
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 2

WORKS PROVISIONS

Principal powers

Disapplication of legislation, etc.

3.—(1) The following enactments do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 30(14), any maintenance of any part of the authorised development—

- (a) Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 ^{M1}, subject to paragraph (3);
- (b) Metropolitan Board of Works (Various Powers) Act 1882 ^{M2};
- (c) London County Council (General Powers) Act 1907 ^{M3};
- (d) London Overground Wires &c. Act 1933 ^{M4};
- (e) London County Council (General Powers) Act 1957 ^{M5};
- (f) London County Council (General Powers) Act 1961 ^{M6};
- (g) London County Council (General Powers) Act 1962 ^{M7};
- (h) sections 66 to 75 of the 1968 Act;
- (i) Greater London Council (General Powers) Act 1970 ^{M8};
- (j) Thames Barrier and Flood Prevention Act 1972 ^{M9};
- (k) Thames Water Authority Land Drainage Byelaws 1981;
- (l) Greater London Council (General Powers) Act 1986 ^{M10};
- (m) section 24 (restrictions on abstraction) of the Water Resources Act 1991 ^{M11};
- (n) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991;
- (o) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 ^{M12} in respect of a flood risk activity only; and
- (p) the provisions of the Neighbourhood Planning Act 2017 ^{M13} in so far as they relate to temporary possession of land under articles 29 and 30 of this Order.

(2) Despite the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010 ^{M14} any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

(3) The disapplication of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 by paragraph (1)(a) does not affect the Environment Agency's ability to use the powers vested in it under that Act against any person, other than TfL and any other person exercising a power under this Order, provided that the use of those powers vested in the Agency does not interfere with the construction of the authorised development [^{F1}and, within any maintenance period referred to in paragraph (1), any maintenance of any part of the authorised development].

(4) Following the expiry of any maintenance period defined in article 30(14), the requirement under section 70^{M15} (works not to be constructed, etc., without works licence) of the 1968 Act to obtain a works licence under section 66 (licensing of works) of that Act does not apply to anything done within any structure forming part of the authorised development in connection with its operation or maintenance or any other function of TfL.

Textual Amendments

F1 Words in art. 3(3) inserted (22.2.2019) by [The Silvertown Tunnel \(Correction\) Order 2019 \(S.I. 2019/413\)](#), arts. 1, 2(3)

Marginal Citations

M1 1879 c. cxcvii.
M2 1882 c. lvi.
M3 1907 c. clxxv.
M4 1933 c. xliv.
M5 1957 c. xxxv.
M6 1961 c. xliii.
M7 1962 c. xlv.
M8 1970 c. lxxvi.
M9 1972 c. xl.
M10 1986 c. iv.
M11 1991 c. 57.
M12 [S.I. 2016/1154](#).
M13 2017 c. 20.
M14 [S.I. 2010/948](#), amended by [S.I. 2011/987](#); there are other amending instruments but none is relevant.
M15 As amended by section 46 of the [Criminal Justice Act 1982 \(c. 48\)](#).

Development consent granted by the Order

4.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), TfL is granted development consent for the authorised development.

(2) Any enactment applying to land within, adjoining or sharing a common boundary with the Order limits (other than land comprising part of the river Thames outside of the Order limits) has effect subject to the provisions of this Order.

Limits of deviation

5.—(1) Subject to paragraph (2), TfL must construct the authorised development within the Order limits and, so far as all non-linear works comprised in the authorised development are concerned, within the limits of deviation for those works shown on the works plans.

- (2) In constructing or maintaining the authorised development, TfL may deviate—
- (a) laterally within the Order limits in the case of any linear work comprised in the authorised development, so that the centre line of that work may be situated up to 3 metres either side of the centre line of that work shown on the works plans; and
 - (b) vertically from the levels shown on the engineering section drawings and plans—
 - (i) to any extent upwards not exceeding 0.5 metres except in relation to the parts of the authorised development referred to in column (1) of the table below, where the extent of permitted deviation for each such part is set out in column (2) of that table; and
 - (ii) to any extent downwards as may be found to be necessary or convenient.

(1) Part of authorised development	(2) Upwards vertical deviation limit
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Work Nos. 1(a), 1(b), 1(c) and 1(e)	(1) Where any part of the authorised development referred to in column (1) is located below the bed of the river Thames, to any extent not exceeding 1.5 metres provided that the deviation would not result in the level of the bed within the navigable channel of the river Thames being above 5.80 metres below chart datum. (2) Where any part of the authorised development referred to in column (1) is located elsewhere, to any extent not exceeding 3 metres.
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- (3) Without limitation on the scope of paragraph (1), in constructing or maintaining the authorised development TfL may—
- (a) deviate by up to 3 metres from the points of commencement and termination of any linear work comprised in the authorised development shown on the works plans; and
 - (b) deviate from the design of any tunnel or tunnel structure and vary the number of tunnel cross-passages shown on the engineering section drawings and plans.
- (4) In this article, reference to—
- (a) a “linear work” is a reference to any work shown on the works plans by way of a centre line; and
 - (b) a “non-linear work” is a reference to any other work shown on the works plans.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018,
Cross Heading: Principal powers.