

Metrolink Phase 3

950613 01 leg Undertaking – GMPTE / Trafford MBC –TP Line

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TRANSPORT AND WORKS ACT 1992

THE GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM)
(AIRPORT EXTENSION) ORDER

UNDERTAKING

TO

TRAFFORD METROPOLITAN BOROUGH COUNCIL

IN CONSIDERATION of Trafford Metropolitan Borough Council (hereinafter called "the Council") withdrawing its objection to the Order **SAVE** in respect of its objection numbered 1 in its letter of objection dated 6th December, 1994 G.M.P.T.E. hereby **UNDERTAKES** that, in the event of the Order passing into law, the following provisions shall, unless otherwise agreed in writing between the Council and G.M.P.T.E., apply and have effect:

1. **DEFINITIONS**

In this Undertaking:

"the Application"	Means the application made by G.M.P.T.E. on 28th October, 1994 and as further modified by an Application dated 27th February, 1995, under Section 1 of the Transport and Works Act 1992 for the Order.
"the Works"	Means Work No. 1, 1A, 2, 6, 7, 7A, 7B, 7C, 14 and 15 in Schedule 1 to the Order to be authorised by the Order in the metropolitan Borough of Trafford, together with all necessary works and conveniences so to be authorised, including station works.
"the Order"	Means The Greater Manchester (Light Rapid Transit System) (Airport Extension) Order.

"the Application Plans"	Means all the plans submitted with the Application and accompanying the Order.
"G.M.P.T.E."	Means Greater Manchester Passenger Transport Executive.
"the red land"	Means the land shown edged red on plan 'A' annexed hereto.
"The Airport Extension of Metrolink"	Means the extension of the Metrolink Light Rapid Transit System from Trafford Bar to Manchester Airport and then through Wythenshawe to Southmoor Road.
"the Davenport Green Development"	Means the proposal contained in the Council's deposit draft Unitary Development Plan, Proposal E13.
"the Environmental Statement"	Means the Environmental Statement accompanying the Order.
"the line"	Means the Metrolink tramline which forms the Airport Extension of Metrolink.

2. **CONTROL OF DEVIATION FROM THE PROPOSED CENTRE LINES**

Except with the prior written approval of the Council, which shall be sought on every proposed deviation from the centre line within Trafford, such approval not to be unreasonably withheld, the Airport Extension of Metrolink will be constructed on the centre line for the authorised tram works, shown on the Application Plans, **PROVIDED ALWAYS** that this clause shall not apply in the event of additional planning condition 4A in the form annexed hereto (Annex 1) being attached to the final permission authorising the Airport Extension of Metrolink.

3. **PIMMCROFT WAY PLAY AREA**

The play facilities and the drainage of the land situated at Pimmcroft Way, shown edged red on plan 'A' annexed hereto (Annex 2) shall, before the construction of this part of the line is commenced, be improved in accordance with a specification to be submitted by the Council to G.M.P.T.E. for their approval (such approval not to be unreasonably withheld) and all improvement works shall be carried out by the Council in

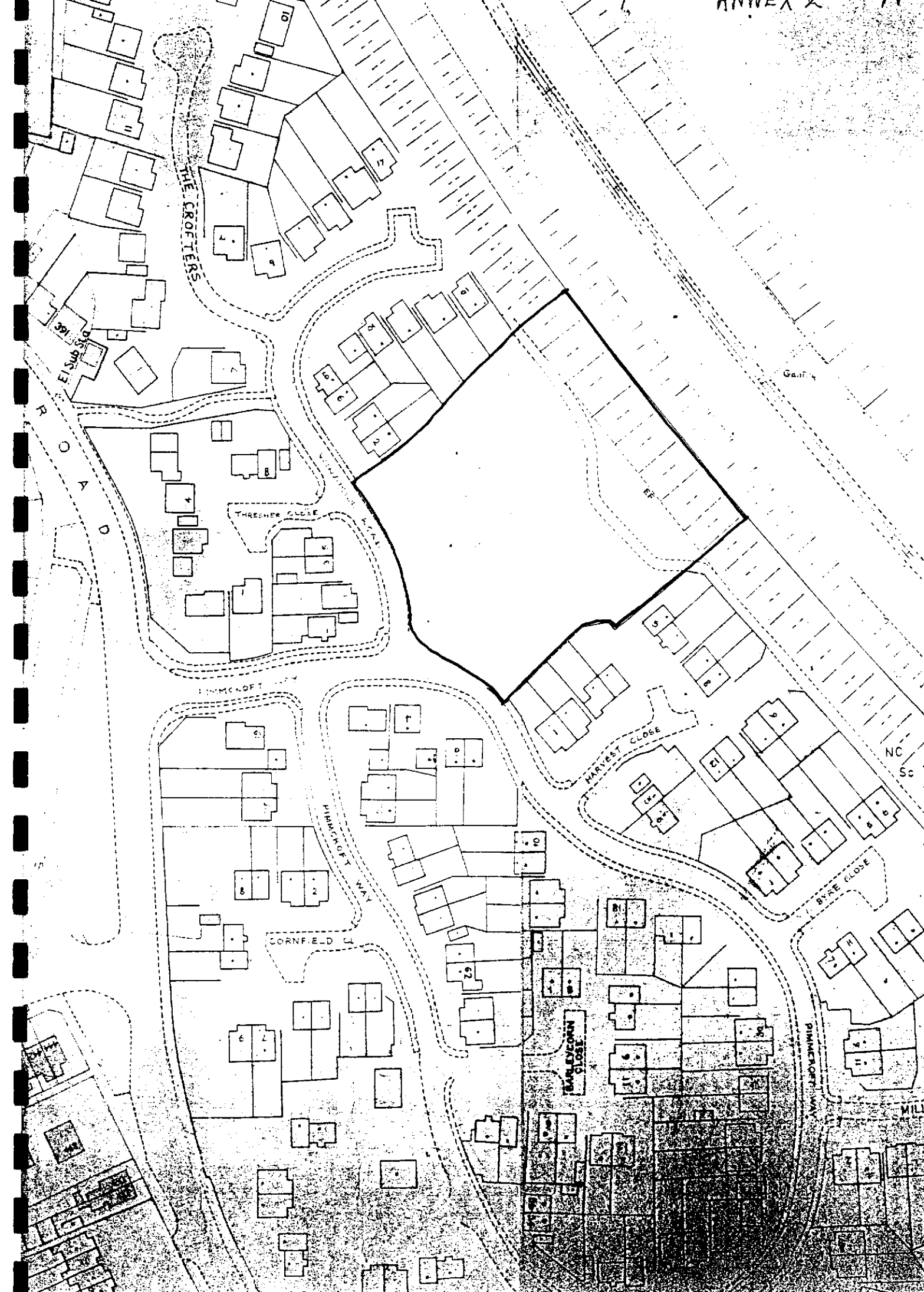
Additional Condition. 4A

(4A) Where the siting of the proposed work is to deviate from the centre line shown on the Order Plans a scheme of environmental mitigation measures shall be submitted to the local planning authority for approval, provided that -

(a) where the proposed deviation has no material effect on the environmental impact of the Works, approval shall not be withheld for any of the measures specified in the Annex to these Conditions.

(b) where the proposed deviation has a material effect on the environmental impact of the Works, approval shall not be withheld nor conditions imposed unless the local planning authority is satisfied that the scheme is inadequate to mitigate any additional environmental impact arising from the proposed deviation.

Reason : to ensure that necessary mitigation works are included in the event of deviation from the centre line.



THE CROFTERS

ELSA'S CLOSE

ROAD

THRESHER CLOSE

PIMMICOFT WAY

PIMMICOFT WAY

CORNFIELD CL

HARVEST CLOSE

BARLEYCORN CLOSE

PIMMICOFT WAY

NC
Sc

BYRE CLOSE

MILK

SUB-STATION LOCATION

22.1

REBUILT AND
DEPT OF TRANSPORT.

TERMINATION OF WORK No 6
COMMENCEMENT OF WORK No 7
6014.00

Native planting
screen LRT St

Embankment

Golf netting fence
on embankment

Trees standing
in grass

Barook
D.S.

AA

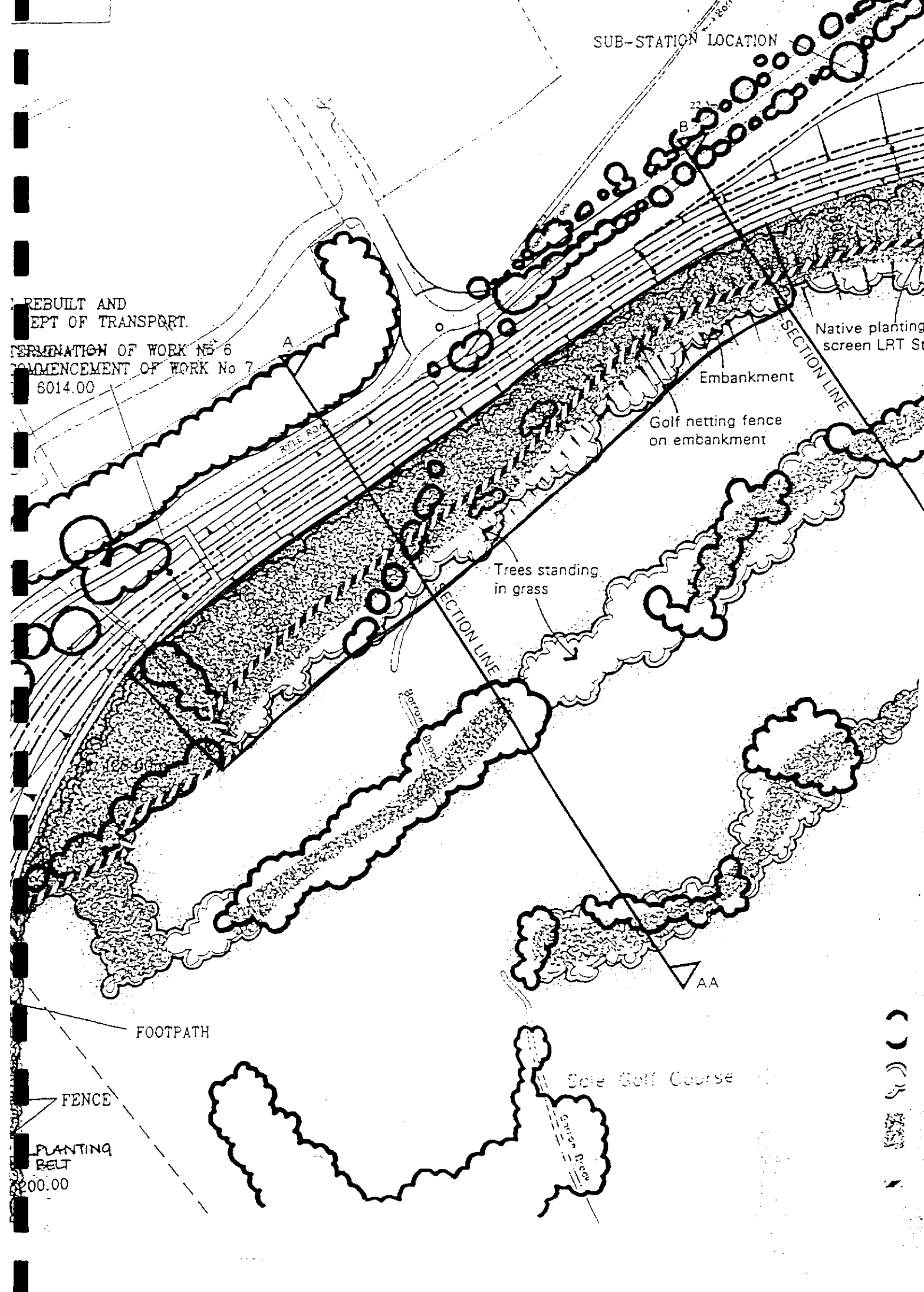
FOOTPATH

Sole Golf Course

FENCE

PLANTING
BELT

6000.00



**GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM) (AIRPORT
EXTENSION) ORDER**

Application of 1991 Act

- 5(1) Section 56 (Directions as to Timing) and Section 58 (Restrictions following Substantial Road Works) of the 1991 Act shall not apply in relation to any works executed under the powers of this Order.
- (2) The provisions of the 1991 Act as mentioned in Paragraph (3) below which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made or code of practice issued or approved under those provisions, shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by the Undertaker under the powers conferred by this Order whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.
- (3) The provisions of the 1991 Act referred to in Paragraph (2) above are:-
- section 54 (advance notice of certain works);
 - section 55 (notice of starting date of works);
 - section 57 (notice of emergency works);
 - section 59 (general duty of street authority to co-ordinate works);
 - section 60 (general duty of Undertakers to co-operate);
 - section 68 (facilities to be afforded to street authority);
 - section 69 (works likely to affect other apparatus in the street);
 - section 75 (inspection fees)
 - section 76 (liability for cost of temporary traffic regulation);
 - section 77 (liability for cost of use of alternative route); and
- all such other provisions as apply for the purposes of the provisions mentioned above.
- (4) Nothing in Article 14 (Construction and Maintenance of New or Altered Streets) of this Order shall:-
- (a) prejudice the operation of Section 87 of the 1991 Act (Prospectively Maintainable Highways); and the Undertaker shall not by reason of any duty under the Article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act;
 - (b) have effect in relation to street works as respects which the provisions of Part III of the 1991 Act apply.

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EXTENSION) ORDER**

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 - section 55 (notice of starting date of works);
 - section 57 (notice of emergency works);
 - section 59 (general duty of street authority to co-ordinate works);
 - section 60 (general duty of Undertakers to co-operate);
 - section 68 (facilities to be afforded to street authority);
 - section 69 (works likely to affect other apparatus in the street);
 - section 75 (inspection fees)
 - section 76 (liability for cost of temporary traffic regulation);
 - section 77 (liability for cost of use of alternative route); and
- all such other provisions as apply for the purposes of the provisions mentioned above.
- (4) Nothing in Article 14 (Construction and Maintenance of New or Altered Streets) of this Order shall:-
- (a) prejudice the operation of Section 87 of the 1991 Act (Prospectively Maintainable Highways); and the Undertaker shall not by reason of any duty under the Article to maintain a street be taken to be the street authority in relation to that street for the purposes of Part III of that Act;
 - (b) have effect in relation to street works as respects which the provisions of Part III of the 1991 Act apply.

Arrangements with highway authorities

50 The following provisions shall, unless otherwise agreed in writing between the Undertaker and the highway authority concerned, have effect:-

- (1) In this article "highway" means a street vested in, or repairable or maintainable by the highway authority, but excluding the M56 and M63;

"highway operations" means the construction of any part of the authorised works which will involve interference with a highway or the traffic in a highway and any temporary stopping up, alteration or diversion of a highway;

"plans" includes sections, drawings, specifications and particulars (including descriptions of methods of construction);

- (2) Wherever in this article provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and may be given subject to such reasonable terms and conditions as the highway authority may require in the interests of safety and in order to minimise inconvenience to persons using the highway, but shall not be unreasonably withheld.
- (3) Prior to seeking approval under Paragraph (4) below, the Undertaker shall consult the highway authority concerned as to any works and changes in the management of the highway network which may be required to ensure the effective integration of the authorised tramway with other forms of highway traffic and, within 28 days of being requested in writing by the Undertaker so to do, the highway authority shall provide the Undertaker with its opinion on the subject.
- (4)(a) Without prejudice to the application of Sections 59 and 60 of the 1991 Act (Duty of Street Authority to Co-ordinate and Undertakers to Co-operate) before commencing any highway operations, the Undertaker shall submit to the highway authority for its approval proper and sufficient plans and shall not commence the highway operations until such plans have been approved or settled by arbitration;
- (b) If within 56 days after any plans have been submitted to a highway authority under sub-paragraph (a) above, it has not intimated its disapproval and the grounds of disapproval, it shall be deemed to have approved them;
- (c) In the event of any disapproval of plans by a highway authority under this paragraph, the Undertaker may re-submit the plans with modifications and in that event, if the highway authority has not intimated its disapproval and the grounds of disapproval within 28 days of the plans being re-submitted, it shall be deemed to have approved them.
- (5) In submitting plans under Paragraph (4) above the Undertaker shall:-
- (a) Ensure that the design of any lighting for new station areas is such as not to cause confusion to highway users operating under normal highway lighting;

- (b) Ensure that the design and positioning of any poles and brackets required for overhead line equipment and the design of foundations, platforms, road islands, sub-stations, electric lines and other apparatus are compatible, so far as reasonably practicable, with street furniture vested in the highway authority; and
 - (c) Ensure that the design of any traffic signalling system for the authorised tramway is fully compatible with traffic signalling for other traffic users whilst achieving priority signalling for the authorised tramway system wherever practicable.
- (6) Except in an emergency or where reasonably necessary to secure the safety of the public, no direction or instruction shall be given by the highway authority to the contractors, servants or agents of the Undertaker regarding the highway operations without the prior consent in writing of the Undertaker provided that the highway authority shall not be liable for any additional costs which may be incurred as a result of the giving of instructions or directions pursuant to this Article.
- (7) To facilitate liaison with the Undertaker, the highway authority concerned shall provide so far as is reasonably practicable a representative to attend meetings arranged by the Undertaker respecting highway operations.
- (8) So much of the authorised works as forms part of or is intended to become public highway or part of any such highway and which are not street works as respects which the provisions of Part III of the 1991 Act apply shall be completed in accordance with the reasonable requirements of the highway authority or in case of difference between the Undertaker and the highway authority as to whether those requirements have been complied with or as to their reasonableness in accordance with such requirements as may be approved or settled by arbitration.
- (9) The Undertaker shall not, except with the consent of the highway authority, alter or interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith, or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway or repairable by them or the access thereto.
- (10) The Undertaker shall not, except with the consent of the highway authority deposit any soil or materials or stand any vehicle or plant on or over any highway so as to obstruct or render less safe the use of the highway by any person or, except with the like consent, deposit any soil or materials on any highway except within a hoarding.
- (11) The Undertaker shall, if reasonably so required by the highway authority, provide and maintain during such time as the Undertaker may occupy any part of the highway for the purpose of the construction of any part of the authorised works, temporary ramps for vehicular traffic or pedestrian traffic or both and any other traffic measures required to protect the safety of road users in accordance with the standards recommended in Chapter 8 of the Traffic Signs Manual issued for the purposes of the Traffic Signs Regulations and General Directions 1994 in such position as may be necessary to prevent undue interference with the flow of traffic in any highway.

- (12) The Undertaker shall not place any hoardings on any part of any highway except for such period and in such manner as may be reasonably necessary.
- (13) The Undertaker shall indemnify the highway authority against any claim which may arise as a result of any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connection therewith or any other property or work belonging to, or under the jurisdiction or control of, the highway authority on or under any highway or maintainable by them, which may be caused by or in consequence of, any act or default of the Undertaker, its contractors, servants or agents.
- (14) Unless otherwise agreed between the parties, any difference arising between the Undertaker and the highway authority under this Article (other than a difference as to its meaning or construction, shall be determined by arbitration.

APPENDIX 2

DRAFT PLANNING CONDITIONS

Introduction

In the Conditions which follow, unless the context otherwise requires -

"the development" means the extension of the LRT system specified in this direction;

"the local planning authority" means the City of Manchester in the case of development within its area and Trafford Metropolitan Borough Council in the case of development within its area;

"the Order" means the Greater Manchester (Light Rapid Transit System) (Airport Extension) Order;

"the Order Plans" and "the scheduled works" have the meanings given in the Order;

"the Planning Plans" means the plans so entitled and submitted by the applicant pursuant to rule 5(7)(b) of the Transport and Works (Applications and Objections Procedure) Rules 1992;

~~"the specified noise attenuation works" means the bunds, barriers and other shielding specified in the Annex to these Conditions.~~

Time Limits

- (1) The construction of the development shall be begun before the expiry of ten years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990.

Site Limits and deviation

- (2) No part of the development for which particular limits of deviation or land are prescribed in the Order or the Order Plans shall take place outside the boundaries of the land so prescribed.

Reason: To ensure that no development takes place beyond the boundary of the site.

Monitoring and safety measures as prerequisite of development

- (3) Before the development commences, a site investigation must be carried out at the sites listed below, appropriate to the development proposed, in order to determine groundwater characteristics and assess any possible risks arising from the presence of landfill gas, if any, associated with the nearby landfill sites. A report shall be prepared by a recognised consultant, who is acceptable to the local planning authority, and shall include an assessment of the survey results obtained and identify such measures as the consultant deems necessary for safety reasons. The measures identified as a result of the

A2-3

investigation must be incorporated into the development as necessary to alleviate any risk to the satisfaction of the local planning authority.

A Two Landfill sites located near Trafford Bar Stop

Landfill Gas monitoring

B Nell Lane Landfill

Landfill Gas monitoring

C Hardy Farm Landfill

Landfill Gas Monitoring

Groundwater Monitoring

Surface Water Monitoring

D Rifle Road Landfill

Landfill Gas Monitoring

Surface Water Monitoring

E Sale Golf Course Landfill

Landfill Gas Monitoring

Groundwater Monitoring

The monitoring shall be undertaken in consultation with the Local Authority Environmental Health Officer (EHO) and the NRA. Landfill gas monitoring shall be in

accordance with the government technical memorandum Waste Management Paper No. 27 (Landfill Gas).

Reason: To ascertain the need for remedial action in relation to contaminated land.

Necessary components of development

- (4) The construction of the scheduled works shall incorporate the developments in relation to those works listed below which shall be completed before the work so listed is brought into use -

- Work No.1 : reposition of British Arkady car park entrance (1(h)(ii));
- Work No.6 : the mitigation works to the Site of Biological Importance (6.2(b));
: construction of replacement third hole, Sale Golf Course (6.3(e));
- Work No.7 : pedestrian access across the M63 (7.1(b));
: reconstruction of part of Sale Golf Club Greens building (7.1(e));
- Work No.9 : construction of replacement single garage and modifications to car park for Gardeners Arms (9(b));
- Work No. 11 : Works Nos. 11A and 11B (11(b) and (c));
: construction of replacement caretaker's dwelling at Brockway High School (11(e));
- Work No. 18 : modifications to industrial premises on Ringway Trading Estate (18(c)) and to Ferranti Works (18(d));
- Work No. 21 : provision of replacement premises at Adventure Playground, Crossacres Road (21(d))/ ; ✓

Works Nos. 2, 6, 7, 8, 9, 11 and 21 : ~~the specified noise attenuation works~~ ✓

X environmental mitigation measures specified in the Annex to these Conditions or such alternative measures as may be approved by the local planning authority in writing under Condition (4A) below.

07.06.1995

GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM)
(AIRPORT EXTENSION) ORDER

REQUEST FOR PLANNING DIRECTION

Addition A, Page A2 - 5

(4A) Where the siting of the proposed work is to deviate from the centre line shown on the Order Plans a scheme of environmental mitigation measures shall be submitted to the local planning authority for approval, provided that -

(a) where the proposed deviation has no material effect on the environmental impact of the Works, approval shall not be withheld for any of the measures specified in the Annex to these Conditions

(b) where the proposed deviation has a material effect on the environmental impact of the Works, approval shall not be withheld nor conditions imposed unless the local planning authority is satisfied that the scheme is inadequate to mitigate any additional environmental impact arising from the proposed deviation.

Reason : to ensure that necessary mitigation works are included in the event of deviation from the centre line.

GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM)
(AIRPORT EXTENSION) ORDER

REQUEST FOR PLANNING DIRECTION

Addition B, Page A2 - 5

Wythenshawe Hospital Stop Siting

(4B) In the case of the Metrolink stop ("Wythenshawe Hospital") (13(b)) the prior approval of detailed plans in respect of siting and access shall be obtained from the local planning authority before the work is commenced.

Reason : to ensure that siting is consistent with re-development proposals for Wythenshawe Hospital.

1/ ADDITION A and B APART^{A2-5}

Reason: To ensure that necessary mitigation works are included in the development.

1/ >

Design & external appearance

(5) The prior approval of the design and external appearance of the following items of development shall be obtained from the local planning authority before the work is commenced -

- (i) the viaduct and structure over the River Mersey (6.1(b));
- (ii) the LRT and pedestrian bridge over the M63 motorway (7.1(b));
- (iii) the reconstruction or replacement of Fairy Lane Bridge (7.1(d));
- (iv) the reconstruction of part of Sale Golf Club Greens building (7.1(e));
- (v) the replacement caretaker's dwelling (11 (e));
- (vi) the interchange link between the Metrolink stop ("Baguley") and the proposed Baguley railway station on the Stockport, Timperley and Altrincham Railway.
- (vii) the replacement adventure playground building (21 (d));
- (viii) each of the Metrolink stops (2.1(b); 2.2(c); 3(d); 4(b); 6.2(a); 6.3(b); 8(b); 8(f);

11(d); 11(g); 12(b); 13(b); 13(d); 14(b); 16(b); 17(c); 18(b); 19(b); 19(c); 20(b);
21(b); 21(g); 23(b) and 24(b)).

(ix) any permanent fencing;

> (x) each of the electricity substations (3(a); 6.3(c); 8(c); 12(c);
15(b); 18(g); 19(d) and 21(c));

(xi) ~~any~~ any item of development not identified in the ~~list accompanying these~~

Conditions

Not identified in Appendix 1 (Elements of the Development and Possible Development)

Provided that the prior approval of the design and external appearance of the items listed above shall not be refused nor conditions imposed unless the local planning authority is satisfied that the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury including (in the case of the proposed Firwood, Chorlton-cum-Hardy, Hardy Farm, Northern Moor, Wythenshawe Park and Roundthorn Metrolink stops) modification in the interests of noise attenuation.

Reason: To enable reasonable and proper control to be exercised over aspects of the details of the development.

Poles and Brackets

(6) ~~The local planning authority shall be consulted on~~² the design, external appearance and position of the poles and brackets required to support the overhead catenary system of the LRT system prior to their placing.

2/ The prior approval of the local planning authority shall be obtained in respect of

Reason: To ensure that proper regard is had to the effects upon visual amenity.

Materials

(7) Samples of the materials to be used in any external surfaces shall be submitted to and their external appearance approved by the local planning authority before the development in which they are comprised is commenced.

Reason: To ensure satisfactory external appearance in the interests of visual amenity.

Demolition and Reinstatement

(8) The site of any demolition or relocation of a building or structure shall be restored or made good as soon as practicable following the work of demolition or relocation, to the satisfaction of the local planning authority and landowner.

Reason: To avoid detriment to the character of the area arising through delays in redevelopment or for want of making good.

Landscaping

(9) (a) No development shall commence on the site of any scheduled work until a scheme for the landscaping of the site of that work has been submitted to and approved in writing by the local planning authority - Provided that such approval shall not be refused nor conditions imposed unless the local planning authority is satisfied that the

scheme is inadequate to protect the amenity of the neighbourhood and is reasonably capable of modification to overcome that inadequacy;

(b) The landscaping scheme, including in the case of Work No. 7 landscape screening of Pimmcroft Way Estate from M63 Metrolink bridge ramp (7.2(c)), shall be carried out before or not later than 12 months from the date when the scheduled work is brought into operation.

(c) Any trees or shrubs planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within 36 months of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the proper landscaping of the site of the development.

Default of agreement

Where any matter is required to be agreed by the local planning authority under any of the foregoing Conditions that matter shall in default of agreement be determined upon the application of either party by the Secretary of State for the Environment.

ANNEX

SPECIFIED NOISE ATTENUATION WORKS

Work No. 2

Buckfast Close

Permanent close-board fencing, 2m high located along the line of the existing property fences at the top of the cutting.

Chatfield Road

A 1.5m solid barrier at the top of the access ramp which leads to the Manchester bound platform.

Work No. 6

Hardy Farm Students Accommodation

A separate structure adjacent to the west of the stop or a solid barrier which is part of the integral design of the stop.

Work No.7

Pimmcroft Way and Ossington Walk

Permanent close boarded fencing on both sides of the alignment, with a variation in form, dependant on the specific location. Height would vary between 1.5m and 2m and acoustically absorbing fencing would be used in the area opposite to Ossington Court.

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Work No. 8

Northern Moor Stop

A 2 metre high solid barrier adjacent to the Airport-bound platform of this stop. This will be along the existing fence lines of properties on Buckden Walk and Ridgemont Walk.

Work No. 9

Garthorp Road and Bordley Walk

Permanent 2 metre high close boarded fencing to the west of the proposed alignment between Bordley Walk and the crossing with Wythenshawe Road. Additional 1.5 metres fencing to the north of the alignment and to the east of the LRT crossing of Bordley Walk, along the line of the existing fence.

Work No. 11

Shrivenham Walk

A solid barrier, 1.5 metres high, along the top of the proposed new retaining wall.

A2-11

Work No. 21

Woodend Road and Garrick Gardens

After demolition of properties on the western edge of Brownley Road, the construction of a trackside barrier, up to 2 metres high, running from the edge of the playing fields up to the edge of Benchill Stop.

accordance with those specifications and shall be paid for by way of advanced payments in full by G.M.P.T.E.

4. MERSEY VALLEY

- 4.1 A planting scheme which has received the prior written approval of the Council shall be carried out by G.M.P.T.E., concurrently with the main landscaping scheme for the line, on the areas outside the limits of deviation as shown on Plan B annexed hereto (Annex 3). Any trees or shrubs planted in accordance with this clause which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced by G.M.P.T.E. within the next planting season by trees or shrubs of similar size and species to those originally required to be planted. The provisions of this clause shall apply provided the land on which the planting scheme is to be carried out is at the time in the ownership of G.M.P.T.E. or consent has been obtained from the owner of the land to the carrying out of the scheme. G.M.P.T.E. shall use their best endeavours to obtain such ownership or consent.
- 4.2 The alterations to Rifle Road shown on the Application Plans shall be completed to the reasonable satisfaction of the Highway Authority before the proposed Sale Moor stop is brought into use.
- 4.3 Details relating to the siting of the sub-station within the area situated at Rifle Road, Sale and shown in the Application Plans, together with details of its appearance and associated cable routing ("the sub-station works") shall be submitted to and approved in writing by the Council such approval not to be unreasonably withheld, prior to the commencement of the sub-station works.
- 4.4 The geophysical survey of sites at Sale Old Hall and Brick Kiln Field, as outlined in the Environmental Statement, Page 7-4, Paragraph 7.4b, shall be carried out before the construction of this part of the line is commenced.
- 4.5 A two way vehicular access to Sale Water Park and Jackson's Boat Public House shall be maintained at all times. Any arrangements restricting two way traffic which are necessary to carry out the works whilst maintaining access (e.g. traffic light controlled one way workings), shall not be designed to take effect on weekends or bank holidays and shall be submitted to and approved in writing by the Council prior to such arrangements being put in place, such approval not to be unreasonably withheld.
- 4.6 In undertaking the works to construct the mini-roundabout on Rifle Road, Sale, the proposed land take, detailed design and a programme of work shall have been submitted to and approved by the Council in writing prior to the commencement of the mini roundabout works and such works shall be implemented in accordance with the approved scheme.
- 4.7 In accordance with Works No. 7C of the Order, a footpath 510 metres in length between Golf Road and Rifle Road and a minimum of 2 metres wide shall be created and laid out at G.M.P.T.E.'s expense to the reasonable


8. **SAVING FOR COMPENSATION PROVISIONS**

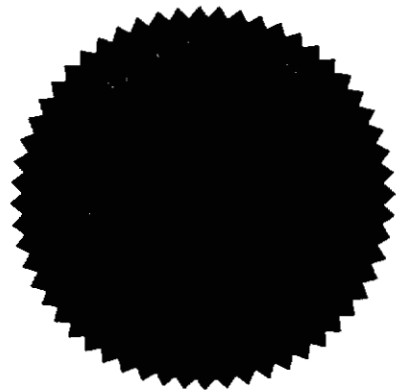
Nothing in this Undertaking shall prejudice or affect the right of the Council to claim compensation in accordance with the provisions of the Order when enacted.

9. **DISPUTES**

Any difference arising under this Undertaking (other than a difference with regard to the amount of compensation payable which is referable to the Lands Tribunal) shall be determined by arbitration in the manner prescribed by Article 56 (Arbitration) of the Order.

Dated this 13th day of June 1995


.....
The Common Seal of the Greater Manchester
Passenger Transport Executive was hereunto
affixed in the presence of:



satisfaction of the Council prior to Works No. 7 in the Order coming into operation and shall within twelve months thereafter be dedicated as a public footpath.

- 4.8 Access shall be provided by G.M.P.T.E. and thereafter retained to the remaining Fairy Lane sports pitch

5. **DAVENPORT GREEN**

- 5.1 In the event that the Davenport Green Development receives planning permission, the construction of new roads or vehicular accesses across the proposed Metrolink line shall be allowed by G.M.P.T.E. as far as is reasonably necessary for the Davenport Green Development to be achieved, provided that if the site of a proposed crossing would, in the reasonable opinion of G.M.P.T.E. be seriously detrimental to the operation of the Airport Extension of Metrolink, this may be rejected subject to there being adequate access provided for elsewhere.

- 5.2 G.M.P.T.E., in its design, planning and operation of the line, shall allow for the possible construction of a tram stop to serve the Davenport Green Development.

- 5.3 Agricultural access shall be provided by G.M.P.T.E. and thereafter retained to the land east of the proposed line, unless the Davenport Green Development is commenced.

- 5.4 A field survey of land adjacent to Roaring Gate Lane, as proposed in the Environmental Statement, at Page 7-7, Paragraph 7.8.3, shall be carried out before the construction of this part of the line is commenced.

6. **NEW ROADS AND STREET WORKS ACT 1991**

- 6.1 G.M.P.T.E. hereby undertakes that Articles 5 and 50 annexed hereto (Annex 4), shall form a modification to the Application and shall be incorporated into the final Order on its passing into law.

7. **MISCELLANEOUS**

- 7.1 G.M.P.T.E. hereby undertakes that they shall carry out all legal procedures and actions in order to bring about the formal diversion or stopping-up of any public highways affected by the construction of the Airport Extension of Metrolink and G.M.P.T.E. also undertakes that any diversion or stopping-up of permissive rights of way shall not be implemented without the Council and the Mersey Valley Warden having been notified and a suitable alternative route provided in accordance with a scheme agreed by the Council and the Mersey Valley Warden, such agreement not to be unreasonably withheld.

- 7.2 G.M.P.T.E. hereby undertakes that the list of planning conditions annexed hereto (Annex 5), shall be attached to and be binding in respect of any permission for the construction of the Airport Extension of Metrolink.