
WELSH STATUTORY INSTRUMENTS

2010 No. 2136

The Llangollen and Corwen Railway Order 2010

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

4.—(1) The undertaker may construct and maintain the scheduled work.

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

Power to construct and maintain ancillary works

5.—(1) Subject to paragraph (4), 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 work, namely—

- (a) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (b) works to alter the course of, or otherwise interfere with, a watercourse;
- (c) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled work;
- (d) works for the benefit or protection of premises affected by the scheduled work.

(2) Subject to paragraph (4), the undertaker may carry out 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 work.

(3) Subject to paragraph (4), the undertaker may in particular within the land specified in column (1) of Schedule 2 (additional works) carry out and maintain any works specified in column (2) of that Schedule with all necessary works and conveniences in connection with those works.

(4) Paragraphs (1) to (3) shall only authorise the carrying out or maintenance of works outside the limits of deviation if such works are carried out within the further limits.

Power to deviate

6. In constructing or maintaining the scheduled work, the undertaker may—

- (a) deviate laterally from the lines or situations shown on the works plans to the extent of the limits of deviation for that work; and
- (b) deviate vertically from the levels shown on the sections—
 - (i) to any extent not exceeding 3 metres upwards; or

- (ii) to any extent downwards as may be found to be necessary or convenient.

Streets

Access to works

- 7.—(1) The undertaker may, for the purposes of the authorised works—
- (a) form and lay out means of access, or improve existing means of access, in the location specified in column (1) of Schedule 3 (access to works) to the highway specified in column (2) of that Schedule; and
 - (b) with the approval of the highway authority, such approval not to be unreasonably withheld, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised works.
- (2) If a highway authority which receives an application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have granted it.

Level crossing, etc.

- 8.—(1) The undertaker may construct the extension railway so as to carry it on the level across footpath FP 61 (“the footpath”) 435 metres south-west of Carrog Station.
- (2) The undertaker may in the exercise of the powers conferred by this article alter the level of the footpath.
- (3) During and for the purpose of the construction of the authorised works the undertaker following consultation with the street authority for the footpath may for any reasonable time prevent all persons from passing along so much of the footpath as is situated within the limits of deviation.
- (4) The highway authority and the undertaker may enter into agreements with respect to the construction and maintenance of the level crossing authorised by this article; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.
- (5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

Supplemental powers

Discharge of water

- 9.—(1) The undertaker may use any watercourse or drain for the drainage of water in connection with the construction 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, make openings into, and connections with, the watercourse, or drain.
- (2) The undertaker shall not discharge any water into any watercourse, 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 shall not be unreasonably withheld.
- (3) The undertaker shall not make any opening into any drain except—
- (a) in accordance with plans approved by the person to whom the drain belongs, but such approval shall not be unreasonably withheld; and
 - (b) where that person has been given the opportunity to supervise the making of the opening.

(4) The undertaker shall 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.

(5) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse 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.

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

(7) If a person who receives an application for consent under paragraph (2) or approval under paragraph (3)(a) fails to notify the undertaker of that person's decision before the end of the period of 28 days beginning with the date on which the application was made, that person shall be deemed to have granted consent or given approval, as the case may be.

(8) In this article—

- (a) “drain” (“*traen*”) means a drain which belongs to the Environment Agency, an internal drainage board, a local authority or the Welsh Ministers; and
- (b) other expressions, excluding watercourses, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

(1) 1991 c. 57.