



# Tamar Bridge Act 1998

## 1998 CHAPTER iv

### PART III

#### WORKS

#### 17 Power to construct works

- (1) The Authorities may, in the lines or situations shown on the deposited plan and according to the levels shown on the deposited section, construct and maintain the work hereinafter described—

Partly in the district and partly in the city—

A strengthening of the existing bridge and a widening and improvement on both sides thereof and of the roads giving access thereto including provision for a new traffic lane on the north side and a footway and cycletrack on the south side; and provision of permanent maintenance runway rails on the underside of the bridge.

- (2) In the construction of the work authorised by this section the Authorities shall erect a good and sufficient fence on each side of so much of the bridge as is an elevated structure.

#### 18 Power to deviate

The Authorities in constructing the specified work may deviate from the lines thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate from the levels shown on the deposited section to any extent not exceeding 10 metres upwards or three metres downwards or to such further extent upwards or downwards as may be approved by the Secretary of State.

#### 19 Power to improve bridge

The Authorities may within the limits of deviation shown on the deposited plan from time to time improve, alter, extend, renew, reconstruct or replace the bridge or any part thereof.

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## 20 Supplementary works powers

- (1) The Authorities shall have power, within the limits of deviation shown on the deposited plan, to construct all such works and conveniences and do all such things whether temporarily or permanently as may be incidental to or necessary or expedient for the purposes of, in connection with or in consequence of the specified work or any works authorised by section 19 (Power to improve bridge) of this Act or for the purposes of or in connection with the maintenance or use of the bridge, including, without prejudice to the generality of the foregoing, power to—
- (a) make and lay out new streets, make junctions and communications between a work and any existing street and divert, widen or alter the line or levels of, or stop up or otherwise interfere with, any existing street;
  - (b) stop up, remove, alter or otherwise interfere with means of access between any premises and any street which is diverted, widened or altered under this Act;
  - (c) execute work to provide new means of access to premises affected by the works;
  - (d) carry out landscaping and drainage works;
  - (e) remove, alter or divert any sewers, drains or other watercourses;
  - (f) alter or demolish any building, with the consent of the owner;
  - (g) replace, relay, remove, alter the position of, or instal any apparatus including mains, pipes, wires or other works, or apparatus for conveying or transmitting water, gas, electricity or petroleum (as defined in the Petroleum (Consolidation) Act 1928), or for telecommunication and any other pipes, machinery, works and appliances and any accommodation, facilities for access thereto, and supports provided for any works or apparatus;
  - (h) execute any works for the protection or improvement of any adjoining land or buildings;
  - (i) execute any works, or do any other thing necessary, for strengthening or supporting walls of adjoining buildings;
  - (j) fell, lop, cut or remove any hedge, tree, bush, shrub or other vegetation;
  - (k) raise, sink or otherwise alter the levels of any land or street and remove anything therefrom;
  - (l) make, provide, erect, alter, remove or maintain any steps, walls, retaining structures, embankments, subways, fences, channels, conduits, outfalls, manholes, cuttings, gateways, refuges, railings, street furniture, traffic signs, pavements or any other structures on or in any street or land;
  - (m) make, provide, alter, reconstruct, replace, remove, strengthen, underpin, widen or deepen any foundations, piers, towers, arches, cables and other supports or means of support;
  - (n) make or instal any works required for, or in connection with, the control or management of any vehicular and pedestrian traffic using the bridge; and
  - (o) alter the layout of any street, including so much of any street as is diverted, widened or altered, and alter the level or position or increase or reduce the width of any carriageway, kerb, footpath, footway, cycletrack or verge.
- (2) For the purposes of, in connection with, or in consequence of the works the Authorities may—
- (a) with the agreement of the owners and occupiers of any land abutting on land within the limits of deviation, exercise the powers conferred by subsection (1) (h) and (i) above on that abutting land; and

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- (b) carry out any works for providing or facilitating access to or from such land, or for preserving its amenities, in connection with the exercise of those powers on it.
- (3) (a) The Authorities shall make reasonable compensation for any damage done by them in exercise of the powers of paragraphs (h) and (i) of subsection (1) above.
- (b) Such compensation, in case of difference, shall be determined in accordance with the provisions of the Act of 1961.

## **21 Restriction on works over navigable waters**

Nothing in section 17 (Power to construct works), 18 (Power to deviate), 19 (Power to improve bridge) or 20 (Supplementary works powers) of this Act shall authorise the carrying out of any works either—

- (a) in navigable waters; or
- (b) over navigable waters at a level below the level of the soffit of the bridge constructed across the river under the powers of the Cornwall Railway Act 1846.

## **22 Discharge of water**

(1) In this section—

“public sewer or drain” means a sewer or drain which belongs to a relevant authority;

“relevant authority” means a sewerage undertaker, a local authority or the Environment Agency; and

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain.

- (2) The Authorities may use any watercourse or any public sewer or drain for the drainage of water as may be found necessary or expedient for the purposes of, in connection with or in consequence of the works and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation shown on the deposited plan, make openings into, and connections with, the watercourse, sewer or drain.
- (3) The Authorities shall not—
  - (a) directly or indirectly discharge any water into any watercourse, sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority which consent shall not be unreasonably withheld and subject to such terms and conditions as the relevant authority may reasonably impose; or
  - (b) make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain is vested, but approval of those plans by the relevant authority shall not be unreasonably withheld.
- (4) (a) Section 85 of the Water Resources Act 1991 shall apply to, or to the consequence of, a discharge under the powers of this section into any controlled waters within the meaning given by section 104 of that Act as if—

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- (i) this section were excluded from the reference to any local statutory provision mentioned in section 88(1)(f) of that Act; and
    - (ii) no matter so discharged were trade or sewage effluent.
  - (b) In the exercise of their powers under this section the Authorities shall not damage or interfere with the bed of any watercourse forming part of the main river or the banks thereof, within the meaning of section 113 of the Water Resources Act 1991.
- (5) The Authorities shall take all such steps as are reasonably practicable to secure that any water discharged by them under this section is as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.
- (6) Any difference arising between the Authorities and a relevant authority under this section shall be determined by arbitration.

### **23 Maintenance of certain highways**

- (1) Any street or cycletrack or part thereof constructed under this Act when completed shall be maintained by and at the expense of the highway authority unless it has been agreed in writing between the Authorities and the highway authority that it is to be part of the bridge.
- (2) Where a street is widened, altered or diverted under this Act, such part of the street as has been widened, altered or diverted shall when completed be maintained by and at the expense of the highway authority unless it has been agreed in writing between the Authorities and the highway authority that it is to be part of the bridge.
- (3) This section shall not apply to any street or part thereof which is part of the bridge.

### **24 Temporary interference with highways**

- (1) The Authorities may, for the purpose of the execution of the works, temporarily stop up, open, break up or interfere with, or alter or divert, the whole or a part of a street within the limits of deviation and may carry out all necessary works for, or in connection with, doing so, and may for any reasonable time divert the traffic from any such street and, subject to subsection (2) below, prevent all persons from passing along the street.
- (2) The Authorities shall provide reasonable access for all persons on foot going to or returning from premises abutting on a street affected by the exercise of the powers conferred by this section if there would otherwise be no such access.

### **25 Work affecting certain highways**

- (1) In so far as they authorise the execution of any works on, over, under or to, or the exercise of any powers in relation to, any highway not forming part of the bridge, the powers conferred on the Authorities by this Act shall not be exercised without the consent of the highway authority.
- (2) Any consent requested for the purposes of subsection (1) above shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a condition requiring a monetary payment for the grant of the consent) as the highway authority may impose.

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- (3) Any question whether such consent is or is not unreasonably withheld, or any conditions so imposed are or are not reasonable, shall be determined by arbitration.

## **26 Agreements between Authorities and highway authorities**

- (1) When a street or portion thereof will be diverted, widened, altered or interfered with, or a new street will be made, under this Act, the Authorities may enter into and carry into effect agreements with the highway authority in reference to the construction or contribution towards the costs of such diversion, widening or alteration or of any such new street and in reference to any other matters relating thereto.
- (2) The Authorities may by agreement delegate to the highway authority the power of constructing and maintaining all or any of such diversions, widenings, alterations or new street in which they may be interested.

## **27 Delivery and removal of materials**

- (1) The Authorities may, with the prior written consent of the Queen's Harbour Master, from time to time, for the purposes of or in connection with the works, deliver materials to or remove materials from the bridge by means of a barge or similar vessel and may raise materials to or lower materials from any part of the bridge from or to any such barge or vessel.
- (2) The Authorities shall not in exercise of the powers of this section interfere with rights of navigation.

## **28 Vesting and disposal of materials**

- (1) All materials removed by the Authorities under the powers conferred on them by this Act and all materials (other than any apparatus belonging to statutory undertakers or any telecommunications apparatus belonging to or used by the operator of a telecommunications code system) removed by the Authorities from any street or other way or other place or otherwise obtained by them in the construction and maintenance of the works shall vest in the Authorities.
- (2) The Authorities may use all or any of the said materials for the purposes of the construction or maintenance of the works, or they may sell or otherwise dispose of the said materials as they think fit.

## **29 Obstruction of works**

Any person who intentionally obstructs any person acting under the authority of the Authorities in setting out the lines of the works, or who moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.