

SCHEDULES

SCHEDULE 19

Articles 56 and 57

MISCELLANEOUS CONTROLS

PART 1

PUBLIC GENERAL LEGISLATION

Introduction

1. This Part 1 of this Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

Highways Act 1980

2.—(1) Section 141 of the Highways Act 1980 (restriction on planting trees etc. in or near carriageway) shall not apply to any tree or shrub planted in the course of the authorised project before completion of construction.

(2) Section 167 of that Act (powers relating to retaining walls near streets) shall not apply in relation to—

- (a) the erection of a wall in the course of the authorised project before completion of construction, or
- (b) a wall on land on which works are being carried out, or are to be carried out, in pursuance of the authorised project before completion of construction.

(3) Sections 169(1), 172 and 173 of that Act (control of scaffolding on highways, hoardings to be set up during building etc, and hoardings to be securely erected) shall not apply to anything done in the course of the authorised project before completion of construction.

Building Act 1984

3. Nothing in Part 1 of the Building Act 1984 with respect to building regulations, and nothing in any building regulations, shall apply in relation to a building used, or intended for use, by the undertaker for the purposes of the authorised project before completion of construction.

New Roads and Street Works Act 1991

4.—(1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) shall not apply in relation to the authorised project.

(2) Section 56A of that Act (power to give directions as to placing of apparatus) shall not apply in relation to the placing of apparatus in the course of the authorised project.

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(3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works in the twelve months following completion of substantial road works) shall have effect in relation to the authorised project.

(4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) shall not apply to the placing of apparatus in the course of the authorised project.

(5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) shall not apply in relation to apparatus placed in the course of the authorised project.

(6) Section 62(4) of that Act (power when designation as protected street commences or ceases to give directions with respect to works in progress) shall not apply in relation to the authorised project.

(7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) shall not apply in relation to the authorised project.

(8) The powers conferred by section 73A(1) and 78A(1) of that Act (requirements for undertaker to re-surface street) may not be exercised in relation to the authorised project.

(9) Sections 74 and 74A of that Act (charge for occupation of the highway and charge determined by reference to duration of works) shall not apply in relation to the authorised project.

(10) Schedule 3A to that Act (restriction on works following substantial street works) shall not apply where a notice under section 54 (advance notice of certain works) or 55 (notice of starting date of works) of that Act is in respect of the authorised project.

(11) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) shall have effect to require the notification of works proposed to be carried out in the course of the authorised project.

(12) No directions under paragraph 3 of that Schedule (*directions as to the date on which undertakers may begin to execute proposed works*) may be issued to the undertaker.

(13) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) shall not apply in relation to the execution of works in the course of the authorised project.

(14) Paragraph 5(1) of that Schedule (*effect of direction under paragraph 4 restricting further works*) shall not apply in relation to the execution of works in the course of the authorised project.

Water Industry Act 1991

5. Section 106(8) of the Water Industry Act 1991 (which qualifies the general right to communicate with the public sewers of a sewerage undertaker) shall not apply in relation to the authorised project.

Party Wall etc. Act 1996

6.—(1) No notice under section 1(2) or (5) of the Party Wall etc. Act 1996 (notice before building on line of junction with adjoining land) shall be required before the building of any wall in the course of the authorised project before completion of construction.

(2) Sections 1(6) and 2 of the Party Wall etc. Act 1996 (rights of adjoining owners) shall not have effect to confer rights in relation to—

- (a) anything used, or intended to be used, by the undertaker for the purposes of the authorised project before completion of construction, or

(b) land on which there is any such thing.

(3) Section 6 of the Party Wall etc. Act 1996 (underpinning of adjoining buildings) shall not apply in relation to a proposal to excavate, or excavate for and erect anything, in the course of the authorised project before completion of construction.

Planning Act 2008 - Application of the 2010 Regulations (Community Infrastructure Levy)

7. Notwithstanding the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010 any building comprised in the authorised development shall be 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.

Local Government (Miscellaneous Provisions) Act 1976

8. Section 42 of The Local Government (Miscellaneous Provisions) Act 1976 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided) shall not apply to the extent that it would make provisions of this Order authorising the authorised project subject to other provisions.

Town and Country Planning Act 1990

9.—(1) No order, notice or regulation under the Town and Country Planning Act 1990 in relation to the preservation of trees, shall have effect in relation to the authorised project.

- (2) Sections 238 and 239 of that Act (consecrated land and burial grounds) shall apply—
 - (a) in relation to land, other than a right over land, acquired for the purposes of the authorised project (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and
 - (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 35 (*temporary use of land for carrying out the authorised project*) and 36 (*temporary use of land for maintaining authorised project*), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land.

(3) For the purposes only of Section 106 (1) of that Act the undertaker shall be deemed to be a person interested in the Order Land or any part of it and for the avoidance of doubt Section 106(3)

(a) shall include any transferee under Article 9 of this Order.

Coast Protection Act 1949

10.—(1) The following provisions of the Coast Protection Act 1949 shall not apply to the authorised project.

- (2) Those provisions are—
 - (a) section 16(1) (consent of coast protection authority required for carrying out coast protection work), and
 - (b) section 18(1) (prohibition of excavation or removal of materials from seashore).

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Flood and Water Management Act 2010

11. Section 30 and Schedule 1 of the Flood and Water Management Act 2010 shall not apply in relation to the authorised project.

National Parks and Access to Countryside Act 1949

12. Sections 51, 52 and 55 (general provisions as to long-distance routes, approval of proposals relating to long-distance routes, variation of approved proposals) of the National Parks and Access to Countryside Act 1949 shall not apply in relation to the authorised project.

Control of Pollution Act 1974

13.—(1) Where a local authority is acting further to Section 60(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised project and works before completion of construction then that local authority shall also have regard to the noise levels referred to in the Environmental Statement for each construction site and the principles of the Code of Construction Practice.

(2) Sections 60(7) and 61(7) of the Control of Pollution Act 1974 shall not apply in relation to the authorised project.

(3) Underground tunnelling works shall be regulated by Sections 60 and 61 of the Control of Pollution Act 1974.

PART 2

LOCAL LEGISLATION

<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1803	cxxxix	Deptford Creek Bridge Act 1803
1809	cxlii	Vauxhall Bridge Act 1809
1818	xxviii	Waterloo Bridge and Approaches and Surrey New Roads Act 1818
1820	xlix	Southwark Bridge Act 1820
1825	cxviii	South London Docks Act 1825
1827	xxx	London Bridge Act 1827
1828	cxvi	London Docks Act 1828
1836	cxxxiii	Hungerford Market Foot Bridge Act 1836
1848	clxiii	City of London Sewers Act 1848
1850	cxii	Westminster Bridge Act 1850
1853	cvi	London Docks Act 1853
1858	cxviii	Victoria Station and Pimlico Railway Act 1858
1859	lxxxix	Charing Cross Railway Act 1859
1860	cxlvii	Hungerford Market and Charing Cross Bridge Act 1860
1861	cxvii	Lambeth Bridge Act 1861
1863	lxii	Blackfriars Bridge Act 1863

<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1863	ccxi	Putney and Fulham Bridge Act 1863
1863	xlvi	Queens Road Battersea Extension Act 1863
1864	ccxxxv	Albert Bridge Act 1864
1864	ccxxxviii	Wandsworth Bridge Act 1864
1865	cxcii	Fulham Railway Act 1865
1865	ccclxv	Regents Canal (Limehouse Basin) Act 1865
1867	iii	Blackfriars and Southwark Bridges Act 1867
1867	cci	Wandsworth Bridge Act 1867
1867	ccii	Fulham Railway Act 1867
1868	cxxxv	Thames Embankment (Chelsea) Act 1868
1873	xcvii	Albert Bridge Act 1873
1873	c	Charing Cross and Victoria Embankment Approach Act 1873
1879	cxcviii	Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879
1881	cxcii	Metropolitan Bridges Act 1881
1882	lvi	Metropolis Board of Works (Various Powers) Act 1882
1885	cxcv	Corporation of London (Tower Bridge) Act 1885
1900	ccxix	Thames Tunnel (Rotherhithe and Ratcliff) Act 1900
1907	clxxv	London County Council (General Powers) Act 1907
1911	lxxxiv	City of London (Various Powers) Act 1911
1911	cxx	Corporation of London (Bridges) Act 1911
1912	xlvii	Wandsworth Wimbledon and Epsom District Gas Act 1912
1920	clxxiii	Port of London (Consolidation) Act 1920
1924	lxvii	London County Council (Lambeth Bridge) Act 1924
1926	vii	City of London (Various Powers) Act 1926
1937	xlxv	City of London (Various Powers) Act 1937
1954	xxvii	City of London (Various Powers) Act 1954
1957	xxxv	London County Council (General Powers) Act 1957
1961	xxviii	City of London (Various Powers) Act 1961
1961	xlili	London County Council (General Powers) Act 1961
1962	xlxv	London County Council (General Powers) Act 1962
1963	xxxiv	City of London (Various Powers) Act 1963
1965	xxxix	City of London (Various Powers) Act 1965
1967	i	London Bridge Act 1967
1967	xlili	City of London (Various Powers) Act 1967

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<i>Year</i>	<i>Chapter</i>	<i>Short Title</i>
1968	xxxii	Port of London Act 1968 (sections 66 to 75 inclusive) (save for maintenance dredging)
1970	lxxvi	Greater London Council (General Powers) Act 1970
1972	xlv	Thames Barrier Flood Prevention Act 1972
1977	xv	City of London (Various Powers) Act 1977
1981		Thames Region Land Drainage bylaws 1981
1987	xv	City of London (Various Powers) Act 1987
2013	vii	City of London (Various Powers) Act 2013