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STATUTORY INSTRUMENTS

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**1995 No. 519**

**The Barking Barrage Order 1995**

**PART IX**

**OTHER PROTECTIVE PROVISIONS**

**For protection of the Railway Undertaker**

74.—(1) In this article—

“the railway survey” means a survey of the railway survey area in accordance with paragraph (2);

“the railway bridges” means 2 bridges of the Railway Undertaker (Nos. 11 and 12) over the upstream river at Barking, bridge number 11 comprising 2 spans carrying respectively the London, Tilbury and Southend railway and the District Line railway of London Underground Limited and bridge number 12 carrying the Woodgrange Park to Barking railway; and

“the railway survey area” means that part of the bed of the upstream river lying beneath and between the railway bridges and extending to a distance of 10 metres downstream of the south side of bridge number 11 and 10 metres upstream of the north side of bridge number 12.

(a) (2) (a) Before the construction of the scheduled works is commenced, the Railway Undertaker upon receipt of not less than 21 days' notice in writing from the Borough shall carry out the railway survey in consultation with the Borough with a view to establishing the levels of the river bed within the railway survey area and shall provide a copy of the results of that survey to the Borough.

(b) The reasonable costs of the Railway Undertaker in carrying out the railway survey shall be borne by the Borough.

(3) At any time after the railway survey the Borough may clear or dredge the railway survey area to remove deposited material above the levels of the river bed as established in the railway survey provided that the Railway Undertaker is informed of such clearance or dredging and any other necessary consents are obtained.

(4) The Borough shall not without the written consent of the Railway Undertaker, such consent not to be unreasonably withheld, clear or dredge below the levels of the river bed established by the railway survey.

(5) Any unresolved matter arising from this article shall be referred to arbitration in accordance with article 80, provided that in any such reference, including cases where article 75 also applies, the arbitrator shall be an appointee of the President of the Institution of Civil Engineers.