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Our Ref: TWA/11/APP/05
Your Ref: NAJ/PHT/Y065989

Dear Sirs,

19 March 2012

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

I am directed by the Secretary of State for Transport to say that consideration has been given to the application made on 28 November 2011 by your clients, Transport for Greater Manchester ("TfGM"), for the Transport for Greater Manchester (Light Rapid Transit System) (Oldham, Mumps Modification) Order ("the Order") to be made under sections 1 and 5 of the Transport and Works Act 1992 ("TWA").

The Order, if made, would authorise the continuation, maintenance and operation of a 130 metre tramroad at Mumps in Oldham; a deviation in the construction of a previously authorised street tramway at Mumps; and the application to those works of operational provisions which apply to the rest of the Manchester Metrolink system.

Since TfGM obtained planning permission from Oldham Council on 2 March 2011 for the tramroad and street tramway works 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 10 November 2011 a screening decision that an environmental impact assessment was not required in relation to the Order.

Summary of the Secretary of State's decision

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

The Order application

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 proposed sites of works.

Purposes of the Order

TfGM explained in the documents which accompanied the Order application that the purpose of the Order was to obtain legal authority for various adjustments to the previously authorised extension of the Manchester Metrolink system to Oldham and Rochdale, which were designed to support Oldham Council's regeneration proposals for the area. The tramroad works referred to at paragraph 2 above are intended to integrate the extension with a Park and Ride site, bus facilities and a highway improvement scheme at the Mumps junction. The street tramway works referred to at paragraph 2 are intended to allow a more optimal route to be taken when the Oldham-Rochdale line is diverted through Oldham Town Centre in 2014. The Order would also ensure that both of those works would be subject to the same operational provisions as the rest of the Metrolink network, for example, in relation to byelaws and traffic regulation powers.

Representations Received

The Secretary of State received no objections to the proposals. The Coal Authority, however, made a representation drawing attention to the Authority's Standing Advice for development that is to be carried out in a mining area or former mining area. The Authority has subsequently been assured by TfGM that appropriate consideration has previously been given to ground conditions and the legacy of coal mining activity at the site of the development. The application is, accordingly, unopposed.

Secretary of State's consideration

The Secretary of State has noted TfGM's reasons for seeking the various powers set out in the Order. She is satisfied that the relatively minor adjustments to the previously authorised routes of the Oldham-Rochdale extension are appropriate as they would fit in with other developments and proposals in the Mumps area since the powers for the extension were originally given. The Secretary of State has noted that almost all the consultation responses relating to the Order (as reported in the application) were supportive, and that the works referred to in the Order have been approved by the local planning authority. She accepts also that it is desirable for the altered works to be fully integrated with operating regime which applies to the rest of the Metrolink network.

Secretary of State's overall conclusion and decision

For the reasons given above, the Secretary of State has decided to make the Order; subject to a number of minor drafting amendments which would not make a substantial change in the proposals such as would require notification to affected persons under section 13(4) of the TWA.

This letter constitutes the Secretary of State's notice of her determination to make the Order, with modifications, for the purpose of section 14(1)(a) and section 14(2) to 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

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

ANNEX

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.