
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 2

WORKS PROVISIONS

Supplemental powers

Work in the river Thames: conditions

17.—(1) Construction of the authorised development must be carried out so that—

- (a) at any time, the suspension of the public right of navigation under articles 29(3) (temporary use of land for carrying out the authorised development) or 30(3) (temporary use of land for maintaining the authorised development) applies to no more of the river than is necessary in the circumstances; and
- (b) if it becomes necessary for such suspension to relate to the whole width of the river within the Order limits, all reasonable steps are taken to secure that the period of suspension is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part where the public right of navigation is so suspended.

(2) Not later than 40 business days prior to the proposed commencement date of any suspension of the public right of navigation under article 29(3) or 30(3), TfL must give notice to the PLA, except in the case of an emergency when TfL must give such notice as is reasonably practicable.

(3) A notice given under paragraph (2) must provide details of the proposed suspension, including particulars of—

- (a) commencement date;
- (b) duration; and
- (c) the affected area,

and must include an explanation of the need for the proposed suspension.

(4) Any suspension of the public right of navigation under article 29(3) or 30(3) must not take place except in accordance with the approval in writing given by the PLA and any conditions imposed by the PLA under this article or determined in accordance with article 68 (arbitration).

(5) The PLA may in relation to any application for approval under this paragraph (4) impose reasonable conditions for any purpose described in paragraph (6).

(6) Conditions imposed under paragraph (5) may include conditions as to—

- (a) the limits of any area subject to a temporary suspension of the public right of navigation;
- (b) the duration of any temporary suspension;
- (c) the means of marking or otherwise providing warning in the river Thames of any area affected by a temporary suspension of the public right of navigation; and

(d) the use by TfL of the area subject to any temporary suspension so as not to interfere with any other part of the river Thames or affect its use.

(7) Following an approval of any such suspension given by the PLA under paragraph (4) or determined in accordance with article 68, the PLA must issue a notice to mariners within 10 business days of the approval, giving the commencement date and other particulars of the suspension to which the approval relates, and that suspension will take effect on the date specified and as otherwise described in the notice.

(8) Subject to paragraph (9), an application for approval under this article is deemed to have been refused if it is neither given nor refused within 30 business days of the PLA receiving the notice under paragraph (2).

(9) An approval of the PLA under this article is not deemed to have been unreasonably withheld, and approval is not deemed to have been refused, if approval within the time limited by paragraph (8) has not been given pending the outcome of any consultation on the approval in question that the PLA is obliged to carry out in the proper exercise of its functions.

(10) Except in the case of an emergency, TfL must notify the owner of any mooring and the owner or master of any vessel or structure likely to be materially affected by any proposal to exercise the powers conferred by this Order at least 35 days before the exercise of those powers.

(11) If—

(a) by reason of the exercise of the powers conferred by this Order it is reasonably necessary for the owner of any mooring to incur costs in temporarily or permanently altering, removing, re-siting, repositioning or reinstating that mooring, or laying down and removing substituted moorings or buoys, or carrying out dredging operations for any such purpose, not being costs which it would have incurred for any other reason; and

(b) the owner of the mooring in question gives to TfL not less than 28 days' notice of its intention to incur such costs, and acting reasonably takes into account any representations which TfL may make in response to the notice within 14 days of the receipt of the notice,

TfL must pay the costs reasonably so incurred by the owner of that mooring.

(12) A person may not without the consent in writing of TfL (which may be given subject to conditions)—

(a) use, for the purpose of landing or embarking persons or landing or loading goods from or into any vessel, any work constructed or used in connection with the authorised development; or

(b) remove, move or otherwise interfere with any work, machinery, apparatus, tools or other things in use or intended for use in constructing the authorised development.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Section 17.