

## SCHEDULES

### SCHEDULE 7

#### PROTECTIVE PROVISIONS

##### PART I

##### HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the appropriate authority and the highway authority concerned, have effect for the protection of the highway authorities referred to in this Part.
- (2) In this Part of this Schedule—
  - "appropriate authority" does not include the Secretary of State or the County Council;
  - "highway" means a highway maintainable by the highway authority;
  - "highway authority" means—
    - (a) in the case of a trunk road, the Secretary of State; and
    - (b) in the case of other highways, the local highway authority.
- 2 Wherever in this Part of this Schedule provision is made with respect to the approval or consent of the highway authority, that approval or consent shall be in writing and subject to such reasonable terms and conditions as the highway authority may require, but shall not be unreasonably withheld.
- 3 Before carrying out any work for the construction or maintenance of any part of the works authorised by this Act which will involve interference with a highway, or the traffic in any highway, or before temporarily stopping up any highway, the appropriate authority shall consult the highway authority—
  - (a) as to the time when the work shall be commenced, and as to the extent of the surface of the highway which it may be reasonably necessary for the appropriate authority to occupy, or the nature of the interference which may be caused to traffic in the carrying out of the work, or as to the time during which, and the extent to which, the highway shall be stopped up (as the case may be); and
  - (b) as to the conditions under which the work shall be carried out or the highway shall be stopped up (as the case may be);so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public.
- 4 (1) Any such work involving interference with a highway shall not be carried out, the surface of the highway shall not be occupied, the highway shall not be stopped up by the appropriate authority and the interference with traffic shall not be caused except at such time, to such extent and in accordance with such conditions as may be submitted to and approved by the highway authority.

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- (2) If, within 28 days after the submission to them of proposals for compliance with this paragraph, the highway authority have not approved them or disapproved them, they shall be deemed to have approved the proposals as submitted.
- 5       The highway authority may require that the works authorised by this Act, so far as they involve any serious interference with the movement of traffic in any highway, shall be carried on, so far as reasonably practicable, continuously day and night and the appropriate authority shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference.
- 6       It shall not be lawful for the appropriate authority in exercise of their powers under this Act to place any hoardings on any part of any highway except for such period and in such manner as shall be reasonably necessary.
- 7       (1) The appropriate authority shall not, without the consent of the highway authority, make a junction between any road and a highway or an intended highway except in accordance with plans, sections and specifications submitted to and approved by the highway authority and if, within 28 days after such plans, sections and specifications have been submitted, the highway authority have not approved or disapproved them, they shall be deemed to have approved the plans, sections and specifications as submitted.
- (2) For the purposes of this paragraph the plans, sections and specifications of a junction with a highway or intended highway shall include plans, sections and specifications of all works within the highway or (as the case may be) intended highway which are required for the purposes of or in connection with the junction.
- 8       The appropriate authority shall not, without the consent of the highway authority, construct any part of the works authorised by this Act under and within 8 metres of the surface of any highway except in accordance with plans and sections submitted to, and approved by, the highway authority and if within 28 days after such plans and sections have been submitted the highway authority have not approved or disapproved them, they shall be deemed to have approved the plans and sections as submitted.
- 9       In the construction of any part of the said works under a highway no part thereof shall, except with the consent of the highway authority, be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway or be nearer than two metres to the surface of the highway.
- 10      (1) The provisions of this paragraph have effect in relation to, and to the construction of, any new bridge, or any extension or alteration of an existing bridge, carrying any part of the works authorised by this Act over a highway or carrying a highway over any part of those works, and any such new bridge, or (as the case may be) any bridge so extended or altered, is in this paragraph referred to as "the bridge".
- (2) Before commencing the construction of, or the carrying out of any work in connection with, the bridge which involves interference with a highway, the appropriate authority shall submit to the highway authority for their approval plans, sections, drawings and particulars (below in this paragraph referred to as "plans") relating thereto, and the bridge shall not be constructed and the works shall not be carried out except in accordance with the plans submitted to, and approved by the highway authority.

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- (3) If within 28 days after the plans have been submitted the highway authority have not approved or disapproved them, they shall be deemed to have approved the plans as submitted.
  - (4) Any part of the construction of the bridge or any part of any work as aforesaid which involves interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the highway authority.
  - (5) In constructing the bridge, or in carrying out any work in connection therewith which involves interference with any highway, the appropriate authority shall, in such manner and at such time as the highway authority may reasonably require, make good all damage caused to the highway by reason or in consequence of the construction of the bridge or the carrying out of the work.
  - (6) If the bridge carries any part of the works authorised by this Act over any highway—
    - (a) it shall be constructed in such manner as to prevent so far as may be reasonably practicable the dripping of water from the bridge; and
    - (b) the highway authority may, at the cost of the appropriate authority, provide and place such lamps and apparatus as may from time to time be reasonably necessary for efficiently lighting any highway under or in the vicinity of the bridge.
- 11 The appropriate authority shall secure that so much of the works authorised by this Act as is constructed under any highway shall be so designed, constructed and maintained as to carry the appropriate loading recommended for highway bridges by the Secretary of State at the time of construction of the works, and the appropriate authority shall indemnify the highway authority against, and make good to the highway authority, the expenses which the highway authority may reasonably incur in the maintenance or repair of any highway, or any tunnels, sewers, drains or apparatus therein, by reason of non-compliance with the provisions of this paragraph.
- 12 It shall be lawful for an officer of the highway authority duly appointed for the purpose, at all reasonable times, on giving to the appropriate authority such notice as may in the circumstances be reasonable, to enter upon and inspect any part of the works authorised by this Act which is in or over any highway, or which may affect any highway or any property of the highway authority, during the carrying out of the work, and the appropriate authority shall give to such engineer or surveyor or officer all reasonable facilities for such inspection and, if he shall be of opinion that the construction of the work is attended with danger to any highway or to any property of the highway authority on or under any highway, the appropriate authority shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto.
- 13 The appropriate authority shall not alter, disturb or in any way interfere with any property of the highway authority on or under any highway, or the access thereto, without the consent of the highway authority, and any alteration, diversion, replacement or reconstruction of any such property which may be necessary shall be made by the highway authority or the appropriate authority as the highway authority think fit, and the expense reasonably incurred by the highway authority in so doing shall be repaid to the highway authority by the appropriate authority.
- 14 The appropriate authority shall not remove any soil or material from any highway except so much as must be excavated in the carrying out of the works authorised by this Act.

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- 15 If the highway authority, after giving to the appropriate authority not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of their intention to do so, incur any additional expense in the signposting of traffic diversions or the taking of other measures in relation thereto, or in the repair of any highway by reason of the diversion thereto of traffic from a road of a higher standard, in consequence of the construction of the works authorised by this Act, the appropriate authority shall repay to the highway authority the amount of any such expense reasonably so incurred.
- 16 (1) The appropriate authority 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 outside a hoarding, and, unless the consent of the highway authority is given within 28 days after request therefor, it shall be deemed to have been refused.
- (2) The expense reasonably incurred by the highway authority in removing any soil or materials deposited on any highway in contravention of this paragraph shall be repaid to the highway authority by the appropriate authority.
- 17 The appropriate authority shall, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the appropriate authority may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Act, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway.
- 18 (1) Where any part of any highway shall have been broken up or disturbed by the appropriate authority and not permanently stopped up or diverted they shall make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and shall maintain the same to the reasonable satisfaction of the highway authority for such time as may be reasonably required for the permanent reinstatement of the highway.
- (2) The reinstatement of that part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the highway authority so soon as reasonably practicable after the completion of the temporary reinstatement, and the expense reasonably incurred by the highway authority in so doing shall be repaid to the highway authority by the appropriate authority.
- 19 The appropriate authority shall make compensation to the highway authority for any subsidence of, or damage to, any highway or any property of the highway authority on or under any highway which may be caused by, or in consequence of, any act or default of the appropriate authority, their contractors, servants or agents, whether such damage or subsidence shall happen during the construction of the works authorised by this Act or at any time thereafter.
- 20 The fact that any act or thing may have been done in accordance with plans approved by the highway authority or under their supervision shall not (if it was not attributable to the act, neglect or default of the highway authority or of any person in their employ or their contractors or agents) exonerate the appropriate authority from any liability, or affect any claim for damages, under this Part of this Schedule or otherwise.

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- 21 (1) Except as provided in sub-paragraph (2) below, any difference arising between the appropriate authority and the highway authority under this Part of this Schedule shall be determined by the Secretary of State or, at his option, by arbitration.
- (2) Where the Secretary of State is the highway authority concerned any such difference shall be determined by arbitration.