
STATUTORY INSTRUMENTS

2018 No. 574

The Silvertown Tunnel Order 2018

PART 1

PRELIMINARY

Interpretation

2.—(1) In this Order, unless otherwise stated—

“the 1961 Act” means the Land Compensation Act 1961**(1)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(2)**;

“the 1968 Act” means the Port of London Act 1968**(3)**;

“the 1980 Act” means the Highways Act 1980**(4)**;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(5)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(7)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;

“the 1999 Act” means the Greater London Authority Act 1999**(9)**;

“the 2004 Act” means the Traffic Management Act 2004**(10)**;

“the 2008 Act” means the Planning Act 2008**(11)**;

“the 2009 Act” means the Marine and Coastal Access Act 2009**(12)**;

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“the authorised development” means the development described in Schedule 1 (authorised development);

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

(i) is an employee, agent, contractor or sub-contractor of TfL; or

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1968 c. xxxii.
(4) 1980 c. 66.
(5) 1981 c. 66.
(6) 1984 c. 27.
(7) 1990 c. 8.
(8) 1991 c. 22.
(9) 1999 c. 29.
(10) 2004 c. 18.
(11) 2008 c. 29.
(12) 2009 c. 23.

- (ii) is authorised by TfL to exercise one or more of its functions under this Order; or
- (b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004⁽¹³⁾ or a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002⁽¹⁴⁾, acting in the execution of that person’s duties within the tunnels;

“the Blackwall Tunnel” means the existing twin bore road tunnel under the river Thames between Blackwall and the Greenwich Peninsula and forming part of the A102 road, which is a GLA road, as shown by solid green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel approaches” means the northern and southern approaches to the Blackwall Tunnel, the linear extent of which is shown by dashed green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel area” means the extent of the public highway comprised in and along the Blackwall Tunnel and the Blackwall Tunnel approaches;

“the book of reference” means the document of that description set out in Schedule 14 (documents to be certified) certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“business day” means a day other than a Saturday or Sunday, which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971⁽¹⁵⁾;

“carriageway” has the same meaning as in the 1980 Act;

“the charging policy” means the document described as the charging policies and procedures set out in Schedule 14 certified by the Secretary of State as the charging policies and procedures for the purposes of this Order, or any revision of that document approved by the Mayor of London under article 53 (the charging policy);

“the classification of roads (classification) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the classification of roads (classification) plans for the purposes of this Order;

“the classification of roads (designation) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the classification of roads (designation) plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4)⁽¹⁶⁾ of the 1990 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“construct” includes execution, placing, altering, replacing, relaying and removal, and “construction” is to be construed accordingly;

⁽¹³⁾ 2004 c. 21.

⁽¹⁴⁾ 2002 c. 30.

⁽¹⁵⁾ 1971 c. 80.

⁽¹⁶⁾ Section 56(4) was amended by paragraph 10(2) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act⁽¹⁷⁾;

“dangerous goods” means a substance or article of which the international carriage by road is prohibited, or authorised on certain conditions, by Annex A of the European Agreement Concerning the International Carriage of Dangerous Goods by Road as from time to time amended;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the engineering section drawings and plans” means the documents of that description set out in Schedule 14 certified by the Secretary of State as the engineering section drawings and plans for the purposes of this Order;

“the environmental statement” means the documents of that description set out in Schedule 14 certified by the Secretary of State as the environmental statement for the purposes of this Order;

“flood risk activity” has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2016⁽¹⁸⁾;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the general arrangement plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the general arrangement plans for the purposes of this Order;

“the GLA” means the Greater London Authority;

“GLA Road” has the same meaning as in the 1980 Act⁽¹⁹⁾;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“Highways England” means Highways England Company Limited (Company No. 9346363);

“the land plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the land plans for the purposes of this Order;

“the limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation);

“maintain” includes inspect, repair, adjust, alter, remove or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“Mayoral development corporation” means a corporation established under section 198 of the Localism Act 2011⁽²⁰⁾;

“the MMO” means the Marine Management Organisation;

“the monitoring and mitigation strategy” means the document of that description set out in Schedule 14 certified by the Secretary of State as the monitoring and mitigation strategy for the purposes of this Order and which in particular contains commitments in respect of—

(a) traffic monitoring;

(b) air quality monitoring;

⁽¹⁷⁾ The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

⁽¹⁸⁾ S.I. 2016/1154.

⁽¹⁹⁾ As inserted by section 263 of the 1999 Act.

⁽²⁰⁾ 2011 c. 20.

- (c) noise monitoring;
- (d) socio-economic monitoring; and
- (e) the implementation of mitigation;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads and a vehicle (including a horse box) designed or adapted to be towed by a motor vehicle;

“the Order land” means the land shown coloured pink and the land shown coloured blue on the land plans and described in the book of reference;

“the Order limits” means the Order limits shown on the works plans;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(21);

“the PLA” means the Port of London Authority;

“the relevant planning authority” means the local planning authority for the land in question, being the Council of the Royal Borough of Greenwich or the Council of the London Borough of Newham, as the case may be, or any successor to either of those councils as planning authority;

“registered keeper” means the person in whose name a vehicle is registered under the Vehicle Excise and Registration Act 1994(22);

“the rights of way and access plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the Silvertown Tunnel” means the twin bore road tunnel to be constructed as Work No. 1, and as shown by solid blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel approaches” means the northern and southern approaches to the Silvertown Tunnel, the linear extent of which is shown by dashed blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel area” means the extent of the public highway to be comprised in and along the Silvertown Tunnel and the Silvertown Tunnel approaches;

“the special category land plan” means the plan of that description set out in Schedule 14 certified by the Secretary of State as the special category land plan for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“STIG” means the Silvertown Tunnel Implementation Group, the consultative body established by article 66 (Silvertown Tunnel Implementation Group);

“street” means a street within the meaning of section 48(23) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“TfL” means Transport for London, the body corporate established under section 154 of the 1999 Act, of Windsor House, 42 Victoria Street, London, SW1H 0TL;

“traffic authority” has the same meaning as in section 121A(24) of the 1984 Act;

(21) 1981 c. 67.

(22) 1994 c. 22.

(23) There are amendments to section 48 which are not relevant to this Order.

(24) As inserted by paragraph 70 of Schedule 8 to the 1991 Act, and subsequently amended by section 271 of the 1999 Act; paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015 (c. 7); S.I. 1999/1820 and S.I. 2001/1400.

“the traffic regulation measures (speed limits and restricted roads) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the traffic regulation measures (speed limits and restricted roads) plans for the purposes of this Order;

“the traffic regulation measures (clearways and prohibitions) plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the traffic regulation measures (clearways and prohibitions) plans for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“tunnel services building” means a building constructed for the purpose of housing any plant and equipment, office, control centre or welfare facilities associated with the operation of the Silvertown Tunnel;

“the tunnels areas” means the Blackwall Tunnel area and the Silvertown Tunnel area;

“the tunnels” means the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels location and operational boundaries plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the tunnels location and operational boundaries plans for the purposes of this Order;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans of that description set out in Schedule 14 certified by the Secretary of State as the works plans for the purposes of this Order.

(2) References in this Order to TfL include any wholly-owned subsidiary (as defined in section 1159 of the Companies Act 2006(25)) of TfL.

(3) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the enjoyment of interests or rights and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(4) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(5) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the plan to which the reference applies.

(7) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).