
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Acquisition of subsoil, etc., only

27.—(1) TfL may acquire compulsorily so much of, or such rights over, the subsoil of and airspace over the land referred to in paragraph (1) of article 19 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) In the case of the Order land specified in columns (1) and (2) of Schedule 6 (land in which only subsoil or new rights above subsoil and surface may be acquired) TfL's powers of compulsory acquisition under article 19 are limited to—

- (a) the acquisition of such subsoil; and
- (b) the acquisition of such easements or other new rights and the imposition of restrictive covenants in the remaining subsoil and the surface of the land,

as TfL may require for or in connection with the authorised development.

(3) Where TfL acquires any part of, or rights over, the subsoil or surface of or airspace over land referred to in paragraphs (1) or (2), TfL is not required to acquire an interest in any other part of the land.

(4) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act;
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A) (blighted land: proposed acquisition of part interest; material detriment test) of the Town and Country Planning Act 1990.

(5) Paragraphs (3) and (4) are to be disregarded where TfL acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory or airspace above a house, building or manufactory.

(6) References in paragraph (2)(a) to subsoil are references to the subsoil lying at and below the depths specified in column (3) of Schedule 6 beneath the level of the surface of the land, and references to the remaining subsoil in paragraph (2)(b) are references to the part of the subsoil lying above the shallowest part of the subsoil acquired under paragraph (2)(a) but below the level of the surface of the land.

- (7) For the purposes of paragraph (6) “the level of the surface of the land” means—
- (a) in the case of any land on which a building is erected, the level of the surface of the ground adjoining the building;
 - (b) in the case of a river, dock, canal, navigation, watercourse or other water area, the level of the surface of the ground covered by water; or
 - (c) in any other case, ground surface level,
- at the time of this Order coming into force.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Section 27.