STATUTORY INSTRUMENTS

2015 No. 781

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Crossrail (Plumstead Sidings) Order 2015

Made - - - -	*31st March 2015*
Coming into force - -	*21st April 2015*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(**1**) for an Order under sections 1 and 5 of the Transport and Works Act 1992(**2**) ("the 1992 Act") and section 48 of the Crossrail Act 2008(**3**).

Objections to that application have been withdrawn.

The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.

The Secretary of State, having considered the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals. Notice of the Secretary of State's determination was published in the London Gazette on 20th March 2015.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11, 15 to 17 of Schedule 1 to, the 1992 Act, and section 48 of the Crossrail Act 2008 makes the following Order—

(**1**) S.I. 2006/1466.
(**2**) 1992 c. 42. Section 1 was amended by the Planning Act 2008 (c. 29), Schedule 2, paragraphs 51 and 52; section 5 was amended by S.I. 2012/1559.
(**3**) 2008 c. 18. Section 48 was amended by paragraph 66 of Schedule 2 to the Planning Act 2008 (c. 29).

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Crossrail (Plumstead Sidings) Order 2015 and comes into force on 21st April 2015.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**4**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**5**);

"the 1980 Act" means the Highways Act 1980(**6**);

"the 1991 Act" means the New Roads and Street Works Act 1991(**7**);

"address" includes any number or address used for the purposes of electronic transmission;

"authorised works" means the scheduled works and any other works authorised by this Order or any part of them;

"the book of reference" means the book of reference 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;

"Crossrail" has the same meaning as in the principal Act;

"carriageway" has the same meaning as in the 1980 Act;

"electronic transmission" means a communication transmitted—

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

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

"highway" and "highway authority" have the same meaning as in the 1980 Act;

"the limits of deviation" means the limits of deviation for the scheduled works shown on the works and land plans;

"the limits of land to be acquired or used" means the limits of land to be acquired or used shown on the works and land plans;

"maintain" includes inspect, repair, adjust, alter, remove, reconstruct and replace, and "maintenance" is to be construed accordingly;

"Network Rail" means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN;

"the Order limits" means the limits of deviation and the limits of land to be acquired or used shown on the works and land plans;

"owner", in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(**8**);

(**4**) 1961 c. 33.
(**5**) 1965 c. 56.
(**6**) 1980 c. 66.
(**7**) 1991 c. 22.
(**8**) 1981 c. 67. The definition of "owner" was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this order.

"the principal Act" means the Crossrail Act 2008;

"the promoter" means Crossrail Limited (Company No. 04212657) whose registered office is at 25 Canada Square, Canary Wharf, London, E14 5LQ;

"the scheduled works" means the works specified in Schedule 1 (scheduled works) or any part of them;

"the sections" means the sections certified by the Secretary of State as the sections for the purposes of this Order;

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

"the tribunal" means the Lands Chamber of the Upper Tribunal;

"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 and land plans" means the plans certified by the Secretary of State as the works and land plans for the purposes of this Order;

(2) 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.

(3) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(4) References in this Order to numbered plots are references to plot numbers on the works and land plans.

(5) All distances and directions stated in the description of the works are approximate, and distances between points on the scheduled works are taken to be measured along the scheduled works.

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

3.—(1) The promoter may construct and maintain or, insofar as those works are already in existence, retain and maintain the scheduled works.

(2) Subject to article 4 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works and land plans, and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the promoter may, for the purposes of or in connection with the scheduled works or otherwise for the purposes of, or in connection with, Crossrail, carry out and maintain, or insofar as they are already in existence, retain and maintain any of the following—

(a) railway electrification and signalling works;

(b) all such bridges, ramps, means of access, approaches, buildings, yards, apparatus, plant and machinery as may be necessary or convenient;

(c) all such embankments, aprons, abutments, retaining walls, wing walls, drainage and culverts as may be necessary or convenient;

(d) works to alter, or alter the position of, apparatus, including mains, sewers, drains and cables;

(e) works to alter the course of, or otherwise interfere with, a watercourse other than a navigable watercourse;

(f) junctions and communications with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;

(g) landscaping, and other permanent mitigation works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works;

(h) all such drains and connections to mains drainage systems as may be necessary or convenient; and

(i) works for the benefit or protection of premises affected by the scheduled works.

(4) Subject to paragraph (5), the promoter may carry out 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 authorised works, other than works that would interfere with a navigable watercourse.

(5) The works specified in paragraphs (3) and (4) may only be carried out within the limits of deviation.

Power to deviate

4.—(1) Subject to paragraphs (2) and (3), the scheduled works must be constructed—

(a) in the lines or situations shown on the works and land plans;

(b) in accordance with the levels shown on the sections; and

(c) in the case of any building for which an upper limit is shown on the works and land plans, within the limit so shown.

(2) In constructing or maintaining the scheduled works, the promoter may—

(a) deviate laterally from the lines or situations shown on the works and land plans to any extent within the limits of deviation; and

(b) deviate vertically from the levels shown on the sections—

(i) to any extent upwards not exceeding 3 metres; or

(ii) to any extent downwards as may be found to be necessary or convenient.

(3) In the case of any building for which an upper limit is shown on the sections, the power of deviation under paragraph (2) is subject to the limit so shown.

Streets

Access to works

5.—(1) Without limitation on the scope of article 3(3)(f) (power to construct and maintain works), the promoter may, for the purposes of or in connection with the authorised works, form and lay out a means of access to White Hart Avenue within each of plots 13 and 14.

(2) For the purpose of forming and laying out means of access to White Hart Avenue the promoter may temporarily stop up and interfere with the surface of that street within the limits of deviation.

Use of private roads for construction

6.—(1) The promoter may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of or in connection with the construction of the authorised works.

(2) The promoter must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under and in accordance with Part 1 of the 1961 Act.

Supplemental powers

Power to survey and investigate land

7.—(1) The promoter may, for the purposes of this Order, enter on any land shown within the Order limits and—

(a) survey or investigate the land;

(b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as the promoter thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;

(c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land;

(d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes; and

(e) take steps to protect or remove any flora or fauna on such land which may be affected by the carrying out of the authorised works.

(2) No land may be entered or equipment placed or left on, or removed from, the land under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the promoter—

(a) must, if so required, before or after entering the land produce written evidence of authority to do so; and

(b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—

(a) in land located within the highway boundary without the consent of the highway authority; or

(b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld.

(5) The promoter must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(6) If a highway authority or a street authority which receives an application for consent under either paragraph 4(a) or 4(b) (as the case may be), fails to notify the promoter of its decision within 14 days of receiving such application that authority is deemed to have granted consent.