
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 4

OPERATIONAL PROVISIONS

Restrictions on other works in the river Thames

52.—(1) For the purposes of ensuring the protection of the Silvertown Tunnel, the PLA must not carry out the following activities within the part of the river Thames that is situated within the Order limits without the consent of TfL, which must not be unreasonably withheld or delayed—

- (a) in Regions 1, 3 and 4 (subject to paragraph (2))—
 - (i) any dredging below the lines shown on the river restrictions section;
 - (ii) the installation of a mooring or other structure where its foundation would be at a depth exceeding 1 metre below the bed of the river Thames;
 - (iii) any piling activities; or
 - (iv) any designation of any anchorage; and
- (b) in Region 2—
 - (i) any dredging which would result (either during the course of the dredging or on completion of the dredging) in the surface of the bed of the river Thames lying at a depth exceeding 5.80 metres below chart datum; or
 - (ii) any other activity which might reasonably be expected to result in any part of the surface of the bed of the river Thames lying at a depth exceeding 5.80 metres below chart datum,

subject, in relation to dredging (sub-paragraphs (a)(i) and (b)(i)) or any activity within sub-paragraph (b)(ii), to the addition of any ‘over-dredge’ of 0.5 metres where this occurs in the course of a standard dredging methodology being employed.

(2) In the event that the navigable channel of the river Thames has moved such that any part of it lies within Region 4, the PLA must give notice in writing to TfL as soon as reasonably practicable, and in any event before carrying out any dredging or other activity which as the result of the move requires TfL’s consent under paragraph (1).

(3) A notice given under paragraph (2) has the effect that the restrictions applicable to Region 2 apply to that part of Region 4 within which any part of the navigable channel of the river Thames lies.

(4) Subject to paragraph (5), the PLA must not grant a river works licence under section 66 (licensing of works) of the 1968 Act or a dredging licence under section 73(1) (licensing of dredging, etc) of that Act—

- (a) in respect of any Region, licensing any activity mentioned in paragraph (1)(a) or (1)(b); or
- (b) within any new part of the river Thames, licensing any activity,

without the consent of TfL, which must not be unreasonably withheld or delayed.

(5) Paragraph (4) does not have effect until TfL has notified the PLA of a designation under paragraph (9)(a)(ii).

(6) If TfL receives an application for consent under paragraph (4) and fails to notify the PLA of its decision before the end of the period of 28 days beginning on the day on which the application was received, TfL is deemed to have refused its consent.

(7) If the PLA contravenes the provisions of paragraph (1), or if any activity is carried out by any other person but the provisions of paragraph (4) have not been complied with in relation to the activity, TfL may by notice in writing require the PLA, or the person who is carrying out or has carried out the activity concerned, to remove or abate any works to which the contravention relates (in accordance with the reasonable requirements of TfL) within a reasonable time specified in the notice and to restore the part of the river Thames concerned to its former condition. If the person to whom the notice is given fails to comply with the notice, TfL may carry out the work required by the notice and recover the reasonable costs of so doing from that person.

(8) After receiving from TfL as built drawings under paragraph 36 of Schedule 13 (protective provisions), the PLA must as soon as reasonably practicable update its navigation charts to illustrate the position of the Silvertown Tunnel.

(9) TfL must—

(a) designate—

(i) the person to whom notice should be given under paragraph (2); and

(ii) the person to whom an application for consent should be made under paragraph (4),

(and may from time to time alter any such designation); and

(b) give the PLA written notification of any such designation.

(10) For the purposes of this article any reference to a Region is a reference to the corresponding Region shown on the river restrictions plan and the grid coordinates of each Region are set out below and also shown on the river restrictions plan—

	<i>Point reference</i>	<i>Easting</i>	<i>Northing</i>
<i>Region 1</i>	1	539864.6015	180232.1903
	2	539847.9342	180191.5763
	3	539824.5778	180151.609
	4	539803.7353	180122.9387
	34	539861.0333	180050.4348
	35	539866.7186	180056.4268
	36	539902.0684	180100.2796
	37	539929.491	180145.2861
<i>Region 2</i>	5	539795.0307	180110.7227
	6	539763.774	180079.5465
	7	539726.8623	180046.611
	8	539693.5971	180012.3733
	9	539661.4484	179985.9174

	<i>Point reference</i>	<i>Easting</i>	<i>Northing</i>
	10	539660.3067	179984.9779
	26	539715.2125	179913.7872
	27	539721.437	179922.604
	28	539734.3574	179934.3838
	29	539747.3322	179946.2132
	30	539760.2525	179957.6318
	31	539789.1704	179980.5417
	32	539828.1578	180015.7859
	33	539850.7088	180039.5534
<i>Region 3</i>	11	539648.3561	179975.9124
	12	539614.2705	179951.6187
	13	539610.4355	179951.6816
	14	539592.3566	179937.4617
	15	539578.0493	179928.2188
	16	539571.9822	179924.3817
	17	539568.9903	179922.7014
	18	539559.0454	179917.192
	19	539550.5843	179913.8412
	20	539548.9716	179914.0205
	21	539541.4966	179912.8632
	22	539604.3438	179829.269
	23	539673.1334	179877.5185
	24	539704.0919	179903.7208
<i>Region 4 north</i>	4	539803.7353	180122.9387
	5	539795.0307	180110.7227
	33	539850.7088	180039.5534
	34	539861.0333	180050.4348
<i>Region 4 south</i>	10	539660.3067	179984.9779
	11	539648.3561	179975.9124
	24	539704.0919	179903.7208
	25	539714.0652	179912.162
	26	539715.2125	179913.7872

(11) In this article—

“new part of the river Thames” means any part of the river Thames within the Order limits (not shown on the river restrictions plan and the river restrictions section) that is created as a result of the river walls shown on that plan and section being repaired or replaced so that the width of the river Thames is increased;

“the river restrictions section” means the document of that description listed in Schedule 14 (documents to be certified) certified by the Secretary of State as the river restrictions section for the purposes of this Order;

“the river restrictions plan” means the document of that description listed in Schedule 14 certified by the Secretary of State as the river restrictions plan for the purposes of this Order; and

“the river Thames” means so much of the river Thames including streams, creeks and watercourses as is below mean high water level.

(12) Any dispute arising between TfL and the PLA under this article is to be determined as provided in article 68 (arbitration).