

---

STATUTORY INSTRUMENTS

---

**2005 No. 1163**

**The Telford Railfreight Terminal (Donnington) Order 2005**

**PART 2**

**WORKS PROVISIONS**

*Principal powers*

**Power to construct and maintain scheduled works**

4.—(1) The Council may construct and maintain the scheduled works.

(2) Subject to article 6, the scheduled works shall be constructed in the lines or situations shown on the works plans and in accordance with the levels shown on the sections.

(3) The railway authorised as Work No. 1 shall not be opened to traffic until the Council has completed the construction of the acoustic bund authorised as Work No. 5 and has provided the acoustic barrier between points C and D on sheet 7 of the works plans.

**Power to construct and maintain ancillary works**

5.—(1) The Council may, within the limits of deviation for the scheduled works, do such of the following 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) make, provide and maintain all such approaches, bridges, ramps, means of access, shafts and stagings as the Council thinks fit;
- (b) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient;
- (c) alter the position of apparatus, including mains, sewers, drains and cables;
- (d) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses; and
- (e) carry out and maintain such other works, of whatever description, as may be necessary or expedient.

(2) The Council may within the Order limits—

- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works, and
- (b) carry out and maintain works for the benefit or protection of land affected by the authorised works.

**Power to deviate**

6. In constructing or maintaining any of the scheduled works, the Council may—

- (a) deviate laterally—

- (i) in respect of Work No. 5, to any extent not exceeding 6.5 metres in any direction from the centre line of that work shown on the works plans; and
  - (ii) in respect of any other scheduled work, from the lines or situations shown on the works plans, within the limits of deviation for that work shown on those plans; and
- (b) deviate vertically from the levels shown on the sections—
- (i) in respect of Work No. 5, to any extent upwards or downwards within the maximum height of 6 metres specified in the description of that Work in Schedule 1 to this Order; and
  - (ii) in respect of any other scheduled work, to any extent not exceeding 3 metres upwards and to any extent downwards.

### **Level crossings**

7.—(1) The Council may construct the railways so as to carry them on the level across the ways specified in Schedule 2 to this Order.

(2) The Council shall provide, maintain and operate at or near any level crossing laid out in accordance with paragraph (1) such barriers or other protective equipment as the Health and Safety Executive may in writing require.

(3) Without prejudice to the generality of article 6, the Council may in the exercise of the powers conferred by this article alter the level of any way specified in Schedule 2 to this Order.

(4) In this article—

“barrier” includes gate;

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