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STATUTORY INSTRUMENTS

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**2017 No. 830**

The London Overground (Barking  
Riverside Extension) Order 2017

PART 2

WORKS PROVISIONS

*Principal powers*

**Power to construct and maintain works**

4.—(1) TfL may construct and maintain the scheduled works.

(2) Subject to article 5 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (6), TfL may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) works required for the strengthening, improvement, repair or reconstruction of any street;
- (b) works for the strengthening, alteration or demolition of any building;
- (c) works to erect and construct offices, head houses and other buildings, machinery, apparatus, works and conveniences;
- (d) railway electrification and signalling works;
- (e) station services and finishes;
- (f) means of access, including footpaths;
- (g) retaining walls, fencing, barriers, wing walls, shafts, drainage works and culverts;
- (h) works to remove or alter the position of any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (i) works to alter the course of, or otherwise interfere with, watercourses;
- (j) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works;
- (k) facilities and works for the benefit or protection of land or premises affected by the authorised works;
- (l) the felling of trees; and
- (m) earthworks required for the carrying out of the authorised works.

(4) Subject to paragraph (6), TfL may carry out and maintain 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.

(5) TfL may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works—

(a) within the Order limits; or

(b) within the boundaries of any street abutting the Order limits or which has a junction with such a street.

(7) The powers conferred by this article may not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but that consent must not be unreasonably withheld.

(8) In constructing and maintaining the scheduled works TfL may lay and install such number of railway lines, switches and crossings as may be necessary or expedient.

(9) Section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991<sup>(1)</sup> and any byelaws made under that Act or the Water Resources Act 1991<sup>(2)</sup> do not apply to anything done under or in pursuance of this Order.

(10) The authorised works may be constructed and maintained under the powers conferred by this article regardless of anything contained in, or done under, Part 1 (registration) of, or Schedule 2 (non-registration or mistaken registration under the 1965 Act) to, the Commons Act 2006<sup>(3)</sup>.

(11) Where any maintenance of works is carried out under this article, such works may only be undertaken provided they have no greater effect than as described in the environmental statement.

### **Power to deviate**

**5.—**(1) In constructing or maintaining any of the scheduled works, TfL may—

(a) deviate laterally from the lines or situations shown on the deposited plans within the Order limits; and

(b) deviate vertically from the levels shown on the deposited sections—

(i) to any extent upwards not exceeding 3 metres; and

(ii) subject to article 21 (power to acquire land) to any extent downwards as may be found to be necessary or convenient.

(2) Without limitation on the scope of paragraph (1), in constructing or maintaining the scheduled works TfL may within the limits mentioned in paragraph (1)—

(a) deviate from their points of commencement and termination shown on the deposited plans and the deposited sections; and

(b) in relation to any viaduct, viaduct structure or other structure above ground level, deviate from the design and location shown on the deposited plans and the deposited sections as it thinks fit, including by varying the number of any supporting columns or other structures, the distances between them and the height or clearance above the level of the ground.

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<sup>(1)</sup> 1991 c. 59.

<sup>(2)</sup> 1991 c. 57.

<sup>(3)</sup> 2006 c. 26.