the limits of deviation.

Power to deviate

4.—(1) Subject to paragraphs (2) and (3), the scheduled works must be constructed—

- (a) in the lines or situations shown on the works and land plans;
- (b) in accordance with the levels shown on the sections; and
- (c) in the case of any building for which an upper limit is shown on the works and land plans, within the limit so shown.

(2) In constructing or maintaining the scheduled works, the promoter may—

- (a) deviate laterally from the lines or situations shown on the works and land plans to any extent within the limits of deviation; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent upwards not exceeding 3 metres; or
 - (ii) to any extent downwards as may be found to be necessary or convenient.

(3) In the case of any building for which an upper limit is shown on the sections, the power of deviation under paragraph (2) is subject to the limit so shown.

Streets

Access to works

5.—(1) Without limitation on the scope of article 3(3)(f) (power to construct and maintain works), the promoter may, for the purposes of or in connection with the authorised works, form and lay out a means of access to White Hart Avenue within each of plots 13 and 14.

(2) For the purpose of forming and laying out means of access to White Hart Avenue the promoter may temporarily stop up and interfere with the surface of that street within the limits of deviation.

Use of private roads for construction

6.—(1) The promoter may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of or in connection with the construction of the authorised works.

(2) The promoter must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under and in accordance with Part 1 of the 1961 Act.

Supplemental powers

Power to survey and investigate land

7.—(1) The promoter may, for the purposes of this Order, enter on any land shown within the Order limits and—

- (a) survey or investigate the land;

- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as the promoter thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
 - (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land;
 - (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and
 - (e) take steps to protect or remove any flora or fauna on such land which may be affected by the carrying out of the authorised works.
- (2) No land may be entered or equipment placed or left on, or removed from, the land under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of the promoter—
- (a) must, if so required, before or after entering the land produce written evidence of authority to do so; and
 - (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes are to be made under this article—
- (a) in land located within the highway boundary without the consent of the highway authority; or
 - (b) in a private street without the consent of the street authority,
- but such consent must not be unreasonably withheld.
- (5) The promoter must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).
- (6) If a highway authority or a street authority which receives an application for consent under either paragraph 4(a) or 4(b) (as the case may be), fails to notify the promoter of its decision within 14 days of receiving such application that authority is deemed to have granted consent.