
STATUTORY INSTRUMENTS

2001 No. 1347

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Leeds Supertram (Extension) Order 2001

Made - - - - 28th January 2001
Laid before Parliament 14th February 2001
Coming into force - - 29th March 2001

Whereas an application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under sections 6, 7 and 10 of the Transport and Works Act 1992(2) (“the 1992 Act”), for an Order under sections 1 and 5 of the 1992 Act;

And whereas the Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act;

And whereas 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 his opinion do not make any substantial change in the proposals;

And whereas the Secretary of State is satisfied that with respect to the stopping up of streets mentioned in Part I of Schedule 4 to this Order an alternative right of way has been or will be provided and that with respect to the streets mentioned in Part II of that Schedule the provision of an alternative right of way is not required;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 22nd December 2000;

And whereas the Order will not come into force until it has been laid before Parliament and has been brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(3);

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1 to 13 and 15 to 17 of Schedule 1 to, the 1992 Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

(1) S.I. 1992/2902.

(2) 1992 c. 42.

(3) 1945 c. 18 (9 & 10 Geo. 6), of which section 3 was amended by section 12 of the Transport and Works Act 1992, and 1965 c. 43.

PART I

PRELIMINARY

Citation

1. This Order may be cited as the Leeds Supertram (Extension) Order 2001.

Interpretation

- 2.—(1) In this Order, unless the context otherwise requires—
 - “the 1965 Act” means the Compulsory Purchase Act 1965(4);
 - “the 1990 Act” means the Town and Country Planning Act 1990(5);
 - “the 1991 Act” means the New Roads and Street Works Act 1991(6);
 - “the 1993 Act” means the Leeds Supertram Act 1993(7);
 - “the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992;
 - “application date” means the day on which application was made to the Secretary of State for this Order;
 - “authorised street tramway” means any street tramway authorised by this Order;
 - “authorised tramroad” means any tramroad authorised by this Order;
 - “authorised tramway” means the tramway (consisting of the authorised street tramways and the authorised tramroads) authorised by this Order;
 - “authorised works” means the scheduled works and any other works authorised by this Order;
 - “the book of reference” means the book of reference described in rule 7(5) of the Applications Rules;
 - “carriageway” has the same meaning as in the Highways Act 1980(8);
 - “the City” means the City of Leeds;
 - “the deposited plans” means the plans described in rule 7(1)(a) and 7(3) of the Applications Rules and references to the land shown on those plans are references to the land so shown pursuant to rule 7(3);
 - “the deposited sections” means the sections described in rule 7(2) of the Applications Rules;
 - “electric line” has the meaning given by section 64(1) of the Electricity Act 1989(9);
 - “the Executive” means the West Yorkshire Passenger Transport Executive;
 - “highway” and “highway authority” have the same meaning as in the Highways Act 1980;
 - “the limits of deviation” means the limits of deviation for the scheduled works (being scheduled works not comprising a street widening) shown on the deposited plans or, if, in relation to any such work in a street, no such limits are shown, the boundaries of that street on the application date (including those boundaries as from time to time altered or widened under this Order);
 - “the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the deposited plans;

(4) 1965 c. 56.
(5) 1990 c. 8.
(6) 1991 c. 22.
(7) 1993 c. xv.
(8) 1980 c. 66.
(9) 1989 c. 29.

“the limits of widening” means the limits of widening shown on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and

“maintenance” shall be construed accordingly;

“occupier” means a person occupying land under a tenancy for a period of more than one month (not being a statutory tenant within the meaning of the Rent Act 1977⁽¹⁰⁾ or the Rent (Agriculture) Act 1976⁽¹¹⁾);

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“the scheduled works” means the works specified in Schedule 1 to this Order;

“street” includes part of a street;

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

“street tramway” means any part of a tramway which is laid along a street—

(a) whether or not the section of the street in which its rails are laid may be used by other traffic; or

(b) whether the uppermost surface of the rails is level with, or raised above, the surrounding surfaces of the street;

“tram” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a tramway;

“tramroad” means any part of a tramway which is not a street tramway;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which provide support and guidance for vehicles carried on flanged wheels;

“the tribunal” means the Lands Tribunal.

(2) Where the book of reference, the deposited plans or the deposited sections was or were revised before this Order was made, any reference to it or them in this Order is to the latest version as certified under article 39 below.

(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 air-space over its surface.

(4) All directions, distances, areas, lengths and points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such direction, distance, area, length and point and distances between points on the authorised tramway shall be taken to be measured along the centre line of the authorised tramway.

(5) Unless the context otherwise requires, any reference in this Order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this Order.

(6) References in this Order to points identified by letters, with or without numbers, shall be construed as references to the points so marked on the relevant deposited plan.

(7) In the case of any street in relation to which an order made under section 249(2) of the 1990 Act (a pedestrian planning order) is in force, the kerb line of the street, where there is no kerb, shall be taken to be the edge of the part of the street on which the passage of vehicles is permitted.

⁽¹⁰⁾ 1977 c. 42. See section 2(1) and Schedule 1, as amended by the Housing Act 1980 (c. 51), sections 76 and 153(2) and Schedule 26, and the Housing Act 1988 (c. 50), section 39(1).

⁽¹¹⁾ 1976 c. 80. See section 4, as amended by the Rent Act 1977, section 155 and Schedule 23, and the Housing Act 1980, section 76(3).

Application of the New Roads and Street Works Act 1991

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway shall be treated for the purposes of Part III of the 1991 Act (street works) as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts) or section 184 of that Act (vehicle crossings).

(2) The provisions of the 1991 Act mentioned in paragraph (3) below and any regulations made, or code of practice issued or approved under, those provisions shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by the Executive under the powers conferred by this Order where no street works are executed in that street, as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in that street by the Executive.

(3) The provisions of the 1991 Act referred to in paragraph (2) above are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulations);
- section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(4) Sections 54 and 55 of the 1991 Act as applied by paragraph (2) above shall have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Incorporation of the Railways Clauses Act

4.—(1) The following provisions of the Railways Clauses Consolidation Act 1845⁽¹²⁾ shall be incorporated in this Order—

- section 46 (crossing of roads—level crossings);
- section 58 (company to repair roads used by them);
- section 61 (company to make sufficient approaches and fences to highways);
- sections 68 and 69 (accommodation works by company);
- section 71 (additional accommodation works by owners);
- sections 72 and 73 (supplementary provisions relating to accommodation works);
- section 75 (omission to fasten gates);
- sections 87 and 88 (contracts with other companies);
- section 97 (default in payment of tolls);
- sections 103 and 104 (refusal to quit carriage at destination);

(12) 1845 c. 20.

section 105 (carriage of dangerous goods on railway);
section 144 (defacing of boards);
section 145 (recovery of penalties);
section 154 (transient offenders).

(2) In those provisions as incorporated in this Order—

“the company” means the Executive;

“goods” includes any thing conveyed on the authorised tramway;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means the authorised tramroads and also in the application of sections 87, 88, 97, 103 to 105, 144, 145 and 154 of the said Act of 1845, the authorised street tramways, together with (except where the context otherwise requires) any authorised works ancillary thereto;

“the special Act” means this Order;

“toll” includes any rate or charge or other payment payable under this Order or any other enactment for any passenger or goods conveyed on any authorised tramway to be constructed under this Order.

(3) In section 46 of the said Act of 1845, as incorporated in this Order, for the proviso there shall be substituted the words “Provided always, that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level”.

(4) In section 58 of the said Act of 1845, as incorporated in this Order, for the words “the determination of two justices” to the end there shall be substituted the word “arbitration”.

(5) In section 69 of the said Act of 1845, as incorporated in this Order, for the words “determined by two justices” to the end there shall be substituted the words “referred to arbitration”.

(6) In section 71 of the said Act of 1845, as incorporated in this Order, the words “or directed by such justices to be made by the company” shall be omitted, and for the words “authorised by two justices” there shall be substituted the words “determined by arbitration”.

(7) Any difference arising under section 72 of the said Act of 1845, as incorporated in this Order, shall be referred to arbitration.

Application of the Leeds Supertram Act 1993

5.—(1) The authorised tramway shall be treated as part of the tramway system (as defined in the 1993 Act) for the purposes of sections 3(3), 4(4), 23, 24, 37, 40(17), 45 to 53, 57 to 60 and 62 to 67 of that Act; but it shall not be so treated for the purposes of sections 10, 11, 15, 54 and 55 of that Act.

(2) In the application of the 1993 Act to the authorised tramway—

(a) the references in section 57(1) to any tramway shall be treated as including a reference to any authorised street tramway;

(b) the reference in section 62(1) to any railway of the tramway system which is not designated as a tramway shall be treated as a reference to the authorised tramroads; and

(c) the reference in section 66(1) and (4) to the 1993 Act shall be treated as a reference to this Order.

(3) Sections 4(5), 7(4) and (7), 8(2), 16 and 68 of the 1993 Act shall have effect for the purposes of the authorised street tramways as they have effect for the purposes of the tramways authorised by that Act.

(4) Section 43(2) to (11) of the 1993 Act shall apply as if references in that section to “authorised works” included a reference to the works authorised by this Order and references to “the specified land” were a reference to the part of any burial ground (within the meaning of the Open Spaces Act 1906(13)) which is used for the construction of the works so authorised.

PART II

WORKS PROVISIONS

Principal powers

Power to construct works

6.—(1) The Executive may construct and maintain in the City—

- (a) the tramroads described (as Works Nos. 1, 4, 7, 11, 14, 19, 21 and 23) in Schedule 1 to this Order;
- (b) the street tramways described (as Works Nos. 2, 3, 5, 6, 8, 10, 12, 13, 15 to 18, 20, 22 and 24) in that Schedule; and
- (c) the other scheduled works.

(2) Subject to article 7 below, the scheduled works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (6) below, the Executive may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the scheduled works, namely—

- (a) stations, junctions and stopping places;
- (b) works required for, or in connection with, the control of any traffic (including pedestrians) on the authorised tramway;
- (c) works for the alteration or demolition of any building or structure;
- (d) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (e) works to alter the position of any apparatus or street furniture including mains, sewers, drains and cables;
- (f) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works; and
- (g) works for the benefit or protection of premises affected by the authorised works.

(4) Subject to paragraph (6) below, the Executive may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with, or in consequence of, the construction of the scheduled works.

(5) Where the Executive lays down conduits for the accommodation of cables or other apparatus for the purposes of the authorised works or associated traffic control, it may provide in, or in connection with, such conduits accommodation for the apparatus of any other person, and manholes and other facilities for access to such accommodation, and may permit the use of such conduits and facilities on such terms and conditions as may be agreed between it and such other person.

(6) Paragraphs (3) and (4) above shall only authorise the carrying out or maintenance of works—

- (a) within the limits of deviation or limits of widening; or
- (b) on land within the limits of land to be acquired or used specified in column (1) of Schedule 2 to this Order for the purpose specified in relation to that land in column (2) of that Schedule.

Power to deviate, etc.

- 7.—(1) In constructing or maintaining any scheduled work, the Executive may—
- (a) as regards a scheduled work not comprising a street widening, deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation for that work;
 - (b) as regards a scheduled work comprising a street widening, construct that widening within the limits of widening for that work; and
 - (c) deviate vertically from the levels shown on the deposited sections—
 - (i) to any extent not exceeding 3 metres upwards, or
 - (ii) to any extent downwards as may be necessary or convenient.
- (2) The Executive may in constructing or maintaining any of the authorised street tramways lay down—
- (a) double lines of rails in lieu of single lines;
 - (b) single lines of rails in lieu of double lines;
 - (c) interlacing lines of rails in lieu of double or single lines; or
 - (d) double or single lines of rails in lieu of interlacing lines.
- (3) The power in paragraph (2) above shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (4) The Executive may in constructing or maintaining any of the authorised tramroads provide within the limits of deviation for those tramroads such number of lines of rails and sidings as may be necessary or expedient.

Streets

Power to alter layout of streets, etc.

- 8.—(1) The Executive may alter the layout of, and carry out other ancillary works in, any street in the City specified in column (1) of Schedule 3 to this Order in the manner specified in relation to that street in column (2) of that Schedule.
- (2) The Executive may provide a footpath between Beckett Street and Accommodation Road in the City between points FP1, FP2 and FP3 and between points FP4, FP5 and FP6 and a footpath and cycle track adjacent to Alma Road in the City between points FC1 and FC2.
- (3) Without prejudice to the specific powers conferred by paragraphs (1) and (2) above but subject to paragraph (4) below, the Executive may for the purpose of constructing, maintaining or using the authorised tramways alter the layout of any street within the limits of deviation or limits of widening; and, without prejudice to the generality of the foregoing, the Executive may within those limits—
- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
 - (b) alter the level of any such kerb, footpath, footway, cycle track or verge;
 - (c) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for trams or by carrying out other works for that purpose;

- (d) carry out works for the provision or alteration of parking places;
 - (e) carry out works to the carriageway of the street for the purpose of deterring or preventing vehicles other than trams from passing along the authorised tramway; and
 - (f) make and maintain crossovers, sidings or passing places.
- (4) The powers in paragraph (3) shall not be exercised without the consent of the street authority, but such consent shall not be unreasonably withheld.

Power to keep apparatus in streets

9.—(1) The Executive 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 limits of deviation or limits of widening any work, equipment or apparatus including without prejudice to the generality of the foregoing, foundations, platforms, 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; and
- (b) 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

10. The Executive may, for the purpose of exercising the powers conferred by article 9 above and the other provisions of this Order, enter upon any street within the limits of deviation or limits of widening and may execute any works required for or incidental to the exercise of those powers including, without prejudice to the generality of the foregoing, breaking up or opening any such street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

Stopping up of streets and extinguishment of rights

11.—(1) Subject to the provisions of this article, the Executive may, in connection with the construction of the authorised works, stop up each of the streets in the City mentioned in column (1) of Parts I and II of Schedule 4 to this Order and extinguish any right which persons may have to use vehicles in each of the streets mentioned in column (1) of Part III of that Schedule to the extent specified, by reference to the letters and numbers shown on the relevant plans, in column (2) of Parts I to III of that Schedule.

(2) Notwithstanding the provisions of paragraph (1) above, the Executive shall not extinguish rights of way on cycle in the following streets—

Wood Lane

Raglan Road

Shakespeare Street.

(3) No street specified in columns (1) and (2) of Part I bSchedule 4 (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 until the new street to be substituted for it, and which is specified in relation to it either by reference to the letters and numbers shown on the deposited plans or by reference to one of the scheduled works, in either case in column (3) of that Part of that Schedule, has been practically completed to the reasonable satisfaction of the street authority and is open for use, and the street authority has so certified in writing or (in the event of dispute with the street authority) an arbitrator has so determined upon reference of the dispute to arbitration.

(4) No part of a street specified in column (1) of Part II of Schedule 4 to this Order (being a street to be stopped up for which no substitute is to be provided) shall be stopped up under this article unless all the land which abuts it falls within one or more of the following categories, namely—

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

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

- (a) all rights of way over or along the street so stopped up shall be extinguished; and
- (b) the Executive may, without making any payment appropriate and use for the purposes of its tramway undertaking so much of the site of the street as is bounded on both sides by land owned by the Executive.

(6) 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 Land Compensation Act 1961(14).

(7) This article is subject to paragraph 2 of Schedule 9 to this Order.

(8) In this article “cycle” has the same meaning as in the Road Traffic Act 1988(15).

Temporary stopping up of streets

12.—(1) The Executive 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 (2) below, prevent all persons from passing along the street.

(2) The Executive shall provide 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.

(3) Without prejudice to the generality of paragraph (1) above, the Executive may exercise the powers of this article in relation to the streets specified in column (1) of Schedule 5 to this Order to the extent specified, by reference to the letters and numbers shown on the deposited plans, in column (2) of that Schedule.

(4) The Executive shall not exercise the powers of this article—

- (a) in relation to a street specified and to the extent specified in paragraph (3) above, without first consulting the street authority;
- (b) in relation to any other street or to any other extent, without the consent of the street authority, but such consent shall not be unreasonably withheld.

Construction and maintenance of new, altered or diverted streets

13.—(1) Any street to be constructed under this Order, other than any comprised in Works Nos. 1A, 1B, 3C, 4B, 4C, 4D, 6N, 14A and 23A, shall be completed to the reasonable satisfaction of the street authority and shall, unless otherwise agreed, be maintained by and at the expense of the

(14) 1961 c. 33.

(15) 1988 c. 52.

undertaker 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.

(2) 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 the Executive 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 article shall prejudice the operation of section 87 of the 1991 Act (prospectively maintainable highways); and the Executive shall not by reason of any duty under this article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act.

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

Construction of bridges

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

Construction of Work No. 7 on street

15. Notwithstanding anything in this Order but without prejudice to the provisions of article 7 above, the Executive may, but only with the consent of the Secretary of State, construct the whole or part of Work No. 7 within the limits of deviation for that work as if it were designated by this Order as a street tramway (in which case it shall be treated for the purposes of this Order as if it were so designated).

Agreements with street authorities

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

- (a) the construction of any new street (including any structure carrying the street over or under a tramroad) under the powers conferred by this Order;
 - (b) the maintenance of the structure of any bridge carrying a tramroad over a street;
 - (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; and
 - (d) the execution in the street of any of the works referred to in article 10 above.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1) above—
- (a) make provision 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.

Level crossings

17.—(1) The Executive may construct the authorised tramroads so as to carry them on the level across the highways specified in Schedule 6 to this Order.

(2) The Executive may provide, maintain and operate at or near any new level crossing such barriers or other protective equipment as the Secretary of State may in writing approve.

(3) Without prejudice to the generality of article 8 above, the Executive may in the exercise of the powers of this article alter the level of any highway specified in Schedule 6 to this Order.

(4) The highway authority may enter into agreements with the Executive in respect to the construction and maintenance of any new level crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(5) In this article—

“barrier” includes gates;

“new level crossing” means the place at which an authorised tramroad crosses a highway on the level under the powers conferred by this article;

“protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984⁽¹⁶⁾), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

Supplementary

Discharge of water

18.—(1) The Executive may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the authorised works and for that purpose may within the limits of deviation or limits of widening lay down, take up and alter pipes and may, on any land within those limits, make openings into, and connections with, the watercourse, sewer or drain.

(2) The Executive shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose but shall not be unreasonably withheld.

(3) The Executive shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the authority to which the sewer or drain belongs, but such approval shall not be unreasonably withheld.

(4) The Executive shall not, in the exercise of the powers conferred by this article, damage or interfere with the beds or banks of any watercourse forming part of a main river.

(5) The Executive shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.

(6) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991⁽¹⁷⁾.

(7) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency or a local authority;

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

(c) other expressions used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

⁽¹⁶⁾ 1984 c. 27.

⁽¹⁷⁾ 1991 c. 57.

Safeguarding works to buildings

19.—(1) Subject to the following provisions of this article the Executive may at its own expense and from time to time carry out such safeguarding works to any building which is within the relevant limits and which lies within 30 metres of any of the authorised works, as the Executive considers to be necessary or expedient.

(2) Safeguarding works may be carried out—

- (a) at any time before or during the construction in the vicinity of the building of any part of the authorised works; or
- (b) after the completion of the construction of that part of the authorised works, at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the Executive may enter and survey any building falling within paragraph (1) above and any land within the relevant limits belonging to it.

(4) For the purpose of carrying out safeguarding works under this article to a building the Executive may (subject to paragraphs (5) and (6) below)—

- (a) enter the building and any land within the relevant limits belonging to it; and
- (b) where the works cannot be carried out reasonably conveniently without entering land within the relevant limits adjacent to the building, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) above to carry out safeguarding works to a building,
- (b) a right under paragraph (3) above to enter a building,
- (c) a right under paragraph (4)(a) above to enter a building or land, or
- (d) a right under paragraph (4)(b) above to enter land,

the Executive shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days notice of its intention to exercise that right and in a case falling within sub-paragraph (a) or (c) above, specifying the safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d) above, the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice is served, require the question whether it is necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 43 below.

(7) The Executive shall compensate the owners and occupiers of any building or land in relation to which the powers of this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

- (a) safeguarding works are carried out under this article to a building, and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use, it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works,

the Executive shall compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without prejudice to article 41 below, nothing in this article shall relieve the Executive from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) above shall be determined, in case of dispute, under Part I of the Land Compensation Act 1961⁽¹⁸⁾.

(11) In this article—

- (a) “building” includes any structure or erection or any part of a building, structure or erection;
- (b) any reference to a building within a specified distance of a work includes—
 - (i) in the case of a work under the surface of the ground, a reference to any building within the specified distance of the point on the surface below which the work is situated, and
 - (ii) where a work has not commenced, a reference to a building within the specified distance of the proposed site of the work;
- (c) “relevant limits” means the limits of deviation, limits of widening or limits of land to be acquired or used; and
- (d) “safeguarding works”, in relation to a building, means—
 - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works, and
 - (ii) any works the purpose of which is to remedy any damage which has been caused to the building by the construction, maintenance or operation of the authorised works.

Planning permission: supplementary matters

20.—(1) In relation to the application of paragraph (3)(c) of the Second Schedule of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation Order) Regulations 1969⁽¹⁹⁾ as incorporated in any tree preservation order, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall be treated as deeming the permission to have been granted on application made under Part III of the Act.

(2) In relation to the application of article 5(1)(d) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Trees) Regulations 1999 as incorporated in any tree preservation order or as having effect by virtue of regulation 10(1)(a) of those Regulations, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the works authorised by this Order shall not be treated as an outline planning permission.

(3) Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to works authorised by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act.

Power to survey and investigate land

21.—(1) The Executive may, in relation to any land falling within article 23(1)(a) below, for the purposes of this Order—

- (a) survey or investigate that land;
- (b) without prejudice to the generality of sub-paragraph (a) above, make trial holes in such positions as the Executive thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of paragraph (a) above, carry out archaeological investigations on the land;

⁽¹⁸⁾ 1961 c. 33.

⁽¹⁹⁾ S.I. 1969/17.

- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of the land and making of trial holes under sub-paragraphs (a) to (c) above; and
 - (e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d) above.
- (2) No land may be entered, or equipment placed or left on or removed from the land under paragraph (1) above, 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 Executive—
- (a) shall, if so required, before or after entering the land, produce written evidence of his authority to do so; and
 - (b) may take with him such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes shall be made under this article in a carriageway or footway without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (5) The Executive shall pay compensation for any damage occasioned, by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961.

Mode of construction and operation of tramway

- 22.**—(1) The authorised tramway shall be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.
- (2) The authorised tramway shall be constructed on a nominal gauge of 1,435 millimetres.
- (3) Subject to paragraph (4) below, the authorised street tramways shall be so constructed and maintained as to ensure that the uppermost surface of the rails is level with the surrounding surfaces of the street in which they are laid.
- (4) In the case of any length of authorised street tramway which is constructed as described in section 7(4) of the 1993 Act as applied by article 5(3) above or which is situated clear of the carriageway, the Executive may, with the consent of the street authority (which consent is not to be unreasonably withheld), construct and maintain the tramway in such a manner that the uppermost surface of the rails is not level with the surrounding surfaces of the street in which they are laid.

PART III

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

- 23.**—(1) The Executive may acquire compulsorily—
- (a) so much of the land in the City shown on the deposited plans within the limits of deviation or the limits of widening and described in the book of reference as may be required for the purposes of or in connection with the authorised works,
 - (b) without prejudice to sub-paragraph (a), so much of the land specified in column (1) of Schedule 2 to this Order (being land shown on the deposited plans and described in the

book of reference) as may be required for the purpose specified in relation to that land in column (2) of that Schedule,
and may use any land so acquired for those purposes or for any other purposes connected with or ancillary to its railway undertaking.

(2) This article is subject to article 28 below.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

24.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981⁽²⁰⁾ shall apply as if this Order were a compulsory purchase order.

(2) In its application by virtue of paragraph (1) above, the Compulsory Purchase (Vesting Declarations) Act 1981 shall have effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 below with respect to any land which is subject to a compulsory purchase order the acquiring authority shall include the particulars specified in subsection (3) below in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and
- (b) published in the London Gazette and in one or more local newspapers circulating in the locality of the authorised works”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.

(5) In that section, subsections (5) and (6) shall be omitted and at the end there shall be inserted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) he is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
- (b) he holds or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”

(6) In section 5 (earliest date for execution of declaration) in subsection (1), after “publication” there shall be inserted “in the London Gazette and in one or more local newspapers circulating in the locality of the authorised works”.

(7) In section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.

(8) References to the Compulsory Purchase Act 1965 shall be construed as references to that Act as applied to the acquisition of land under article 25 below.

Application of Part I of the Compulsory Purchase Act 1965

25.—(1) Part I of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, shall apply to the acquisition of land under this Order—

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981⁽²¹⁾ applies; and
- (b) as if this Order were a compulsory purchase order under that Act.

(2) Part I of the 1965 Act, as so applied, shall have effect as if—

⁽²⁰⁾ 1981 c. 66.

⁽²¹⁾ 1981 c. 67.

- (a) section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted; and
- (b) in section 11(1) (which confers power to enter on and to take possession of land subject to a notice to treat on giving not less than 14 days' notice) for the reference to 14 days' notice there were substituted—
 - (i) in a case where the notice to treat relates only to the acquisition of an easement or other right over the land, a reference to notice of one month; or
 - (ii) in any other case, a reference to notice of 3 months.

Powers to acquire new rights

26.—(1) The Executive may compulsorily acquire such easements or other rights over any land referred to in paragraph (1) of article 23 above as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 7 to this Order), where the Executive acquires a right over land under paragraph (1) above the Executive shall not be required to acquire a greater interest in it.

(3) Schedule 7 to this Order shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right.

Rights under or over streets

27.—(1) The Executive may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the limits of deviation, limits of widening or limits of land to be acquired or used as may be required for the purposes of or in connection with the authorised works and may use the subsoil and air-space for those purposes or any other purpose connected with or ancillary to its undertaking.

(2) The power under paragraph (1) above may be exercised in relation to a street without the Executive being required to acquire any part of the street or any easement or right in the street.

(3) Any person, who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) above is exercised without the undertaker acquiring any part of that person's interest in the land and who suffers loss by the exercise of that power shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961(22).

(4) Paragraph (2) above shall not apply in relation to—

- (a) any subway or underground building; and
- (b) any cellar, vault, arch or other construction in or on a street which forms part of a building fronting on to the street.

(5) Compensation shall not be payable under paragraph (3) above to any person who is an undertaker, to whom section 85 of the 1991 Act applies, in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary possession of land

Temporary use of land for construction of works

28.—(1) The Executive may, in connection with the carrying out of the authorised works—

- (a) enter upon and take temporary possession of any of the land in the City specified in column (1) of Schedule 8 to this Order for the purpose specified in relation to that land in column (2) of that Schedule relating to the authorised works specified in column (3) of that Schedule;
- (b) remove any buildings and vegetation from that land; and
- (c) construct temporary works (including the provision of means of access) and buildings on the land.

(2) Not less than 28 days before entering upon and taking temporary possession of land under this article the Executive shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The Executive may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the work or works specified in relation to that land in column (3) of Schedule 8 to this Order.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Executive shall remove all temporary works and (subject to any landscaping provided pursuant to the purposes specified in column (2) of Schedule 8 to this Order) restore the land to the reasonable satisfaction of the owners of the land; but the Executive shall not be required to replace a building removed under this article.

(5) The Executive shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961.

(7) Without prejudice to article 41 below, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5) above.

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to any land of which temporary possession has been taken under paragraph (1) above except that the Executive shall not be precluded from acquiring new rights over any part of that land under article 26 above.

(9) Where the Executive takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) In this article “building” includes any structure or erection.

Temporary use of land for maintenance of works

29.—(1) At any time during the maintenance period relating to any scheduled works, the Executive may—

- (a) erect upon and take temporary possession of any land within the limits of deviation, limits of widening or limits of land to be acquired or used and lying within 20 metres from those works if such possession is reasonably required for the purpose of, or in connection with, maintaining the works or any ancillary works connected with them;

- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.
- (2) Paragraph (1) above shall not authorise the Executive to take temporary possession of—
 - (a) any house or garden belonging to a house; or
 - (b) any building (other than a house) if it is for the time being occupied.
- (3) Not less than 28 days before entering upon and taking temporary possession of land under this article the Executive shall serve notice of the intended entry on the owners and occupiers of the land.
- (4) The Executive may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works and restore the land to the reasonable satisfaction of the owners of the land.
- (5) Before giving up possession of land of which temporary possession has been taken under this article, the Executive shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.
- (6) The Executive shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.
- (7) Any dispute as to a person's entitlement to compensation under paragraph (6) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961.
- (8) Without prejudice to article 41 below, nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6) above.
- (9) Where the Executive takes possession of land under this article, it shall not be required to acquire the land or any interest in it.
- (10) In this article—
 - (a) "the maintenance period", in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for use;
 - (b) "building" includes structure or any other erection; and
 - (c) any reference to land within a specified distance of a work includes, in the case of work under the surface of the ground, a reference to land within the specified distance of the point on the surface below which the work is situated.

Compensation

Disregard of certain interests and improvements

30.—(1) In assessing the compensation (if any) payable to any person on the acquisition from him of any land under this Order, the tribunal shall not take into account—

- (a) any interest in land, or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) above “relevant land” means the land acquired from the person concerned or any other land with which he is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Supplementary

Acquisition of part of certain properties

31.—(1) This article shall apply instead of section 8(1) of the 1965 Act (as applied by article 25 above) in any case where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or factory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the Executive a counter-notice objecting to the sale of the land subject to the notice to treat and stating that he is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the Executive agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice, or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice, or
- (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice, but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Executive is authorised to acquire compulsorily under this Order.

(8) If the Executive agrees to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, and
 - (b) that the material detriment is not confined to a part of the land subject to the counter-notice,
- the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Executive is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the Executive may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and if it does so shall pay the owner compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or factory or of land consisting of a house with a park or garden, the Executive shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

32.—(1) All private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the acquisition of the land by the Executive, whether compulsorily or by agreement, or
 - (b) on the entry on the land by the Executive under section 11(1) of the 1965 Act,
- whichever is sooner.

(2) All private rights of way over land of which the Executive takes temporary possession under this Order shall be suspended and unenforceable for as long as the Executive remains in lawful possession of the land.

(3) 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 Land Compensation Act 1961.

(4) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers etc.) or paragraph 2 of Schedule 9 to this Order applies.

Time limit for exercise of powers of acquisition

33.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

- (a) no notice to treat shall be served under Part I of the 1965 Act as applied to the acquisition of land by article 25 above; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981(23), as applied by article 24 above.

(2) The powers conferred by article 28 above shall cease at the end of the period referred to in paragraph (1) above, save that nothing in this paragraph shall prevent the Executive remaining in

(23) 1981 c. 66.

possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

PART IV

OPERATION OF TRAMWAY SYSTEM

Maintenance of approved works, etc.

34.—(1) Where pursuant to the Railways and other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994⁽²⁴⁾ approval has been obtained from the Health and Safety Executive with respect to any works, plant or equipment (including vehicles) forming part of the authorised tramway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the authorised tramway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened, the Executive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

PART V

MISCELLANEOUS AND GENERAL

Statutory undertakers, etc.

35. The provisions of Schedule 9 to this Order shall have effect.

Minerals

36.—(1) Parts II and III of Schedule 2 to the Acquisition of Land Act 1981⁽²⁵⁾ (exception of minerals from compulsory purchase and regulation of the working of mines or minerals underlying an authorised undertaking) shall have effect in relation to land to which article 23(1) above applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule.

(2) In their application by virtue of paragraph (1) above, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 shall have effect with the following modifications—

- (a) references to the acquiring authority shall be construed as references to the Executive; and
- (b) references to the undertaking shall be construed as references to the undertaking which the Executive is authorised by this Order to carry on.

Saving for highway authorities

37. Nothing in this Order shall affect any power of a highway authority to widen, alter or improve any highway along which a street tramway is laid.

⁽²⁴⁾ S.I. 1994/157.

⁽²⁵⁾ 1981 c. 67.

Protection for Environment Agency

38.—(1) For the protection of the Environment Agency (in this article referred to as “the Agency”), the following provisions shall, unless otherwise agreed in writing between the Executive and the Agency, have effect.

(2) Nothing in this Order or in any enactment incorporated with or applied by this Order shall prejudice or affect the operation of section 109 of the Water Resources Act 1991⁽²⁶⁾ or any byelaws made under that Act or the Land Drainage Act 1991⁽²⁷⁾ in relation to anything done under or in pursuance of this Order.

(3) Before carrying out any works under the powers of this Order involving the erection or raising of any obstruction to the flow of any watercourse which is not part of a main river within the meaning of section 113 of the Water Resources Act 1991 or the construction, alteration or replacement of any culvert or any structure designed to contain or divert the flow of any such watercourse in, under or through any land held for the purposes of or in connection with the authorised tramway, the Executive shall furnish to the Agency proper and sufficient plans thereof for the approval of the Agency and shall not carry out the said works until the said plans have been approved in writing by the Agency.

(4) The approval of plans furnished under paragraph (3) above shall not be unreasonably withheld and if, within two months of such plans being supplied to the Agency, the Agency does not indicate in writing its disapproval and the grounds of its disapproval, it shall be deemed to have approved the plans as supplied.

(5) For the purposes of this paragraph, “plans” includes sections, drawings, specifications, calculations and descriptions.

(6) Any culvert or any structure designed to contain or divert the flow of any watercourse being a culvert or structure situated within any land held by the Executive for purposes of or in connection with the authorised tramway, whether constructed under the powers of this Order or in existence prior to the making hereof, shall be maintained by the Executive in good repair and condition and free from obstruction.

(7) Nothing in paragraph (6) above shall have the effect of requiring the Executive to carry out works of maintenance in respect of any culvert or structure which the Agency or any other person are liable to maintain.

(8) If any obstruction is erected or raised or any culvert is constructed, altered or replaced in contravention of this article, the Executive shall, upon receiving notice from the Agency, take such action as may be necessary to remedy the effect of the contravention to the Agency’s reasonable satisfaction and in default the Agency may itself take such action as may be necessary and recover the expenses reasonably incurred by it in doing so from the Executive as a debt from them to the Agency.

(9) Any difference arising between the Executive and the Agency under this article (other than a difference as to its meaning or construction) shall be determined by arbitration.

Certification of plans, etc.

39. The Executive shall, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited sections, and the deposited plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the deposited sections and the deposited plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

⁽²⁶⁾ 1991 c. 57.

⁽²⁷⁾ 1991 c. 59.

Service of notices

40.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(**28**) as it applies for the purposes of this article, the proper address of any person in relation to the service on him of a notice or document under paragraph (1) above is, if he has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) This article shall not be taken to exclude the employment of any method of service not expressly provided for by it.

No double recovery

41. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Withholding of consent

42. Where it is provided in this Order that any consent or approval is not to be unreasonably withheld, any dispute as to whether it is so unreasonably withheld or as to any conditions subject to which it is given shall be determined by arbitration.

Arbitration

43. Where under this Order (including any provision incorporated in or applied by this Order) any difference (other than a difference to which the provisions of the 1965 Act apply) is to be determined by or referred to arbitration, then, unless otherwise provided, the difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

28th January 2001

John Prescott
Secretary of State for the Environment,
Transport and the Regions

SCHEDULE 1

Article 6

SCHEDULED WORKS

Work No. 1—A tramroad (361 metres in length) commencing in an interchange terminus and car park at a point 203 metres north-east of the junction of Otley Road with Lawnswood Gardens, passing south-westwards and terminating at a point on the eastern side of Otley Road 30 metres south-east of the junction of that road with Otley Old Road, including the said interchange and car park;

Work No. 1A—A road, forming an access road to the intended car park, commencing by a junction with Otley Road at a point 75 metres north-east of the junction of that road with Lawnswood Gardens and terminating at a point 32 metres east of its commencement;

Work No. 1B—A road, forming an access road to the intending car park, commencing by a junction with Otley Road at a point 28 metres east of the junction of that road with Otley Old Road and terminating at a point 27 metres east of its commencement;

Work No. 2—A street tramway (double lines, 1,359 metres in length) commencing by a junction with Work No. 1 at its termination, passing southwards along Otley Road to its junction with Kepstorn Road, continuing eastwards along Otley Road and terminating at its junction with Glen Road;

Work No. 2A—A widening of the eastern side of Otley Road and the northern side of Ring Road Weetwood at the junction of those roads between a point on Otley Road 120 metres north, and a point on Ring Road Weetwood 107 metres north-east, of that junction;

Work No. 2B—A widening of the northern side of Otley Road between a point 20 metres north of its junction with Welburn Grove and a point 18 metres north of its junction with Welburn Drive;

Work No. 2C—A widening of the southern side of Otley Road between its junctions with Kepstorn Road and Welburn Grove;

Work No. 2D—A widening of the south-western side of Otley Road between its junctions with the access road to Headingley Waterworks and Church Wood Avenue;

Work No. 3—A street tramway (double lines, 1,024 metres in length) commencing by a junction with Work No. 2 at its termination, passing south-eastwards along Otley Road then eastwards along Alma Road and terminating at a point on the southern side of that road 62 metres east of its junction with Otley Road;

Work No. 3A—A widening of the western side of Otley Road between its junction with St Anne's Road and a point 48 metres south-east of that junction;

Work No. 3B—A widening of the north-eastern side of Otley Road and the northern side of Alma Road at the junction of those roads between a point on Otley Road 35 metres north-west, and a point on Alma Road 60 metres east, of that junction;

Work No. 3C—A road, forming an access to premises, commencing at a point in Alma Road 25 metres east of its junction with Otley Road and terminating at a point 32 metres north-east of its commencement;

Work No. 4—A tramroad (744 metres in length), commencing by a junction with Work No. 3 at its termination, passing south-eastwards across Wood lane (to be stopped up), across Shire Oak Road and terminating on the northern side of Headingley Lane 40 metres north-west of its junction with Oakfield;

Work No. 4A—A road commencing by a junction with Wood Lane at a point 92 metres east of its junction with Otley Road and terminating by a junction with Shire Oak Street at a point 52 metres south-east of its commencement;

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Work No. 4B—A road, forming an access to Headingley Hall, commencing by a junction with Shire Oak Road 83 metres east of its junction with Otley Road and terminating at a point 33 metres north of its commencement;

Work No. 4C—A road commencing by a junction with the access road to the College of the Blessed Virgin at a point 15 metres north of its junction with Oakfield, passing westwards then southwards and terminating by a junction with Headingley Lane at a point 45 metres north-west of the junction of that road with Richmond Road;

Work No. 4D—A road commencing by a junction with Oakfield 72 metres north of its junction with Headingley Lane passing south-eastwards and then eastwards and terminating by a junction with Orville Gardens 30 metres north-east of the junction of that road with Headingley Lane;

Work No. 5—A street tramway (double lines, 726 metres in length) commencing by a junction with Work No. 4 at its termination, passing eastwards along Headingley Lane and terminating at Hyde Park Corner;

Work No. 5A—A widening of the southern side of Headingley Lane between its junction with Buckingham Road and a point 70 metres west of that junction;

Work No. 5B—A widening of the southern side of Headingley Lane between its junction with Buckingham Road and a point 135 metres east of that junction;

Work No. 5C—A widening of the southern side of Headingley Lane between a point 165 metres west of its junction with Victoria Road and its junction with Hyde Park Road;

Work No. 5D—A road commencing by a junction with Headingley Lane at a point 80 metres north-west of its junction with Victoria Road and terminating by a junction with Victoria Road 78 metres west of the said junction of that road with Headingley Lane;

Work No. 5E—Alteration of the level of Victoria Road between points 107 metres and 52 metres west of its junction with Headingley Lane;

Work No. 6—A street tramway (double lines, 1,383 metres in length) commencing by a junction with Work No. 5 at its termination, passing south-eastwards along Woodhouse Lane and terminating on the north-eastern side of that road at a point 105 metres south-east of its junction with Blackman Lane;

Work No. 6A—A widening of the eastern side of Cliff Road and the southern side of Woodhouse Street between the junction of Cliff Road with Woodhouse Lane and a point on Woodhouse Street 25 metres east of its junction with Cliff Road;

Work No. 6B—A widening of the northern side of Woodhouse Street and the western side of Cliff Road at the junction of those roads between a point on Woodhouse Street 12 metres west, and a point on Cliff Road 10 metres north, of that junction;

Work No. 6C—A realignment of Woodhouse Cliff commencing at a point 72 metres north-east of its junction with Woodhouse Street and terminating at a point 25 metres east of that junction;

Work No. 6D—A widening of the western side of Delph Lane between its junction with Woodhouse Street and a point 42 metres north of that junction;

Work No. 6E—A widening of the southern side of Woodhouse Street and the western side of Rampart Road at the junction of those roads between a point on Woodhouse Street 23 metres west, and a point on Rampart Road 23 metres south, of that junction;

Work No. 6F—A widening of the northern side of Woodhouse Street and the eastern side of Delph Lane at the junction of those roads between a point on Woodhouse Street 12 metres east, and a point on Delph Lane 8 metres north-east of that junction;

Work No. 6G—A widening of the south-western side of Woodhouse Lane between points 320 metres and 235 metres north-west of its junction with Clarendon Road;

- Work No. 6H—A widening of the north-eastern side of Woodhouse Lane between points 41 metres and 270 metres south-east of its junction with Rampart Road;
- Work No. 6J—A widening of the southern side of Woodhouse Lane between points 85 metres and 157 metres south-east of its junction with Clarendon Road;
- Work No. 6K—A widening of the north-eastern side of Woodhouse Lane and the north-western side of St Mark’s Road at the junction of those roads between a point on Woodhouse Lane 87 metres north-west, and a point on St Mark’s Road 92 metres north-east, of that junction;
- Work No. 6L—A widening of the north-eastern side of Blenheim Walk between its junction with St Mark’s Road and a point 65 metres south east of that junction;
- Work No. 6M—A widening of the south-western side of Blenheim Walk between its junction with Back Woodstock Street and its junction with Blackman Lane;
- Work No. 6N—A road, forming a new access, commencing by a junction with Woodhouse Lane at a point 77 metres north-west of its junction with Lodge Street and terminating by a junction with Hilary Place 25 metres south-west of the said junction with Woodhouse Lane;
- Work No. 6P—A widening of the south-western side of Woodhouse Lane and the south-eastern side of Fenton Street at the junction of those roads between a point on Woodhouse Lane 37 metres south-east, and a point on Fenton Street 46 metres south, of that junction;
- Work No. 7—A tramroad (143 metres in length) commencing by a junction with Work No. 6 at its termination, passing south-eastwards over the Inner Ring Road and terminating on the northern side of the junction of Woodhouse Lane and Blenheim Walk;
- Work No. 7A—A widening of the north-eastern side of Woodhouse Lane and the western side of Blenheim Walk at the junction of those roads between a point on Woodhouse Lane 32 metres west and a point on Blenheim Walk 22 metres north-east, of that junction;
- Work No. 8—A street tramway (double lines, 546 metres in length) commencing by a junction with Work No. 7 at its termination, passing southwards along Woodhouse Lane and Cookridge Street and terminating at the junction of that street with The Headrow and forming a junction with Work No. 1 authorised by the 1993 Act;
- Work No. 8A—A widening of the south-western side of Woodhouse Lane and the north-western side of Portland Way at the junction of those roads between a point on Woodhouse Lane 7 metres north-west, and a point on Portland Way 7 metres south-west, of that junction;
- Work No. 8B—A widening of the south-eastern side of Portland Way, the south-western side of Woodhouse Lane and the north-western side of Cookridge Street between a point 98 metres north-east of the junction of Portland Way and Calverley Street and a point 90 metres north-east of the junction of Cookridge Street and Portland Gate;
- Work No. 8C—A widening of the north-eastern side of Woodhouse Lane between a point 55 metres north of its junction with Upper North Street and its junction with Queen Square;
- Work No. 8D—A widening of the south-eastern side of Cookridge Street between its junction with Woodhouse Lane and a point 107 metres south-west of that junction;
- Work No. 10—A street tramway (double lines, 674 metres in length) commencing by a junction with Work No. 8 at its termination, passing eastwards along The Headrow and Eastgate and terminating on the southern side of Eastgate 120 metres east of its junction with Harewood Street;
- Work No. 11—A tramroad (239 metres in length), commencing by a junction with Work No. 10 at its termination, passing southwards across Union Street (to be altered, Work No. 11A) across Back George Street (to be stopped up) and across George Street and terminating on the northern side of York Street at a point 75 metres east of its junction with Harper Street;

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Work No. 11A—Alteration of the level of Union Street between its junctions with Cross Union Street and with St Peter’s Street;

Work No. 11B—A road commencing by a junction with Union Street (to be altered, Work No. 11A) 52 metres east of the junction of that street with Cross Union Street and terminating by a junction with George Street 30 metres west of the junction of that street with East Lane;

Work No. 12—A street tramway (single line, 984 metres in length) commencing by a junction with Work No. 11 at its termination, passing eastwards along York Street then north-eastwards along the northbound carriageway of Marsh Lane, under New York Road, along Burmantofts Street and terminating on the eastern side of Beckett Street at a point 22 metres north of its junction with Nippet Lane;

Work No. 12A—Alteration of the level of the lower level carriageway of New York Road between a point 61 metres north-west of its junction with Marsh Lane and that junction;

Work No. 12B—A widening of the north-western side of Burmantofts Street and Beckett Street between the junction of Burmantofts Street with Rider Street and a point 30 metres south of the junction of Beckett Street with Lincoln Green Road;

Work No. 12C—A widening of the eastern side of Beckett Street between its junction with Accommodation Road and a point 70 metres north of that junction;

Work No. 12D—A widening of the northern side of Nippet Lane and the eastern side of Beckett Street at the junction of those roads between a point on Nippet Lane 37 metres east, and a point on Beckett Street 35 metres north-east of that junction;

Work No. 13—A street tramway (single line, 987 metres in length) commencing by a junction with Work No. 11 at its termination, passing eastwards along York Street then northwards along the southbound carriageway of Marsh Lane, under New York Road, along Burmantofts Street and terminating on the eastern side of Beckett Street at a point 22 metres north of its junction with Nippet Lane;

Work No. 14—A tramroad (738 metres in length) commencing by a junction with Works Nos. 12 and 13 at their termination, passing northwards and terminating on the south-eastern side of Beckett Street at a point 14 metres south-west of its junction with Shakespeare Street;

Work No. 14A—A road, forming an access road to an intended car park, commencing by a junction with Beckett Street 23 metres south-west of the junction of that street with Museum Street passing south eastward and terminating at a point 25 metres south-east of its commencement;

Work No. 15—A street tramway (double lines, 1,105 metres in length) commencing by a junction with Work No. 14 at its termination, passing north-eastwards along Beckett Street then northwards along Harehills Road and terminating at a point in that road at its junction with Nice View;

Work No. 15A—A widening of the southern side of Bexley Grove and the eastern side of Bexley View at the junction of those roads between a point on Bexley Grove 12 metres east, and a point on Bexley View 12 metres south, of that junction;

Work No. 15B—A widening of the western side of Harehills Road between a point 22 metres south of its junction with Bexley Grove and its junction with Bexley Terrace;

Work No. 15C—A widening of the western side of Harehills Road and the southern side of Bayswater Mount at the junction of those roads between a point on Harehills Road 10 metres south, and a point on Bayswater Mount 7 metres west, of that junction;

Work No. 15D—A widening of the western side of Harehills Road and the southern side of Bayswater Grove at the junction of those roads between a point on Harehills Road 10 metres south, and a point on Bayswater Grove 5 metres west, of that junction;

Work No. 15E—A widening of the western side of Harehills Road and the northern side of Bayswater Row at the junction of those roads between a point on Harehills Road 10 metres north, and a point on Bayswater Row 10 metres west, of that junction;

Work No. 15F—A widening of the eastern side of Harehills Road and the southern side of Ashton Avenue at the junction of those roads between a point on Harehills Road 13 metres south, and a point on Ashton Avenue 7 metres east, of that junction;

Work No. 15G—A widening of the eastern side of Harehills Road and the southern side of Ashton Street at the junction of those roads between a point on Harehills Road 10 metres south, and a point on Ashton Street 7 metres east, of that junction;

Work No. 15H—A widening of the eastern side of Harehills Road and the southern side of Conway Mount at the junction of those roads between a point on Harehills Road 7 metres south, and a point on Conway Mount 5 metres east, of that junction;

Work No. 15J—A widening of the western side of Harehills Road between its junctions with Back Banstead Street and Banstead Street East;

Work No. 16—A street tramway (single line, 668 metres in length) commencing by a junction with Work No. 15 at its termination, passing north-eastwards along Roundhay Road then eastwards along Easterly Road and terminating at a point on that road 265 metres south-west of its junction with Arlington Road;

Work No. 16A—A widening of the north-western side of Roundhay Road between a point 65 metres south-west of its junction with Beck Road and its junction with Harehills Lane;

Work No. 17—A street tramway (single line, 631 metres in length) commencing by a junction with Work No. 15 at its termination, passing north-eastwards along Roundhay Road then eastwards along Easterly Road and terminating at a point on that road 265 metres south-west of its junction with Arlington Road;

Work No. 18—A street tramway (double lines, 1,824 metres in length) commencing by a junction with Works Nos. 16 and 17 at their termination, passing north-eastwards along Easterly Road and terminating on the south-eastern side of that road at a point 100 metres north-east of its junction with Grange Park Avenue;

Work No. 18A—A widening of the north-western side of Dib Lane and the south-eastern side of Easterly Road at the junction of those roads between a point on Dib Lane 65 metres south-west, and a point on Easterly Road 35 metres south-west of that junction;

Work No. 19—A tramroad (524 metres in length) commencing by a junction with Work No. 18 at its termination, passing south-eastwards across Wyke Beck and terminating on the northern side of North Parkway at the western end of that road 50 metres north-west of its junction with Foundry Mill Gardens;

Work No. 20—A street tramway (double lines, 2,044 metres in length) commencing by a junction with Work No. 19 at its termination, passing eastwards along North Parkway then northwards on the north-western side of York Road and the western side of Ring Road Seacroft then turning eastwards and terminating on the eastern side of Coal Road 60 metres north-east of its junction with Hebden Approach;

Work No. 20A—A widening of the north western side of York Road and the western side of Ring Road Seacroft between the junction of York Road and North Parkway and the junction of Ring Road Seacroft and Ramshead Approach;

Work No 21—A tramroad (278 metres in length) commencing by a junction with Work No. 20 at its termination, passing eastwards and terminating on the western side of Sherburn Road North 50 metres north-west of its junction with Hebden Approach;

Work No. 22—A street tramway (double lines, 197 metres in length) commencing by a junction with Work No. 21 at its termination, passing south-eastwards along Baildon Drive

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and terminating on the south-eastern side of York Road 35 metres north of its junction with Sledmere Lane;

Work No. 22A—A widening of both sides of Baildon Drive;

Work No. 23—A tramroad (335 metres in length) commencing by a junction with Work No. 22 at its termination, passing eastwards and terminating at a point 293 metres east of its commencement in an interchange terminus and car park, including the said interchange and car park;

Work No. 23A—A road, forming an access to the intended car park, commencing by a junction with York Road at a point 250 metres north-east of its junction with Sledmere Lane and terminating at a point 65 metres south-eastwards of its commencement;

Work No. 23B—A widening of the south-eastern side of York Road between points 25 metres and 353 metres north-east of its junction with Sledmere Lane;

Work No. 24—A street tramway (single line, 420 metres in length) commencing by a junction with Work No. 1 authorised by the 1993 Act, at a point on the junction of Briggate with Duncan Street, passing eastwards along Duncan Street, Call Lane, New York Street and York Street and terminating by a junction with Works Nos. 12 and 13 at a point on York Street 80 metres east of its junction with Harper Street;

Work No. 24A—A widening of the southern side of New York Street between its junctions with Harper Street and Cross York Street.

SCHEDULE 2

Articles 6 and 23

ACQUISITION OF CERTAIN LAND

(1) <i>Number of land shown on deposited plan</i>	(2) <i>Purpose for which land may be acquired</i>
1	Landscaping
43	Removal of access ramp to car park between points W and X and provision of new ramp between points Y and Z
43(a)	Setting back of kerblines and dedication of existing pedestrian way as public highway
45	Provision of a turning head for vehicles
49, 50 and 51	Provision of a replacement car park in exchange for the car park comprised in land No. 51
52, 53 and 54	Landscaping
73	Working site and thereafter for landscaping
94(d)	Substation
168	Landscaping
173(a), 174, 175(a) and 177	Working site and thereafter for provision of a replacement car park in exchange for the car park comprised in land No. 180 and the car park comprised in land No. 182

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(1) <i>Number of land shown on deposited plan</i>	(2) <i>Purpose for which land may be acquired</i>
175(b), 177 and 179	Access to tramstop and landscaping
180	Working site and thereafter for landscaping and access to tramstop
272	Landscaping
281 and 281(d)	Landscaping and replacement play area in exchange for the play area comprised in land No. 281(b)
288(a)	Landscaping
288(b)	Landscaping
288(c) and 290	Provision of open space in exchange for open space comprised in lands numbered 288, 288(a), 288(b) and 289

SCHEDULE 3

Article 8

STREETS SUBJECT TO ALTERATION OF LAYOUT

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Otley Road/Otley Old Road	Kerblines to be realigned between points— B1 and B2 B5, B6, B7 and B5 (central reservation)
Otley Old Road	Kerblines to be set forward between points B3 and B4
Otley Road	Kerblines to be set back between points— A1 and A2 B40 and B41 B42 and B43 B55 and B56 B57 and B58 B59 and B60 B65 and B66 C17 and C18 C19 and C20 C23 and C24 Kerblines and footways to be realigned between points—

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	B8, B9 and B10 B62 and B62A Kerblines to be set forward between points C7 and C8 Kerblines and footways to be set back between points— B63 and B64 B67 and B68 C11 and C12 C28 and C29 Crossing point to be closed at point B35 Kerblines to be realigned between points— A3, A4 and A5 (central reservation) B11, B12, B13, B14 and B11 (central reservation) B23, B24, B25, B26 and B23 (central reservation) B49, B50 and B49 (central reservation) B61 and B61A C1 and C2 C3 and C4 C5 and C6 C9 and C10 C13 and C14 C15 and C16
Otley Road/Ring Road Weetwood/Ring Road West Park Roundabouts	Inner kerblines of roundabout to be realigned between points B27, B28 and B27
Otley Road/Ring Road Weetwood	Kerblines and footways to be set back between points B15 and B16 Kerblines to be realigned between points B21 and B22
Otley Road/Ring Road West Park	Kerblines to be realigned between points B29 and B30 Kerblines to be set back between points B38 and B39
Ring Road Weetwood	Kerblines to be realigned between points B17, B18, B19 and B20 (central reservation)

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	Kerblines and footway to be set back between points B36 and B37
Ring Road West Park	Kerblines to be realigned between points B31, B32, B33 and B34 (central reservation)
Otley Road/Spenn Road	Kerblines to be set back between points B44 and B45
	Kerblines to be realigned between points B46, B47, B48 and B49 (central reservation)
Otley Road/Kepstern Road	Kerblines and footway to be set back between points B51 and B52
Otley Road/Welburn Grove	Kerblines to be realigned between points B53 and B54
Otley Road/Shaw Lane	Kerblines to be set back between points C21 and C22
Otley Road/St Anne's Road	Kerblines and footway to be set back between points C25 and C26
St Anne's Road	Kerblines to be realigned between points C27 and C28
Otley Road/Alma Road	Kerblines and footway to be set back between points C30 and C31
	Kerblines to be set back between points C36 and C37
Alma Road	Kerblines and footway to be realigned between points C32 and C33
Headingly Lane	Kerblines and footways to be set back between points—
	E1 and E2
	E3 and E4
	E5 and E6
	E15 and E16
	Kerblines to be realigned between points—
	E7 and E8
	E9 and E10
Access road to the College of the Blessed Virgin	Vehicular access to be closed and kerblines to be formed at point X
The Poplars	Vehicular access to be closed and kerblines to be formed at point Y
Orville Gardens	Vehicular access to be closed and kerblines to be formed at point Z

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Victoria Road	Vehicular access to be closed at point Y Kerblines to be realigned and a turning head provided between points E13 and E14
Hyde Park Place	Vehicular access to be closed and kerblines formed at point Z
Headingley Lane/Woodhouse Street	Kerblines to be realigned between points E11 and E12
Hyde Park Road/Woodhouse Lane	Kerblines to be realigned between points F1 and F2
Woodhouse Street/Woodhouse Lane	Kerblines to be realigned between points F4 and F4A
Woodhouse Lane/Cliff Road	Kerblines to be realigned between points F4B and F5
Rampart Road/Woodhouse Street	Kerblines and footway to be realigned between points F6 and F7
Delph Lane/Woodhouse Street	Kerblines and footway to be set back between points F12 and F13
	Kerblines to be realigned between points F18 and F19
	Kerblines and footway to be set back between points F14 and F15
Cliff Road/Woodhouse Street	Kerblines and footway to be realigned between points F16 and F17
Cliff Road	Kerblines and footways to be set back between points—
	F8 and F9
	F10 and F11
Woodhouse Lane	Footway to be provided between points F7 and F8
	Kerblines and footways to be realigned between points—
	F3 and F20
	F43 and F44
	Kerblines to be realigned between points—
	F25, F26, F27 and F28 (central reservation)
	F51, F52 and F53
	Kerblines to be set forward between points—
	F37 and F38

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	F55 and F56
	F57 and F58
	Kerblines to be formed between points F39, F40 and F39
	Kerblines to be set back between points F49 and F50
	Kerblines and footway to be set back between points F75 and F76
Woodhouse Lane/Rampart Road	Kerblines to be set back between points F21 and F22
	Kerblines and footway to be set back between points F23 and F24
Raglan Road	Kerblines to be formed at point X
Woodhouse Lane/Clarendon Road	Kerblines to be set back between points F29 and F30
	Kerblines and footways to be set back between points F31 and F32
Woodhouse Lane/St Mark's Street	Kerblines to be set back between points F33 and F34
	Kerblines to be set forward between points F35 and F36
Woodhouse Lane/St Mark's Road	Kerblines and footway to be set back between points F45 and F46
Blenheim Walk/St Mark's Road	Kerblines and footway to be realigned between points F47 and F48
Blenheim Walk/Marlborough Gardens	Kerblines and footway to be set back between points F61 and F62
Blenheim Walk/Marlborough Gardens/ Marlborough Grove	Kerblines and footway to be set back between points F63 and F64
Blenheim Walk/Marlborough Grove/Blandford Gardens	Kerblines and footway to be set back between points F65 and F66
Blenheim Walk/Blandford Gardens/Blandford Grove/Church Gardens/Back Churchill Gardens	Kerblines and footway to be set back between points F67 and F68
Woodhouse Lane/Blenheim Walk	Kerblines to be realigned between points F59 and F60
Blackman Lane/Woodhouse Lane	Kerblines to be set back between points F69 and F70
Fenton Street	Kerblines to be set forward between points F71 and F72

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Fenton Street/Woodhouse Lane	Kerblines and footway to be set back between points F73 and F74
Woodhouse Lane/Blenheim Walk/Inner Ring Road gyratory system	<p>Kerblines to be realigned between points—</p> <p>H1, H2, H3 and H1 (central reservation)</p> <p>H28 and H29</p> <p>Kerblines and footway to be realigned between points G1 and G2</p> <p>Kerblines to be formed between points—</p> <p>H4, H5, H6 and H4 (central reservation)</p> <p>H7, H8 and H7 (central reservation)</p> <p>H9, H10, H11 and H9 (central reservation)</p> <p>H14, H15, H16 and H14 (central reservation)</p> <p>H18, H20 and H21</p> <p>Kerblines and footways to be set back between points—</p> <p>H24 and H25</p> <p>H26 and H27</p> <p>Kerblines and footway to be provided between points H30 and H31</p>
Woodhouse Lane/Claypit Lane	Kerblines and footway to be formed between points H30 and H31
Woodhouse Lane/Cookridge Street	<p>Kerblines and footway to be set back between points H22 and H23</p> <p>Kerblines to be formed between points H32, H33 and H34</p>
Woodhouse Lane/Portland Way	<p>Kerblines and footways to be set back between points—</p> <p>H12 and H13</p> <p>H17, H18 and H19</p>
Cookridge Street	Kerblines to be realigned between points H23 and H34
Cookridge Street/Great George Street/St Ann Street	Kerblines to be realigned between points H45 and H46
Cookridge Street/Rossington Street	Kerblines and footway to be realigned between points H35 and H36
Cookridge Street/Great George Street	Kerblines to be realigned between points—

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	H41 and H42 Kerblines to be formed between points H37, H38, H39, and H40
Cookridge Street/St Ann Street	Kerblines to be formed between points H43 and H44
The Headrow/Albion Street	Kerblines to be realigned between points— K1 and K2 K5 and K6
The Headrow/New Briggate	Kerblines to be realigned between points— K3 and K4 K7 and K8
The Headrow Eastgate/Vicar Lane	Crossing point to be closed at point K15 Kerblines to be realigned between points K9 and K10
Eastgate/Harewood Street	Kerblines to be realigned between points— K11 and K12 K13 and K14
George Street	Kerblines to be formed between points L1 and L2
East Lane	Kerblines to be formed at point Z
York Street	Kerblines to be realigned between points— M3 and M4 N1 and N2
Marsh Lane	Kerblines to be realigned between points N3 and N4
Rider Street/Burmantofts Street/Beckett Street	Kerblines and footway to be set back between points M5 and M6
Burmantofts Street/Rigton Approach	Kerblines to be set back between points N5 and N6
Burmantofts Street/Nippet Lane	Kerblines to be realigned between points N7 and N8
Nippet Lane/Beckett Street	Kerblines and footway to be realigned between points P1 and P2
Accommodation Road/Beckett Street	Kerblines and footway to be set back between points P3 and P4
Beckett Street	Kerblines to be set back between points Q1 and Q2

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	Kerblines to be realigned between points Q3 and Q4
	Kerblines to be set forward between points Q5 and Q6
Shakespeare Street	Kerblines to be formed at points X and Y
Stanley Road/Ashley Road	Kerblines to be set forward between points Q7 and Q8
Beckett Street/Harehills Road/Bexley Terrace	Kerblines and footway to be realigned between points Q9 and Q10
Bexley Grove/Bexley View	Kerblines and footway to be set back between points Q11 and Q12
Bexley Grove	Vehicular access to be closed (except to cyclists) and kerblines to be formed at point Z
Harehills Road (between Ashton Place and Ashton Terrace)	Kerblines to be set forward between points—
	Q13 and Q14
	Q15 and Q16
	Q17 and Q18
	Q19 and Q20
	Q21 and Q22
Ashton Terrace/Harehills Road/Ashton Avenue	Kerblines and footway to be realigned between Q23 and Q24
Ashton Avenue/Harehills Road/Ashton Street	Kerblines and footway to be realigned between points Q25 and Q26
Ashton Street/Harehills Road	Kerblines to be set forward between points Q27 and Q28
Conway Place/Harehills Road	Kerblines to be set forward between points Q29 and Q30
Bayswater Place/Harehills Road	Kerblines to be set forward between points Q31 and Q32
Bayswater Place/Harehills Road/Bayswater Mount	Kerblines and footway to be realigned between points Q33 and Q34
Bayswater Grove/Harehills Road	Kerblines and footway to be realigned between points Q35 and Q36
Bayswater Row/Harehills Road	Kerblines to be set forward between points Q37 and Q38
	Kerblines and footway to be set back between points Q39 and Q40

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Harehills Road/Conway Mount	Kerblines and footway to be realigned between points Q41 and Q42
Harehills Road (between Bayswater Crescent and Nice View)	Kerblines to be set forward between points— Q43 and Q44 Q47 and Q48 Q49 and Q50 Q51 and Q68 Q52 and Q53 Q54 and Q55 Q56 and Q57 Q58 and Q59 Q62 and Q63 Q66 and Q67 Q69 and Q70 Q71 and Q72 Q73 and Q74 Q75 and Q76 Q77 and Q78 Q79 and Q80 Q81 and Q82 Q83 and Q84 Q85 and Q86 Q87 and Q88 Q89 and Q90 Q91 and Q92 Kerblines to be realigned between points Q45 and Q46 Kerblines and footway to be realigned between points Q64 and Q65 Kerblines to be set back between points Q93 and Q94
Lascelles View/Lascelles Road West	Vehicular access to be formed at point V
Harehills Place	Kerblines to be formed at points W and X
Lascelles Road East	Vehicular access to be closed and kerblines formed at point Y

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Back Lascelles Terrace	Vehicular access to be closed and kerblines formed at point Z
Harehills Road/Roundhay Road	Kerblines to be realigned between points S1 and S2
Roundhay Road	Kerblines to be set back between points R5 and R6 Kerblines and footway to be realigned between points R1 and R2 Kerblines to be realigned between points R7 and R8
Beck Road	Vehicular access to be closed (except to cyclists) and kerblines to be formed at point Y
Karnac Road	Vehicular access to be closed (except to cyclists) and kerblines to be formed at point Z
Easterly Road	Crossing points to be closed at points S5, S6, T1, T2, T17, T18, T19, T20, T39, T40 and T41 Kerblines to be set back between points— R9 and R10 R13 and R14 S3 and S4 T12 and T13 Kerblines to be realigned between points— R11 and R12 T7, T8 and T9 (central reservation) T14, T15 and T16 (central reservation) T42, T43, T44 and T45 (central reservation) T58, T59, T60 and T61 (central reservation)
Easterly Road/Gipton Wood Road	Kerblines to be set back between points— T3 and T4 T10 and T11
Easterly Road/Hetton Road	Kerblines to be set back between points T5 and T6
Easterly Road/Oakwood Lane roundabout	Kerblines to be set back between points— T31 and T32 T33 and T34 Inner kerblines of roundabout to be realigned between points T29, T30 and T29

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Easterly Road/North Lane	Kerblines to be realigned between points— T21 and T22 T27 and T28 T23, T24, T25 and T26 (central reservation) T35, T36, T37 and T38 (central reservation) Kerblines to be set back between points T48 and T49 Kerblines to be realigned between points T56 and T57
Easterly Road/Dib Lane	Kerblines to be set back between points T46 and T47
Dib Lane/Grange Park Avenue	Kerblines to be realigned between points T52 and T53
Easterly Road/Grange Park Avenue	Kerblines to be realigned between points T54 and T55
Easterly Road/North Lane/Dib Lane junction	Inner kerblines to be formed between points T50, T51 and T50
North Parkway	Kerblines to be set forward between points— V1 and V2 V3 and V4 V5 and V6 V7 and V8 V9 and V10 V11 and V12 V13 and V14 V15 and V16 V17 and V18 V19 and V20 V25 and V26 V27 and V28 V31 and V32 V33 and V34 V37 and V38 V39 and V40 V45 and V46 V47 and V48

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	V49 and V50
	V51 and V52
	V53 and V54
	V55 and V56
	V57 and V58
	V59 and V60
	V63 and V64
	V41 and V42
	V43 and V44
	Kerblines to be realigned between points—
	V21 and V22
	V23 and V24
	V29 and V30 (central reservation)
	V35 and V36 (central reservation)
	Crossing point to be closed at point V67
	Kerblines to be formed between points—
	V61 and V62
	V65 and V66
	Kerblines to be formed at point X
York Road/Ring Road Seacroft	Kerblines and footway to be formed between points V68 and V69
	Subway to be extended between points V79 and V80
Ring Road Seacroft	Kerblines and footway to be set back between points—
	V73 and V74
	V75 and V76
	V77 and V78
	Kerblines and footway to be realigned between points
	V70 and V71
	V69 and V72
Sherburn Road North/Baildon Drive/Baildon Place	Kerblines and footway to be realigned between points X1 and X2
Baildon Drive	Kerblines and footways to be set back between points—

(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
	X3 and X4
York Road	X9 and X10
	Kerblines to be realigned between points X7 and X8
	Kerblines to be set back between points X5 and X6
	Kerblines to be realigned between points X13 and X14
	Kerblines and footway to be realigned between points X11 and X12
Duncan Street	Kerblines and footway to be set back between points X15 and X16, X17 and X18
Call Lane	Kerblines to be realigned between points Z1 and Z2
	Kerblines to be formed between points Z5 and Z7
	Kerblines to be realigned between points— Z8 and Z9
New York Street	Z10 and Z11
	Kerblines to be set forward between points— Z14 and Z15
	Z22 and Z23
	Kerblines to be realigned between points— Z5, Z6 and Z7
	Z12 and Z13
	Z16 and Z17
	Z18 and Z19
	Kerblines and footway to be realigned between points Z20 and Z21

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SCHEDULE 4

Article 11

STREETS TO BE STOPPED UP

PART I

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

(1) <i>Street to be stopped up</i>	(2) <i>Extent of stopping up</i>	(3) <i>New Street to be substituted</i>
Woodhouse Cliff	Between points X and W	Work No. 6C
Footpath between subway under Blenheim Walk and Woodhouse Lane	Between points FG3 and FG5	Footpath between points FG1, FG2, FG3 and FG4
Footpath between Beckett Street and Shakespeare Avenue	Between points FP9 and FP10	Footpath between points FP8 and FP7
Footpath between Museum Street and Shakespeare Approach	Between points FP11 and FP12	Footpath between points FP12 and FP13
Footpath across Wyke Beck between Asket Garth and Grange Park Crescent	Between points FT2 and FT3	Footpath between points FT3 and FT4
Footpath between Asket Walk and western end of North Parkway	Between points FT5 and FT6	Footpath between points FT5, FT7 and FT8
Footpaths between North Parkway and Ring Road Seacroft	Between points FV1, FV2, FV3 and FV4	Footpath between points FV5, FV3 and FV4
Footpath between Coal Road and Sherburn Road North	Between points FW1 and FW2	Footpaths between points FW7 and FW8, FW9 and FW10 and FW11 and FW12
Footpaths between Sherburn Road North and Hebdon Approach	Between points FW2 and FW6, and FW3, FW4 and FW5	Footpath between points FW5, FW13 and FW14

PART II

STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

(1) <i>Street to be stopped up</i>	(2) <i>Extent of stopping up</i>
Pedestrian subway beneath Woodhouse Lane	Between points— W, X and Y X and Z

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(1) <i>Street to be stopped up</i>	(2) <i>Extent of stopping up</i>
Back George Street	Between points W and X
Footpath between Easterly Road and Asket Garth	Between points FT1 and FT2

PART III
STREETS IN WHICH VEHICULAR RIGHTS
ONLY ARE TO BE EXTINGUISHED

(1) <i>Street to be affected</i>	(2) <i>Extent of extinguishment</i>
Wood Lane	So much as is not already stopped up between points S and T
Raglan Road	Between points X and Y
Cavendish Road	Between points Y and Z
East Lane	Between points Y and Z
Shakespeare Street	Between points X and Y
Harehills Place	Between points W and X
Southern carriageway of North Parkway	Between points W and X
Central reservation of North Parkway	Between points Y and Z

SCHEDULE 5

Article 12

STREETS TO BE TEMPORARILY STOPPED UP

(1) <i>Street to be stopped up</i>	(2) <i>Extent of temporary stopping up</i>
Footpath between Rampart Road and Cathcart Street	Between points FF1 and FF2
Footpaths between Raglan Road and Woodhouse Lane	Between points— FF1 and FF4 FF3 and FF4 FF5 and FF6

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SCHEDULE 6

Article 17

LEVEL CROSSINGS

Highways to be crossed on the level—

Wood Lane

Shire Oak Road

Intended footpath between Woodhouse Lane and Blenheim Walk

Union Street

George Street

Intended footpath between Beckett Street and south-western side of Accommodation Road

Accommodation Road

Intended footpath between Beckett Street and north-eastern side of Accommodation Road

Intended footpath between Beckett Street and existing footpath leading to Shakespeare Avenue

Intended footpath between Industrial Street and existing footpath leading to Shakespeare Approach

Intended footpath between Asket Garth and footpath leading to Grange Park Crescent

Footpath between Kentmere Approach and Grange Park Crescent

Intended footpath between Coal Road and Hebdon Approach

Intended footpath between Sherburn Road North and Hebdon Approach

SCHEDULE 7

Article 26

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without prejudice to the generality of paragraph 1 above, the Land Compensation Act 1973(29) shall have effect subject to the modifications set out in sub-paragraphs (2) and (3) below.

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4 below—

(a) for the words “land is acquired or taken” there shall be substituted the words “a right over land is purchased”; and

(b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5 below—

(29) 1973 c. 26.

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- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over land consisting”;
- (b) for the word “severance” there shall be substituted the words “right on the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right proposed”; and
- (d) for the words “part is” there shall be substituted the words “right is”.

Adaptation of the 1965 Act

3.—(1) The 1965 Act shall have effect with the modification necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired; or
- (b) the land over which the right is or is to be exercisable.

(2) Without prejudice to the generality of sub-paragraph (1) above, Part I of the 1965 Act shall apply in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

4. For section 7 of the 1965 Act (measure of compensation) there shall be substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following—

(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (“the tribunal”), and
- (b) before the tribunal has determined that question the person satisfies the tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land, or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs,

the Leeds Supertram (Extension) Order 2001 (“the Order”) shall, in relation to that person cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including,

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where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest of land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) (a) section 9(4) (failure by owners to convey),
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity),
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners), and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act shall be modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will etc.) shall apply with the modifications necessary to secure that person with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.

9. Section 22 of the 1965 Act (protection of acquiring authority’s possession where by inadvertence an estate, right or interest has not been got in) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 8

Article 28

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Number of land shown on deposited plan</i>	(2) <i>Purpose of which temporary possession may be taken</i>	(3) <i>Authorised work</i>
1	Landscaping	Work No. 1
13 to 20 and 22	Temporary work area	Work No. 2C
52, 53 and 54	Landscaping	Work No. 4
55(b) and 58	Working and construction site	The scheduled works
73	Working and construction site and thereafter for landscaping	Works Nos. 5, 5D and 5E
92	Working and construction site	The scheduled works
98	Working and construction site	The scheduled works
98(a)	Landscaping	The scheduled works
168	Landscaping	Works Nos. 12, 13 and 14
175(b), 177 and 179	Landscaping	Work No. 14
195	Temporary work area	Work No. 15C
199	Temporary work area	Work No. 15F
211	Temporary work area	Work No. 15D
212	Temporary work area	Work No. 15G
213	Temporary work area	Work No. 15E
215 and 216	Temporary work area	Work No. 15J
217	Temporary work area	Work No. 15H
240 to 260	Temporary work area	Work No. 16A
272	Landscaping	Work No. 19
288(a)	Landscaping	Work No. 23
288(b)	Landscaping	Work No. 23

SCHEDULE 9

Article 35

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.*Apparatus of statutory undertakers, etc. on land acquired*

1.—(1) Subject to the following provisions of this paragraph, sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers etc. and power of statutory undertakers etc. to remove or re-site apparatus) shall apply in relation to any land which has been acquired under this Order, or which is held by the Executive and is appropriated or used (or about to be used) by it for the

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purposes of this Order or for purposes connected therewith; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under section 271 and 272, and sections 279(2) to (4), 280 and 282 which provide for the payment of compensation) shall have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1) above—

- (a) references to the appropriate Minister are references to the Secretary of State;
- (b) references to the purpose of carrying out any development with a view to which the land was acquired or appropriated are references to the purpose of carrying out the authorised works; and
- (c) references to land acquired or appropriated as mentioned in section 271(1) of the Act of 1990 are references to land acquired, appropriated or used as mentioned in sub-paragraph (1) above.

(3) Where any apparatus of public utility undertakers or of a public telecommunications operator is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1) above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the Executive compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) above shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer, or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the Executive compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1) above, as applied by that sub-paragraph, shall not have effect in relation to apparatus as respects which paragraph 2 below or Part III of the 1991 Act applies (including that Part as applied by article 3 above).

(6) In this paragraph—

“public telecommunications operator” means—

- (a) a person authorised, by a licence to which section 9 of the Telecommunications Act 1984⁽³⁰⁾ applies, to run a public telecommunications system, or
- (b) a person to whom the telecommunications code has been applied pursuant to section 10 of that Act; and

“public utility undertakers” has the same meaning as in the Highways Act 1980⁽³¹⁾.

Apparatus of statutory undertakers, etc. in stopped up streets

2.—(1) Where a street is stopped up under article 11 of this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street shall have the same powers and rights in respect of that apparatus, subject to the provision of this paragraph, as if this Order had not been made.

⁽³⁰⁾ 1984 c. 12.

⁽³¹⁾ 1980 c. 66.

(2) Where a street is stopped up under article 11 of this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street may where reasonably necessary for the efficient operation of the undertaking of the statutory utility and, if reasonably requested so to do by the Executive, shall—

- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid.

(3) Subject to the following provisions of this paragraph, the Executive shall pay to any statutory utility an amount equal to the cost reasonably incurred by the statutory utility in or in connection with—

- (a) the execution of relocation works required in consequence of the stopping up of the street; and
- (b) the doing of any other work or thing rendered necessary by the execution of relocation works.

(4) If in the course of the execution of relocation works under sub-paragraph (2) above—

- (a) apparatus of better type, of greater capacity or of greater dimension is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the Executive, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the statutory utility by virtue of sub-paragraph (3) above shall be reduced by the amount of that excess.

(5) For the purposes of sub-paragraph (4) above—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (3) above (and having regard, where relevant, to sub-paragraph (4) above) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7½ years earlier so as to confer on the statutory utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Sub-paragraphs (3) to (6) above shall not apply where the authorised works constitute major transport works or major highway works for the purposes of Part III of the 1991 Act (including that Part as applied by article 3 above), but instead—

- (a) the allowable costs of the relocation works shall be determined in accordance with section 85 of that Act (sharing of costs of necessary measures) and any regulations for the time being having effect under that section; and

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- (b) the allowable costs shall be borne by the Executive and the statutory utility in such proportions as may be prescribed by any such regulations.
- (8) In this paragraph—
- “apparatus” has the same meaning as in Part III of the 1991 Act;
 - “relocation works” means works executed, or apparatus provided, under sub-paragraph (2) above; and
 - “statutory utility” means a statutory undertaker for the purposes of the Highways Act 1980⁽³²⁾ or a public telecommunications operator as defined in paragraph 1(6) above.

Application of telecommunications code

- 3.**—(1) Paragraph 23 of the telecommunications code shall apply for the purposes of the authorised works, save—
- (a) in so far as such works are regulated by the 1991 Act or any regulation made under that Act; or
 - (b) where the Executive exercises a right under subsection (4)(b) of section 272 of the 1990 Act or under an Order made under that section to remove telecommunications apparatus.
- (2) In this paragraph “telecommunications code” means the telecommunications code contained in Schedule 2 to the Telecommunications Act 1984⁽³³⁾ and “telecommunications apparatus” has the same meaning as in the telecommunications code.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order authorises the West Yorkshire Passenger Transport Executive to construct works and compulsorily to acquire land for the purpose of extending the tramway system authorised by the Leeds Supertram Act 1993 between Leeds City Centre and Seacroft in the City of Leeds.

A copy of the deposited plans and sections and the book of reference may be inspected free of charge during working hours at the offices of the West Yorkshire Passenger Transport Executive, Wellington House, 40–50 Wellington Street, Leeds LS1 2DE.

⁽³²⁾ 1980 c. 66.

⁽³³⁾ 1984 c. 12.