



London Docklands Railway (Lewisham) Act 1993

1993 CHAPTER vii

PART II

WORKS

4 Power to make works

- (1) The Company may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain in Greater London the works described in Schedule 1 to this Act with all necessary works and conveniences connected therewith.
- (2) On the completion of Work No. 5, the Company may fill in so much of the Ravensbourne River as lies between points C and K and as will be rendered unnecessary by that work.

5 Power to open surface of streets

The Company may, during and for the purposes of the execution of the works, enter upon, open, break up and interfere with so much of the surface of any of the streets named in column (2) of Schedule 2 to this Act as lies within the limits of deviation.

6 Stopping up of streets

- (1) The Company may stop up and discontinue so much of each of the streets named in column (1) of Schedule 3 to this Act as is set out in column (2) of that Schedule.
- (2) After such stoppings up, all rights of way over or along the streets authorised to be stopped up shall be extinguished and the Company may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, appropriate, without making any payment therefor, and use for the purposes of their undertaking the site of the street so stopped up.

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- (3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Company compensation, to be determined in case of dispute under and in accordance with the Lands Clauses Acts.
- (4) On the stopping up of Elverson Road under this section, the Company may substitute a footpath for the part of that road so stopped up between points M and N.

7 Stopping up, etc., of footpaths

- (1) The Company may stop up and discontinue so much of the footpaths specified in column (1) of Schedule 4 to this Act as is set out in column (2) of that Schedule and substitute therefor the new footpaths (if any) between the points set out in column (3) of that Schedule.
- (2) The public use of the footpaths to be stopped up and discontinued under subsection (1) above shall not be interfered with until such new footpaths as are authorised by that subsection are completed to the reasonable satisfaction of the highway authority.

8 Temporary stoppage of streets and footpaths

- (1) The Company may, during and for the purpose of constructing the works, temporarily stop up, divert and interfere with so much of the streets and footpaths specified in column (1) of Schedule 5 to this Act as is set out in column (2) of that Schedule, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the street or footpath from passing along and using the same.
- (2) The Company shall provide reasonable access for bona fide foot passengers going to or from any such land, house or building.

9 As to use of part of river Thames

- (1) In this section “the affected area” means so much of the bed, banks and foreshore of the river Thames as is comprised in the lands numbered on the deposited plans 43 and 43a in the London borough of Tower Hamlets shown on those plans within the line marked “Limit of land and river to be temporarily used”.
- (2) The Company may, for the purpose of constructing the works, alter or interfere with the affected area and construct, place, maintain, alter and remove all such works and conveniences within that area as they may deem expedient or necessary.
- (3) The Company may, with the consent of the port authority (whose consent shall not be unreasonably withheld) and subject to such reasonable conditions (including conditions as to payment) as the port authority may impose, for the purpose of constructing the works, moor or anchor temporarily vessels, barges, lighters or other craft in the river Thames or at any pier or jetty in the affected area and may load and unload into and from such craft, equipment, machinery, soil and any other materials in connection with the construction of the works.

10 General mode of construction of underground railway

- (1) The following provisions shall apply to the construction of the underground railway:—

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- (a) The works shall be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where they may be constructed in single tunnels of enlarged diameter:
 - (b) The underground railway shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:
 - (c)
 - (i) The tunnels comprised in the underground railway (including those for the stations) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;
 - (ii) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;
 - (iii) The internal diameter of the station tunnels of the underground railway shall not exceed 10 metres, the internal diameter of the cross-over and junction tunnels shall not exceed 12 metres, the internal diameter of the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) exceed 6 metres, the internal diameter of the shafts shall not exceed 12 metres when circular and 20 metres by 10 metres when rectangular, and escalator tunnels shall have an internal diameter not exceeding 10 metres;
 - (iv) Where the ground is suitable any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting or other suitable materials placed therein under pressure:
 - (d) If water is found to be present in the construction of the underground railway in such quantity as to necessitate the employment of compressed air, the Company shall stop all excavating work at the point where the same is so found, and the further driving of the tunnels at the working face at that point, until air-compressing machinery shall have been provided to produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order, and the work at such working face carried on under compressed air, so long as may be necessary; alternatively instead of the work being carried on under compressed air, the Company may, in any case where it is expedient to staunch or limit any inflow of sand, water, gravel or soil into the tunnels, use chemicals to secure consolidation of the ground or may apply a freezing process for the freezing of the subsoil until the lining of the tunnel is fully erected or secured.
- (2) Nothing in this section shall prejudice or affect the operation of the relevant statutory provisions as defined in Part I of the Health and Safety at Work etc. Act 1974.

11 Use of sewers, etc., for removing water

- (1) The Company may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority in or through whose area the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation but—
 - (a) the Company shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the

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- relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
- (b) the Company shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain is vested and approval of those plans by the relevant authority shall not be unreasonably withheld.
- (2) (a) Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 104 of that Act as if this section were not a local statutory provision for the purposes of section 88 (1) (f) of that Act.
- (b) In the exercise of their powers under this section the Company shall not damage or interfere with the bed of any watercourse forming part of a main river or the banks thereof within the meaning of section 113 of the Water Resources Act 1991.
- (3) The Company shall take all steps reasonably required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.
- (4) Any difference arising between the Company and a relevant authority under this section shall be settled by arbitration.
- (5) In this section “relevant authority” means Thames Water Utilities Limited, the National Rivers Authority or a London borough council.

12 Power to deviate

In the execution of any of the works, the Company may deviate laterally from the lines or situations thereof shown on the deposited plans and vertically from the levels shown on the deposited sections as follows:—

- (a) laterally—
- (i) in the case of any viaducts constructed as part of Work No. 1 across Deptford Creek, to the extent of the limits of deviation but not so as unreasonably to interfere with the passage of river traffic over and along such creek; and
- (ii) in any other case to the extent of the limits of deviation;
- (b) vertically downwards—
- (i) to any extent not exceeding one metre in the case of any viaduct constructed as part of Work No. 1 across Deptford Creek; and
- (ii) in all other cases to such extent as may be found necessary or convenient; and
- (c) vertically upwards—
- (i) to any extent not exceeding three metres in case of so much of Work No. 1 as lies beneath the lands shown on the deposited plans numbered 43a and 43b in the London borough of Tower Hamlets and 1, 1a, 2 and 2a in the London borough of Greenwich;
- (ii) to any extent not exceeding five metres in the case of so much of the remainder of Work No. 1 as is constructed in tunnel and all of the other underground railways; and

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(iii) to such extent as may be found necessary or convenient in the case of any other of the works.

13 Marking of tidal works

- (1) The Company shall—
- (a) at or near every tidal work exhibit such lights and lay down such buoys and take such other steps for preventing danger to navigation as the port authority may from time to time reasonably direct;
 - (b) in the case of injury to or destruction or decay of a tidal work or any part thereof immediately notify the port authority, and the port authority may thereupon give to the Company reasonable directions as to the steps to be taken for preventing danger to navigation.
- (2) If the Company fail to comply with any provision of or direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

14 Agreements with British Railways Board

- (1) In this section—
- “the affected properties” means the Greenwich and Lewisham stations of the railways board, and any viaduct or part of a viaduct carrying train services operated by the railways board including the subsoil beneath those stations and viaducts; and
- “the specified works” means so much of Work No. 1 as will be constructed under, on or over the affected properties.
- (2) Any work of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and, thereafter, the use, maintenance, repair and renewal of such property and of the specified works shall be carried out and regulated by the Company or the railways board, or jointly by both of them, in accordance with such terms and conditions as may be agreed in writing between the Company and the railways board.
- (3) (a) Any agreement made under this section may relate to the whole or part of the affected properties and may contain such incidental, consequential or supplementary provisions, as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—
- (i) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or the costs of such maintenance, repair and renewal as are referred to in subsection (2) above by the Company or by the railways board, or by the Company and railways board jointly; and
 - (ii) for the exercise by the railways board or by the Company, or by the railways board and the Company jointly, of all or any of the powers and rights of the railways board and the Company (as the case may be) in respect of any part of the specified works under any enactment or contract.
- (b) The exercise by the Company or the railways board, or by the Company and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (a)

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above shall be subject to all statutory and contractual provisions relating thereto which would apply if such powers and rights were exercised by the Company or the railways board (as the case may be) alone, and accordingly such provisions shall, with any necessary modifications, apply to the exercise of such powers and rights by the Company or the railways board, or by the Company and the railways board jointly, as the case may be.

- (4) The Company and the railways board may enter into, and carry into effect, agreements for the transfer to the Company, or the Company and the railways board jointly, of any part of the affected properties.
- (5) In constructing Work No. 1 at Greenwich station the Company may, on such terms as may be agreed with the railways board, reconstruct Greenwich station and realign the existing railway tracks at that station in such position and on such terms as are agreed between the Company and the railways board.
- (6) Any difference between the Company and the railways board under this section (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.

15 Plans, etc., to be approved by Secretary of State

The Company shall in connection with the works from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to—

- (a) permanent way, tunnels, bridges and viaducts, platforms, stairs, lifts, escalators and other communications;
- (b) rolling stock;
- (c) lighting;
- (d) signalling;
- (e) ventilation; and
- (f) the power required for traction, with particular reference to the use of overhead contact wires or conductor rail systems;

and any rolling stock and work included in the said proposals shall be constructed and maintained only in accordance with plans, sections and other details as approved by the Secretary of State.

16 Listed building provisions, etc., not to apply to works

- (1) The provisions of this Act authorising the carrying out of the works (“the works powers”) shall have effect notwithstanding—
 - (a) the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
 - (b) the provisions of the enactments relating to historic buildings and ancient monuments;

and section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (certain local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided) shall not apply to the extent that it would make the works powers subject to those provisions:

Provided that nothing in paragraph (a) above shall apply in relation to—

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- (i) works for the demolition of any relevant building other than one specified in Part I of Schedule 6 to this Act; or
 - (ii) works for the permanent alteration or extension of any relevant building, other than one specified in Part I or Part II of that Schedule, so as to affect its character as a building of special architectural or historic interest.
- (2) Paragraph (a) of subsection (1) above shall only apply in relation to works for the permanent alteration or extension of a building specified in column (1) of Part II of Schedule 6 to this Act which affect its character as a building of special architectural or historic interest if the works are carried out for the purpose specified in relation to that building in column (2) of that Part.
- (3) In this section “relevant building” means a building which was, on 1st February 1991, a listed building or in a conservation area; and expressions used in this section and in the Planning (Listed Buildings and Conservation Areas) Act 1990 have the same meaning in this section as in that Act.

17 Incorporation of works provisions

- (1) The following provisions of the undermentioned Acts are, with necessary modifications, incorporated with this Act:—
- the Act of 1963—
 - section 10 (Provisions as to use of electrical power);
 - section 11 (Compensation for damage by working); and
 - section 15 (Power to make trial holes):
 - the Act of 1965—
 - section 10 (Underpinning of houses near works) except the provisos to paragraphs (4) and (6) thereof.
- (2) For the purposes of this Act references in the said sections 10 and 11 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to the underground railway and the said section 10 shall have effect as if, after the reference to “insulated return” and “insulated returns” in paragraphs (5) and (7) thereof respectively, there were added “or uninsulated metallic returns of low resistance”.