
STATUTORY INSTRUMENTS

2005 No. 3105

**The Docklands Light Railway
(Capacity Enhancement) Order 2005**

PART 2

WORKS PROVISIONS

Streets

Power to keep apparatus in streets

10.—(1) DLRL may, for the purposes of or in connection with the construction, maintenance and use of the authorised works, place and maintain in any street within the Order limits and in any street having a junction with such a street any work, equipment or apparatus including, without prejudice to the generality of the foregoing, foundations, road islands, substations, electric lines and any electrical or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part III of the 1991 Act;
- (b) “electric line” has the meaning given by section 64(1) of the Electricity Act 1989⁽¹⁾; and
- (c) the reference to any work, equipment, apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

Power to execute street works

11.—(1) DLRL may, for the purposes of the authorised works, enter upon so much of any of the streets specified in Schedule 3 to this Order as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it, or tunnel or bore under the street;
- (b) place apparatus in the street;
- (c) maintain apparatus in the street or change its position; and
- (d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) In this article “apparatus” has the same meaning as in Part III of the 1991 Act and includes a sewer, drain or tunnel and any structure for the lodging within that structure of apparatus or any structure required for gaining access to apparatus.

(1) 1989 c. 29.

Stopping up of streets

12.—(1) Subject to the provisions of this article DLRL may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Part 1 and Part 2 of Schedule 4 to this Order to the extent specified, by reference to the letters and numbers shown on the deposited plans, in column (3) of Parts 1 and 2 of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 4 to this Order (being a street to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article unless either—

- (a) the new street to be substituted for it, and which is specified in relation to it by reference to one of the scheduled works mentioned in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route is first provided and thereafter maintained by DLRL to the reasonable satisfaction of the street authority between the commencement and termination points of the street to be stopped up until completion of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) to (3) of Part 2 of Schedule 4 to this Order (being a street to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) DLRL is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) DLRL may for the purposes of, in connection with or in consequence of the authorised works in the London borough of Tower Hamlets, install columns in any part of—

- (a) Branch Road which lies between points N1, N2, N3 and N4;
- (b) Westferry Road which lies between points N5, N6 and N7 and between points N8 and N9;
- (c) Aspen Way which lies between points P1, P2, P3 and P4;

and stop up those streets to the extent occupied by those works.

(6) Where a street has been stopped up under this article—

- (a) all rights of way over or along it shall be extinguished; and
- (b) DLRL may appropriate and use for the purposes of its undertaking so much of the site of the street as is bounded on both sides by land owned by DLRL.

(7) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(8) This article is subject to paragraph 1 of Schedule 9 to this Order.

Temporary stopping up of streets

13.—(1) DLRL may, during and for the purposes of the execution of the authorised works temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street, and

(b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without prejudice to the generality of paragraph (1), DLRL may use South Quay Station Plaza and any street stopped up under the powers of this article as a temporary working site.

(3) DLRL shall provide at all times reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), DLRL may exercise the powers of this article in relation to the streets specified in columns (1) and (2) of Schedule 5 to this Order.

(5) DLRL shall not exercise the powers of this article—

(a) in relation to any street specified as mentioned in paragraph (4), without first consulting the street authority; and

(b) in relation to any other street, without the consent of the street authority, but such consent shall not be unreasonably withheld.

(6) In this article “South Quay Station Plaza” means the lands delineated on the deposited plans and shown numbered 532, 537, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576 and 577 in the London borough of Tower Hamlets.

Access to works

14. DLRL may, for the purposes of the authorised works—

(a) form and lay out such means of access or improve such existing means of access, in the locations specified in columns (1) and (2) of Schedule 6 to this Order at or about the point marked “A”; and

(b) with the approval of the highway authority (such approval not to be unreasonably withheld) form and lay out such other means of access or improve existing means of access at such locations within the Order limits as DLRL reasonably requires for the purposes of the authorised works.

Construction and maintenance of new or altered streets

15.—(1) Subject to paragraph (4), any street to be constructed under this Order shall be completed to the reasonable satisfaction of the highway authority and shall, unless otherwise agreed, be maintained by and at the expense of DLRL for a period of 12 months from its completion and at the expiry of that period by and at the expense of the highway authority.

(2) Subject to paragraph (4), where a street is altered or diverted under this Order, the altered or diverted part of the street shall when completed to the reasonable satisfaction of the street authority, unless otherwise agreed, be maintained by and at the expense of DLRL for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) Nothing in this Order shall have effect in relation to street works as respects which the provisions of Part III of the 1991 Act apply.

(4) Paragraphs (1) and (2) shall not apply in relation to the structure of any bridge or tunnel carrying a street over or under any railway of DLRL.

Agreements with street authorities

16.—(1) A street authority and DLRL may enter into agreements with respect to—

(a) the construction of any new street (including any structure carrying the street over or under the authorised railway) under the powers conferred by this Order;

(b) the strengthening or improvement of any street under the powers conferred by this Order;

- (c) the maintenance of any street or of the structure of any bridge or tunnel carrying a street over or under an authorised railway;
 - (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
 - (e) the execution in the street of any of the works referred to in article 11.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.
- (3) In this article—
- (a) “an authorised railway” means the Tower Gateway to Westferry Railway, the Poplar to Stratford and Beckton Railway and the Canary Wharf to Lewisham Railway; and
 - (b) “the Tower Gateway to Westferry Railway”, “the Poplar to Stratford and Beckton Railway” and “the Canary Wharf to Lewisham Railway” have the same meanings as in Schedule 1 to this Order.

Construction of bridges

17. Any bridge to be constructed or reconstructed under this Order for carrying a highway over or under a railway shall be constructed or reconstructed in accordance with plans and specifications approved by the relevant highway authority, but such approval shall not be unreasonably withheld.

Works in the Docks

18.—(1) Without prejudice to the other powers conferred by this Order or otherwise available to it, DLRL may within the designated area, for the purposes of or in connection with the construction, operation or maintenance of the authorised works and notwithstanding any interference thereby with any public or private rights—

- (a) construct, place, alter, relocate or replace any work or structure whether temporary or permanent;
- (b) close and de-water any part of the designated area and divert vessels and other craft from any part of the designated area;
- (c) use, appropriate and dispose of any materials obtained by it in carrying out any such operations;
- (d) remove or relocate any mooring;
- (e) remove and relocate any vessel or structure sunk, stranded or abandoned or moored or left (whether lawfully or not);
- (f) temporarily moor or anchor vessels and structures and load and unload into and from such vessels or structures equipment, machinery, soil and any other materials in connection with the authorised works; and
- (g) temporarily interfere with, occupy and use the bed, waters and dock walls within the designated area;

in such manner and to such extent as may appear to DLRL to be necessary or convenient.

(2) Except in the case of emergency, DLRL will use its reasonable endeavours to notify the owner of any mooring and the owner or master of any vessel or structure affected by the proposal to exercise the powers of paragraph (1)(d) or (e) before the exercise of that power.

(3) During any period of closure in accordance with paragraph (1)(b), all rights of navigation along, and obligations of the Board to maintain for navigation any waters within the designated area or part thereof so closed shall be suspended and unenforceable against the Board.

(4) In this article—

“designated area” means that part of the Docks within the Order limits.