

## SCHEDULES

### SCHEDULE 13

#### PROTECTIVE PROVISIONS

### PART 5

#### FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

##### Definitions

54. In this Part of this Schedule—

“the Agency” means the Environment Agency;

“asset control limits” means the predefined values, based on assessment, relating to safety and serviceability considerations that instigate a review of risk to the flood defences with respect of movement impacts;

“authorised work” means any work forming part of the authorised development, and “the authorised works” means all such works;

“baseline monitoring” means any surveys carried out to determine and establish movements of the flood defences due to factors external to the authorised work including (but not limited to) seasonal variations or diurnal impacts due to tide or temperature;

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

“damage” includes (but is not limited to) scouring, erosion, loss of structural integrity and environmental damage to any drainage work or any flora or fauna dependent on the aquatic environment, and “damaged” is to be construed accordingly;

“detailed designs” means any information submitted under paragraph 56(1);

“drainage work” means any main river and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring or flood storage capacity;

“ecological enhancements” means the inclusion of any features integral to or adjacent to the foreshore structures and any new, modified, or replaced flood defences that can support wildlife (including, but not limited to, where practicable, the set back of flood defences to provide inter tidal habitat and the creation of shelters for juvenile fish);

“environmental duties” means the Agency's duties in the Environment Act 1995 <sup>M1</sup>, the Natural Environment and Rural Communities Act 2006 <sup>M2</sup> and the Water Environment (Water Framework Directive)(England and Wales) Regulations 2017 <sup>M3</sup>;

“fishery” means any waters containing fish and fish in, or migrating to or from such waters and the spawn, spawning grounds or food for such fish;

“fit for purpose flood defence” means a flood defence that prevents tidal flood water from entering into land and which is of the statutory defence level;

**Changes to legislation:** There are currently no known outstanding effects for the *The Silvertown Tunnel Order 2018, Paragraph 54*. (See end of Document for details)

“the flood defences” means any bank, wall, embankment, bridge abutments, lock gates or other structure or any appliance (including any supporting anchorage system) that fulfils a function of preventing, or reducing the risk of, flooding to land or property which is—

- (a) within the Order limits; or
- (b) within the 1mm settlement contour for the final tunnel alignment;

“flood storage capacity” means any land, which, taking account of the flood defences, is expected to provide flood storage capacity for any main river;

“main river” means all watercourses shown as such on the statutory main river maps held by the Agency and the <sup>[F1</sup>Department for] Environment, Food and Rural Affairs, including any structure or appliance for controlling or regulating the flow of water into, in or out of the channel;

“maintenance” has the same meaning as in article 2(1) (interpretation), save for the exclusion of the works of inspection;

“specified day” means the business day on which detailed designs are received by the Agency under paragraph 56(1) and for the avoidance of doubt if any further information is requested by the Agency under paragraph 56(1)(i), the specified day is the business day on which the Agency receives this information from TfL;

“specified work” means so much of any permanent or temporary work or operation forming part of the authorised work (other than works required in an emergency) as is in, on, under or over a main river or drainage works or within 16 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage works or the volumetric rate of flow of water in or flowing to or from any drainage works;
- (b) affect the flow, purity or quality of water in any main river or other surface waters or ground water;
- (c) cause obstruction to the free passage of fish or damage to any fishery;
- (d) affect the conservation, distribution or use of water resources; or
- (e) affect the conservation value of the main river and habitats in its immediate vicinity;

“the statutory defence level” means 5.18 metres above ordnance datum;

“the structural integrity plans” means the plans and documents to be provided to the Agency under paragraph 55;

“temporary flood defence measures” means any temporary measures constructed by TfL under this Part of this Schedule for the purpose of creating a fit for purpose flood defence; and

“TE2100” means the standards associated with the strategy for managing flood risk across the Thames estuary, including recommendations for action in short, medium and long term time periods to take account of sea level rise and climate change, as adopted and updated from time to time by the Agency.

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#### Textual Amendments

- F1** Words in [Sch. 13 para. 54](#) substituted (22.2.2019) by [The Silvertown Tunnel \(Correction\) Order 2019 \(S.I. 2019/413\)](#), arts. 1, **2(10)**

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#### Marginal Citations

- M1** 1995 c. 25.  
**M2** 2006 c. 16.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Paragraph 54. (See end of Document for details)*

**M3** S.I. 20017/407.

**Changes to legislation:**

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, Paragraph 54.