
STATUTORY INSTRUMENTS

2016 No. 1035

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016

Made - - - - *3rd November 2016*

Coming into force - - *24th November 2016*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006⁽¹⁾ for an Order under sections 1 and 5 of the Transport and Works Act 1992⁽²⁾ (“the 1992 Act”).

The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.

The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with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 the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 25th October 2016.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1 to 5, 7 to 11, 13 and 15 to 17 of Schedule 1 to the 1992 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 and comes into force on 24th November 2016.

⁽¹⁾ S.I. 2006/1466, as amended by S.I. 2010/439, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590 and S.I. 2013/755.
⁽²⁾ 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961**(3)**;
- “the 1965 Act” means the Compulsory Purchase Act 1965**(4)**;
- “the 1980 Act” means the Highways Act 1980**(5)**;
- “the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;
- “the 1990 Act” means the Town and Country Planning Act 1990**(7)**;
- “the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;
- “address” includes any number or address used for the purposes of electronic transmission;
- “authorised street tramway” means any street tramway authorised by this Order;
- “the authorised transit system” means the transit system authorised by this Order;
- “the authorised works” means the scheduled works and any other works authorised by this Order, or any part of them;
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “the Borough Council” means Trafford Metropolitan Borough Council;
- “building” includes any structure or erection, or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act**(9)**;
- “electric line” has the meaning given by section 64(1) (interpretation etc. of Part 1) of the Electricity Act 1989**(10)**;
- “electronic transmission” means a communication transmitted—
 - (a) by means of an electronic communications network; or
 - (b) by other means but while in electronic form;
- “footway” has the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “the limits of land to be acquired or used” means the limits of land to be acquired or used shown on the works and land plans;
- “the limits of deviation” means the limits of lateral deviation for the scheduled works mentioned in article 8(1)(a) and (2) (power to deviate);
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;
- “the Order limits” means the permanent limits and the temporary limits;

(3) 1961 c. 33.

(4) 1965 c. 56.

(5) 1980 c. 66.

(6) 1984 c. 27.

(7) 1990 c. 8.

(8) 1991 c. 22.

(9) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(10) 1989 c. 29.

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽¹¹⁾;

“parking place” has the same meaning as in section 32 (power of local authorities to provide parking places) of the 1984 Act;

“the permanent limits” means the limits of deviation and of land to be acquired or used, as shown on the works and land plans, and described in the book of reference;

“the scheduled works” means the works specified in Schedule 1 (scheduled works), or any part of them;

“the sections” means the sections included in the works and land plans;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“street tramway” means any part of a transit system which is laid along a street whether or not the section of the street in which its rails are laid may be used by other traffic;

“the temporary limits” means the limits of land to be used temporarily as shown on the works and land plans, described in the book of reference and specified in columns (1) and (2) of Schedule 6 (land of which temporary possession may be taken);

“the traffic regulation plans” means the plans certified by the Secretary of State as the traffic regulation plans for the purposes of this Order;

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

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

“transit system” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels; and
- (b) are laid in part along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“the undertaker” means Transport for Greater Manchester established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969⁽¹²⁾;

“watercourse” includes all docks, rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows (whether or not the flow is intermittent) except a public sewer or drain; and

“the works and land plans” means the plans and sections certified by the Secretary of State as the works and land plans for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in or on land or in the air-space over its surface.

(3) In the case of any street in relation to which a pedestrian planning order made under section 249(2) (order extinguishing right to use vehicles on highway) of the 1990 Act is in force, the kerbline of the street, where there is no kerb, is to be taken to be the edge of the part of the street on which the passage of vehicles is permitted.

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

⁽¹¹⁾ 1981 c. 67.

⁽¹²⁾ S.I. 1969/25, amended by S.I. 1973/1727. By virtue of S.I. 2011/908 the passenger transport executive was re-named “Transport for Greater Manchester”.

(5) References in this Order to points identified by letters with numbers are to be construed as references to the points so marked on the works and land plans.

(6) All distances, directions, lengths and points stated in the description of the scheduled works or in any description of powers or lands are approximate and distances between points on a scheduled work are taken to be measured along the scheduled work.

Application of enactments relating to railways

3.—(1) The provisions of the Railway Regulation Acts 1840 to 1893⁽¹³⁾ do not apply in relation to the authorised transit system.

(2) The provisions of the Highways (Railway Crossings) Act 1839⁽¹⁴⁾ do not apply in relation to the authorised transit system.

Application of 1991 Act

4.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act 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) (which defines what highway authority works are major highway works) of that Act; 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 (dual carriageways and roundabouts) of the 1980 Act or section 184 (vehicle crossings) of that Act.

(2) In Part 3 of the 1991 Act references, in relation to major highway works, to the highway authority concerned are, in relation to works which are major transport works by virtue of paragraph (1), to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- section 56 (directions as to timing);
- section 56A (power to give directions as to placing of apparatus);
- section 58 (restrictions following substantial road works);
- section 58A (restriction on works following substantial street works);
- section 73A (power to require undertaker to re-surface street);
- section 73B (power to specify timing etc. of re-surfacing);
- section 73C (materials, workmanship and standard of re-surfacing);
- section 78A (contributions to costs of re-surfacing by undertaker); and
- Schedule 3A (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (which, together with other provisions of that Act, apply in relation to the execution of street works) and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 14 (temporary stopping up of streets) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

⁽¹³⁾ 1840 c. 897, 1842 c. 55, 1868 c. 119, 1873 c. 48 and 1887 c. 57.

⁽¹⁴⁾ 1839 c. 45.

- (5) The provisions of the 1991 Act⁽¹⁵⁾ referred to in paragraph (4) are—
section 54⁽¹⁶⁾ (advance notice of certain works), subject to paragraph (6);
section 55⁽¹⁷⁾ (notice of starting date of works), subject to paragraph (6);
section 57⁽¹⁸⁾ (notice of emergency works);
section 59⁽¹⁹⁾ (general duty of street authority to co-ordinate works);
section 60 (general duty of undertakers to co-operate);
section 68 (facilities to be afforded to street authority);
section 69 (works likely to affect other apparatus in the street);
section 75 (inspection fees);
section 76 (liability for cost of temporary traffic regulation); and
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.
- (6) Sections 54 and 55 of the 1991 Act as applied by paragraph (4) 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.
- (7) Nothing in article 16 (maintenance of altered or diverted streets)—
(a) affects the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and the undertaker is not by reason of any duty under that article to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; or
(b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.
- (8) To such extent as is reasonably necessary for protecting the authorised transit system and its operation and use the undertaker has the same powers with regards to reinstatement as a street authority has under section 72 (powers of street authority in relation to reinstatement) of the 1991 Act.
- (9) In its application to the authorised transit system, section 93(3) (works affecting level crossings or tramways) of the 1991 Act also permits the undertaker to make reasonable requirements—
(a) for allowing it facilities to monitor the execution of the works; and
(b) for the protection of the authorised transit system.

Disapplication of the Commons Act 2006

5. No land within the limits of land to be acquired or used may be registered in accordance with paragraphs 2 to 4 of Schedule 2 (non-registration or mistaken registration under the 1965 Act) to the Commons Act 2006⁽²⁰⁾.

⁽¹⁵⁾ Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

⁽¹⁶⁾ As also amended by section 49(1) of the Traffic Management Act 2004.

⁽¹⁷⁾ As also amended by section 49(2) and 51(9) of the Traffic Management Act 2004.

⁽¹⁸⁾ As also amended by section 52(3) of the Traffic Management Act 2004.

⁽¹⁹⁾ As amended by section 42 of the Traffic Management Act 2004.

⁽²⁰⁾ 2006 c. 26.

As to Trafford Park railways

6.—(1) In constructing the authorised works, the undertaker may remove any track or other apparatus within the limits of deviation.

(2) Nothing in the Trafford Park Railway enactments is to be taken to permit any railway to be carried across or to permit any other interference with the construction or operation of the transit system authorised by this Order without the consent of the undertaker, but such consent must not be unreasonably withheld.

(3) In this article, the Trafford Park Railway enactments means the West Manchester Light Railway Orders 1899 to 1906 made under the Light Railways Act 1896⁽²¹⁾, the Trafford Park Act 1904⁽²²⁾, the Trafford Park Act 1922⁽²³⁾, the Trafford Park Railway Order 1995⁽²⁴⁾ and the Trafford Park Railway Order 2000⁽²⁵⁾.

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

7.—(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.

(21) 1896 c. 48.

(22) 1904 c. ccxxv.

(23) 1922 c. xxvii.

(24) S.I. 1995/2446.

(25) S.I. 2000/849.

(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) Regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010(26) does not apply to the carrying out of a relevant flood risk activity for the purpose of, or in connection with, the construction of the authorised works.

(10) Section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(27) and any byelaws made under that Act or the Water Resources Act 1991(28) do not apply to anything done under or in pursuance of this Order.

(11) 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.

(12) Except to the extent that they conform to the scheduled works, the undertaker must not construct any part of Works Nos. 1, 2, 3 and 3A authorised by section 4 (power to make works) of the Greater Manchester (Light Rapid Transit System) Act 1992(29) or the work authorised by the Greater Manchester (Light Rapid Transit System) (Trafford Park) Order 2001(30) (as detailed in Schedule 1 (scheduled works) to that Order).

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.

(26) [S.I. 2010/675](#) as amended by the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016 ([S.I. 2016/475](#)).

(27) [1991 c. 59](#).

(28) [1991 c. 57](#).

(29) [1992 c. xviii](#).

(30) [S.I. 2001/1367](#).

(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.

(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 conferred by 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 constructed as a street tramway or tramroad 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.

Streets

Power to alter layout, etc., of streets

10.—(1) The undertaker may alter the layout of, and carry out other ancillary works in, any street specified in column (1) of Schedule 2 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without limitation on the scope of the specific powers conferred by article 7 (power to construct and maintain works) or paragraph (1), but subject to paragraph (3), the undertaker may, for the purpose of constructing, maintaining or using the authorised transit system, alter the layout of any street along which the authorised transit system is or is to be laid and the layout of any street having a junction with such a street; and, without limitation on the scope of that power, the undertaker may—

- (a) increase or reduce the width of the whole or part of any carriageway, kerb, footway, cycle track or verge within the street;
- (b) alter the level of the whole or part of any such carriageway, kerb, footway, cycle track or verge;
- (c) replace or alter the surface or surface treatment of the street;
- (d) reduce the width of the carriageway of the street by forming a reserved area in the street as a stopping place for tramcars or by carrying out other works for that purpose;
- (e) carry out works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys;

- (f) carry out traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999⁽³¹⁾ and which are carried out in compliance with those regulations;
- (g) carry out works to the street for the purpose of deterring or preventing vehicles other than trams from passing along the authorised transit system; and
- (h) make and maintain crossovers, sidings or passing places.

(3) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

Power to keep apparatus in streets

11.—(1) The undertaker may, for the purposes of or in connection with the construction, maintenance and use of the authorised transit system, place and maintain in any street in which the transit system is or is to be laid or in any other street any work, equipment or apparatus including, without limitation on the scope of that power, foundations, platforms, road islands, substations, electric lines and any electrical or other apparatus.

(2) The powers conferred by 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 must not be unreasonably withheld.

(3) In this article—

- (a) “apparatus” has the same meaning as in Part 3 (street works in England and Wales) 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

12.—(1) The undertaker may, for the purpose of exercising the powers conferred by article 11 (power to keep apparatus in streets) or any other provision of this Order, enter upon any street and may execute any works required for or incidental to the exercise of those powers including, without limitation on the scope of that power, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

(2) The powers conferred by 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 must not be unreasonably withheld.

Stopping up of streets

13.—(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised works, stop up each of the streets specified in column (1) of Parts 1, 2 and 3 of Schedule 3 (streets to be stopped-up) to the extent specified, by reference to the letters and numbers shown on the works and land plans, in column (2) of those Parts of that Schedule.

(2) No street specified in column (1) of Parts 1 and 2 (being a street, footpath or bridleway to be stopped up for which a substitute is to be provided) of Schedule 3 is to be wholly or partly stopped up under this article unless—

(31) [S.I. 1999/1026](#).

- (a) the new street to be substituted for it, which is specified in column (3) of those Parts of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or
 - (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).
- (3) No street specified in column (1) of Part 3 (being a street to be stopped up for which no substitute is to be provided) of Schedule 3 is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.
- (4) The condition referred to in paragraph (3) is that—
- (a) the undertaker is in possession of the land;
 - (b) there is no right of access to the land from the street concerned;
 - (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
 - (d) the owners and occupiers of the land have agreed to the stopping up.
- (5) Where a street has been stopped up under this article—
- (a) all rights of way over or along the street so stopped up are extinguished; and
 - (b) the undertaker may 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 undertaker.
- (6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Temporary stopping up of streets

- 14.—**(1) The undertaker, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—
- (a) divert the traffic from the street; and
 - (b) subject to paragraph (3), prevent all persons from passing along the street.
- (2) Without limitation on the scope of paragraph (1), the undertaker may use any street stopped up under the powers conferred by this article as a temporary working site.
- (3) The undertaker must provide at all times reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.
- (4) Without limitation on the scope of paragraph (1), the undertaker may exercise the powers conferred by this article in relation to the streets specified in column (1) of Schedule 4 (streets to be temporarily stopped up) to the extent specified in column (2) of that Schedule.
- (5) The undertaker must not exercise the powers conferred by this article—
- (a) in relation to any street specified as mentioned in paragraph (4), without first consulting the street authority; and
 - (b) in relation to any other street, without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

15. The undertaker may, for the purposes of the construction, operation or maintenance of the authorised works, form and lay out such means of access, or improve such existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised works, as may be approved by the highway authority, but such approval must not be unreasonably withheld.

Maintenance of altered or diverted streets

16.—(1) Where a street is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the street authority (confirmation of which must not be unreasonably withheld), unless otherwise agreed, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and after the expiry of that period by and at the expense of the street authority.

(2) Paragraph (1) does not apply in relation to the structure of any bridge or tunnel carrying a street over a transit system or carrying a transit system over a street and except as provided in that paragraph the undertaker is not liable to maintain the surface of any street in, on, under or over which the scheduled works is constructed, or the immediate approaches to any such street, unless otherwise agreed with the street authority.

(3) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without affecting any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (3), the court must in particular have regard to the following matters—

- (a) the character of the street including its use for a transit system, and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant that the undertaker had arranged for a competent person to carry out or supervise the maintenance of that part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Restoration of streets if street tramway discontinued

17. If the undertaker abandons the construction of, or permanently ceases to operate any of, the authorised street tramways (“the discontinued tramway”), it must as soon as reasonably practicable and unless otherwise agreed with the street authority—

- (a) remove from any street in which the discontinued tramway is laid the rails and any other works, equipment and apparatus which have become redundant; and
- (b) restore, to the reasonable satisfaction of the street authority, the portion of the street along which the discontinued tramway was laid, or redundant works, equipment and apparatus were laid, regard being had to—
 - (i) the condition of the street before the tramway was laid; and
 - (ii) the nature of the traffic using the street at the time of the discontinuance.

Agreements with street authorities

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

- (a) the construction of any new street (including any structure carrying the street over or under the authorised transit system) under the powers conferred by this Order;
 - (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
 - (c) the maintenance of any street along or across which a transit system is laid, or of the structure of any bridge or tunnel carrying a street over or under the authorised transit system;
 - (d) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
 - (e) the execution in the street of any of the works referred to in article 12 (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) provide for the street authority to carry out any function under this Order which relates to the street in question; and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

Level crossings

19.—(1) The undertaker may construct and maintain the authorised transit system so as to enable tramcars upon it to cross on the level any highway or other road for the time being crossing the route of the system.

(2) The undertaker may provide, maintain and operate at or near any level crossing such protective equipment as it may determine.

(3) Any traffic sign placed under this article on or near a highway or other road to which the public has access is to be treated for the purposes of section 64(4) (general provisions as to traffic signs) of the 1984 Act as having been placed as provided by that Act.

(4) Without limitation on the scope of article 10 (power to alter layout, etc., of streets), the undertaker may in the exercise of the powers conferred by this article alter the level of any highway or road referred to in paragraph (1).

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

(6) In this article—

“level crossing” means the place at which the authorised transit system crosses a highway or other road on the level under the powers conferred by this article; and

“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.

Supplemental powers

Attachment of equipment to buildings

20.—(1) Subject to the following provisions of this article, the undertaker may affix to any building on land listed in the book of reference—

(a) any brackets, cables, wires, insulators and other apparatus required in connection with the authorised transit system; and

(b) any lamps, cameras, brackets, pipes, electric lamps and other apparatus required for the provision of additional or substitute street lighting or closed circuit television required in connection with the authorised transit system.

(2) The power conferred by paragraph (1) to affix to any building such apparatus as is mentioned in that paragraph includes the power to extend the apparatus over any land or other building between the frontage of the building to which the apparatus is affixed and the street.

(3) The undertaker must not, under the powers conferred by this article, affix any apparatus to any part of a building without the consent of the relevant owner of that part of the building; and such consent may be given subject to reasonable conditions but must not be unreasonably withheld.

(4) Paragraph (3) has effect without affecting any other right which the undertaker may have or obtain to affix apparatus to a building.

(5) Where —

(a) the undertaker serves on the relevant owner of part of a building a notice requesting the relevant owner’s consent to the affixing of specified apparatus to that part of the building under paragraph (3); and

(b) the relevant owner does not within the period of 56 days beginning with the date upon which the notice is served give consent unconditionally or give it subject to conditions or refuse it,

the consent is to be deemed to have been withheld.

(6) Where, in the opinion of the undertaker, a consent required under paragraph (3) for the affixing of specified apparatus is unreasonably withheld or given subject to unreasonable conditions, it may apply to the magistrates’ court who may either allow the apparatus to be affixed subject to such conditions, if any, as it thinks fit or may determine that the consent was not unreasonably withheld.

(7) Where apparatus is affixed to or extended over any part of a building under this article—

(a) any relevant owner for the time being of that part of the building may serve on the undertaker not less than 6 months’ notice requiring the undertaker at its own expense temporarily to remove the apparatus during any demolition, reconstruction or repair of the building if such removal is reasonably necessary for that purpose; and

(b) the undertaker has the right as against any person having an interest in the building to retain and maintain the apparatus.

(8) Where, in the opinion of the undertaker, a requirement temporarily to remove any apparatus affixed to or extended over a building under this article during any demolition, reconstruction or repair of the building is not reasonably necessary for that purpose, the undertaker may refer the matter

to an arbitrator under article 53 (arbitration) who may either allow the apparatus to be temporarily removed or may order that it is not to be temporarily removed.

(9) The undertaker must pay compensation to the owners and occupiers of the building for any loss or damage sustained by them by reason of the exercise of the powers conferred by paragraphs (1) and (6)(b); and any dispute as to a person's entitlement to compensation, or as to the amount of compensation, must be determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(10) In this article, "relevant owner"—

- (a) in relation to a part of a building occupied under a lease or tenancy having an unexpired term exceeding 15 years, means the occupier of that part of the building;
- (b) in relation to any part of an external wall of a building which is the subject of a lease or tenancy having an unexpired term exceeding 15 years not being a part to which sub-paragraph (a) applies, means the person who for the time being is the lessee or tenant under the lease or tenancy of that part or (if there is more than one such lease or tenancy) the lease or tenancy in possession; or
- (c) in relation to any part of a building or land not falling within sub-paragraph (a) or (b) means the person for the time being entitled to receive the rack rent of that part of the building whether on that person's own account or as trustee for any other person, or who would so receive it if that part of the building were let at a rack rent.

Discharge of water

21.—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, or in any street along which the authorised transit system is authorised to be laid, make openings into, and connections with, the watercourse, sewer or drain.

(2) Any dispute arising from the exercise of the power conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 (right to communicate with public sewers) of the Water Industry Act 1991⁽³²⁾.

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker must 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, oil or matter in suspension.

⁽³²⁾ 1991 c. 56. Section 106 was amended by section 35(1) and (8) of, and Schedule 2 to, the Competition and Service (Utilities) Act 1992 (c. 43), sections 36(2) and 99 of the Water Act 2003 (c. 37) and paragraph 16(1) of Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010⁽³³⁾.

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority or a harbour authority within the meaning of the Harbours Act 1964⁽³⁴⁾; and
- (b) other expressions, excluding watercourses, used both in this article and in the Water Resources Act 1991⁽³⁵⁾ have the same meaning as in that Act.

Works to safeguard buildings and the operation of the authorised transit system

22.—(1) Subject to the following provisions of this article, the undertaker may at its own expense and from time to time carry out such safeguarding works to any building lying within the Order limits as the undertaker 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 (other than works authorised by this article); or
- (b) after the completion of the construction of that part of the authorised works (other than works authorised by this article), 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 undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

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

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

(5) Before exercising—

- (a) a right under paragraph (1) to carry out safeguarding works to a building;
- (b) a right under paragraph (3) to enter a building and any land within its curtilage;
- (c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a right under paragraph (4)(b) to enter land,

the undertaker must, 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), specifying the safeguarding works proposed to be carried out.

(6) Where notice is served under paragraph (5)(a), (c) or (d), 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 was served, require the question of 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 53 (arbitration).

⁽³³⁾ S.I. 2010/675

⁽³⁴⁾ 1964 c. 40.

⁽³⁵⁾ 1991 c. 57.

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which the powers conferred by 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 undertaker must compensate the owners and occupiers of the building for any damage sustained by them.

(9) Without affecting article 52 (no double recovery), nothing in this article relieves the undertaker from any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(11) In this article “safeguarding works”, in relation to a building, means—

- (a) 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;
- (b) 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; and
- (c) any works the purpose of which is to secure the safe operation of the authorised transit system or to prevent or minimise the risk of such operation being disrupted.

Planning permission

23. Planning permission which is deemed by a direction under section 90(2A)(36) (development with government authorisation) of the 1990 Act to be granted in relation to the authorised works is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as operational land for the purposes of that Act) of that Act.

Power to survey and investigate land, etc.

24.—(1) The undertaker may for the purposes of this Order—

- (a) survey or investigate any land within the Order limits, any street along which the authorised transit system is authorised to be laid and any street having a junction with such a street;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions as the undertaker thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out archaeological investigations on any such land;
- (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;

(36) Section 90(2A) was inserted by section 16(1) of the Transport and Works Act 1992 (c. 42).

- (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
 - (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).
- (2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), 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 undertaker—
- (a) must, if so required, before or after entering the land produce written evidence of that person's authority to do so; and
 - (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes are to be made under this article—
- (a) in a carriageway or footway without the consent of the highway authority; or
 - (b) in a private street without the consent of the street authority,
- but such consent must not be unreasonably withheld.
- (5) The undertaker must 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 1 of the 1961 Act.
- (6) Nothing in this article overrides the requirement to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979(37).

Mode of construction and operation of transit system

- 25.—(1) The authorised transit system must be operated by electricity or, in an emergency or for the purposes of maintenance, by diesel power or other means.
- (2) The authorised transit system must be constructed to a gauge of 1,435 millimetres.
- (3) Where the authorised transit system is constructed along a street or in any place to which the public has access (including any place to which the public has access only on making a payment), the undertaker must take such care as in all the circumstances is reasonable to ensure that the authorised transit system is constructed and maintained so that the street or other place is safe for other users.
- (4) When considering what measures are required under paragraph (3) the undertaker must have particular regard to the character and usage of the street or other place and to those who could reasonably be expected to use it.
- (5) Where the authorised transit system has been constructed in a street, works by any person which affect or are likely to affect the undertaker's obligations under paragraph (3), including works to any street surfaces and works affecting any equipment or apparatus placed in the street under article 11 (power to keep apparatus in streets), must not be carried out without the consent of the undertaker, which may be given subject to such reasonable terms and conditions as the undertaker may require but must not be unreasonably withheld.

Obstruction of construction of authorised works

26. Any person who, without reasonable excuse—
- (a) obstructs another person acting under the authority of the undertaker in setting out the lines of the scheduled works, or in constructing any of the authorised works; or

- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the undertaker,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

27. The undertaker may acquire compulsorily so much of the land shown on the works and land plans as lying within the permanent limits as may be required for or in connection with the authorised works and may use any land so acquired for those purposes or for any other purposes that are ancillary to its transit system undertaking.

Application of Part 1 of the 1965 Act

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

- (a) as it applies to a compulsory purchase to which the Acquisition of Land Act 1981⁽³⁸⁾ applies; and
 (b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if sections 4 (time limit for giving notice to treat) and 4A⁽³⁹⁾ (extension of time limit during challenge) were omitted.

Application of Compulsory Purchase (Vesting Declarations) Act 1981

29.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981⁽⁴⁰⁾ applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

- (3) In section 3 (preliminary notices), for subsection (1) substitute—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) 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 a local newspaper circulating in the area in which the land is situated.”

(4) In that section, in subsection (2), for “(1)(b)” substitute “(1)” and after “given” insert “and published”.

⁽³⁸⁾ 1981 c. 67.

⁽³⁹⁾ Inserted by section 202(1) of the Housing and Planning Act 2016 (c. 22).

⁽⁴⁰⁾ 1981 c. 66.

- (5) In that section, for subsections (5) and (6) substitute—
- “(5) For the purposes of this section, a person has a relevant interest in land if—
- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion; or
 - (b) that person 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)—
- (a) in subsection (1), after “publication” insert “in a local newspaper circulating in the area in which the land is situated”; and
 - (b) omit subsection (2).
- (7) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (8) References to the 1965 Act are to be construed as references to that Act as applied to the acquisition of land by article 28 (application of Part 1 of the 1965 Act).

Power to acquire new rights

30.—(1) The undertaker may compulsorily acquire such easements or other rights over any land within the permanent limits as may be required for any purpose for which that land may be acquired, by creating them as well as by acquiring easements or other rights already in existence.

(2) Subject to section 8 (other provisions as to divided land) of the 1965 Act (as substituted by paragraph 5 of Schedule 5 (modification of compensation and compulsory purchase enactments for creation of new rights)), where the undertaker acquires a right under paragraph (1) the undertaker is not required to acquire a greater interest in that land.

(3) Schedule 5 has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application to the compulsory acquisition under this article of a right over land by the creation of a new right.

Power to acquire subsoil only

31.—(1) The undertaker may compulsorily acquire so much of, or such rights in, the subsoil of the land within the permanent limits as may be required for any purpose for which that land may be acquired instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1) the undertaker cannot be required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent article 37 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Rights under or over streets

32.—(1) The undertaker may enter upon and appropriate so much of the surface, subsoil of, or air-space over, any street shown on the works and land plans and described in the book of reference as may be required for the purposes of the authorised works and may use the surface, subsoil and air-space for those purposes or any other purpose ancillary to its transit system undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the undertaker being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5) any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) 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, is entitled to compensation, the amount of such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

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

(5) Compensation is not payable under paragraph (3) to any person who is an undertaker, to whom section 85 (sharing of cost of necessary measures) 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

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

- (a) enter upon and take temporary possession of—
 - (i) any of the land within the temporary limits for the purpose specified in relation to that land in column (3) of Schedule 6 (land of which temporary possession may be taken) relating to the scheduled works specified in column (4) of that Schedule; and
 - (ii) any of the land within the permanent limits in respect of which no notice of entry has been served under section 11(41) (powers of entry) of the 1965 Act or no declaration has been made under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981;
- (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 14 days before exercising the powers conferred by paragraph (1) the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land of which temporary possession has been taken under this article—

- (a) in the case of land lying within the temporary limits, after the end of the period of 2 years beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 6; or
- (b) in the case of land within the permanent limits, after the end of the period of 2 years beginning with the date of completion of the work for which temporary possession of the land was taken unless the undertaker has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable

(41) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

satisfaction of the owners of the land; but the undertaker is not required to replace a building removed under this article.

(5) The undertaker must 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), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(7) Without affecting article 52 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2)(42) (further provision as to compensation for injurious affection) 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).

(8) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(9) Section 13(43) (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 28(1) (application of Part 1 of the 1965 Act).

Temporary use of land for maintenance of works

34.—(1) Subject to paragraph (2), at any time during the maintenance period relating to the scheduled works, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and
- (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) does not authorise the undertaker 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 undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must 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), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(42) Section 10 was amended by section 4 of, and paragraph 13(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

(43) Section 13 was amended by sections 62(3) and 139 of, and paragraphs 27 and 28 of Schedule 13, and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(8) Without affecting article 52 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) (further provision as to compensation for injurious affection) 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).

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

(10) The powers conferred by this article must not be exercised in relation to any street without the consent of the street authority, which must not be unreasonably withheld.

(11) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the temporary use of land under this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 28(1) (application of Part 1 of the 1965 Act).

(12) In this article, “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 public use.

Compensation

Disregard of certain interests and improvements

35.—(1) In assessing the compensation (if any) payable to any person on the acquisition from that person of any land or interest in land under this Order, the tribunal must 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) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Set-off for enhancement in value of retained land

36.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity, which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 30 (power to acquire new rights), the tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are acquired; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

Supplementary

Acquisition of part of certain properties

37.—(1) This article applies instead of section 8(1)(44) (other provisions as to divided land) of the 1965 Act (as applied to this Order by article 28 (application of Part 1 of the 1965 Act)) 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 part only of a house, building or manufactory or part only 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 undertaker a counter-notice objecting to the sale of the land subject to the notice to treat and stating that the owner 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 is required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question of whether the owner is required to sell only the land subject to the notice to treat is, unless the undertaker agrees to take the land subject to the counter-notice, to 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) where the land subject to the notice to treat forms 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 is required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines 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) where the land subject to the notice to treat forms 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 is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines 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 is 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 undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines 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) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat is 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 undertaker 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 undertaker 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, must pay to the owner compensation for any loss or expense occasioned to the owner 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 part only of a house, building or manufactory or part only of land consisting of a house with a park or garden, the undertaker must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Extinction or suspension of private rights of way

38.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) (powers of entry) of the 1965 Act,

whichever is sooner.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which is within the permanent limits and is required for the purposes of this Order, are extinguished on the appropriation of the land for any of those purposes by the undertaker.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Paragraphs (1), (2) and (3) have effect subject to—

- (a) any notice given by the undertaker before the completion of the acquisition of the land, the undertaker's appropriation of it, the undertaker's entry onto it or the undertaker's taking temporary possession of it, as the case may be, that any or all of those paragraphs do not apply to any right of way specified in the notice; and
- (b) any agreement made (whether before or after any of the events mentioned in subparagraph (a) and before or after the coming into force of this Order) between the undertaker and the person in or to whom the right of way in question is vested or belongs.

(6) If any such agreement as is referred to in paragraph (5)(b) which is made with a person in or to whom the right of way is vested or belongs is expressed to have effect also for the benefit of those deriving title from or under that person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Time limit for exercise of powers of acquisition

39.—(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 is to be served under Part 1 of the 1965 Act, as applied to the acquisition of land by article 28 (application of Part 1 of the 1965 Act); and
- (b) no declaration is to be executed under section 4 (execution of declaration) of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied to this Order by article 29 (application of Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The power conferred by article 33 (temporary use of land for construction of works) to enter upon and take temporary possession of land ceases at the end of the period mentioned in paragraph (1); but this paragraph does not prevent the undertaker from remaining in possession of land in accordance with article 33 after the end of that period, if the land was entered and possession of it was taken before the end of that period.

PART 4

OPERATION OF TRANSIT SYSTEM

Application of existing powers

40.—(1) The following provisions of the Greater Manchester (Light Rapid Transit System) (Eccles Extension) Order 1996(**45**) apply to the authorised transit system as they apply to the transit system authorised by that Order—

- article 20 (power to construct temporary transit systems);
- article 35 (power to operate and use transit system);
- article 37 (removal of obstructions);
- article 40 (power to lop trees overhanging transit system);
- article 41 (trespass on tramroads);
- article 42 (power to make byelaws);
- article 43 (power to contract for police services);
- article 44 (powers of disposal, agreements for operation etc.) (as amended by article 43 of the Greater Manchester (Light Rapid Transit System) (Airport Extension) Order 1997)(**46**);
- article 45 (application of landlord and tenant law);
- article 46 (jurisdiction of Rail Users' Consultative Committee);
- article 47 (tramcars deemed public service vehicles).

(2) Article 4(**47**) (general duty in respect of construction and maintenance) of the Greater Manchester (Light Rapid Transit System) Order 2006 is amended by the addition at the end of the list of enactments in paragraph (1) of—

“The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016(**48**).”

(45) S.I. 1996/2714.

(46) S.I. 1997/1266.

(47) S.I. 2006/405.

(48) S.I. 2016/1035.

(3) Article 5 (liability in respect of repair of streets) of the Greater Manchester (Light Rapid Transit System) Order 2006 is amended by the addition at the end of the list of enactments in paragraph (1) of—

“The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016.”

Traffic signs

41.—(1) The undertaker may, for the purposes of or in connection with the construction or operation of the authorised transit system, place or maintain traffic signs on any street in which the authorised transit system is laid or which gives access to such a street, or on any street in connection with any instrument made under article 43 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The undertaker—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65(49) (powers and duties of traffic authorities as to placing of traffic signs) of the 1984 Act, must enter into arrangements with the traffic authority for any such signs other than traffic light signals to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the undertaker as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the authorised transit system is laid or which gives access to such a street must consult with the undertaker as to the placing of any traffic sign which would affect the operation of the authorised transit system.

(5) Tramcars are to be taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by local authorities) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Traffic regulation

42.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, for the purposes of the authorised transit system—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in paragraph 3 of Part 1 of Schedule 7 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
- (b) make provision as to the direction of vehicular traffic in the manner specified in paragraph 4 of Part 2 of Schedule 7 on the roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;

(49) As amended by section 153 of the Local Government and Housing Act 1989 (c. 42); section 168(1) of, and paragraph 48 of Part 2 of Schedule 8 to, the 1991 Act; section 48 of, and paragraph 29 of Schedule 4 to, the Road Traffic Act 1991 (c. 40) and section 1(6) of, and paragraphs 70 and 82 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

- (c) permit or prohibit vehicular access in the manner specified in paragraph 5 of Part 3 of Schedule 7 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule;
- (d) make provision for vehicular speed limits in the manner specified in paragraph 6 of Part 4 of Schedule 7 to those roads specified in column (2) to the extent specified in column (3) of that Part of that Schedule; and
- (e) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, but such consent must not be unreasonably withheld, the undertaker may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised transit system—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road;
- (e) make provision for vehicular speed limits on any road; and
- (f) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The powers conferred by paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised transit system for public use but subject to paragraph (6) any prohibition, restriction or other provision made under paragraph (1) or (2) may have effect both before and after the expiry of that period.

(4) The undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).

(5) The undertaker must not exercise the powers conferred by paragraph (1) or (2) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily,to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a) (i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—

- (a) has effect as if duly made by, as the case may be—

- (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act or, in the case of provision for vehicle speed limits, as an order under section 84(**50**) (speed limits on roads other than restricted roads) of that Act; or
- (ii) the local authority in whose area the road is situated, as an order under section 32(**51**) (power of local authorities to provide parking places) or section 45(**52**) (designation of paying parking places on highways) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 7) to which the prohibition, restriction or other provision is subject; and

- (b) except in the case of provision for vehicle speed limits, is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(**53**).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) within a period of 24 months from the opening of the authorised transit system for public use.

(8) Before exercising the powers conferred by paragraph (2) the undertaker must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(10) The powers conferred on the undertaker by this article with respect to any road have effect subject to any agreement entered into by the undertaker with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

PART 5

PROTECTIVE PROVISIONS

Minerals

43. Nothing in this Order affects the right of any person entitled to any mine or minerals of any description whatsoever under a street along which the authorised transit system is laid to work the mine or get the minerals; but this does not affect any liability (whether civil or criminal) of the person so entitled in respect of damage to the authorised transit system resulting from the exercise of any such right.

Saving for highway authorities

44. Nothing in this Order affects any power of a highway authority to widen, alter, divert or improve any highway along which the authorised transit system is constructed.

(50) As amended by section 168(1) of, and paragraph 61 of Part 2 of Schedule 8 to, the 1991 Act; section 45 of the Road Traffic Act 1991 (c. 40) and section 1(6) of, and paragraphs 70 and 88 of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(51) As amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51). There are other amendments to section 32 that are not relevant to this Order.

(52) As amended by sections 8 and 102 of, and paragraph 4(19)(b) of Schedule 5 and Schedule 17 to, the Local Government Act 1985 (c. 51); section 1 of the Road Traffic Regulation (Parking) Act 1986 (c. 27); section 168(1) of, and paragraph 44 of Part 2 of Schedule 8 to, the 1991 Act and section 281 of, and Part 6 of Schedule 34 to, the Greater London Authority Act 1999 (s. 29). There are other amendments to section 45 that are not relevant to this Order.

(53) 2004 c. 18.

Arrangements with highway authorities

45.—(1) The following provisions have effect unless otherwise agreed in writing between the undertaker and the highway authority concerned.

(2) In this article—

“highway” means a street vested in or maintainable by the highway authority;

“highway operations” means the construction or non-routine maintenance of any part of the authorised works which will involve interference with a highway or the traffic in a highway, any temporary stopping up, alteration or diversion of a highway, any occupation of the surface of a highway or any placing of equipment or apparatus in a highway; and

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(3) Wherever in this article provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require in the interests of safety and in order to minimise inconvenience to persons using the highway, but must not be unreasonably withheld.

(4) Prior to seeking approval under paragraph (6), the undertaker must consult the highway authority concerned as to any works to and changes in the management of the highway network which may be required to ensure the effective integration of the authorised transit system with other forms of highway traffic and, within 28 days of being requested in writing by the undertaker to do so, the highway authority must provide the undertaker with its opinion on the subject.

(5) Prior to seeking approval under paragraph (6), the undertaker must consult the highway authority concerned as to the design of any lighting for transit system stops, the design and positioning of any poles and brackets required for overhead line equipment and the design of any traffic signalling system for the authorised transit system.

(6) Without affecting the application of sections 59(**54**) and 60(**55**) (duty of street authority to co-ordinate and undertakers to co-operate) of the 1991 Act before commencing any highway operations, the undertaker must submit to the highway authority for its approval proper and sufficient plans and must not commence the highway operations until such plans have been approved or settled by arbitration.

(7) If, within 56 days after any plans have been submitted to a highway authority under paragraph (6), it has not intimated its disapproval and the grounds of disapproval, it is to be deemed to have approved them.

(8) In the event of any disapproval of plans by a highway authority under this paragraph, the undertaker may re-submit the plans with modifications and, in that event, if the highway authority has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it is to be deemed to have approved them.

(9) In submitting plans under paragraph (6), the undertaker must—

(a) ensure, so far as reasonably practicable, that the design of any lighting for transit system stops is such as not to cause confusion to highway users operating under normal highway lighting;

(b) ensure that the design and positioning of any poles and brackets required for overhead line equipment and the design of foundations, platforms, road islands, substations, electric lines and other apparatus are compatible, so far as reasonably practicable, with street furniture vested in the highway authority; and

(54) As amended by section 42 of the Traffic Management Act 2004 (c. 18).

(55) As amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(c) ensure that the design of any traffic signalling system for the authorised transit system is fully compatible with traffic signalling for other traffic users whilst achieving appropriate priority signalling for tramcars using the authorised transit system wherever practicable.

(10) Except in an emergency or where reasonably necessary to secure the safety of the public, no direction or instruction may be given by the highway authority to the contractors, employees or agents of the undertaker regarding the highway operations without the prior consent in writing of the undertaker but the highway authority is not liable for any additional costs which may be incurred as a result of the giving of instructions or directions under this paragraph.

(11) To facilitate liaison with the undertaker, the highway authority concerned must provide so far as is reasonably practicable a representative to attend meetings arranged by the undertaker respecting highway operations.

(12) So much of the authorised works as forms part of or is intended to become public highway, or part of any such highway, and which are not street works as respects which the provisions of Part 3 (street works in England and Wales) of the 1991 Act apply, must be completed in accordance with the reasonable requirements of the highway authority or, in case of difference between the undertaker and the highway authority as to whether those requirements have been complied with or as to their reasonableness, in accordance with such requirements as may be approved or settled by arbitration under article 53 (arbitration).

(13) The undertaker must not, except with the consent of the highway authority, alter or interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or any connected apparatus, or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway or maintainable by them or the access to any such property or work.

(14) The undertaker must not, except with the consent of the highway authority, deposit any soil or materials or stand any vehicle or plant on or over any highway so as to obstruct or render less safe the use of the highway by any person or deposit any soil or materials on any highway except within a hoarding.

(15) The undertaker must, if reasonably so required by the highway authority, provide and maintain during such time as the undertaker may occupy any part of a highway for the purpose of the construction of any part of the authorised works, temporary ramps for vehicular traffic or pedestrian traffic, or both, and any other traffic measures required to protect the safety of road users in accordance with the standard recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 2002⁽⁵⁶⁾ in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

(16) The undertaker must not place any hoardings on any part of any highway except for such period and in such manner as may be reasonably necessary.

(17) The undertaker must indemnify the highway authority against any claim which may arise as a result of any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or any connected apparatus or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway, or maintainable by them, which may be caused by, or in consequence of, any act or default of the undertaker, its contractors, servants or agents.

(18) Unless otherwise agreed between the parties any difference arising between the undertaker and the highway authority under this article (other than a difference as to its meaning or construction) is to be determined by arbitration under article 53 (arbitration).

⁽⁵⁶⁾ S.I. 2002/3113 (subsequently revoked and replaced by S.I. 2016/362).

Protection of public utilities

46. The provisions of Schedule 8 (protection of public utilities) have effect for the protection of public utilities.

Protection of navigation

47. The provisions of Schedule 9 (protection of navigation) have effect for the protection of the Manchester Ship Canal Company Limited and the Bridgewater Canal Company Limited.

PART 6

MISCELLANEOUS AND GENERAL

Disclosure of confidential information

48. A person who—

- (a) enters a manufactory, workshop or workplace under article 22 (works to safeguard buildings and the operation of the authorised transit system) or article 24 (power to survey and investigate land, etc.); and
- (b) discloses to any person any information obtained under paragraph (a) and relating to any manufacturing process or trade secret,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

Defence to proceedings in respect of statutory nuisance

49.—(1) Where proceedings are brought under section 82(1) (summary proceedings by person aggrieved by statutory nuisance) of the Environmental Protection Act 1990⁽⁵⁷⁾ in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act, no order may be made, and no fine imposed, under section 82(2) of that Act if the defendant shows—

- (a) that the nuisance relates to premises used by the undertaker for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works and that the nuisance is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61⁽⁵⁸⁾ (prior consent for work on construction sites), of the Control of Pollution Act 1974⁽⁵⁹⁾; or
- (b) that the nuisance is a consequence of the operation or maintenance of the authorised transit system and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

⁽⁵⁷⁾ 1990 c. 43.

⁽⁵⁸⁾ Section 61 was amended by Schedule 7 to the Building Act 1984 (c. 55), paragraph 15(3) of Schedule 15 to the Environmental Protection Act 1990 (c. 43), Schedule 24 to the Environment Act 1995 and paragraph 10 of Schedule 6 to the Building (Scotland) Act 2003 (asp. 8).

⁽⁵⁹⁾ 1974 c. 40.

- (3) The provisions of this article do not affect any rule of common law having similar effect.

Certification of plans, etc.

50. The undertaker must, as soon as practicable after the making of this Order, submit copies of the book of reference, the works and land plans and the traffic regulation plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the works and land plans and the traffic regulation plans referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

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

- (a) by post; or
- (b) with the consent of the recipient and subject to paragraphs (6) to (8), by electronic transmission.

(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 (references to service by post) of the Interpretation Act 1978⁽⁶⁰⁾ as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person 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, the last known address of that person 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 the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person 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) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission, the requirement is taken to be fulfilled only where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic transmission given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

⁽⁶⁰⁾ 1978 c. 30.

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

No double recovery

52. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions of this Order.

Arbitration

53. Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) must 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.

Signed by authority of the Secretary of State

Martin Woods
Head of the Transport and Works Act Orders
Unit
Department for Transport

3rd November 2016

SCHEDULES

SCHEDULE 1

Articles 2(1) and 7

SCHEDULED WORKS

In the Metropolitan Borough of Trafford—

Work No. 1 — A tramroad 1,450 metres in length (double line), commencing at Pomona Metrolink Stop and running south-west and then north-west, flanking the Manchester Ship Canal, ramping down to grade on a new structure to pass under the existing Trafford Road bridges into a proposed tram stop at Wharfside. The Work continues in a north-westerly direction along the quayside of Manchester Ship Canal, and includes the modification of the existing quayside structure and provision of new buried structure to support the tramroad, before turning to head in a westerly direction into the proposed tram stop in the vicinity of the Imperial War Museum North. The Work terminates at the rear of the northern footway flanking Trafford Wharf Road after the proposed tramstop in the vicinity of the Imperial War Museum North.

Work No. 2 — A street tramway 380 metres in length (double line), commencing at the termination of Work No. 1 running north-west within the centre of the carriageway of Trafford Wharf Road before terminating at the rear of the western footway flanking Warren Bruce Road.

Work No. 3 — A tramroad 1,877 metres in length (double line and including a central siding), commencing at the termination of Work No. 2 running south along Warren Bruce Road towards Village Circle. Over this length the tracks bifurcate to create a central siding. The Work passes through the centre of Village Circle to run in a westerly direction to the north of Village Way into a proposed tram stop before crossing junctions with Third Avenue, a new private means of access and the eastbound and westbound carriageways of Village Way at its junction with Mosley Road to run on the southern side of Village Way crossing the private estate road to the Central Park Trading Estate access road and running around the southern side of the revised junction of Village Way, Park Way and Tenax Road into a proposed tram stop. The work continues in a westerly direction crossing the westbound and eastbound carriageways of Park Way before terminating at the western kerb line of Park Way.

Work No. 4 — A tramroad 1,818 metres in length (double line), commencing at the termination of Work No. 3 running south-west on the north-west side of Park Way, crossing Bridgewater Canal on a new bridge structure, before ramping down to grade to turn north-west at Barton Dock Road. The Work then runs to the north-east of Barton Dock Road in a north-westerly direction crossing Phoenix Way into the proposed stop in the vicinity of EventCity. The alignment crosses Barton Dock Road to run on the south-eastern side of the road running in a north-westerly direction before terminating at a proposed stop at the Trafford Centre.

Work No. 5 — A new highway 215 metres in length, commencing 144 metres to the north-west of the junction between Westinghouse Road, Longwood Road and Marshall Stevens Way running north-west terminating at a new junction with Park Way.

Work No. 6 — A new highway, 128 metres in length, commencing at the western kerblines of Tenax Road opposite the junction of Tenax Road and Ashbridge running north-west to form a new junction with Ashburton Road West.

Work No. 7 — A diversion of a buried oil pipeline, 482 metres in length, commencing on the north-west side of the Parkway Circle roundabout running in a south-east, south-west and south-east direction as it crosses beneath Park Way and Works Nos. 3 and 5 before running in a south-west

direction along the south-eastern side of Parkway and under Bridgewater Canal before terminating on the south-western side of the canal.

SCHEDULE 2

Article 10

STREETS SUBJECT TO ALTERATION OF LAYOUT

Key to Schedule 2

RS: Realignment of street

WS: Widening of street by setting back of kerb line

NS: Narrowing of street by setting forward of kerb line

NP: Creation of new way

<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
In the Metropolitan Borough of Trafford	
Wharf End	Realign the street between RS01 and RS02 to create a pedestrianised area.
Trafford Wharf Road	Realign the street between RS03 and RS04 to create a pedestrianised area and accommodate the proposed tram stop and the revised junction with Sir Alex Ferguson Way.
Victoria Place	Realign the street between RS05 and RS06 to accommodate the revised junction with Trafford Wharf Road, new junction with Sir Alex Ferguson Way and new private means of access between NP01 and NP02 and NP03 and NP04.
Sir Alex Ferguson Way	Realign the street between RS07 and RS08 to accommodate the revised junction with Wharfside Way and create a pedestrianised area.
Sir Alex Ferguson Way	Narrow the street between NS01 and NS02 to accommodate the revised junction with Trafford Wharf Road, new junction with Victoria Place and amended highway layout in between.
Wharfside Way	Realign the street between RS09 and RS10 to accommodate the revised junction with Sir Alex Ferguson Way.
Waterside	Create a new way between NP05 and NP06 to accommodate a new junction with Wharfside Way.
Wharfside Way	Widen the street between WS01 and WS02 to accommodate a new junction with Waterside.

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
Trafford Wharf Road	Widen the street between WS03 and WS04 to accommodate the tram stop (in the vicinity of Imperial War Museum North), the new tramway, revised junctions with Elevator Road and Warren Bruce Road and new private means of access between NP07 and NP08.
Elevator Road	Widen the street between WS05 and WS06 to accommodate the street tramway and revised junction with Trafford Wharf Road.
Warren Bruce Road	Narrow the street between NS03 and NS04 to accommodate the tramroad and revised junctions with Trafford Wharf Road and Trafford Park Road and Wharfside Way.
Trafford Park Road	Realign the street between RS11 and RS12 to accommodate the revised junction with Warren Bruce Road and Wharfside Way.
Wharfside Way	Realign the street between RS13 and RS14 to accommodate the revised junction with Warren Bruce Road and Trafford Park Road.
Village Way	Realign the street between RS15 and RS16 to accommodate the tram stop (Village), the tramroad and revised junctions at Village Circle, Second Avenue and Third Avenue.
Second Avenue	Realign the street between RS17 and RS18 to accommodate the revised junction with Village Way.
Third Avenue	Realign the street between RS19 and RS20 to accommodate the tramroad and remove the junction with Village Way.
Third Avenue	Widen the street between WS07 and WS08 to accommodate a new turning area.
Trafford Park Road	Create a new way between NP11 and NP12 to accommodate a new private means of access.
Village Way	Widen the street between WS09 and WS10 to accommodate the tramroad, revised junctions at Fifth Avenue, Praed Road, Mosley Road and private estate road (Central Park Trading Estate) and new private means of access between NP13 and NP14.
Fifth Avenue	Realign the street between RS21 and RS22 to accommodate the revised junction with Village Way.

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<i>(1)</i> <i>Street subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration</i>
Praed Road	Realign the street between RS23 and RS24 to accommodate the revised junction with Village Way.
Mosley Road	Realign the street between RS25 and RS26 to accommodate the revised junction with Village Way.
Mosley Road	Realign the street between RS27 and RS28 to accommodate the revised junction with Trafford Park Road.
Trafford Park Road	Realign the street between RS29 and RS30 to accommodate the revised junction with Mosley Road.
Private estate road (Central Park Trading Estate)	Realign the street between RS31 and RS32 to accommodate the revised junction with Village Way.
Village Way	Realign the street between RS33 and RS34 to accommodate the tramroad, new junction with Ashbridge and revised junction with Tenax Road and Park Way.
Ashbridge	Realign the street between RS37 and RS38 to accommodate the revised junction with Tenax Road.
Tenax Road	Widen the street between WS13 and WS14 to accommodate the new junction with Work No. 6, revised junction with Park Way and Village Way and new private means of access between NP17 and NP18.
Ashburton Road West	Realign the street between RS39 and RS40 to form a single carriageway over parts of the length and accommodate the revised junction with Park Way and new junction with Work No. 6.
New highway (Work No. 6)	Create a new way between NP19 and NP20 to provide a new highway linking Ashburton Road West and Tenax Road and new private means of access between NP21 and NP22.
Westinghouse Road	Realign the street between RS41 and RS42 to accommodate the new junction with Work No. 5 and Monde Trading Estate access road.
Warren Road	Realign the street between RS43 and RS44 to accommodate the revised junction with Westinghouse Road.

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(1) <i>Street subject to alteration of layout</i>	(2) <i>Description of alteration</i>
New highway (Work No. 5)	Create a new way between NP23 and NP24 to provide a new highway linking Westinghouse Road and Park Way.
Park Way	Realign the street between RS45 and RS46 to accommodate the tramroad, new junction with Work No. 5 and revised junction with Ashburton Road West, Tenax Road and Village Way.
Unnamed cycle track	Create a new way between NP25 and NP26 to provide a new cycle track flanking the tramroad (Work No. 4) between Park Way and Barton Dock Road.
Barton Dock Road	Widen the street between WS15 and WS16 to accommodate the tramroad and revised junctions with Mercury Way and Phoenix Way and Festival Way.
Mercury Way	Widen the highway between WS17 and WS18 to accommodate the revised junction with Barton Dock Road.
Phoenix Way	Widen the street between WS19 and WS20 to accommodate revised junction with Barton Dock Road and Festival Way.
Festival Way	Widen the street between WS21 and WS22 to accommodate revised junction with Barton Dock Road and Phoenix Way.
Barton Dock Road	Realign the street between RS47 and RS48 to accommodate the tramroad and revised junction with Phoenix Way and Festival Way.
Peel Avenue	Realign the street between RS49 and RS50 to accommodate the revised junction with Phoenix Way and Festival Way and new access to the decked car park to the intu Trafford Centre.

SCHEDULE 3

Article 13

STREETS TO BE STOPPED UP

Key to Schedule 3

SS: Stopping up of street

NP: Creation of new way

PD: Path diversion

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

PART 1

STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New street to be substituted</i>
In the Metropolitan Borough of Trafford		
Trafford Wharf Road	Private means of access to No. 1 Trafford Wharf Road between SS03 and SS04.	New private means of access provided from Victoria Place via a new way to be opened between NP01 and NP02.
Trafford Wharf Road	Private means of access to land between No. 1 Trafford Wharf Road and the Premier Inn between SS05 and SS06.	New private means of access provided from Victoria Place via a new way to be opened between NP03 and NP04.
Trafford Wharf Road	Private means of access to Quay West between SS13 and SS14.	New private means of access provided from Trafford Wharf Road via a new way to be opened between NP07 and NP08.
Village Way	Private means of access to land and works to the north of Village Way between SS15 and SS16.	New private means of access from Village Way via a new way to be opened between NP13 and NP14.
Village Way	Private means of access to land and buildings to the north of Village Way between SS17 and SS18.	New private means of access from Village Way via a new way to be opened between NP13 and NP14.
Village Way	Private means of access to land and buildings to the north of Village Way between SS19 and SS20.	New private means of access from Village Way via a new way to be opened between NP13 and NP14.
Tenax Road	Private means of access to land and buildings to the west of Tenax Road between SS23 and SS24.	New private means of access from Tenax Road via a new way to be opened between NP17 and NP18 and new Private means of access from Work No. 6 via a new way to be opened between NP21 and NP22.
Westinghouse Road	Close the highway to vehicular traffic between SS25 and SS26.	New highway linking Westinghouse Road and Park Way (Work No. 5) between NP23 and NP24.

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PART 2
FOOTPATHS AND BRIDLEWAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>	<i>(3)</i> <i>New street to be substituted</i>
In the Metropolitan Borough of Trafford		
Stepped path between Pomona Strand and the path flanking the southern bank of the Manchester Ship Canal	Between SS01 and SS02	New path between PD01 PD02, PD03 and PD04.

PART 3
STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
In the Metropolitan Borough of Trafford	
Trafford Wharf Road	Private means of access to Sam Platts Public House located to the north of Trafford Wharf Road between SS07 and SS08 and SS09 and SS10.
Trafford Wharf Road	Eastern private means of access to the industrial unit located to the north-east of Trafford Wharf Road between SS11 and SS12.

SCHEDULE 4

Article 14

STREETS TO BE TEMPORARILY STOPPED UP

PART 1
HIGHWAYS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
In the Metropolitan Borough of Trafford	
Pomona Strand	At its junction with Trafford Road.
Wharf End	Between its junction with Trafford Wharf Road and Trafford Road.

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<i>(1)</i> <i>Street affected</i>	<i>(2)</i> <i>Extent of stopping up</i>
Trafford Wharf Road	Between its junction with Sir Alex Ferguson Way and Trafford Road.
Victoria Place	Between its junction with Sir Alex Ferguson Way and Trafford Wharf Road.
Sir Alex Ferguson Way	Between its junction with Trafford Wharf Road and its junction with Wharfside Way.
Wharfside Way	At its junction with Sir Alex Ferguson Way.
Waterside	At its junction with Sir Alex Ferguson Way.
Wharfside Way	At a new junction to be formed with Waterside.
Waterside	At its junction with Trafford Wharf Road.
Trafford Wharf Road	Between its junction with Warren Bruce Road and its junction with Waterside.
Elevator Road	At its junction with Trafford Wharf Road.
Warren Bruce Road	Between its junction with Trafford Wharf Road and its junction with Village Circle.
Village Circle	At its junctions with Wharfside Way, Europa Way, Village Way, Trafford Park Road and Warren Bruce Road.
Village Way	Between its junction with Parkway Circle and its junction with Village Circle.
Second Avenue	At its junction with Village Way.
Third Avenue	Between its junction with Village Way and Trafford Park Road.
Fifth Avenue	At its junction with Village Way.
Praed Road	At its junction with Village Way.
Mosley Road	At its junction with Village Way.
Mosley Road	At its junction with Trafford Park Road.
Private estate road (Central Park Trading Estate)	At its junction with Village Way.
Tenax Road	Between its junction with Parkway Circle and Ashbridge.
Ashbridge	At its junction with Tenax Road.
Ashburton Road West	Between its junction with Longbridge Road and its junction with Parkway Circle.
Park Way	Between its junction with Parkway Circle and its junction with Barton Dock Road.
Westinghouse Road	Between its junction with Parkway Circle and its junction with Longwood Road.

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(1) <i>Street affected</i>	(2) <i>Extent of stopping up</i>
Warren Road	At its junction with Westinghouse Road.
Barton Dock Road	Between its junction with Park Way and its junction with Bright Circle.
Mercury Way	At its junction with Barton Dock Road.
Phoenix Way	At its junction with Barton Dock Road.
Festival Way	At its junction with Barton Dock Road.
Peel Avenue	At its junction with Barton Dock Road.

PART 2

FOOTPATHS AND BRIDLEWAYS TO BE TEMPORARILY STOPPED UP

Key to Part 2 of Schedule 4

TS: Temporary stopping up of street

(1) <i>Street affected</i>	(2) <i>Extent of stopping up</i>
In the Metropolitan Borough of Trafford	
Path flanking the northern bank of Bridgewater Canal	Between TS01 and TS02
Path flanking the southern bank of Manchester Ship Canal	Between TS03 and TS04
Path linking Trafford Wharf Road to the path flanking the southern bank of Manchester Ship Canal	Between TS05 and TS06
Path linking Trafford Wharf Road to the path flanking the southern bank of Manchester Ship Canal	Between TS07 and TS08
Path flanking the south-west bank of Bridgewater Canal	Between TS09 and TS10

SCHEDULE 5

Article 30

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 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 limitation on the scope of paragraph 1, the Land Compensation Act 1973⁽⁶¹⁾ has effect subject to the modifications set out in sub-paragraphs (2) and (3).

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

(a) for “land is acquired or taken” substitute “a right over land is purchased”; and

(b) for “acquired or taken from him” substitute “over which the right is exercisable”.

(3) For section 58(1)⁽⁶²⁾ (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 (other provisions as to divided land) of the 1965 Act as substituted by paragraph 5, substitute—

“(1) In determining under section 8(1) or 34(2) of the Compulsory Purchase Act 1965, or section 166(2) of the Town and Country Planning Act 1990 whether—

(a) a right over land consisting of a house, building or manufactory can be taken without material detriment or damage to the house, building or manufactory; or

(b) a right over land consisting of a park or garden belonging to a house can be taken without seriously affecting the amenity or convenience of the house,

the Upper Tribunal must take into account not only the effect of the acquisition of the right but also the use to be made of the right proposed to be acquired, and, in a case where the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use to be made of the other land.”

Adaptation of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications 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 to be 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 limitation on the scope of sub-paragraph (1), Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act applies 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 (measure of compensation in case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must 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 the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 (other provisions as to divided land) of the 1965 Act substitute—

⁽⁶¹⁾ 1973 c. 26.

⁽⁶²⁾ Section 58(1) was amended by section 16(3) of, and Schedule 5 to, the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66), section 4 of, and paragraph 29(1) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2009/1307.

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“8.—(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 Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question, the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, 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 Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016⁽⁶³⁾ (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is 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 is to 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 in land, the acquiring authority may, at any time within the period of 6 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 affects 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) 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),

are modified so 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⁽⁶⁴⁾ (powers of entry) of the 1965 Act is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the equivalent circumstances and subject to the equivalent conditions, to enter for the purpose of exercising that right (which is deemed for this purpose to have been created on the date

⁽⁶³⁾ S.I. 2016/1035.

⁽⁶⁴⁾ Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1) and S.I. 2009/1307.

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of service of the notice); and sections 12(65) (penalty for unauthorised entry) and 13(66) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20(67) (protection for interests of tenants at will, etc.) of the 1965 Act applies with the modifications necessary to secure that persons 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 (interests omitted from purchase) of the 1965 Act is modified so 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 6

Articles 2(1) and 33

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

(1) <i>Location</i>	(2) <i>Number of land shown on the works and land plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Scheduled work</i>
In the Metropolitan Borough of Trafford			
Land at Pomona Lock, Pomona Strand	1001, 1002, 1003, 1004, 1005	Extension of Pomona Viaduct and modifications to existing Metrolink infrastructure	Work No. 1
Tow path to Bridgewater Canal	1012, 1016, 1020, 1021	Extension of Pomona Viaduct, construction of new retaining walls and earthworks and highway works	Work No. 1
Pomona Strand	1015, 1018	Extension of Pomona Viaduct, construction of new retaining walls and earthworks and highway works	Work No. 1
Land at No. 2 Trafford Wharf Road	1033	Highways works	Work No. 1
Trafford Wharf Road	1034, 2007, 2033, 2034, 2035, 2036, 2053, 3007, 3040, 3041, 3042	Highways works	Work No. 1

(65) Section 12 was amended by section 56(2) of, and part 1 of Schedule 9 to, the Courts Act 1971 (c. 23).

(66) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(67) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 and S.I. 2009/1307.

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on the works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Land at No. 6 Trafford Wharf Road	1035, 1036	Highway works	Work No. 1
Land at No. 1 Trafford Wharf Road	2012, 2020, 2021	Stopping up of existing private means of access, provision of a new private means of access and associated accommodation works	Work No. 1
Land to the south of Trafford Wharf Road	2016, 2018	Stopping up of the private means of access and associated accommodation works	Work No. 1
Victoria Place	2017, 2019, 2022, 2027, 2032	Highway works	Work No. 1
Land to the north of Victoria Place	2028	Provision of a new private means of access and associated accommodation works	Work No.1
Sir Alex Ferguson Way	2032, 2035	Highway works	Work No. 1
Wharfside Way	2024, 2032, 2038, 2051, 2052, 2060	Highways works	Work No. 1
Samuel Platts public house, Trafford Wharf Road	2023	Demolition of buildings	Work No. 1
Manchester Ship Canal	2013, 3001	Modification of quayside structure and construction of tramroad	Work No. 1
Footpath linking Trafford Wharf Road and Manchester Ship Canal quayside	2048, 2050	Modifications to footpath	Work No. 1
Land at Joule House, No. 76 Trafford Wharf Road	2049	Modification of quayside structure, construction of tramroad and modifications to footpath	Work No. 1
Waterside	2054	Highway works	Work No. 1
Industrial premises to north-east of Trafford Wharf Road	2056, 3004, 3010	Demolition of buildings and construction compound	Work No. 1
Manchester Ship Canal quayside	2057, 3006	Modification of quayside structure and construction of tramroad	Work No. 1

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on the works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Land at Quay West (frontage)	3011	Provision of a new private means of access and associated accommodation works	Works Nos. 1 and 2
Land at Imperial War Museum North	3015	Highway works, modifications to the private means of access and associated accommodation works	Work No. 2
Land at Broadway House, Trafford Wharf Road	3017	Highway works	Work No. 2
Elevator Road	3020, 3025	Highway works	Work No. 2
Land at Trafford Mills, Rank Hovis, Trafford Wharf Road	3023, 3024, 3027, 4001	Highway works, modifications to the private means of access and associated accommodation works	Work No. 2
Land to the east of Warren Bruce Road	3034, 3035, 4002, 4004	Highway works and construction compound	Work No. 3
Car parking area to the east of Warren Bruce Road	4008	Highway works	Work No. 3
Land at Warren Bruce Court including private access road	4009, 4010	Highway works	Work No. 3
Land at Village Circle (including Trafford Park Road, Warren Bruce Road, Wharfside Way, Europa Way and Village Way)	4006, 4007, 4011, 4012, 4018, 4019, 4020, 4021, 4023, 4026, 4025, 4027, 4028, 4029, 4030, 4031, 4032	Highway works	Work No. 3
Land at Viking International Limited, First Avenue	4034	Highway works	Work No. 3
Land at Unit No. 14, First Avenue	4033, 4035	Highway works	Work No. 3
Land at Ashburton House, Village Way	4040	Highway works	Work No. 3
Land at HSBC Bank, Village Way	4044	Highway works	Work No. 3

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on the works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Land at Village House, Eleventh Street	4059, 4062	Highway works	Work No. 3
Village Way	4060	Highway works	Work No. 3
Second Avenue	4047, 4049, 4051, 4055	Highway works	Work No. 3
Third Avenue	4065, 4066, 4067	Highway works	Work No. 3
Trafford Park Road	4064, 4070, 9001	Highway works	Work No. 3
Land and works (CHEP UK Ltd) to the north of Village Way	4071, 4072, 4073, 4074, 4079, 4081, 4082, 5004, 5005, 5006, 5013, 5016, 5017, 5018, 5019	Modifications to private means of access and associated accommodation works	Work No. 3
Fifth Avenue	5009, 5021	Highway works	Work No. 3
Land at Volkswagen Group to the south of Village Way	5024A	Highway works	Work No. 3
Michael House, Village Way	5033	Highway and accommodation works	Work No. 3
Praed Road	5036, 5037	Highway works	Work No. 3
Land at Pisces Industrial Estate	5030, 5035, 5041	Accommodation works	Work No. 3
Mosley Road	5045, 5046, 9005	Highway works	Work No. 3
Land at Redwing Centre, Mosley Road	5039, 5040, 5043	Highway and accommodation works	Work No. 3
Land at Nos. 1 to 8 Mosley Road	9008	Highway works	Work No. 3
Hardstanding and former railway line, Mosley Road	9006, 9007	Highway works	Work No. 3
Land to the rear of Rye Motors, Trafford Park Road	9004	Highway works	Work No. 3
Land to the west of Mosley Road	5049	Highway works	Work No. 3
Premises at Central Park Trading Estate (Centre House)	5052, 5052A	Demolition of buildings and highway works	Work No. 3

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Private estate road, Central Park Trading Estate	5052, 5052A, 5059A	Highway works	Work No. 3
Land at Unit No. 16, Central Park Trading Estate	5062	Highway and accommodation works	Work No. 3
Land at Unit Nos. 16–19, Nos. 24–29 and Nos. 31–33, Long Wood Road	5067	Accommodation works	Work No. 3
Ashbridge	6005, 6012	Highway works	Work No. 3
Tenax Road	6005, 6009, 6010, 6011, 6013, 6017	Highway works	Works Nos. 3 and 6
Parkway Circle	6019	Highway works	Work No. 3
Land to the west of Ashbridge	6014	Highway and accommodation works	Work No. 3
Ashburton Road West	6034, 6036, 6037, 6038	Highway works	Works Nos. 3 and 6
Land at Warehouse Unit to the north of Parkway Circle	6024, 6031	Accommodation works	Works Nos. 3 and 6
Land to the west of Tenax Road (Chemtura Manufacturing UK Limited)	6022, 6023, 6026	Highway and accommodation works	Work No. 6
Westinghouse Road	6007, 6016	Highway works	Works Nos. 3 and 5
Warren Road	6020	Highway works	Works Nos. 3 and 5
Land and premises at Unit Nos. 1 to 6 Westinghouse Point, Westinghouse Road	6028	Demolition of buildings, highway works and construction compound	Works Nos. 3 and 5
Land at Unit Nos. 1 and 2 Centrepoint Estate, Westinghouse Road	6008	Highway works	Work No. 5
Land at Monde Trading Estate	6035, 6039, 6040, 6044	Highway works	Work No. 5

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Land to the east of Park Way	6047	Construction of diverted oil pipeline	Work No. 7
Land to the north-east of Bridgewater Canal	6049	Construction of diverted oil pipeline	Work No. 7
Bridgewater Canal	6050	Construction of diverted oil pipeline	Work No. 7
Land to the south-west of Parkway	6051	Construction of diverted oil pipeline	Work No. 7
Park Way	7003, 7018	Highway works	Work No. 4
Land at Unit Nos. 5, 8, 9, 10, 11 and 14 Mercury Park, Mercury Way	6067, 7002, 7004, 7005, 7006, 7008	Construction of Bridgewater Canal Bridge and adjoining retaining structure	Work No. 4
Cobalt Avenue	7009	Construction of Bridgewater Canal Bridge and adjoining retaining structure	Work No. 4
Land at Unit Nos. 1, 2 and 3 Platinum Road	7010, 7011, 7013, 7014	Construction of retaining structure	Work No. 4
Platinum Road (unadopted)	7012	Construction of retaining structure	Work No. 4
Land to the north of Barton Dock Road	7016, 7034	Construction of new retaining walls and earthworks and accommodation works	Work No. 4
Mercury Way	7024	Highway works	Work No. 4
Land at Risol House, Mercury Way	7025	Highway works	Work No. 4
Barton Dock Road	7017, 7022, 7023, 7033, 8011, 8012, 8028, 8031, 8032	Highway works	Work No. 4
Land at electricity substation, Barton Dock Road	7032	Accommodation works	Work No. 4
Land at EventCity	7037, 8004, 8004A, 8004B, 8007A, 8007B, 8007C, 8007D, 8007E, 8008A, 8008B,	Highway and accommodation works	Work No. 4

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<i>(1)</i> <i>Location</i>	<i>(2)</i> <i>Number of land shown on the works and land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Scheduled work</i>
Land at Containerbase, Barton Dock Road	7021, 7021A, 7021B	Accommodation works	Work No. 4
Land to the south of Barton Dock Road forming car parking to EventCity	7041, 8020	Highway works and construction compound	Work No. 4
Phoenix Way	8005, 8008B, 8009A, 8009C	Highway works	Work No. 4
Land at Barton Square, Barton Dock Road	8006, 8009A, 8009B	Highway works	Work No. 4
Land to the south of Barton Dock Road forming car parking to the intu Trafford Centre	8022A	Highway and accommodation works	Work No. 4
Peel Avenue	8023, 8023A, 8023C	Highway works	Work No. 4
Festival Way	8017A, 8023B, 8023E	Highway and accommodation works	Work No. 4
Land to the west of Barton Square, Barton Dock Road	8003, 8025, 8026, 8027, 8030	Highway and accommodation works	Work No. 4
Land to the south of Barton Dock Road forming landscaping to the intu Trafford Centre	8024B	Accommodation works	Work No. 4
Land to the south of Barton Dock Road forming car park access road to the intu Trafford Centre	8034	Highway works	Work No. 4
Land to the east of car park access to the intu Trafford Centre	8024A	Accommodation works	Work No. 4

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SCHEDULE 7

Article 42

TRAFFIC REGULATION

Interpretation**1.** In this Schedule—

“Match Day Controlled Hours” means 2 hours before the expected start time, during and one hour after the actual finish time of a football match or event on those days upon which there is held —

- (a) at Old Trafford Football Ground, any football match involving Manchester United Football Club;
- (b) at Old Trafford Football Ground, any football match not involving Manchester United Football Club; and
- (c) at Old Trafford Football Ground any event, whether sporting or non-sporting, which, in the opinion of the Director of Environment – Strategy of the Borough Council, or the appointed deputy, is likely to benefit from the scheme being in operation; and

a reference to a “TRO” means a Traffic Regulation Order made under the 1984 Act.

2. In column (1) of each of the tables, the number before the oblique refers to the relevant sheet Number of the traffic regulation plans, and the number after the oblique refers to the relevant traffic regulation reference number shown on that sheet. In the event of there being any discrepancy between a provision in this Schedule and the illustration of that provision shown on the traffic regulation plans, this Schedule prevails.

PART 1**STOPPING, WAITING, LOADING OR UNLOADING****3.—(1)** No waiting at any time:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
01/1.1	Trafford Wharf Road	Northern side from a point 119 metres west of its junction with Trafford Road in an easterly direction to its junction with Trafford Road.	Aligns the existing TRO with the proposed changes to the highway layout at the eastern end of the road.
01/1.2	Trafford Wharf Road	Southern side from its junction with Victoria Place in an easterly direction to its junction with Trafford Road.	Aligns the existing TRO with the proposed changes to the highway layout at the eastern end of the road.
02 & 03/1.1	Trafford Wharf Road	Southern side from its junction with Churchill Way in an easterly direction to	Aligns the existing TRO with the proposed changes to the highway

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		its junction with Sir Alex Ferguson Way.	layout at the eastern end of the road.
02 & 03/1.2	Trafford Wharf Road	Northern side from its junction with Churchill Way in an easterly direction to its junction with Sir Alex Ferguson Way.	Aligns the existing TRO with the proposed changes to the highway layout at the eastern end of the road.
02/1.3	Sir Alex Ferguson Way	Eastern side from its junction with Trafford Wharf Road in a southerly direction to its junction with Victoria Place.	Aligns the existing TRO with the proposed changes to the highway layout of the road.
02/1.4	Victoria Place	Northern side from its junction with Sir Alex Ferguson Way in an easterly direction for a distance of 150 metres.	To maintain vehicular flow.
02/1.5	Victoria Place	Southern side from its junction with Sir Alex Ferguson Way in an easterly direction to its junction with Trafford Wharf Road.	To maintain vehicular flow.
02/1.6	Waterside	Eastern and southern sides from its junction with Wharfside Way in a northerly and then easterly direction to its junction with Sir Alex Ferguson Way.	Aligns the existing TRO with the proposed changes to the highway layout at the south-eastern end of the road.
02/1.7	Waterside	Western side from its junction with Trafford Wharf Road in a southerly direction to its junction with Wharfside Way.	Aligns the existing TRO with the proposed changes to the highway layout at the south-eastern end of the road.
03 & 04/1.3	Warren Bruce Road	North-west side from its junction with Trafford Wharf Road in a south-westerly direction to its junction with Village Circle.	To maintain vehicular flow.
03 & 04/1.4	Warren Bruce Road	South-east side from its junction with Trafford Wharf Road in a south-westerly direction to its junction with Village Circle.	To maintain vehicular flow.
03/1.5	Elevator Road	Eastern side from a point 242 metres north-east of its junction with Wharfside Way	Aligns the existing TRO with the proposed changes to the highway

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		in a north-easterly direction to its junction with Trafford Wharf Road.	layout at the northern end of the road.
03/1.6	Elevator Road	Western side from a point 208 metres north-east of its junction with Wharfside Way in a north-easterly direction for a distance of 30 metres.	Aligns the existing TRO with the proposed changes to the highway layout at the northern end of the road.
04/1.1	Second Avenue	Western side from a point 75 metres north of its junction with Eleventh Street in a northerly direction to its junction with Village Way.	Aligns the existing TRO with the proposed changes to the highway layout at the northern end of the road.
04/1.2	Second Avenue	Eastern side from a point 6 metres south of its junction with Tenth Street in a northerly direction to its junction with Village Way.	Aligns the existing TRO with the proposed changes to the highway layout at the northern end of the road.
04/1.5	Third Avenue	Western side from its junction with Trafford Park Road in a southerly direction to and including its cul-de-sac end.	To maintain vehicular flow.
04/1.6	Third Avenue	Eastern side from a point 73 metres south of its junction with Trafford Park Road in a southerly direction to and including its cul-de-sac end.	Aligns the existing TRO with proposed changes to the highway layout at the southern end of the road.
06/1.5	Work No. 5 (new highway)	North-east side from its junction with Park Way in a south-easterly direction to its junction with Westinghouse Road.	To maintain vehicular flow.
06/1.6	Work No. 5 (new highway)	South-west side from its junction with Park Way in a south-easterly direction to its junction with Westinghouse Road.	To maintain vehicular flow.
06/1.7	Work No. 6 (new highway)	North-east side from its junction with Ashburton Road West in a south-easterly direction to its junction with Tenax Road.	To maintain vehicular flow.
06/1.8	Work No. 6 (new highway)	South-west side from its junction with Ashburton Road West in a south-easterly	To maintain vehicular flow.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		direction to its junction with Tenax Road.	
06/1.9	Ashburton Road West	North-east side from a point 15 metres north-west of its junction with Lyons Road in a south-easterly and southerly direction to its junction with Work No. 6.	Aligns the existing TRO with the proposed changes to the highway layout at the eastern/south-eastern end of the road.
06/1.10	Ashburton Road West	South-west and western side from a point 15 metres south-east of its junction with Longbridge in a south-easterly and southerly direction to its junction with Park Way.	Aligns the existing TRO with the proposed changes to the highway layout at the eastern/south-eastern end of the road.
06/1.11	Ashburton Road West	Eastern side from its junction with Work No. 6 in a southerly direction to its junction with Park Way.	To maintain vehicular flow.
06 & 09/1.12	Westinghouse Road	South-west and southern sides from a point 28 metres north of the north-east kerbline of Warren Road in a south-easterly and easterly direction to its junction with Europa Circle.	Aligns the existing TRO with the proposed changes to the highway layout at the north-western end of the road.
06 & 09/1.13	Westinghouse Road	North-east and northern sides from a point 28 metres north of the north-east kerbline of Warren Road in a south-easterly and easterly direction to its junction with Europa Circle.	Aligns the existing TRO with the proposed changes to the highway layout at the north-western end of the road.
07/1.1	Mercury Way	North-west side from a point 76 metres south-west of the south-west kerb line of Cobalt Avenue in a south-westerly direction to its junction with Barton Dock Road.	To maintain vehicular flow.
07/1.2	Mercury Way	South-east side from a point 141 metres south-west of its junction with Cobalt Avenue in a south-westerly direction to its junction with Barton Dock Road.	To maintain vehicular flow.

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(2) Waiting restricted to specified times:

(1) No.	(2) Road	(3) Extent	(4) Notes
In the Metropolitan Borough of Trafford			
02/2.1	Trafford Wharf Road	Northern side from its junction with Victoria Place in an easterly direction to a point 119 metres west of its junction with Trafford Road. No waiting on Match Day Controlled Hours.	To provide parking facilities displaced from Wharf End.
02/2.2	Victoria Place	Northern side from a point 150 metres to the east of its junction with Sir Alex Ferguson Way in an easterly direction to its junction with Trafford Wharf Road. No waiting on Match Day Controlled Hours.	To provide parking facilities displaced from Wharf End.
04/2.1	Second Avenue	Western side from a point 17 metres north of its junction with Eleventh Street in a northerly direction for a distance of 58 metres. No waiting on Match Day Controlled Hours except when displaying a Voucher issued by the Borough Council in accordance with the Council's Conditions for the issuing of Parking Vouchers for the time being in force.	Aligns the existing TRO with the proposed changes to the highway layout at the northern end of the road.
07/2.1	Mercury Way	South-east side from a point 20 metres north east of its junction with Cobalt Avenue in a south-westerly direction for a distance of 168 metres. No waiting Monday to	Aligns the existing TRO with the proposed changes to the highway layout at the south-west end of the road.

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<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
		Saturday between 8am and 6pm.	

(3) No loading at any time:

<i>(1)</i> No.	<i>(2)</i> Road	<i>(3)</i> Extent	<i>(4)</i> Notes
In the Metropolitan Borough of Trafford			
01/3.1	Trafford Wharf Road	Northern side from a point 119 metres west of its junction with Trafford Road in an easterly direction to its junction with Trafford Road.	To maintain vehicular flow.
01/3.2	Trafford Wharf Road	Southern side from its junction with Victoria Place in an easterly direction to its junction with Trafford Road.	To maintain vehicular flow.
02 & 03/3.1	Trafford Wharf Road	Southern side from a point 63 metres west of the western kerb line of Warren Bruce Road in an easterly direction to its junction with Waterside.	To maintain vehicular flow.
02 & 03/3.2	Trafford Wharf Road	Northern side from a point 63 metres west of the western kerb line of Warren Bruce Road in an easterly direction for a distance of 676 metres.	To maintain vehicular flow.
02/3.3	Sir Alex Ferguson Way	Eastern side from its junction with Trafford Wharf Road in a southerly direction to its junction with Victoria Place.	To maintain vehicular flow.
02/3.4	Victoria Place	Northern side from its junction with Sir Alex Ferguson Way in an easterly direction for a distance of 150 metres.	To maintain vehicular flow.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
02/3.5	Victoria Place	Southern side from its junction with Sir Alex Ferguson Way in an easterly direction for a distance of 103 metres.	To maintain vehicular flow.
02/3.6	Waterside	Eastern side from a point 79 metres north of the southern kerb line of Wharfside Way in a southerly direction to its junction with Wharfside Way.	To maintain vehicular flow.
02/3.7	Waterside	Western side from a point 110 metres north of the southern kerb line of Wharfside Way in a southerly direction to its junction with Wharfside Way.	To maintain vehicular flow.
02/3.8	Sir Alex Ferguson Way	Western side from its junction with Trafford Wharf Road in a southerly direction to its junction with Wharfside Way.	To maintain vehicular flow.
03 & 04/3.3	Warren Bruce Road	North-west side from its junction with Trafford Wharf Road in a south-westerly direction to its junction with Village Circle.	To maintain vehicular flow.
03 & 04/3.4	Warren Bruce Road	South-east side from its junction with Trafford Wharf Road in a south-easterly direction to its junction with Village Circle.	To maintain vehicular flow.
03/3.5	Elevator Road	Eastern side from a point 242 metres north of its junction with Wharfside Way in a northerly direction to its junction with Trafford Wharf Road.	To maintain vehicular flow.
06/3.5	Work No. 5	North-east side from its junction with Park	To maintain vehicular flow.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
	(new highway)	Way in a south-easterly direction to its junction with Westinghouse Road.	
06/3.6	Work No. 5 (new highway)	South-west side from its junction with Park Way in a south-easterly direction to its junction with Westinghouse Road.	To maintain vehicular flow.
06/3.7	Work No. 6 (new highway)	North-east side from its junction with Ashburton Road West in a south-easterly direction to its junction with Tenax Road.	To maintain vehicular flow.
06/3.8	Work No. 6 (new highway)	South-west side from its junction with Ashburton Road West in a south-easterly direction to its junction with Tenax Road.	To maintain vehicular flow.
07/3.1	Mercury Way	North-west side from a point 76 metres south-west of the south-west kerb line of Cobalt Avenue in a south-westerly direction to its junction with Barton Dock Road.	To maintain vehicular flow.
07/3.2	Mercury Way	South-east side from a point 141 metres south-west of its junction with Cobalt Avenue in a south-westerly direction to its junction with Barton Dock Road.	To maintain vehicular flow.

(4) Loading restricted to specified times:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
02/4.1	Trafford Wharf Road	Northern side from its junction with Victoria Place in an easterly direction to a point 119 metres west of its junction with Trafford Road. No loading except Taxis on Match Day Controlled Hours.	To provide a temporary taxi rank displaced from Sir Alex Ferguson Way.
02/4.2	Victoria Place	Northern side from a point 150 metres to the east of its junction with Sir Alex Ferguson Way in an easterly direction to its junction with Trafford Wharf Road. No loading except Taxis on Match Day Controlled Hours.	To provide a temporary taxi rank displaced from Sir Alex Ferguson Way.

(5) 24 Hour Clearway:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
04, 05 & 06/5.1	Village Way	24 hour Clearway both sides of the eastbound and westbound carriageways from its junction with Park Way to its junction with Village Circle.	Aligns the existing TRO with the proposed changes to the highway layout at the western end of the road, namely the conversion of Parkway Circle to a signal controlled junction.
06/5.2	Tenax Road	24 hour Clearway both sides of the northbound and southbound carriageways from its junction with Tenax Circle to its junction with Park Way.	Aligns the existing TRO with the proposed changes to the highway layout at the southern end of the road, namely the conversion of Parkway Circle to a signal controlled junction.
06 & 07/5.3	Park Way	24 hour Clearway both sides of the north-eastbound	Aligns the existing TRO with the proposed changes to the highway

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		and south-westbound carriageways from its junction with Tenax Road to its junction with Barton Road.	layout at the north-east end of the road, namely the conversion of Parkway Circle to a signal controlled junction.

PART 2

DIRECTION OF VEHICULAR TRAFFIC

4.—(1) One way traffic:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
02/6.1	Sir Alex Ferguson Way	One-way traffic in a northbound direction from its junction with Wharfside Way to its junction with Victoria Place.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
02/6.2	Waterside	One-way traffic in a southbound direction from a point 51 metres north of the southern kerbline of Wharfside Way to its junction with Wharfside Way.	To assist traffic flow and maintain junction capacity.
06/6.1	Ashburton Road West	One-way traffic in a northbound direction from its junction with Park Way to its junction with Work No.6.	To assist traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.

(2) Opening to two way traffic (previously one way) – revocation:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
05/7.1	Mosley Road	Opening to two-way traffic from a point 35 metres south of its	To assist traffic flow and improve access.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		junction with Trafford Park Road to its junction with Trafford Park Road.	

(3) Prescribed movement:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
02/8.1	Trafford Wharf Road	Compulsory right turn from Trafford Wharf Road onto Sir Alex Ferguson Way.	To prevent hazardous traffic movements and possible carriageway obstruction.
02/8.2	Sir Alex Ferguson Way	Compulsory left turn from Sir Alex Ferguson Way onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
02/8.3	Sir Alex Ferguson Way	Compulsory left turn from Sir Alex Ferguson Way onto Victoria Place.	To prevent hazardous traffic movements and possible carriageway obstruction.
02/8.4	Victoria Place	Compulsory right turn from Victoria Place onto Sir Alex Ferguson Way.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.1	Elevator Road	Compulsory left turn from Elevator Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.2	Private means of access (Imperial War Museum North)	Compulsory left turn from the Imperial War Museum North private means of access located 304 metres to the east of the eastern kerblines of Warren Bruce Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.3	Private means of access (Imperial War Museum North)	Compulsory left turn from the Imperial War Museum North private means of access located 257 metres	To prevent hazardous traffic movements and possible carriageway obstruction.

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(1) No.	(2) Road	(3) Extent	(4) Notes
		to the east of the eastern kerbline of Warren Bruce Road onto Trafford Wharf Road.	
03/8.4	Private means of access (Imperial War Museum North)	Compulsory left turn from the Imperial War Museum North private means of access located 152 metres to the east of the eastern kerbline of Warren Bruce Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.5	Private means of access (ITV Studios)	Compulsory left turn from the ITV Studios private means of access located 49 metres to the east of the eastern kerbline of Warren Bruce Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.6	Private means of access (Trafford Mills, Rank Hovis)	Compulsory left turn from the Trafford Mills, Rank Hovis private means of access located 235 metres to the east of the eastern kerbline of Warren Bruce Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
03/8.7	Private means of access (Trafford Mills, Rank Hovis)	Compulsory left turn from the Trafford Mills, Rank Hovis private means of access located 63 metres to the east of the eastern kerbline of Warren Bruce Road onto Trafford Wharf Road.	To prevent hazardous traffic movements and possible carriageway obstruction.
04/8.1	Second Avenue	Compulsory left turn from Second Avenue onto Village Way.	To prevent hazardous traffic movements and

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
			possible carriageway obstruction.
05/8.1	Praed Road	Compulsory left turn from Praed Road onto Village Way.	To prevent hazardous traffic movements and possible carriageway obstruction.

PART 3

PROHIBITION OF VEHICULAR ACCESS

5.—(1) Prohibition of driving:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
01 & 02/9.1	Wharf End	Prohibition of driving 24 hours except pedal cycles both sides of the carriageway from its junction with Trafford Wharf Road to its junction with Trafford Road.	To be closed to all traffic except pedal cycles.
02/9.2	Trafford Wharf Road	Prohibition of driving 24 hours except tramcars and pedal cycles both sides of the carriageway from its junction with Sir Alex Ferguson Way to its junction with Victoria Place.	To be closed to all traffic except pedal cycles
02/9.3	Sir Alex Ferguson Way	Prohibition of driving 24 hours except pedal cycles southbound carriageway from its junction with Victoria Place to its junction with Wharfside Way.	To prevent hazardous traffic movements and possible carriageway obstruction.
02/9.4	Sir Alex Ferguson Way	Prohibition of driving 24 hours except pedal cycles northbound carriageway from a point 22 metres north	To prevent hazardous traffic movements and possible carriageway obstruction.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		of its junction with Wharfside Way in a southerly direction to its junction with Wharfside Way.	
03/9.1	Trafford Wharf Road	Prohibition of driving 24 hours except tramcars and emergency vehicles within the central area of the carriageway from its junction with Warren Bruce Road to a point 43 metres east of its junction with Elevator Road. Central area of the carriageway means the area 3.65 metres (nominally) south of the northern kerb line to 3.65 metres (nominally) north of the southern kerb line.	To prevent vehicles encroaching on the tram route except for authorised vehicles.
04/9.1	Third Avenue	Prohibition of driving 24 hours except tramcars and pedal cycles both sides of the carriageway from a point 22 metres north of its junction with Village Way in a southerly direction to its junction with Village Way.	To prevent vehicles encroaching on the tram route except for authorised vehicles.

(2) Prohibition of movement:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
02/10.1	Sir Alex Ferguson Way	No right turn from Sir Alex Ferguson Way onto Victoria Place.	To prevent hazardous traffic movements and possible carriageway obstruction.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
02/10.2	Wharfside Way	No right turn from Wharfside Way onto Sir Alex Ferguson Way.	To maintain junction capacity and prevent hazardous traffic movements and possible carriageway obstruction.
02/10.3	Wharfside Way	No right turn from Wharfside Way onto Waterside.	To maintain junction capacity and prevent hazardous traffic movements and possible carriageway obstruction.
02/10.4	Wharfside Way	No left turn from Wharfside Way onto Waterside.	To maintain junction capacity and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.1	Trafford Wharf Road	No right turn from Trafford Wharf Road onto Elevator Road.	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.2	Trafford Wharf Road	No right turn from Trafford Wharf Road onto Trafford Mills, Rank Hovis private means of access located 235 metres to the east of the eastern kerblines of Warren Bruce Road (except for emergency vehicles).	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.3	Trafford Wharf Road	No right turn from Trafford Wharf Road onto Trafford Mills, Rank Hovis private means of access located 63 metres to the east of the eastern kerblines of Warren Bruce Road (except for emergency vehicles).	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.4	Trafford Wharf Road	No right turn from Trafford Wharf Road	To maintain traffic flow and prevent

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		onto Imperial War Museum North private means of access located 304 metres to the east of the eastern kerbline of Warren Bruce Road (except for emergency vehicles).	hazardous traffic movements and possible carriageway obstruction.
03/10.5	Trafford Wharf Road	No right turn from Trafford Wharf Road onto Imperial War Museum North private means of access located 257 metres to the east of the eastern kerbline of Warren Bruce Road (except for emergency vehicles).	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.6	Trafford Wharf Road	No right turn from Trafford Wharf Road onto Imperial War Museum North private means of access located 152 metres to the east of the eastern kerbline of Warren Bruce Road (except for emergency vehicles).	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.7	Trafford Wharf Road	No right turn from Trafford Wharf Road onto ITV Studios private means of access located 49 metres to the east of the eastern kerbline of Warren Bruce Road (except for emergency vehicles).	To maintain traffic flow and prevent hazardous traffic movements and possible carriageway obstruction.
03/10.8	Trafford Wharf Road	No entry except for trams in a southeasterly direction onto the tramroad (Work No. 1) to the north of Trafford Wharf Road approximately 20 metres to the east of the Trafford Wharf Road/	To prevent hazardous movements.

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(1) No.	(2) Road	(3) Extent	(4) Notes
		Quay West access junction.	
03/10.9	Trafford Wharf Road	No entry except for trams in a north-westerly direction onto the tramway (Work No. 2) within the central reserve of Trafford Wharf Road at the vehicular access for Quay West, a point approximately 42 metres east of Elevator Road.	To prevent hazardous movements.
03/10.10	Trafford Wharf Road	No entry except for trams in a south-easterly direction onto the tramway (Work No. 2) within the central reserve of Trafford Wharf Road at its junction with Warren Bruce Road.	To prevent hazardous movements.
03/10.11	Warren Bruce Road	No entry except for trams in a south-westerly direction onto the tramroad (Work No. 3) to the north-west of Warren Bruce Road at its north-easterly junction with Warren Bruce Road.	To prevent hazardous movements.
04/10.1	Warren Bruce Road	No entry except for trams in a north-easterly direction onto the tramroad (Work No. 3) to the north-west of Warren Bruce Road at its junction with Village Circle.	To prevent hazardous movements.
04/10.2	Village Circle	No entry except for trams in a westerly direction onto the tramroad (Work No. 3) within the central area of Village Circle.	To prevent hazardous movements.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
04/10.3	Village Circle	No entry except for trams in an easterly direction onto the tramroad (Work No. 3) within the central area of Village Circle.	To prevent hazardous movements.
04/10.4	Village Way	No entry except for trams in a westerly direction onto the tramroad (Work No. 3) to the north of Village Way at its junction with Village Way/ Village Circle.	To prevent hazardous movements.
05/10.1	Village Way	No right turn from Village Way onto Mosley Road (to the north of Village Way).	To maintain junction capacity and traffic flow.
05/10.2	Village Way	No right turn from Village Way onto Mosley Road (to the south of Village Way).	To maintain junction capacity and traffic flow.
5/10.3	Village Way	No entry except for trams in an easterly direction onto the tramroad (Work No. 3) to the north of Village Way on the eastern side of its junction with the unnamed access opposite Fifth Avenue.	To prevent hazardous movements.
5/10.4	Village Way	No entry except for trams in a westerly direction onto the tramroad (Work No. 3) to the north of Village Way on the western side of its junction with the unnamed access opposite Fifth Avenue.	To prevent hazardous movements.
5/10.5	Village Way	No entry except for trams in an easterly direction onto the tramroad (Work No. 3) to the north of Village Way at its junction	To prevent hazardous movements.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		with Village Way/ Mosley Road.	
5/10.6	Village Way	No entry except for trams in a westerly direction onto the tramroad (Work No. 3) to the south of Village Way at its junction with Village Way/ Mosley Road.	To prevent hazardous movements.
05/10.7	Village Way	No entry except for trams in an easterly direction onto the tramroad (Work No. 3) to the south of Village Way at its junction with the access road to Central Park Trading Estate approximately 165 metres west of the western kerb line of Mosley Road.	To prevent hazardous movements.
05/10.8	Village Way	No entry except for trams in a westerly direction onto the tramroad (Work No. 3) to the south of Village Way at its junction with the access road to Central Park Trading Estate approximately 183 metres west of the western kerb line of Mosley Road.	To prevent hazardous movements.
06/10.1	Ashburton Road West	No right turn from Ashburton Road West onto Work No. 6.	To maintain junction capacity and traffic flow.
06/10.2	Work No. 6 (new highway)	No left turn from Work No. 6 onto Ashburton Road West.	To maintain junction capacity and traffic flow.
06/10.3	Work No. 5 (new highway)	No right turn from Work No. 5 onto Park Way.	To maintain junction capacity and traffic flow.
06/10.4	Park Way	No entry except for trams in an easterly direction onto the	To prevent hazardous movements.

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(1) No.	(2) Road	(3) Extent	(4) Notes
		tramroad (Work No. 3) to the south of Park Way at its junction with Westinghouse Road/ Park Way.	
06/10.5	Park Way	No entry except for trams in a south-westerly direction onto the tramroad (Work No. 4) to the north-west of Park Way opposite the Westinghouse Road/ Park Way junction.	To prevent hazardous movements.
07/10.1	Barton Dock Road	No entry except for trams in a south-easterly direction onto the tramroad (Work No. 4) to the north of Barton Dock Road on the eastern side of its junction with Mercury Way.	To prevent hazardous movements.
07/10.2	Barton Dock Road	No entry except for trams in a north-westerly direction onto the tramroad (Work No. 4) to the north of Barton Dock Road on the western side of its junction with Mercury Way.	To prevent hazardous movements.
08/10.1	Barton Dock Road	No entry except for trams in a south-easterly direction onto the tramroad (Work No. 4) to the north of Barton Dock Road on the eastern side of its junction with Phoenix Way.	To prevent hazardous movements.
08/10.2	Barton Dock Road	No entry except for trams in a north-westerly direction onto the tramroad (Work No. 4) to the north of Barton Dock Road on	To prevent hazardous movements.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		the western side of its junction with Phoenix Way	
08/10.3	Barton Dock Road	No entry except for trams in a south-easterly direction onto the tramroad (Work No. 4) to the north of Barton Dock Road at a point approximately 131 metres north-west of the western kerb line of Phoenix Way.	To prevent hazardous movements.
08/10.4	Barton Dock Road	No entry except for trams in a north-westerly direction onto the tramroad (Work No. 4) to the south of Barton Dock Road at a point approximately 147 metres south-east of the eastern kerblines of Traders Avenue.	To prevent hazardous movements.

(3) Opening to allow turning movement – revocation:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
05/11.1	Trafford Park Road	Opening to left turn from Trafford Park Road onto Mosley Road.	To assist traffic flow and improve access.

(4) Pedal cycle lane:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
03/12.1	Trafford Wharf Road	Southern side from a point 22 metres east of its junction with Warren Bruce Road in an easterly direction for a distance of 308	To assist the movement of pedal cycles.

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<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
		metres east of its junction with Elevator Road which has a width throughout of 1.5 metres.	

PART 4

VEHICULAR SPEED LIMITS

6. Speed Limits:

<i>(1)</i> <i>No.</i>	<i>(2)</i> <i>Road</i>	<i>(3)</i> <i>Extent</i>	<i>(4)</i> <i>Notes</i>
In the Metropolitan Borough of Trafford			
06/13.1	Work No. 6 (new highway)	30 mph speed limit both sides of the carriageway from its junction with Tenax Road to its junction with Ashburton Road West.	
06/13.2	Work No. 5 (new highway)	30 mph speed limit both sides of the carriageway from its junction with Park Way to its junction with Westinghouse Road.	

SCHEDULE 8

Article 46

PROTECTION OF PUBLIC UTILITIES

Effect

1. For the protection of the public utilities referred to in this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and the public utility concerned.

Definitions

2. In this Schedule—
“apparatus” means—

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- (a) in the case of Electricity North West Limited, electric lines or electrical plant (as defined in the Electricity Act 1989(68)), belonging to or maintained by that public utility;
- (b) in the case of National Grid Gas Plc, any mains, pipes or other apparatus belonging to or maintained by that public utility for the purposes of gas supply,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in”, in a context referring to apparatus or necessary alternative apparatus in land, includes a reference to apparatus or necessary alternative apparatus under, over or upon land;

“necessary alternative apparatus” means alternative apparatus adequate to enable a public utility to fulfil its statutory or licensed functions in a manner no less efficient than previously;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed; and

“public utility” means, as the case may be—

- (a) Electricity North West Limited, company number 02366949, whose registered office is at 304 Bridgewater Place, Birchwood Park, Warrington, WA3 6XG; and/or
- (b) National Grid Gas Distribution Limited, company number 10080864, whose registered office is at 1-3 Strand, London, WC2N 5EH;

and in relation to any apparatus, means the public utility to whom it belongs or by whom it is maintained; and

“specified work” means any of the authorised works which will or may be situated over or within 15 metres measured in any direction of, or may in any way adversely affect, any apparatus, the removal of which has not been required under paragraph 8.

On-street apparatus

3. This Schedule does not apply to apparatus in respect of which the relations between the undertaker and the public utility are regulated by the provisions of Part 3 (street works licence) of the 1991 Act.

Apparatus in stopped-up streets

4.—(1) Where any street is stopped up under article 13 (stopping up of streets), any public utility whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must as soon as reasonably practicable grant to the public utility legal easements reasonably satisfactory to the public utility in respect of such apparatus and access to it, but nothing in this paragraph affects any right of the undertaker or of the public utility to require the removal of that apparatus under paragraph 8 or the power of the undertaker to carry out works under paragraphs 20 to 27.

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 14 (temporary stopping up of streets) the public utility is at liberty at all times to take all necessary access across any such temporarily stopped up highway and to execute and do all works and things in, upon or under any such highway as may be reasonably necessary to enable the public utility to maintain any apparatus which at the time of the stopping up or diversion was in that highway and only in a manner that is consistent with and subject to any restriction or limitations

(68) 1989 c. 29.

that applied on such access or works under the terms of the 1991 Act enjoyed immediately before the temporary stopping up.

Protective works to building

5. The undertaker must, so far as is reasonably practicable, exercise the powers conferred by article 22 (works to safeguard buildings and the operation of the authorised transit system) so as not to obstruct or render less convenient the access to any apparatus without the written consent of the public utility (such consent not to be unreasonably withheld or delayed).

Acquisition

6. Subject to paragraph 7, the undertaker must not acquire any apparatus or land interest or override any easement or other interest of or from a public utility under the powers conferred by this Order otherwise than by agreement, which must not be unreasonably withheld.

7. The undertaker may in exercise of the powers conferred by this Order acquire or appropriate any land in which any apparatus is placed and, following the removal of such apparatus in accordance with the provisions of this Schedule, any rights in that land relating to that apparatus are extinguished but no apparatus is to be removed nor is any right of the public utility to use, maintain or renew any apparatus to be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the public utility.

Removal of apparatus

8. Paragraphs 9 to 16 apply where—

- (a) the undertaker requires the removal of any apparatus for the purpose of constructing any of the authorised works and gives to the public utility not less than 56 days' written notice of that requirement together with a plan of the proposed work and of the proposed position of the necessary alternative apparatus to be provided or constructed; or
- (b) in consequence of the exercise or proposed exercise of any of the powers conferred by this Order, the public utility reasonably requires the removal of any apparatus.

9. Subject to paragraph 10, the undertaker must afford to the public utility the necessary rights and facilities for the construction of any necessary alternative apparatus in other land of the undertaker and subsequently for the use, maintenance and renewal of such apparatus.

10. If the undertaker is unable to obtain the rights and facilities referred to in paragraph 9, the public utility must, on receipt of a written notice to that effect from the undertaker, use its best endeavours to obtain the necessary rights and facilities.

11. The obligation imposed upon the public utility by paragraph 10 does not extend to the exercise by the public utility of any power to acquire any land or rights in land by compulsory purchase order.

12. Any necessary alternative apparatus to be constructed by the public utility under this Schedule must be constructed in such manner, and in such line or situation, as may be agreed between the public utility and the undertaker or, in default of agreement, determined by arbitration under article 53 (arbitration).

13. The public utility must, after the manner of construction and the line or situation of any necessary alternative apparatus have been agreed or determined by arbitration and after the grant to or obtaining by the public utility of any such facilities and rights as are referred to in paragraph 9, proceed without unnecessary delay to construct and bring into operation the necessary alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed in accordance with paragraph 8.

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14. If the undertaker gives notice in writing to the public utility that it desires to carry out any part of any work in connection with the construction or removal of apparatus, such work, instead of being carried out by the public utility, may be carried out by the undertaker with the prior written consent of the public utility (which must not be unreasonably withheld and may be subject to any such conditions as are reasonable and proper to protect the apparatus) in accordance with plans and in a position agreed between the public utility and the undertaker or, in default of agreement, determined by arbitration under article 53 (arbitration), without unnecessary delay under the superintendence (if given) and to the reasonable satisfaction of the public utility.

15. In carrying out any work under paragraph 14 the undertaker must comply with all statutory obligations which would have been applicable had the works been carried out by the public utility.

16. Nothing in paragraph 14 authorises the undertaker to carry out the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or, where the apparatus is laid in a trench, execute any filling around the apparatus within 300 millimetres (measured in any direction) of the apparatus.

Facilities and rights for necessary alternative apparatus

17. Where, in accordance with the provisions of this Schedule, the undertaker affords to the public utility facilities and rights for the construction, use, maintenance and renewal in land of the undertaker of necessary alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and the public utility or, in default of agreement, determined by arbitration under article 53 (arbitration).

18. In determining the terms and conditions mentioned in paragraph 17 in respect of necessary alternative apparatus to be constructed across or along the authorised works the arbitrator must—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety of the authorised works and for securing any subsequent alterations or adaptations of the necessary alternative apparatus which may be required to prevent interference with any such works; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the case, give effect to any terms and conditions (if any) applicable to the apparatus constructed across or along the authorised works for which the necessary alternative apparatus is to be substituted and to any other reasonable requirements of the public utility.

19. If the facilities and rights to be afforded by the undertaker in respect of any necessary alternative apparatus under paragraph 17 and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the public utility than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator must make such provision for the payment of compensation to or by the undertaker by or to the public utility in that respect as appears to the arbitrator to be reasonable having regard to all the circumstances of the case.

Retained apparatus

20.—(1) Not less than 56 days before commencing to construct or renew any specified work, the undertaker must submit to the public utility plans of the works.

(2) The plan to be submitted to the public utility under sub-paragraph (1) must (unless otherwise agreed in writing) include a method statement and describe—

- (a) the exact position of the specified work;
- (b) the level at which the specified works are proposed to be constructed or renewed; and

- (c) the manner of their construction or renewal including details of excavation and positioning of plant.

21. The undertaker must not commence the construction or renewal of any specified work until the public utility has given written approval of the plans so submitted.

22. Any approval of the public utility required under paragraph 21—

- (a) may be given subject to reasonable conditions for any purpose mentioned in paragraph 23;
- (b) must not be unreasonably withheld; and
- (c) is to be deemed to have been given if it is neither given nor refused within 56 days of the submission of plans for approval.

23. A specified work is to be constructed only in accordance with the approved plans and all reasonable requirements made by the public utility for the alteration, or otherwise for the protection, of the apparatus, or for securing access to it, and the public utility is entitled to watch and inspect the carrying out of the work.

24. If within 42 days after the submission to it of any plans under paragraph 20, in consequence of the works proposed by the undertaker the public utility reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, the provisions of this Schedule are to have effect as if the removal of the apparatus had been required by the public utility under paragraph 8.

25. Nothing in paragraph 20 or 24 precludes the undertaker from submitting at any time, or from time to time, but in any case not less than 28 days before commencing the construction of any specified work, a new plan in place of the plan previously submitted, in which case the provisions of those paragraphs are to apply to, and in respect of, the new plan.

26. The undertaker is not required to comply with paragraph 20 in a case of emergency but, in such a case, it must give to the public utility notice as soon as reasonably practicable, and a plan of the works as soon as reasonably practicable afterwards, and must comply with paragraph 23 so far as reasonably practicable in the circumstances.

27. Nothing in paragraph 26 entitles the undertaker to carry out works to any apparatus but, upon receipt of notice from the undertaker, the public utility must take such action as may be required (which may include the carrying out of works if it thinks fit) without unnecessary delay.

Expenses and costs

28. Subject to the following provisions of this Schedule, the undertaker must repay to a public utility all expenses reasonably incurred by that public utility in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any necessary alternative apparatus (including any costs reasonably incurred in connection with the acquisition of rights) and in watching and inspecting the execution of works and in making reasonable requirements under paragraph 22.

29. The value of any apparatus removed under the provisions of this Schedule is to be deducted from any sum payable under paragraph 28, that value being calculated after removal.

30. If in accordance with the provisions of this Schedule—

- (a) necessary alternative apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type that is suitable for the purpose required; or
- (b) apparatus (whether existing apparatus or necessary alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

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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 undertaker or, in default of agreement, is not determined by arbitration to be necessary, then, if such placing involves cost in the construction of works under this Schedule 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 public utility under paragraph 28 is to be reduced by the amount of that excess.

31. For the purposes of paragraph 30—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended serves a purpose (either additional to or instead of that served by the existing apparatus) which was not served by the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

32. An amount which apart from this paragraph would be payable to a public utility under paragraph 28 must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the public 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 as calculated in accordance with the Code of Practice entitled “Measures Necessary where Apparatus is Affected by Major Works (Diversionary Works)” and dated June 1992 and approved by the Secretary of State on 30th June 1992, as revised and reissued from time to time.

33. In any case where work is carried out by the undertaker under paragraphs 14 to 16 and, if such work had been carried out by the public utility, the repayment made to the public utility under paragraph 28 would fall to be reduced under paragraphs 30 to 32, the public utility must give credit to the undertaker for such sum as represents the amount of that reduction.

Indemnity

34. If by reason or in consequence of the construction of the specified works, any damage is caused to any apparatus or necessary alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or there is any interruption in any service provided or of any access to any apparatus, or in the supply of any goods, by any public utility, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that public utility in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that public utility for any other expenses, loss, damages, penalty or costs incurred by it,

by reason or in consequence of any such damage or interruption.

35. The fact that any act or thing may have been done by a public utility on behalf of the undertaker or in accordance with a plan approved by a public utility or in accordance with any requirement of a public utility or under its supervision does not, subject to paragraph 36, excuse the undertaker from liability under the provisions of paragraph 34.

36. Nothing in paragraph 34 imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of a public utility, its officers, servants, contractors or agents.

37. A public utility must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the undertaker, such consent not to be unreasonably withheld or delayed.

Co-operation

38. Where in consequence of the proposed construction of any of the specified works, the undertaker or a public utility requires the removal of apparatus under paragraph 8 or a public utility makes requirements for the protection or alteration of apparatus under paragraph 23, the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and each public utility must use its best endeavours to co-operate with the undertaker for that purpose.

Access

39. If in consequence of the powers conferred by this Order, the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable the public utility to maintain or use the apparatus no less effectively than was possible before such obstruction.

SCHEDULE 9

Article 47

PROTECTION OF NAVIGATION

1.—(1) For the protection of MSCC and BCC the following provisions of this Schedule, unless otherwise agreed in writing between the undertaker and the authority concerned, have effect.

(2) In this Schedule—

“the authority” means—

- (a) in relation to the Bridgewater Canal, BCC in its capacity as navigation authority for that canal; and
- (b) in relation to the Manchester Ship Canal, MSCC in its capacity as harbour authority for that canal;

“BCC” means the Bridgewater Canal Company Limited, company number 06805592 whose registered address is at Peel Dome, The Trafford Centre, Stretford, M17 8PL and (where applicable) includes its statutory successors;

“the Bridgewater Canal” means the Bridgewater Canal owned or managed by BCC, and includes any works connected with the Bridgewater Canal for the maintenance or operation of which BCC is responsible and includes (without limitation) lands, walls, culverts, roads, bridges, buildings and developments held or used by BCC for the purposes of the Bridgewater Canal;

“the Canal” means the Bridgewater Canal or the Manchester Ship Canal, as the case may be;

“construction”, in relation to any specified work or protective work, includes execution, placing, altering, replacing, relaying and removal, and “construct” and “constructed” have corresponding meanings;

“detriment” means any physical damage to the Canal wholly or partly caused by the specified works which affects the stability, structure and safety of the Canal and, without limitation on the scope of that meaning, includes—

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- (a) the erosion of the bed, banks or walls of the Canal, or the impairment of the stability of any works or lands forming part of the Canal;
- (b) damage to the walls or banks of the Canal caused by excessive weight being placed on the Canal walls;
- (c) the silting of the Canal or the deposit of materials in the Canal so as to damage the Canal;
- (d) the pollution of the Canal; and
- (e) any alteration in the water level of the Canal, or interference with the supply of water to the Canal, or drainage from the Canal;

but does not include any damage to the Canal to the extent that it is set out in plans approved (or deemed to be approved) under paragraph 4;

“the engineer” means an engineer (whether an employee of the authority or external consultant) appointed by the authority for the purpose in question;

“harbour master” means the officer appointed by MSCC from time to time to execute the office of harbour master and includes any assistants and subordinates in so far as such assistants and subordinates are duly authorised to act on behalf the harbour master;

“the Manchester Ship Canal” means the Manchester Ship Canal owned or managed by MSCC, and includes any works connected with the Manchester Ship Canal for the maintenance or operation of which MSCC is responsible and includes (without limitation) lands, walls, banks, culverts, roads, bridges, buildings and developments held or used by MSCC for the purposes of the Manchester Ship Canal;

“MSCC” means the Manchester Ship Canal Company Limited, company number 07438096, whose registered office is at Maritime Centre, Port of Liverpool, Liverpool L21 1LA and (where applicable) includes its statutory successors;

“plans” includes sections, drawings, specifications, calculations, surveys, soil and other environmental reports, descriptions (including descriptions of methods of construction), drainage and flooding reports, risk assessments and method statements, but does not include the design and appearance of the specified works, calculations, phasing plans and programmes;

“protective work” means a work which is reasonably necessary to be carried out to minimise or prevent detriment constructed under sub-paragraph 4(3)(a);

“the Ship Canal enactments” means—

Manchester Ship Canal Act 1885 c. clxxxviii

Manchester Ship Canal (Additional Lands) Act 1888 c. cxi

Manchester Ship Canal (Alteration of Works) Act 1888 c. clxi

Manchester Ship Canal (Tidal Openings, & c.) Act 1890 c. lxxiv

Manchester Ship Canal (Various Powers) Act 1890 c. ccxxvii

Manchester Ship Canal Act 1891 c. clxxxii

Manchester Ship Canal Act 1893 c. iii

Manchester Corporation (Ship Canal) Act 1893 c. xix

Manchester Ship Canal (Additional Capital, & c.) Act 1893 c. xxiii

Manchester Ship Canal (Surplus Lands) Act 1893 c. lxxiii

Manchester Ship Canal Act 1894 c. clxix

Manchester Ship Canal Act 1896 c. clxxxii

Manchester Ship Canal Act 1897 c. cviii

Manchester Ship Canal Act 1900 c. xxxvi

Manchester Ship Canal Act 1904 c. ccxii
Manchester Ship Canal (Bridgewater Canal) Act 1907 c. xv
Manchester Ship Canal (Various Powers) Act 1907 c. xxx
Manchester Ship Canal Act 1911 c. lvi
Manchester Ship Canal Act 1919 c. xlvi
Manchester Ship Canal Act 1920 c. cxlix
Manchester Ship Canal Act 1924 c. lviii
Manchester Ship Canal Act 1925 c. cxx
Manchester Ship Canal (General Powers) Act 1926 c. lxxxiii
Manchester Ship Canal Act 1933 c. lxvi
Manchester Ship Canal Act 1936 c. cxxiv
Manchester Ship Canal Act 1949 c. xxxvi
Manchester Ship Canal Act 1950 c. lvi
Manchester Ship Canal Act 1952 c. xiii
Manchester Ship Canal Act 1956 c. lxxx
Manchester Ship Canal Act 1960 c. xlv
Manchester Ship Canal Act 1962 c. liii
Manchester Ship Canal Act 1966 c. xxvii
Manchester Ship Canal Revision Order 1970 (S.I. 1971/191)
Manchester Ship Canal Revision Order 1975 (S.I. 1975/2205)
The Manchester Ship Canal (Black Bear Canal) (Local Enactments) Order 1976 (S.I. 1976/1084)
Manchester Ship Canal Revision Order 1984 (S.I. 1984/50)
Manchester Ship Canal Revision Order 1987 (S.I. 1987/1790)
Manchester Ship Canal Harbour Revision Order 1992 (S.I. 1992/1268)
The Manchester Ship Canal (Bridgewater Canal) Act 1907 (Amendment) Order 1996 (S.I. 1996/1484)
The Manchester Ship Canal Harbour Revision Order 2009 (S.I. 2009/2579);

“specified work” means so much of the authorised works as is situated upon, across, under, over or within 15 metres of, or may in any way affect, the Canal; and

“weight limit” means the relevant weight limit for any section of the wall or bank of the Canal that may be affected by any specified work or protective work, such weight limit to be approved by the engineer in accordance with the provisions of paragraph 4.

2.—(1) The undertaker must not under the powers conferred by this Order acquire compulsorily any land of the authority or any easement or other right over such land, other than such land or easements or other rights over such land as is reasonably necessary for, or in connection with, the construction, maintenance or operation of the authorised works, without the consent of the authority (not to be unreasonably withheld or delayed) and where possession of land is taken on a temporary basis the undertaker must take possession of such land for the shortest period as is reasonably required for the purposes of undertaking specified work.

(2) The charges over the land, property or undertaking of MSCC imposed under the Ship Canal enactments do not apply to any land or interest in land transferred, leased or granted to the undertaker

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by MSCC whether that transfer is by agreement or compulsorily under the powers conferred by this Order.

3. Where reasonably required to do so by the engineer or the harbour master for the purpose of ensuring the safety of the Canal the undertaker must, to the reasonable satisfaction of the engineer or harbour master, fence off any specified work or protective work or take such steps as the engineer or the harbour master may reasonably require to be taken for the purpose of separating a specified work or a protective work from the Canal, whether on a temporary or permanent basis or both.

4.—(1) The undertaker, before commencing construction of any specified work, including any temporary works, must supply to the authority proper and sufficient plans of that work and must not commence the construction of any specified work except in accordance with such plans as have been approved or deemed to have been approved by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld or delayed, and if within 42 days after such plans (including any other particulars reasonably required under sub-paragraph (1)) have been supplied to the authority the engineer has not intimated disapproval of those plans and the grounds of disapproval the engineer is deemed to have approved the plans as submitted.

(3) When signifying approval of the plans the engineer may specify—

- (a) any protective work to be carried out before the commencement of a specified work (whether temporary or permanent) that may be reasonably required to prevent detriment; and
- (b) such other requirements as may be reasonably necessary to prevent detriment, but not involving alteration to the design of the specified work,

and such protective work must be constructed by the undertaker or (if the undertaker so elects) the authority without unnecessary delay and the undertaker must not commence the construction of any specified work until the engineer has notified the undertaker that the protective work has been completed to the engineer's reasonable satisfaction.

(4) The approval of the engineer under sub-paragraph (3) must not be unreasonably withheld or delayed, and if by the end of the period of 14 days beginning with the date on which the engineer is notified of the completion of such protective work the engineer has not intimated disapproval and the grounds of disapproval the engineer is deemed to have approved the protective work.

(5) The authority must at all times afford reasonable facilities to the undertaker and its agents for access to any protective works carried out by the authority under this paragraph during their construction and must supply the undertaker with such information as it may reasonably require with regard to such protective works or the method of constructing them.

5. The undertaker must not impede, obstruct or interfere with, as far as reasonably practicable, the free and uninterrupted and safe use of the Canal or the vessels on the Canal except to the extent that the obstruction or interference has otherwise been agreed by the authority.

6. The undertaker must provide and maintain at its own expense in the vicinity of any specified work or protective work such temporary lighting from sunset to sunrise or other periods of adverse visibility and such signal lights for the control of navigation as the harbour master may reasonably require during the construction or failure of the specified work or protective work.

7.—(1) Any specified work must, when commenced, be constructed—

- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled by arbitration under article 53 (arbitration) and in accordance with any requirements made under paragraph 4(3)(b);

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- (b) under the supervision (if given), and, in the case of any specified work which directly and physically affects the Canal, to the reasonable satisfaction of the engineer;
 - (c) in such a manner as to cause as little detriment as is reasonably practicable to the Canal;
 - (d) in such a manner as to cause no detriment to the walls or banks of the Canal;
 - (e) so far as is reasonably practicable, so as not to interfere with, delay or obstruct the safe passage of vessels using the Canal except to the extent that such interference, delay or obstruction has otherwise been agreed by the authority; and
 - (f) in such a manner as to cause as little inconvenience as is reasonably practicable to the authority, its officers and agents.
- (2) Nothing in this Order authorises the undertaker to—
- (a) make or maintain any permanent works in or over the Canal so as to impede or prevent (whether by reducing the headroom or depth of water available for vessels, or the width of the Canal or otherwise) the passage of any vessel along the Canal, and in this regard the minimum permanent vertical clearance over the Bridgewater Canal must be maintained at all times at 28.860 metres above Ordnance Datum and the existing permanent width of the Bridgewater Canal where it is crossed by the specified works must be maintained at all times at 15.24 metres; or
 - (b) construct or maintain any specified work or protective work which would result in the weight limit of the Canal wall being exceeded; or
 - (c) use the Canal wall as a load bearing wall or structure for any specified work or protective work,

except to the extent that such interference, delay or obstruction has otherwise been agreed by the authority.

(3) Nothing in this Order authorises the undertaker to construct any specified work or make or maintain any permanent works in the Canal which would impede the free-flow of water in the Canal.

(4) Following the completion of the construction of any specified work the undertaker must restore the Canal to a condition no less satisfactory than its condition immediately prior to the commencement of those works subject to the presence of the authorised works.

(5) Where the carrying out of any of the specified works or any protective works requires the temporary closure of the Bridgewater Canal then the undertaker must notify the authority as soon as it becomes aware of the potential need for the closure of the Canal and—

- (a) where the proposed closure will be for a period which is longer than 48 hours such works may only be undertaken between the months of November in one year and February in the following year (inclusive); and
- (b) where the proposed closure will be for a period of up to 48 hours such works must be undertaken at such time or times as may be specified by the authority (acting reasonably).

(6) Nothing in this Order authorises the temporary closure of the Canal except with the consent of the authority, but such consent must not be unreasonably withheld and may be given subject to such terms and conditions as the authority may reasonably require.

8.—(1) The undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which may result in the deposit of any polluting materials on, in or over the Canal and must take such steps as the engineer or the harbour master may reasonably require to avoid or make good any breach of its obligations under this paragraph.

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(2) Nothing in article 21 (discharge of water) authorises the undertaker to discharge (directly or indirectly) surface drainage water into the Canal except that with the written consent of the authority the undertaker may discharge water directly into the Canal.

(3) The undertaker must not in the course of constructing any specified work or protective work or otherwise in connection with such works do or permit anything which may result in the deposit of any other materials in the Canal and must take such steps as the engineer or the harbour master may reasonably require to avoid or make good any breach of its obligations under this paragraph except that with the written consent of the authority the undertaker may deposit any other materials into the Canal.

(4) Any consent of the authority required under this paragraph must not be unreasonably withheld or delayed and may be given subject to such terms and conditions as the authority may reasonably require.

9.—(1) The undertaker must at all reasonable times on being given reasonable notice (except in cases of emergency) allow reasonable facilities to the engineer for access to inspect any specified work during its construction.

(2) The undertaker must supply the engineer with all such information as the engineer may reasonably require with regard to any specified work or the method of constructing it.

(3) Any work involving the use of oxy-fuelled gas cutting equipment or equipment of a similar nature may only be carried out within 30 metres of the Canal with the consent of the harbour master (such consent not to be unreasonably withheld or delayed) and in accordance with the reasonable requirements of the harbour master.

10.—(1) If any reasonable alterations or additions, either permanent or temporary, to the Canal are necessary in consequence of the construction of the specified work in order to avoid detriment the authority may carry out such alterations or additions instead of the undertaker subject to giving the undertaker at least 28 days' notice of its intention to carry out such alterations or additions (the details of which must be specified in the notice).

(2) If the undertaker has given notice under sub-paragraph (1) but does not carry out such alterations or additions within 2 months of giving that notice, the authority may give to the undertaker not less than 2 months' notice of its intention to carry out the alterations or additions itself.

(3) Where the authority carries out any alterations or additions to which this paragraph applies, whether in accordance with a notice under sub-paragraph (1) or sub-paragraph (2), the undertaker must pay to the authority, provided that 28 days' notice has been given to the undertaker, the cost of those alterations or additions reasonably incurred including, in respect of permanent alterations and additions, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by the authority in maintaining, working and, when necessary, renewing any such alterations or additions.

(4) If the cost of maintaining, working or renewing the Canal is reduced as a consequence of any alterations or additions to which this paragraph applies a capitalised sum representing such saving must be set off against any sum payable by the undertaker to the authority under sub-paragraph (3).

11.—(1) The undertaker must, upon completion of any part of a specified work and after the purpose of any temporary works has been accomplished, remove as soon as practicable any temporary works constructed and materials for temporary works placed in, on or over the Canal in connection with that part of the specified work.

(2) All temporary works must be removed to the reasonable satisfaction of the engineer and in such a way as causes as little detriment or interference as reasonably practicable with, or delay or interruption to, the safe passage of vessels along the Canal.

(3) In the event of any detriment to the Canal or interference with, or delay or interruption to, any vessels on the Canal that is caused by the undertaker's failure to remove any such temporary works, the undertaker must immediately make good such damage and pay to the authority the costs and expenses to which it may be put and the compensation for any loss which it may suffer by reason of such detriment, interference, delay or interruption.

(4) In the event of the undertaker failing to remove the temporary works within a reasonable period after receiving notice from the authority, the authority may remove those works and charge the undertaker with the reasonable costs and expenses reasonably incurred as a result.

12.—(1) The undertaker must, before placing any temporary structure or apparatus over the Canal required in connection with the maintenance or repair or renewal of a specified work, comply with the reasonable requirements of the authority, such requirements to include—

- (a) the undertaker providing the authority with 42 days' written notice of this requirement so that, in particular, the authority may bring these works to the attention of users of the Canal; and
- (b) receiving approval from the harbour master, but such approval must not be unreasonably withheld or delayed

(2) In the case of repair work carried out in an emergency the undertaker is only required to give such notice to the harbour master as may be reasonably practicable in the circumstances.

13. If at any time after the completion of a specified work, not being a work vested in the authority, the authority gives notice to the undertaker informing it that the state of maintenance of the specified work appears to be such that the specified work is causing or is likely to cause detriment, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put the specified work in such state of maintenance as not to cause such detriment and if the undertaker fails to do so, the authority may make and do in and upon the land of the undertaker or the authority all such works to put the specified work in such state of maintenance as before and the cost, expenses and losses incurred by the authority in so doing must be repaid to the authority by the undertaker.

14. Any reasonable and proper additional expenses not otherwise provided for in this Schedule which the authority may incur in maintaining the Canal under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 42 days' notice of the commencement of such maintenance has been given to the undertaker, be repaid by the undertaker to the authority so as to ensure that the authority has been reimbursed for all and any greater maintenance liability it incurs by reason of the existence of a specified work.

15. Before providing any illumination or illuminated traffic sign on or in connection with the specified work or in the vicinity of the Canal, the undertaker must consult with the authority and comply with the authority's reasonable requirements in regard to such lighting with a view to ensuring that—

- (a) appropriate navigation lighting is placed on the specified works and on any protective works; and
- (b) any illuminations will not be directed upstream or downstream into the path of oncoming vessels on the Canal to ensure that such illumination or illuminated signs cannot be confused with any lights or lighting used for controlling, directing or securing the safety of vessels on the Canal.

16.—(1) If any canal work is abandoned, and is in such a condition that it is, or is likely to become, a danger to or to interfere with navigation, the authority may by notice in writing require the undertaker to take such reasonable steps as may be specified in the notice to remove the work and (to such extent as the authority reasonably requires) to restore the site to its former condition.

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(2) If any canal work is in such condition that it is, or is likely to become, a danger to or to interfere with navigation, the authority may by notice in writing require the undertaker to take such reasonable steps as may be specified in the notice—

- (a) to repair and restore the work or part of it; or
- (b) if the undertaker so elects, to remove the work and (to such extent as the authority reasonably requires) to restore the site to its former condition.

(3) If—

- (a) a work which consists of a canal work and a non-canal work is abandoned or falls into decay; and
- (b) the non-canal work is in such a condition as to interfere with the right of navigation in the Canal or as to interfere with the rights of access or use of land adjacent to the Canal,

the authority may include the non-canal work, or any part of it, in any notice under this paragraph.

(4) If after such reasonable period as may be specified in a notice under this paragraph the undertaker has failed to begin taking steps to comply with the requirements of the notice or after beginning has failed to make reasonably expeditious progress towards their implementation, the authority may carry out the works specified in the notice and any costs incurred by the authority in so doing are recoverable from the undertaker.

(5) In this paragraph “canal work” means so much of any specified work as is in or over the Canal and “non-canal work” means so much of any specified work as is not in or over the Canal.

17. The undertaker must repay to the authority all costs, charges and expenses reasonably and properly incurred by the authority—

- (a) in constructing any protective work under the provisions of paragraph 4(3)(a) including, in respect of any permanent protective work, a capitalised sum representing the cost of maintaining and renewing those works having set off the amount by which the presence of those works reduces the cost of maintaining and renewing the Canal;
- (b) in respect of the employment of any inspectors, watch-guards and other persons whom it is reasonably necessary to appoint for inspecting, watching and lighting any part of the Canal affected by any specified work or protective work and for preventing as far as may be practicable all interference, obstruction, danger or accident arising from the construction, maintenance, renewal, repair or failure of the specified work or any protective work;
- (c) in respect of any special navigation or traffic procedures resulting from any restrictions which are necessary as a result of the construction, maintenance, renewal, repair or failure of the specified work and which may in the reasonable opinion of the engineer or harbour master be required to be imposed, or from the suspension of navigation or traffic which may be necessary for the same reasons;
- (d) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of any specified work or any protective work; and
- (e) in bringing the specified work or any protective work to the notice of users of the Canal.

18.—(1) If any detriment to the Canal or any interference with, or delay or obstruction to, any vessels on the Canal is caused by, or arises as a result of, the construction or failure of any specified work or protective work if carried out by the undertaker, the undertaker or (if the authority so elects) the authority, but at the undertaker’s expense, must immediately make good such detriment and the undertaker must on demand pay to the authority all reasonable expenses to which the authority may be put, and compensation for any loss which the authority may sustain, in making good or otherwise by reason of any such detriment, interference, delay or obstruction.

(2) The undertaker is responsible for and must make good to the authority all claims, demands, proceedings, costs, charges, damages, expenses and losses not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by the authority—

- (a) by reason of the construction or failure of any specified work or a protective work (for the avoidance of doubt the indemnity is to include liability resulting from damage caused to the Canal by vibration caused by the use of the specified works); or
- (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon the construction of any specified work or of a protective work,

and subject to sub-paragraphs (3) and (4) the undertaker must effectively indemnify and hold harmless the authority from and against all charges, claims, demands, expenses and liabilities arising out of any of the matters referred to in sub-paragraphs (a) and (b).

(3) Nothing in this paragraph imposes any liability on the undertaker with respect to any losses, costs, charges, damages, expenses, claims or demand referred to in sub-paragraph (2) to the extent that they are attributable to negligence on the part of the authority or of any person in the authority's employ or the authority's contractors or agents.

(4) Except to the extent provided by sub-paragraph (3), the fact that any act or thing may have been done by the authority on behalf of the undertaker or in accordance with any requirements of the engineer or in accordance with plans approved by the engineer or under the engineer's supervision or awards of an arbitrator does not (if it was done without negligence on the part of the authority or any person in its employ or its contractor or agents) excuse the undertaker from any liability under the provisions of this paragraph.

(5) The authority must give to the undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the prior consent in writing of the undertaker (which must not be unreasonably withheld) which, if it notifies the authority that it desires to do so, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand provided that no settlement or compromise of any such claim or demand is to be made without the consent of the authority (which must not be unreasonably withheld). If consent is not given by the undertaker, the authority must diligently defend such claim or demand.

19. Where under any provision of this Schedule the authority or the undertaker (as the case may be) is entitled to a capitalised sum, it must provide such details of the formula by which the sum is calculated as may reasonably be requested by the party required to pay the sum.

20. Except as provided by this Order, nothing in this Order prejudices or derogates from the estates, rights, interests, privileges, liberties or franchises of the authority or alters or diminishes any power, authority or jurisdiction vested in the authority at the making of this Order and, in particular, nothing is to be done under this Order that causes the authority or the harbour master to be in breach of their statutory duties and responsibilities.

21. Any differences arising between the undertaker and the authority under this Schedule (other than a difference as to the meaning or construction of this Schedule) is to be referred to and settled by arbitration in accordance with article 53 (arbitration).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises Transport for Greater Manchester (referred to in this Order as the undertaker) to construct and operate a transit system in the borough of Trafford, being an extension to the existing Manchester Metrolink system by way of a new route joining existing tramway routes from the existing Pomona Metrolink stop through Trafford Park and terminating at the Trafford Centre retail and leisure complex. For that purpose, the Order also authorises the compulsory purchase and temporary use of land, the diversion of existing rights of way, street works and ancillary works.

The Order also contains a number of ancillary and consequential provisions to provide for the construction, maintenance and operation of the transit system.

A copy of the works and land plans, the book of reference and the traffic regulation plans mentioned in this Order and certified in accordance with article 51 (certification of plans, etc.) of this Order, may be inspected free of charge during working hours at the offices of the undertaker at—

Transport for Greater Manchester, 2 Piccadilly Place, Manchester, M1 3BG; and
Trafford Metropolitan Borough Council, Sale Waterside, Sale, Manchester, M33 6FZ.