
STATUTORY INSTRUMENTS

2005 No. 927

**The Midland Metro (Wednesbury to Brierley Hill
and Miscellaneous Amendments) Order 2005**

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

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

(2) Subject to article 7, the scheduled works shall be constructed in the lines or situations shown on the works plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (6), the Executive may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the scheduled works namely—

- (a) stations, platforms, junctions, stopping places and parking areas (including park and ride sites);
- (b) works required for, or in connection with, the control of any vehicular and pedestrian traffic on the authorised tramway;
- (c) works for the strengthening, alteration or demolition of any building or structure;
- (d) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (e) works to alter the position of any apparatus or street furniture, including mains, sewers, drains, cables and lights;
- (f) without prejudice to the generality of sub-paragraph (e), works to alter the position of any railway track or other railway infrastructure;
- (g) landscaping, environmental and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised works; and
- (h) works for the benefit or protection of premises affected by the authorised works.

(4) Subject to paragraph (6), the Executive may carry out such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with, or in consequence of, the construction of the scheduled works.

(5) Where the Executive lays down conduits for the accommodation of cables or other apparatus for the purposes of the authorised works or associated traffic control, 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.

- (6) Paragraphs (3) and (4) shall only authorise the carrying out or maintenance of works—
- (a) within the limits of deviation; or
 - (b) on land specified in columns (1) and (2) of Part 1 or 2 of Schedule 2 to this Order for the purpose specified in relation to that land in column (3) of that Part 1 or 2.
- (7) The Executive may remove any works constructed by it pursuant to this Order which have been constructed as temporary works or which it no longer requires.
- (8) The relocation of any existing railway track or other railway infrastructure under paragraph (3) (f) shall not affect the application to that track or infrastructure of any enactment (including the Town and Country Planning (General Permitted Development) Order 1995(1)) authorising or regulating its maintenance or operation.

Power to deviate, etc.

- 7.—(1) In constructing or maintaining any scheduled work, the Executive may—
- (a) deviate laterally from the lines or situations shown on the works plans within the limits of deviation for that work shown on those plans; and
 - (b) subject to articles 9(3)(b) and 9(3)(c), deviate vertically from the levels shown on the deposited sections—
 - (i) to any extent not exceeding 3 metres upwards; and
 - (ii) to any extent downwards as may be necessary or expedient.
- (2) The Executive may in constructing or maintaining any of the authorised street tramways lay down—
- (a) double lines of rails in lieu of single lines;
 - (b) single lines of rails in lieu of double lines;
 - (c) interlacing lines of rails in lieu of double or single lines; or
 - (d) double or single lines of rails in lieu of interlacing lines.
- (3) The power in paragraph (2) shall not be exercised in the case of any authorised street tramway without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (4) The Executive may in constructing and maintaining any of the authorised tramroads provide within the limits of deviation for those tramroads such number of lines of rails and sidings as may be necessary or expedient.
- (5) If the highway authority constructs a new road between Little Cottage Street and Cottage Street in Dudley, the Executive may with the consent of the highway authority (such consent not to be unreasonably withheld) construct or reconstruct Work No. 14 so as to extend it westwards within its limit of deviation into Little Cottage Street, and stop up Little Cottage Street between points WA and WB for the purpose.
- (6) In the event of the Executive stopping up Little Cottage Street as mentioned in paragraph (5), paragraphs (5) to (7) of article 13 shall apply as if the stopping up were effected under that article.

Designation of works

- 8.—(1) Notwithstanding anything in the description of scheduled works contained in Schedule 1 to this Order—

(1) S.I.1995/418, amended by S.I. 1996/252, 1996/528, 1996/593, 1998/462, 1999/293, 1999/1661, 1999/1783, 2001/1149 and 2003/956.

- (a) the whole or any part of an authorised street tramway may be constructed within the limits of deviation for that work off-street as a tramroad, and so far as it is so constructed shall be treated for the purposes of this Order as if it were so designated; and
 - (b) the whole or any part of any authorised tramroad may be constructed within the limits of deviation for that work along a street as a street tramway, and so far as it is so constructed shall 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, any part of the authorised tramway which has been constructed as a tramroad becomes a street tramway or any part which was constructed as a street tramway becomes a tramroad, it shall be treated for the purposes of this Order as if it were so designated.