
STATUTORY INSTRUMENTS

2013 No. 2587

The Transport for Greater Manchester (Light Rapid Transit System) (Second City Crossing) Order 2013

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

6.—(1) The undertaker may construct and maintain the scheduled works.

(2) Subject to article 8 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the works and land plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (7), the undertaker may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

- (a) stations, platforms and tram stops;
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised transit system;
- (c) works required for the strengthening, improvement, maintenance or reconstruction of any street;
- (d) works for the strengthening, alteration or demolition of any building;
- (e) works to, including the maintenance of, any street furniture or apparatus, including mains, sewers, drains, pipes, cables and lights;
- (f) works to alter the course of, or otherwise interfere with, watercourses;
- (g) landscaping, ecological and other works to mitigate any adverse effects of the construction, maintenance or operation of the other authorised works; and
- (h) facilities and works for the benefit or protection of land or premises affected by the other authorised works.

(4) Subject to paragraph (7), the undertaker may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(5) The undertaker may remove any works constructed by it under this Order which have been constructed as temporary works or which it no longer requires.

(6) Where the undertaker lays down conduits for the accommodation of cables or other apparatus for the purposes of or associated with the authorised works 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.

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

- (a) within the Order limits; or
- (b) within the boundaries of any street.

(8) The powers of this article must not be exercised within the boundaries of a street outside of the Order limits without the consent of the street authority but such consent may not be unreasonably withheld.

(9) Section 109 (structures in, over or under a main river) of the Water Resources Act 1991⁽¹⁾, section 23 (prohibition on obstructions etc in watercourses) of the Land Drainage Act 1991⁽²⁾ and any byelaws made under those Acts do not apply to anything done under or in pursuance of this Order.

(10) Regardless of the powers conferred by paragraph (3)(e) the undertaker and a person responsible for any street furniture or apparatus may enter into agreements for that person to undertake under the powers conferred by this article or under its own powers any works to the apparatus which may be required by the undertaker for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

Use of site of St Peter's, Mosley Street

7.—(1) Regardless of anything in the Disused Burial Grounds Act 1884⁽³⁾ or the Manchester Churches Act 1906⁽⁴⁾, the undertaker may construct and maintain the authorised works in, on or over the site of Saint Peter's Mosley Street.

(2) In constructing and maintaining the authorised works in, on or over the site of Saint Peter's Mosley Street, the undertaker must ensure that any human remains, grave or vault in those lands:

- (a) are not interfered with except so far as is necessary for the purposes of those works; and
- (b) are left properly covered and protected.

(3) The Disused Burial Ground (Amendment) Act 1981⁽⁵⁾ does not apply to the construction or maintenance of the authorised works in, on or over the site of Saint Peter's, Mosley Street.

(4) In this article, the site of Saint Peter's Mosley Street means the site of the former church of Saint Peter, Mosley Street, including the lands and vaults attached or belonging to the former church.

Power to deviate

8.—(1) In constructing or maintaining any of the scheduled works, the undertaker may—

- (a) deviate laterally from the lines or situations shown on the works and land plans within the permanent limits relating to that work shown on those plans; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards; and
 - (ii) to any extent downwards as may be necessary or expedient.

(2) In constructing or maintaining any work or part of a work shown on the works and land plans as being situated in a street and for which no limits of deviation are shown on those plans, the undertaker may deviate laterally within the boundaries of that street.

(1) 1991 c. 57.
 (2) 1991 c. 59.
 (3) 1884 c. 72.
 (4) 1906 c. lxi.
 (5) 1981 c. 18.

- (3) The undertaker may, in constructing or maintaining the scheduled works, lay down—
- (a) double lines of rails in place of single lines;
 - (b) single lines of rails in place of double lines;
 - (c) interlacing lines of rails in place of double or single lines; or
 - (d) double or single lines of rails in place of interlacing lines.
- (4) The powers in paragraph (3) must not be exercised in the case of any authorised street tramway without the consent of the street authority, but such consent must not be unreasonably withheld.

Designation of works

9.—(1) Regardless of anything in the description of the scheduled works the whole or any part of the scheduled works may be constructed within the limits of deviation for that work either along a street as a street tramway or off-street as a tramroad and so far as it is so constructed it is to be treated for the purposes of this Order as if it were so designated.

- (2) Where, by means of the creation or extinction of rights of way—
- (a) any part of the authorised transit system which has been constructed as a tramroad becomes a street tramway, it is to be treated for the purposes of this Order as if it were designated as a street tramway; and
 - (b) any part of the authorised transit system which has been constructed as a street tramway becomes a tramroad, it is to be treated for the purposes of this Order as if it were designated as a tramroad.