



## Department for Transport

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Our Ref: TWA/12/APP/06  
Your Ref: NAJ/PHT/Y065988

20 November 2012

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992:  
APPLICATION FOR THE PROPOSED TRANSPORT FOR GREATER MANCHESTER  
(LIGHT RAPID TRANSIT SYSTEM) (OLDHAM, MANCHESTER STREET  
MODIFICATION) ORDER**

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 19 July 2012 by your clients, Transport for Greater Manchester ("TfGM"), for the Transport for Greater Manchester (Light Rapid Transit System) (Oldham, Manchester Street Modification) Order ("the Order") to be made under sections 1 and 5 of the Transport and Works Act 1992 ("TWA").

2. The Order, if made, would authorise the continuation, maintenance and operation of a 250 metre tramroad in the Manchester Street area of Oldham Town Centre, being a modification of works authorised by the Greater Manchester (Light Rapid Transit System) Act 1994 ("the 1994 Act"); and would apply to that tramroad existing operational provisions which are applicable to the rest of the Manchester Metrolink system.

3. Since TfGM obtained planning permission from Oldham Council on 18 February 2011 to construct the tramroad referred to above, TfGM did not include with the Order application a request for deemed planning permission for those works. The Secretary of State issued on 21 May 2012 a screening decision that an environmental impact assessment was not required in relation to the Order.

**Summary of the Secretary of State's decision**

4. For the reasons given in this letter, the Secretary of State has decided to make the Order.

**The Order application**

5. In making this application, TfGM has complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. This included serving copies of the application and the accompanying

documents on the persons specified in those Rules and making the documents available for public inspection. As also required by those Rules, TfGM has published notices giving information about the application and how to make representations, and displayed similar notices at the sites of works.

### **Purposes of the Order**

6. TfGM explained in the documents which accompanied the Order application that the purpose of the Order was to obtain legal authority for a deviation of the previously authorised route of the Manchester Metrolink extension to Rochdale in the vicinity of the Manchester Street roundabout in Oldham. In the former scheme, Metrolink would have passed under the road at the roundabout and continued in a tunnel to the King Street stop. In the current scheme Metrolink will run at street level across the roundabout and continue in an open cutting to the King Street stop. The Order would ensure that the works as built would fall fully within the Metrolink authorising enactments for operational and related purposes.

### **Representations Received**

7. The Secretary of State received no objections to the proposals. The application is, accordingly, unopposed.

### **Secretary of State's consideration**

8. The Secretary of State considers that the changes to the previously authorised Metrolink route in Oldham Town Centre are desirable since, as explained by TfGM, they would improve the ride quality for tram passengers; improve safety at the Manchester Street roundabout for cyclists, pedestrians and motorists; and result in congestion benefits at the roundabout. He has noted also that the modified route would represent a significant improvement in value for money, and has been granted full planning permission by Oldham Council. The Secretary of State considers further that it is appropriate for the modified route to be fully integrated with operating regime applicable to the rest of the Metrolink network.

### **Secretary of State's overall conclusion and decision**

9. For the reasons given above, the Secretary of State has decided to make the Order, subject to the following modifications:

- to insert in article 3 of the Order a provision preventing construction of so much of the works authorised by the 1994 Act as are replaced by the tramroad referred to in paragraph 2 above; and
- to make a number of minor drafting amendments.

The Secretary of State is satisfied that none of these changes would make a substantial change in the proposals so as to require notification to be given to affected persons under section 13(4) of the TWA.

10. This letter constitutes the Secretary of State's notice of his determination to make the Order, with modifications, for the purpose of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

**Challenge to decision**

11. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

Yours faithfully,

**Martin Woods**

## **RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA**

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that -

- it is not within the powers of the TWA, or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

**A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.**