



Highways Act 1980

1980 CHAPTER 66

PART X

NEW STREETS

Requirements and prohibitions as to new streets

193 Imposition of requirements as to width of new streets in certain cases,

- (1) Where, in pursuance of a new street byelaw requiring plans to be deposited with them, application is made to the council of a county or London borough or the Common Council to pass plans of a new street and that street will, in the opinion of the council, form—
- (a) a main thoroughfare or a continuation of a main thoroughfare, or means of communication between main thoroughfares, in their area, or
 - (b) a continuation of a main approach, or means of communication between main approaches, to their area,
- the council—
- (i) may, as a condition of passing the plans, require that the new street be formed of such width as they may determine, and
 - (ii) if they make a requirement under paragraph (i) above, shall, as such a condition, determine how much of the width of the street is to be laid out as a carriageway and how much as a footway or footways.
- (2) If the council of a county or London borough or the Common Council under subsection (1) above require a new street to be formed of a width that exceeds the normal maximum width by an amount greater than 20 feet, they shall pay compensation for any loss or injury which may be sustained by reason of the requirement.

In this subsection and subsection (3) below, "the normal maximum width" means the maximum width of which, apart from this section, the street could have been required to be formed under any byelaw or enactment with respect to the width of new streets

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which is in force in the county or London borough in question or, as the case may be, in the City.

- (3) Nothing in this section empowers a council to require any person to defray any greater expenses in the execution of any street works than would have been payable if the street had been of no greater width than the normal maximum width ; and any additional expense incurred in the execution of the street works by reason of the street being of such greater width shall be certified by the proper officer of the council, or in the case of dispute shall be determined by a magistrates' court, and shall be borne by the council.
- (4) A person aggrieved by a condition imposed under this section may appeal to the Crown Court.

194 Power to vary position or direction, and to fix beginning and end, of new street

- (1) The council of a county or London borough or the Common Council may on the deposit with them of plans of a new street in pursuance of a new street byelaw, by order vary the intended position, direction, termination or level of the new street so far as is necessary for the purpose of securing—
 - (a) more direct, easier or more convenient means of communication with any other street or intended street; or
 - (b) an adequate opening at one or each of the ends of the new street; or
 - (c) compliance with any byelaw in force within their area for the regulation of streets or buildings.
- (2) The council of a county or London borough or the Common Council may by an order made under subsection (1) above fix the points at which the new street is to be deemed to begin or end, and the limits of the new street as determined by the points so fixed shall be treated as the limits of it for the purposes of this Part of this Act and of any byelaws made under this Part.
- (3) A person aggrieved by an order under this section may appeal to the Crown Court.
- (4) If a person lays out or constructs a new street in contravention of an order under this section he is guilty of an offence and is liable to a fine not exceeding £25; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding £2 for each day on which the offence is so continued.
- (5) A council shall pay compensation to any person for any loss or injury sustained by him by reason of the exercise by the council of their powers under this section.
- (6) A council shall not make an order under this section in a case in which it is shown to their satisfaction that compliance with the order would entail the purchase of additional land by the owner of the land on which the new street is intended to be laid out, or the execution of works elsewhere than on the last-mentioned land or land held with it on which building operations associated with the new street are intended to be undertaken.

195 Construction of bridge carrying new street

- (1) No person shall, except in the exercise of statutory powers, construct a bridge to carry a new street unless the bridge and the approaches to it are of such width and gradients as are approved—

- (a) in the case of a new street which is, or is to be, situated in a London borough or the City, by the council of the London borough or the Common Council, as the case may be, and
 - (b) in any other case, by the council of the county in which the new street is, or is to be, situated,
- and are constructed in accordance with plans so approved.
- (2) A person aggrieved by the refusal of an approval under subsection (1) above may appeal to the Crown Court.
- (3) If a person contravenes this section he is guilty of an offence and liable to a fine not exceeding £50; and the council of the county or London borough, or the Common Council, as the case may be, may remove, alter or pull down any work done in contravention of the section and may recover from him the expenses reasonably incurred by the council in so doing.

196 Power to allow widening of existing street on one side only to less than prescribed width

- (1) Where—
- (a) an owner of land adjoining one side of an existing highway proposes to lay out on that land a new street along the line of the highway, and
 - (b) buildings have been or are intended to be erected on that side only, and
 - (c) the case is one in which the appropriate authority are empowered, by a byelaw with respect to the width of new streets, to require the owner to widen the existing highway to the width prescribed for a new street,
- the appropriate authority may, instead of requiring the owner to widen the existing highway as provided by paragraph (c) above, make an order under this section.
- (2) An order under this section is an order permitting the owner to widen the highway on the side referred to in subsection (1)(a) and (b) above only, to such width as may be specified in the order, being a width—
- (a) less than the width referred to in subsection (1)(c) above, but
 - (b) such that the distance between the centre line of the existing highway and the boundary, after the widening, of the highway on the said side is not less than one half of the width referred to in subsection (1)(c) above.
- (3) Not less than 21 days before making an order under this section the appropriate authority shall send notice of the intended order to such owner as aforesaid and, unless he is the same person, to any owner of land adjoining the highway on the side of it opposite the land to which the order will relate.
- (4) If, where an order under this section has effect, building is begun on the said land on that opposite side, the owner of that land shall widen the existing highway on the opposite side where it adjoins that land so that the distance between—
- (a) the boundary, after widening, of the highway on that opposite side, and
 - (b) the boundary, after widening under the order, of the highway on the side to which the order relates,
- is the width referred to in subsection (1)(c).

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- (5) Nothing in subsection (4) above imposes on any person an obligation to pull down a building erected before the date of an order under this section relating to the land in question.
- (6) If a person fails to comply with subsection (4) above he is guilty of an offence and liable to a fine not exceeding £25; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding £2 for each day on which the offence is so continued.
- (7) A person aggrieved by an order, or by the refusal to make an order, under this section may appeal to the Crown Court.
- (8) For the purposes of this section the appropriate authority is—
 - (a) in relation to a highway outside Greater London, the county council;
 - (b) in relation to a highway in Greater London, the local authority for the area in which the highway is situated.