

1988 No. 918

HIGHWAYS, ENGLAND AND WALES

**The (A41) East of Birmingham to Birkenhead and the
(A49) Shrewsbury to Warrington Trunk Roads
(Whitchurch Bypass) Order 1988**

Made - - - - - *13th May 1988*

Coming into force *29th July 1988*

The Secretary of State for Transport makes this Order in exercise of powers conferred by sections 10, 12, 41, 106 and 108 of the Highways Act 1980(a), and now vested in him(b), and of all other enabling powers:

1. The new highway which the Secretary of State proposes to construct along the route described in Schedule 1 shall become a trunk road as from the date when this order comes into force.

2. The centre line of the new trunk road is indicated by a heavy black line on the deposited plan.

3. The Secretary of State directs as respects any part of a highway which crosses the route of any of the new trunk road that—

(a) where the highway is a highway maintainable at the public expense by a local highway authority, the part in question shall be maintained by that authority, and

(b) where the highway is not a highway so maintainable and is not maintainable under a special enactment or by reason of tenure, enclosure or prescription, the Secretary of State shall be under no duty to maintain the part in question,

until, in either case, a date to be specified in a notice given by the Secretary of State to the highway authority for that highway. The date specified will not be later than the date on which the relevant route is opened for the purposes of through traffic.

4. The lengths of trunk roads described in Schedule 2 and shown by broad striped hatching on the deposited plan shall cease to be trunk roads and shall be classified as classified roads as from the date on which the Secretary of State notifies the County Council of Shropshire that the new trunk road is open for through traffic.

5. The Secretary of State is authorised to construct the bridge specified in Schedule 3 as part of the new trunk road and, in connection with the construction of that bridge, to divert the part of the navigable watercourse specified in that schedule and the towing path adjacent to that part in the manner shown in that schedule.

6. The Secretary of State is authorised to construct the bridge specified in Schedule 4 as part of the new trunk road and, in connection with the construction of that bridge, to divert the part of the navigable water course specified in that schedule and the towing path adjacent to that part in the manner shown in that schedule.

(a) 1980 c.66.

(b) S.I. 1981/238.

7. In this Order:-

- (1) all measurements of distance are measured along the route of the relevant highway;
 - (2) (i) "classified road" as a classification for a highway, means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which refers to highways classified by the Secretary of State and which does not specifically refer to their classification as principal roads;
 - (ii) "the deposited plan" means the plan numbered HA 10/2WM126 marked "The (A41) East of Birmingham to Birkenhead and the (A49) Shrewsbury to Warrington Trunk Roads (Whitchurch Bypass) Order 1988" signed by authority of the Secretary of State and deposited at the Department of Transport, Romney House, 43 Marsham Street, London SW1P 3PY;
 - (iii) "the new trunk road" means the highway mentioned in article 1 of this Order;
 - (iv) "the Trunk Road" means the East of Birmingham-Birkenhead Trunk Road (A41) and the Shrewsbury to Warrington Trunk Road (A49); and
- (3) reference to a numbered Schedule is a reference to the Schedule to this Order which bears that number.

8. This Order shall come into force on 29th July 1988 and may be cited as the (A41) East of Birmingham to Birkenhead and the (A49) Shrewsbury to Warrington Trunk Roads (Whitchurch Bypass) Order 1988.

Signed by the authority of the Secretary of State
13th May 1988

H. F. Ellis-Rees
Regional Director
West Midlands Region
Department of Transport

SCHEDULE 1

ROUTE OF THE NEW TRUNK ROAD

The route of the new trunk road is at Whitchurch in the County of Shropshire and is about 5.49 kilometres in length, starting at a point on the Trunk Road (A41) 180 metres south of Heath Railway Bridge then going in a generally north-westerly direction and then in a generally north-easterly direction; to a point on the Trunk Road (A49), Tarpoley Road 1,200 metres north-west of its junction with Chester Road.

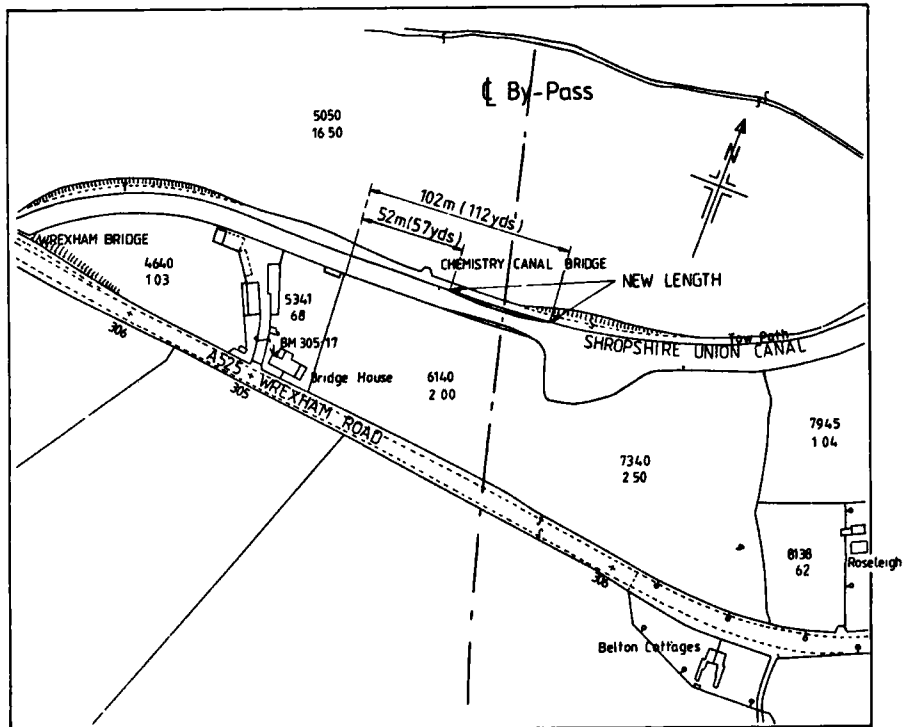
SCHEDULE 2

LENGTHS OF THE TRUNK ROAD CEASING TO BE TRUNK ROAD

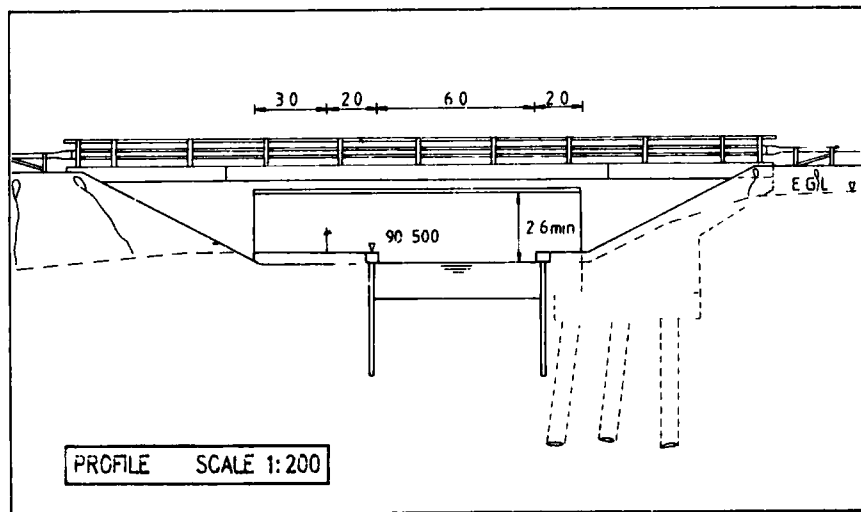
- (i) The A41 (which includes Heath Road (part) Prees Road, Sedgford, Newport Road, part of Bridgewater Street, Brownlow Street, London Road and Chester Road (part)), from a point 170 metres south of the Heath Railway Bridge to a point 1,350 metres north-west of its junction with Tarpoley Road.
- (ii) The A49 (Tarpoley Road), from its junction with Chester Road in a northerly direction for a distance of 1,180 metres.

SCHEDULE 3

CHEMISTRY CANAL BRIDGE

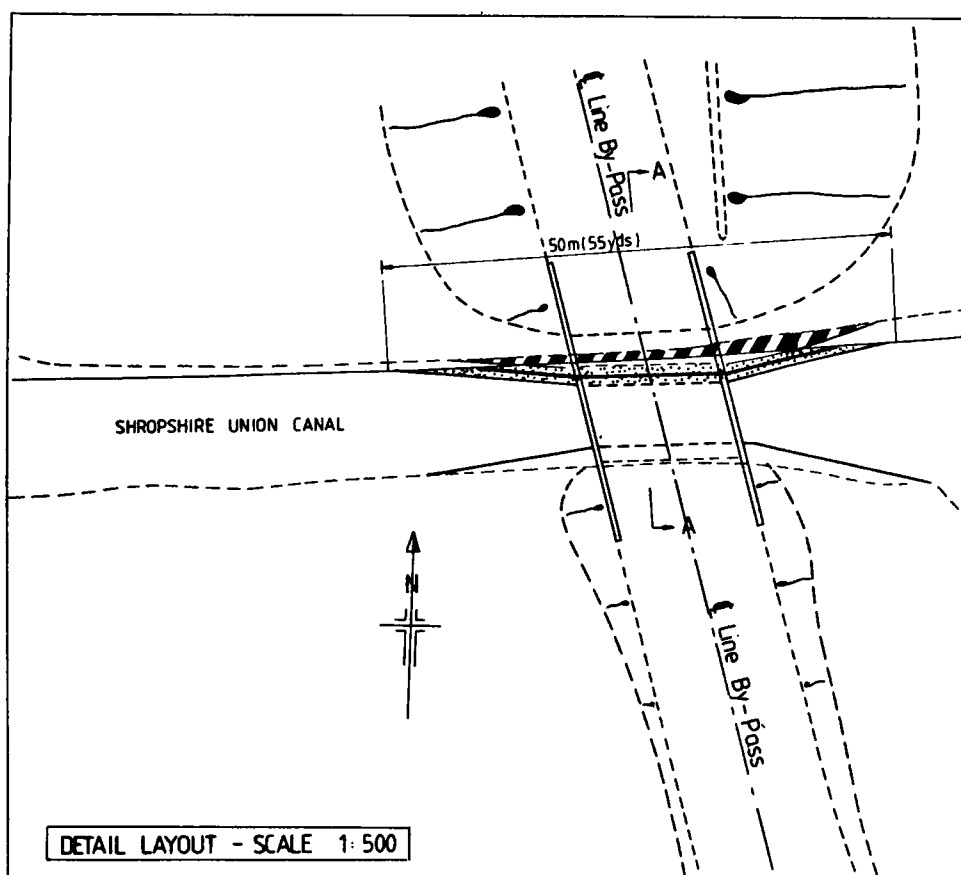


LOCATION PLAN - SCALE 1:2500



PROFILE SCALE 1:200

SCHEDULE 3



SPECIFICATION

Points of commencement and Termination

- From* a point 52 metres east of the boundary between fields 5341 and 6140.
- To* a point 102 metres east of the boundary between fields 5341 and 6140.
- Headroom (Canal)* not less than 2.6 metres above normal canal retention level to be maintained for a distance of approximately 6.0 metres.
- Headroom (North Bank)* not less than 2.2 metres above bank, to be maintained for a distance of approximately 5.0 metres.
- Headroom (South Bank)* not less than 2.4 metres above bank to be maintained for a distance of approximately 2.0 metres.
- Waterway* width of canal is reduced to 6.0 metres at water level.

Length of Watercourse to be Diverted

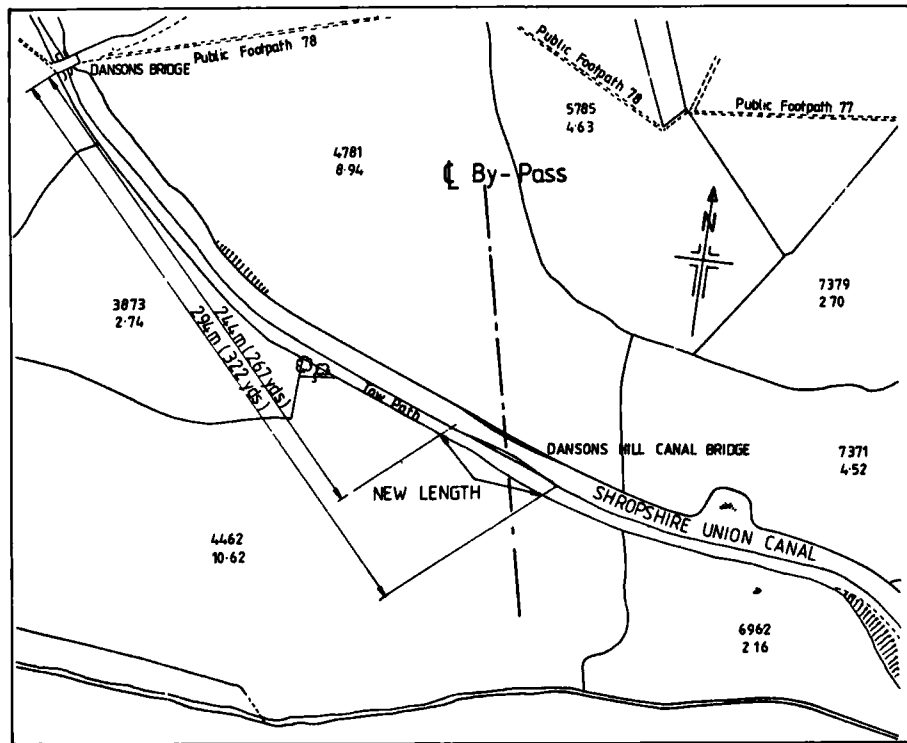
The length of watercourse to be diverted is the Shropshire Union Canal (Llangollen Branch) between a point 52 metres east of the boundary between fields (parcel Nos. 5341 and 6140 on OS Sheet No. 5241) and a point 102 metres east of that boundary all in the Parish of Whitchurch Urban in the County of Shropshire. The north and south banks of the Canal shall both be extended over the existing bed of the Canal to a maximum width of 1.5 metres in each case along a length of 50 metres, leaving a minimum reduced width of waterway of 6 metres with a minimum depth of 1.5 metres throughout such length. On the location plan to this Schedule this length is shown in outline together with the width of the canal to be so reduced which is marked "new length".

Length of Towing Path to be Diverted and New Length to be Provided

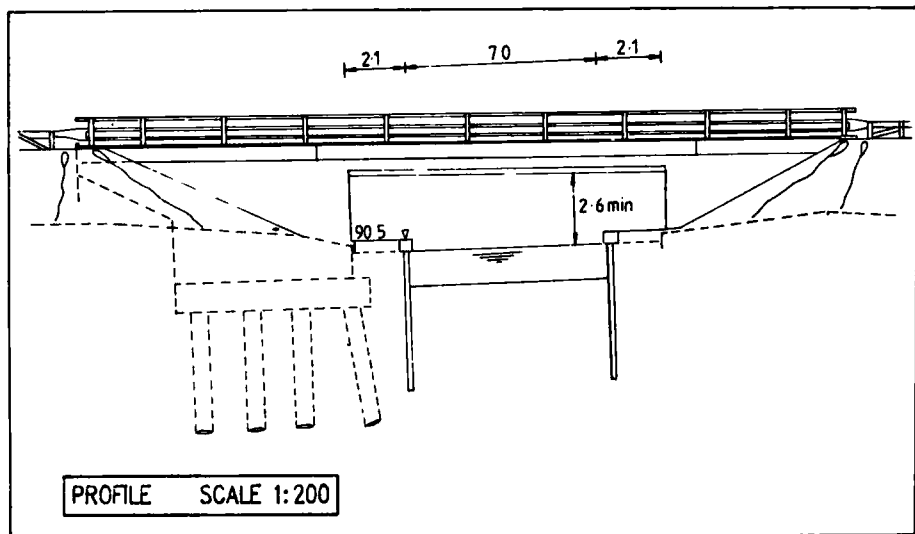
The length of towing path to be diverted is a length adjacent to and on the north side of the said length of watercourse to be diverted, and is shown by zebra hatching on the detail layout plan to this Schedule. The route of the new length of towing path is adjacent to and south of the length of towing path to be diverted previously described, and is shown by stipple on that plan and its centre line is marked by a black band.

SCHEDULE 4

DANSONS HILL CANAL BRIDGE

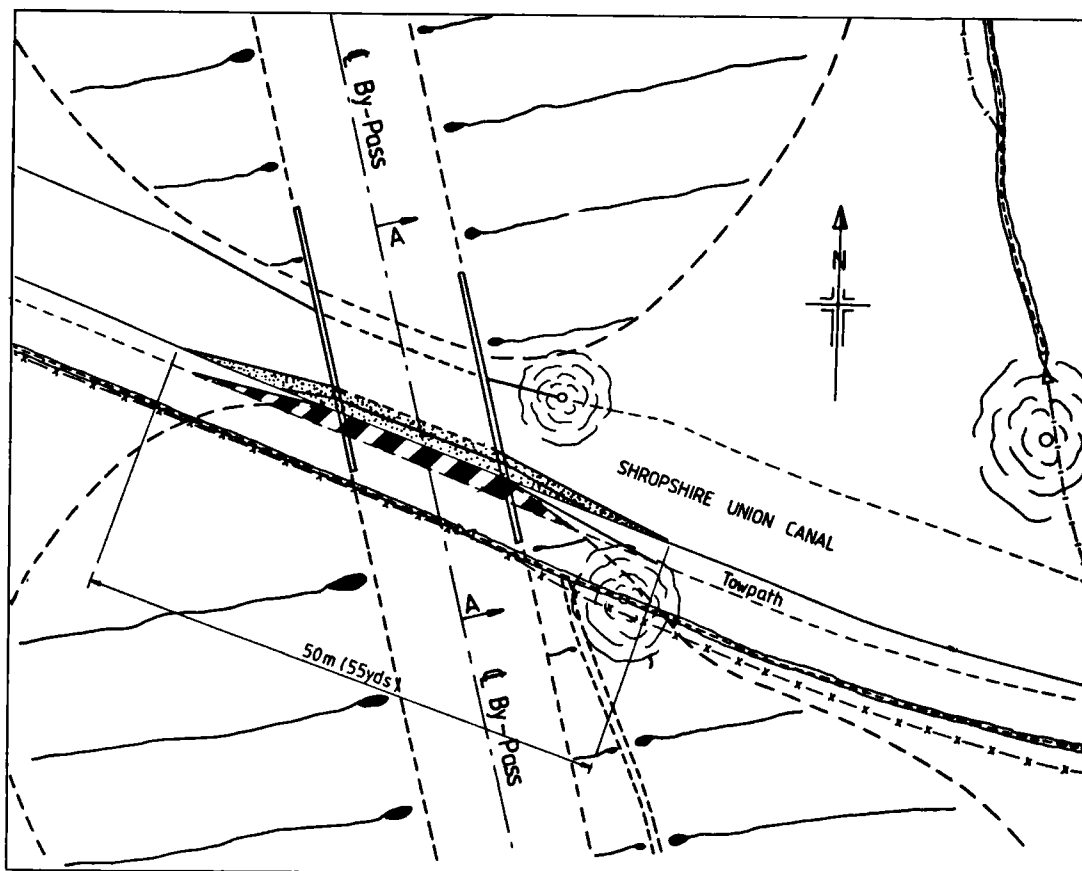


LOCATION PLAN - SCALE 1:2500



PROFILE SCALE 1:200

SCHEDULE 4



DETAIL LAYOUT - SCALE 1: 500

SPECIFICATION

Points of commencement and Termination

<i>From</i>	a point 244 metres south-east of the existing Dansons Bridge over the canal.
<i>To</i>	a point 294 metres south-east of the existing Dansons Bridge.
<i>Headroom (Canal)</i>	not less than 2.6 metres above normal canal retention level to be maintained for a distance of 7.0 metres.
<i>Headroom (North Bank)</i>	not less than 3.0 metres above bank to be maintained for a distance of 2.1 metres.
<i>Headroom (South Bank)</i>	not less than 2.6 metres above bank to be maintained for a distance of 2.1 metres.
<i>Waterway</i>	width of canal is reduced to 6.0 metres at water level.

Length of Watercourse to be Diverted

The length of watercourse to be diverted is the Shropshire Union Canal (Llangollen Branch) between a point 244 metres south-east of Dansons Bridge over that Canal, and a point 294 metres south-east of the same bridge all in the Parish of Whitchurch Urban in the County of Shropshire. The north and south banks of the Canal shall both be extended over the existing bed of the Canal to a maximum width of 2 metres in each case along a length of 50 metres, leaving a minimum reduced width of waterway of 6 metres with a minimum depth of 1.5 metres throughout such length. On the location plan to this Schedule this length is shown in outline together with the width of the canal to be so reduced which is marked "new length".

Length of Towing Path to be Diverted and New Length to be Provided

The length of towing path to be diverted is a length adjacent to and on the south-west side of the said length of watercourse to be diverted, and is shown by zebra hatching on the detail layout plan to this Schedule. The route of the new length of towing path is adjacent to and north-east of the length of towing path to be diverted previously described, and is shown by stipple on the said plan and its centre line is marked by a black band.