
STATUTORY INSTRUMENTS

2018 No. 693

**The High Speed Rail (London – West Midlands)
(Greatmoor Railway Sidings Etc.) Order 2018**

PART 2

WORKS PROVISIONS

Principal powers

Power to construct and maintain works

3.—(1) The Nominated Undertaker may construct and maintain the scheduled works.

(2) Subject to article 4 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the sections.

(3) Subject to paragraph (5), the Nominated 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) works for the strengthening, alteration or demolition of any building or structure;
- (b) works to alter, or alter the position of apparatus, including mains, sewers, drains and cables;
- (c) works to erect and construct such offices and other buildings, yards, slab, cranes, grabs, weighbridges, plant and machinery, apparatus, and other works and conveniences;
- (d) make, provide and maintain all such bridges, approaches, lifts, roadways, walkways, ramps, retaining structures, means of access, shafts and stages;
- (e) railway lines, electrification and signalling works and telecommunications works;
- (f) works to alter the course of, or otherwise interfere with watercourses;
- (g) landscaping, environmental and other works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works; and
- (h) works for the benefit or protection of land or premises affected by the scheduled works.

(4) Subject to paragraph (5), the Nominated 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 works, other than works that would interfere with a navigable watercourse.

(5) Paragraphs (3) and (4) 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 Schedule 2 (acquisition of certain lands for ancillary works) for the purposes specified in column (3) of that Schedule in relation to that land.

Power to deviate

4. In constructing or maintaining any of the scheduled works, the Nominated Undertaker may—
- (a) deviate laterally from the lines or situations shown on the deposited 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

Stopping up of streets and use of private roads for construction

5.—(1) Subject to the provisions of this article, the Nominated Undertaker may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule 3 (streets to be stopped up) to the extent specified in column (3) of those parts of that Schedule.

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

- (a) the new street to be substituted for it, which is specified in column (4) of that Part 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 afterwards maintained by the Nominated 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 columns (1) and (2) of Part 2 of Schedule 3 (being a street to be stopped up for which no substitute is to be provided) 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 Nominated Undertaker is in possession of the land; or
 - (b) there is no right of access to the land from the street concerned; or
 - (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 Nominated Undertaker may appropriate and use for the purposes of its railway undertaking so much of the street so stopped up.

(6) The Nominated Undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of or in connection with the construction of the authorised works.

(7) Any person who suffers loss under this article by either the suspension or extinguishment of any private right of way or the exercise by the Nominated Undertaker of the powers conferred

by paragraph (6), entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Temporary stopping up and diversion of streets

6.—(1) The Nominated Undertaker, during and for the purposes of the construction 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 (2), prevent all persons from passing along the street.

(2) The Nominated Undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(3) Without limitation on the scope of paragraph (1), the Nominated Undertaker may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 4 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.

(4) The Nominated Undertaker must not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (3) 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.

(5) 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.