
STATUTORY INSTRUMENTS

2001 No. 1348

The Leeds Supertram (Land Acquisition
and Road Works) Order 2001

PART III

MATTERS CONCERNING WORKS

Further works

13.—(1) The Executive may, in the lines and situations shown on the works plans and in accordance with the levels shown on the sections, construct and maintain the following works—

Work No. 1: a road for the realignment of Chadwick Street in the City, commencing in Chadwick Street at a point 20 metres east of its junction with Black Bull Street and terminating at a point 121 metres south-east of its commencement; and

Work No. 2: a road for the realignment of Waterloo Street in the City, commencing in Waterloo Street at a point 20 metres east of its junction with Hunslet Road and terminating at a point 109 metres east of its commencement.

(2) In constructing and maintaining the road works, the Executive may—

- (a) deviate laterally from the line and situation shown on the works plans within the limits of deviation for that work shown on the works plans;
- (b) deviate vertically from the levels shown on the sections to any extent not exceeding 3 metres upwards or downwards.

(3) 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 road works, namely—

- (a) works for the alteration or demolition of any building or structure,
- (b) works to alter the position of apparatus or street furniture, including mains, sewers, drains and cables,
- (c) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the road works, and
- (d) works for the benefit or protection of premises affected by the road works,

together with such other works (of whatever nature) as may be necessary or expedient as aforementioned.

(4) Works carried out under paragraph (3) above shall be carried out within the limits of land to be acquired.

Further works: supplementary provision

14.—(1) The Executive may permanently stop up all or any of Chadwick Street as existing between points W and X shown on the works plans upon the practical completion of Work No. 1

authorised by article 13(1) above to the reasonable satisfaction of the street authority and its opening for use.

(2) The Executive may permanently stop up all or any of Waterloo Street as existing between points Y and Z shown on the works plans upon the practical completion of Work No. 2 authorised by article 13(1) above to the reasonable satisfaction of the street authority and its opening for use.

(3) For the purposes of the construction of the road works, the Executive may temporarily stop up or alter Waterloo Street, Chadwick Street, Chadwick Street South and Black Bull Street in the City and for any reasonable time—

- (a) divert traffic from any of those streets, and
- (b) subject to paragraphs (4) and (5) below, prevent all persons from passing along those streets.

(4) The Executive shall provide reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by paragraph (3) above if there would otherwise be no such access.

(5) The Executive shall not exercise the powers of paragraph (3) above without the consent of the street authority, such consent not to be unreasonably withheld.

(6) When Work No. 1 or Work No. 2 authorised by article 13(1) above is completed to the reasonable satisfaction of the street authority, unless otherwise agreed the realigned part of the street shall 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.

(7) Nothing in paragraph (6) above 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.

(8) Nothing in paragraph (6) above shall have effect in relation to street works as respects which the provisions of Part III of the 1991 Act apply.

(9) The street authority and the Executive may enter into agreements with respect to the exercise of the powers conferred by article 13 above and this article, and without prejudice to the generality of this paragraph, such an agreement may provide for the street authority to carry out any function under this Part which relates to the street in question, and contain such terms as to payment and otherwise as the parties consider appropriate.

Designation of tramways

15.—(1) Work No. 2 authorised by the 1993 Act may be constructed within the limits of deviation relating to it provided for in the deposited plans for that Act and at the levels permitted by that Act so that any part of it is situated within the carriageway of Chadwick Street or Chadwick Street South in the City.

(2) Work No. 7 authorised by the 1993 Act may be constructed within the limits of deviation relating to it provided for in the deposited plans for that Act and at the levels permitted by that Act so that any part of it between its commencement and chainage 360 metres is situated within the carriageway of Thorpe Lane in the City.

(3) So far as any part of Work No. 2 or Work No. 7 authorised by the 1993 Act is constructed as mentioned in paragraph (1) or (2) above, it shall be treated for the purposes of the 1993 Act as if authorised and designated by that Act as tramway.

(4) If any part of the railways designated as tramway in the 1993 Act is constructed within the limits provided for it in the deposited plans for that Act and at the levels permitted by that Act so that it is not situated in the carriageway or a reserved area between dual carriageways, except in relation to sections 7(7), 16 and 68 of that Act it shall be treated for the purposes of the 1993 Act

as if it had not been so designated as tramway; and if part of Work No. 7 authorised by that Act at or about chainage 1240 metres is so constructed, Thorpe Lane shall be treated as if it were specified in Schedule 2 to the 1993 Act.

(5) In paragraphs (1) and (2) above, references to Chadwick Street include reference to that street as it may be realigned under article 13(1) above or pursuant to Work No. 2B authorised by the 1993 Act, and references to Thorpe Lane include reference to that street as it may be realigned pursuant to Work No. 7A authorised by that Act.

(6) In paragraphs (1), (2) and (4) above, “carriageway” includes any part of the carriageway in respect of which works have been carried out under section 7(4) of the 1993 Act.

Stopping up of means of access

16.—(1) The Executive may stop up and discontinue the private means of vehicular access to the premises known as 170 Briggate in the City at point A shown on the land plans, and carry out any incidental operations in the highway for the purpose.

(2) Any person who suffers loss by the stopping up authorised by paragraph (1) above shall be entitled to compensation to be determined, in case of dispute, under Part I of the Land Compensation Act 1961.

Further level crossings in consequence of changes of road layout

17. Where the railways authorised by the 1993 Act cross the highways specified in Schedule 4 to this Order, those highways shall be treated for the purposes of that Act as if they were specified in Schedule 2 to the 1993 Act.

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 works authorised by article 13 above and for that purpose may within the limits of land to be acquired 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(1).

(7) In this article—

(1) 1991 c. 57.

- (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.

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 limits of land to be acquired and which lies within 30 metres of any of the works authorised by article 13 above (“relevant 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 relevant works, or
- (b) after the completion of the construction of that part of the relevant works, at any time up to the end of the period of 5 years beginning with the day on which that part of the relevant 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 limits of land to be acquired 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 limits of land to be acquired belonging to it, and
- (b) where the works cannot be carried out reasonably conveniently without entering land within the limits of land to be acquired 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 28 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 relevant 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 25 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.

(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, and
- (c) “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 relevant 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 relevant works.

Leeds Supertram Act 1993

20.—(1) References to the tramway system in the 1993 Act shall be treated, so far as relevant, as including references to the works authorised by article 13 above.

(2) The works and matters authorised by articles 13, 14 and 19 above shall be treated as authorised by the 1993 Act for the purposes of sections 38 to 42 and 61 of that Act.

Application of New Roads and Street Works Act 1991

21.—(1) The road works shall be treated as major highway works for the purposes of Part III of the 1991 Act.

(2) In Part III of the 1991 Act, references, in relation to major highway works, to the highway authority concerned shall, in relation to works which are major highway works by virtue of paragraph (1) above, be construed as references to the Executive; provided that nothing in this paragraph shall affect the operation of section 39 of the 1993 Act as applied by article 20(2) above.

(3) The provisions of the 1991 Act mentioned in paragraph (4) 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 Part 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.

- (4) The provisions of the 1991 Act referred to in paragraph (3) 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.

(5) Sections 54 and 55 of the 1991 Act as applied by paragraph (3) above shall have effect as if reference 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.