

SCHEDULES

SCHEDULE 3

HIGHWAYS

Construction

- 10 (1) Sub-paragraph (2) below applies where under this Part of this Act the nominated undertaker—
- (a) realigns a highway which is constituted by or comprises a carriageway, or
 - (b) constructs a new highway which is constituted by or comprises a carriageway,
- and the highway is one for which a local highway authority is the highway authority.
- (2) The realignment, or construction, shall be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker, such approval not to be unreasonably withheld.
- (3) Any dispute with a highway authority under sub-paragraph (2) above shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2) above, the highway authority fails to notify the nominated undertaker of its decision on the application before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have approved the plans, sections or specifications as submitted.