

## SCHEDULES

### SCHEDULE 13

#### PROTECTIVE PROVISIONS

#### PART 6

#### FOR THE PROTECTION OF THE LONDON BOROUGH OF NEWHAM AND THE ROYAL BOROUGH OF GREENWICH

**65.** The following provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between TfL and the appropriate Council.

**66.** In this Part of this Schedule—

“the appropriate Council” means—

- (a) the Council of the London Borough of Newham, in relation to any part of the authorised development constructed in the area of that council; and
- (b) the Council of the Royal Borough of Greenwich, in relation to any part of the authorised development constructed in the area of that council;

“GLA side road” has the same meaning as in the 1984 Act;

“highway” means a street vested in or maintainable by the appropriate Council as highway authority under the 1980 Act;

“highway operations” means the construction of any part of the authorised development which will involve the interference with a highway or (where the highway is not a GLA side road) the traffic in a highway and any temporary stopping up, alteration or diversion of a highway; and

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

**67.** Without affecting the application of sections 59(1) and 60(2) of the 1991 Act (duty of street authority to co-ordinate and undertakers to co-operate) before commencing any highway operations, TfL must submit to the appropriate Council for its approval proper and sufficient plans and must not commence the highway operations until such plans have been approved or settled by arbitration.

**68.** If, within 56 days after any plans have been submitted to the appropriate Council under paragraph 67, it has not intimated its disapproval and the grounds of disapproval, it is deemed to have approved them.

**69.** In the event of any disapproval of plans by the appropriate Council under paragraph 67, TfL may re-submit the plans with modifications and, in that event, if the appropriate Council has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it is deemed to have approved them.

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(1) As amended by section 42 of the Traffic Management Act 2004 (c. 18).

(2) As amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004.

**70.** So much of the authorised development as forms part of or is intended to become a highway, or part of any such highway, and which are not street works as respects which the provisions of Part 3 (street works in England and Wales) of the 1991 Act apply, must be completed in accordance with the reasonable requirements of the appropriate Council which is to become the highway authority or, in case of difference between TfL and the appropriate Council as to whether those requirements have been complied with or as to their reasonableness, in accordance with such requirements as may be approved or settled by arbitration.

**71.** TfL must not, except with the consent of the appropriate Council, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway (except on so much of it as is for the time being temporarily stopped up or occupied under the powers conferred by this Order) so as to obstruct the use of the highway by any person or, except with the same consent, deposit any soil, subsoil or materials on any highway except within a hoarding.

**72.** Except in an emergency or where reasonably necessary to secure the safety of the public no direction or instruction may be given by the appropriate Council to the contractors, servants or agents of TfL regarding any highway operations without the prior consent in writing of TfL; but the appropriate Council is not liable for any additional costs which may be incurred as a result of the giving of instructions or directions under this paragraph.

**73.** TfL must, if reasonably so required by the appropriate Council, provide and maintain during such time as TfL may occupy any part of a highway for the purpose of the construction of any part of the authorised development that is not a GLA side road, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 1994<sup>(3)</sup> in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

**74.** TfL must indemnify the appropriate Council against any claim which may arise as a result of any subsidence of, or damage to, any highway or any retained sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or associated apparatus or any other property or work belonging to, or under the jurisdiction or control of, or maintainable by, the appropriate Council on or under any highway which may be caused by, or in consequence of, any act or default of TfL, its contractors, servants or agents but the appropriate Council must give to TfL reasonable notice of any such claim and no settlement or compromise of it may be made without TfL's prior consent.

**75.** Wherever in this Part of this Schedule provision is made with respect to the approval or consent of the appropriate Council, that approval or consent must be in writing and may be given subject to such reasonable terms and conditions as the appropriate Council may require in the interests of safety and in order to minimise inconvenience to persons using the highway, but must not be unreasonably withheld.

**76.** Unless otherwise agreed between the parties any difference arising between TfL and the appropriate Council under this Part of this Schedule (other than a difference as to its meaning or construction) must be determined by arbitration in accordance with article 68 (arbitration).

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(3) [S.I. 1994/1519](#).