
STATUTORY INSTRUMENTS

2007 No. 2657

**The London Gateway Logistics and
Commercial Centre Order 2007**

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

5.—(1) The Promoter may construct and maintain the scheduled works.

(2) Subject to article 6 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (5), the Promoter may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) works for the strengthening, alteration or demolition of any building or structure;
- (b) works to construct, improve or alter the position of any apparatus, including mains, sewers, drains and cables;
- (c) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (d) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works;
- (e) facilities and works for the benefit or protection of land or premises affected by the authorised works;
- (f) works to make, provide and maintain all such apparatus, bridges, ramps, means of access, shafts and stagings as the Promoter thinks fit;
- (g) works to construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls and culverts; and
- (h) construction of earthworks, fencing, drainage, utilities, points, signalling and culverts.

(4) Subject to paragraph (5), the Promoter may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, other than works that would interfere with a navigable watercourse.

(5) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works within the limits of deviation shown on the deposited plans for the scheduled works.

Power to deviate

- 6.—(1) In constructing or maintaining any of the scheduled works, the Promoter may—
- (a) deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation relating to that work shown on those plans; and
 - (b) deviate vertically from the levels shown on the deposited sections—
 - (i) to any extent not exceeding 3 metres upwards; and
 - (ii) to any extent downwards.
- (2) In constructing any work shown on the deposited plans as situated in a street and for which no limits of deviation are shown on those plans the Promoter may deviate laterally within the boundaries of that street.

Access to Works

Access to works

7. The Promoter may, for the purposes of the construction or operation of the scheduled works, form and lay out such means of access connecting to a public highway, within the limits of deviation, as may be approved by the highway authority, but such approval shall not be unreasonably withheld.

Supplemental

Discharge of water

- 8.—(1) The Promoter may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation, make openings into, and connections with, the watercourse, public sewer or drain.

(2) The Promoter shall not discharge any water into any watercourse, public sewer or drain except with the consent of the authority to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose but shall not be unreasonably withheld.

(3) The Promoter shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the authority to which the sewer or drain belongs, but such approval shall not be unreasonably withheld.

(4) The Promoter shall not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of the main river.

(5) The Promoter shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.

(6) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991(1).

(7) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board or a local authority;
- (b) “watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passage through which water flows except a public sewer or drain; and

(1) 1991 c. 57.

- (c) other expressions used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

Obstruction of construction of authorised works

9. Any person who, without reasonable excuse, obstructs another person from constructing any of the authorised works under the powers conferred by this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to keep apparatus in streets

10.—(1) The Promoter may, for the purposes of or in connection with the construction, maintenance and use of the authorised works, place and maintain in any street within the limits of deviation any work, equipment or apparatus including, without prejudice to the generality of the foregoing, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act; and
- (b) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Power to execute street works

11. The Promoter may, for the purposes of exercising the powers conferred by article 10 (power to keep apparatus in streets) and the other provisions of this Order, enter upon any street within the limits of deviation and may execute any works required for, or incidental to, the exercise of those powers including, without prejudice to the generality of the foregoing, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

Temporary stopping up of streets

12.—(1) The Promoter may, during and for the purposes of the execution of the authorised works, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The Promoter shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(3) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961(2).

Agreement with street authorities

13.—(1) A street authority and the Promoter may enter into agreements with respect to—

- (a) the construction of any new street (including any structure carrying the street over or under an authorised work) under the powers conferred by this Order;
- (b) the maintenance of the structure of any bridge carrying an authorised work over a street;

(2) 1961 c. 33.

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- (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; and
 - (d) the execution in the street of any of the works referred to in article 11 (power to execute street works).
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.