

1974 No. 1163

WATER, ENGLAND AND WALES

**The Northumbrian Water Authority (Kielder Water)
(Amendment) Order 1974**

Made - - - - - 8th July 1974

Coming into Operation 19th July 1974

The Secretary of State for the Environment, in exercise of the powers conferred by sections 67 and 134 of the Water Resources Act 1963(a) and section 36 of the Compulsory Purchase Act 1965(b) and now vested in him (c), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Northumbrian Water Authority (Kielder Water) (Amendment) Order 1974. Citation.

(2) The Northumbrian Water Authority (Kielder Water) Order 1974 and this order may be cited together as the Northumbrian Water Authority Orders 1974.

2. The Northumbrian Water Authority (Kielder Water) Order 1974(d) is hereby amended as follows— Northumbrian Water Authority (Kielder Water) Order 1974 amended.

(a) by inserting in article 2 thereof immediately after the reference to “the deposited plans” the following—

“ ‘the signed plan’ means the plan prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked ‘Plan referred to in the Northumbrian Water Authority (Kielder Water) (Amendment) Order 1974’, one copy of which is deposited and available for inspection at the offices of the Secretary of the Authority and the other at the offices of the Secretary of State for the Environment;”;

(b) by inserting immediately after article 9 thereof the following—

“Stopping up of bridleways and footpaths

9A.—(1) The Authority may stop up each of the bridleways and footpaths in the county of Northumberland described in column (3) of the next following table, and in the districts and

(a) 1963 c. 38.

(b) 1965 c. 56.

(c) S.I. 1970/1681 (1970 III, p. 5551).

(d) S.I. 1974/883.

parishes opposite thereto and specified in columns (1) and (2) of the said table, between the points so specified in the said column (3) and on the sheets mentioned in column (4) thereof as shown on the deposited plans as intended to be stopped up, and thereupon all rights of way over or along the said bridleways and footpaths shall be extinguished—

| (1) District | (2) Parish | (3) Letters on deposited plans identifying footpath or bridleway to be stopped up | (4) Sheet No. on deposited plans |
|-----------------|---------------|--|-------------------------------------|
| Tynedale | Falstone | Footpath C1-C2 | 1 |
| Tynedale | Falstone | Footpath C3-C4 | 1 |
| Tynedale | Falstone | Footpath C5-C6 | 1 |
| Tynedale | Falstone | Bridleway C7-C8 | 1 |
| Tynedale | Falstone | Footpath C9-C10 | 1 |
| Tynedale | Falstone | Bridleway C11-C12 | 1 |
| Tynedale | Falstone | Bridleway C13-C14 | 1 |
| Tynedale | Falstone | Footpath C15-C16 | 1 |
| Tynedale | Falstone | Footpath C17-C18 | 1 |
| Tynedale | Falstone | Footpath C19-C20 | 1 |
| Tynedale | Falstone | Footpath C21-C22 | 1 |
| Tynedale | Falstone | Footpath C23-C24 | 1 |
| Tynedale | Kielder | Footpath C25-C26 | 1 |
| Tynedale | Falstone | Footpath C27-C28 | 1 |
| Tynedale | Kielder | Footpath C31-C32 | 1 |

(2) The Authority may also stop up -

(a) so much of the bridleway in the parish of Falstone in the said district of Tynedale as lies between the points C29 and C30 as shown on Sheet No. 1 of the deposited plans and north of the new road (Work No. 3); and

(b) so much of any other bridleways or footpaths within the limits of deviation of the works as may be situate on any lands acquired by the Authority under the powers of article 11 (Power to acquire lands) of this order which are required for the purpose of any of these works or for obtaining materials for the construction thereof;

and thereupon all public rights of way over any such portions of bridleways and footpaths shall be extinguished.

(3) No portion of any bridleway or footpath shall be stopped up under the powers of this article until the Authority are in possession of all lands abutting on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

Diversion and stopping up of footpath and bridleway

9B.—(1) The Authority may divert the footpath in the parish of Eggleston in the district of Teesdale in the county of Durham between the points D11 and D12 shown on Sheet 10 of the

deposited plans, and may stop up and cause to be discontinued as a highway, so much of the said footpath as will be rendered unnecessary by such diversion.

(2) The Authority shall, in connection with the works authorised by this order, also divert to any line within the limit of deviation for Kielder Water (Work No. 1) and of land to be acquired and south of Lewisburn Bridge so much of the bridleway in the parish of Falstone in the said district of Tynedale as lies between the points C29 and C30 as shown on the deposited plans and south of the new road (Work No. 3) and as reasonably requires to be diverted to secure that all parts of the bridleway are above the top water line for Kielder Water.

(3) Notwithstanding anything in paragraphs (1) and (2) of this article, where a footpath or bridleway is to be diverted, an existing highway shall not be stopped up under the powers of this article until the new footpath or bridleway to be substituted therefor is completed in accordance with the reasonable requirements of the highway authority concerned and is open for public use, or, in the case of difference between the Authority and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by the Secretary of State for the Environment and he has certified that the new footpath or bridleway has been completed in accordance with his determination and is open for public use.

(4) As from the date of completion in accordance with the reasonable requirements of the highway authority concerned of any such diverted footpath or bridleway, or as from the date of the said certificate (as the case may be), all rights of way over or along the portion of the footpath or bridleway so stopped up shall be extinguished and the Authority may appropriate and use for the purposes of this order the site and soil thereof so far as they are owners of the land on both sides thereof."

(c) (i) by substituting in paragraph (1) of article 20 thereof for the word "or", where it occurs in the second line, a comma, and by inserting in the said paragraph immediately after the words and brackets "(Diversion and stopping up of roads)" the following—

" , article 9A (Stopping up of bridleways and footpaths) or article 9B (Diversion and stopping up of footpath and bridleway)"

(ii) by inserting in the said article immediately after the word "road" wherever it occurs therein the words "footpath or bridleway";

(d) (i) by substituting in paragraph (5) of article 21 thereof for the word "or", where it occurs in the second line, a comma, and by inserting in the said paragraph immediately after the words and brackets "(Diversion and stopping up of roads)" the following—

" , article 9A (Stopping up of bridleways and footpaths) or

article 9B (Diversion and stopping up of footpath and
bridleway)";

- (ii) by inserting in the said paragraph immediately after the words
"portion of a road" the comma and words ", footpath or
bridleway".
- (e) by substituting with reference to so much of the new road (Work
No. 3) as lies between points F1 and F2 on the signed plan for the
centre line, limits of deviation and limits of land to be acquired as
shown on the deposited plan the centre line, limits of deviation
and limits of land to be acquired shown marked in red on the
signed plan.

J. R. Niven,

Signed by authority of
the Secretary of State.
8th July 1974.

An Under Secretary in the
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Northumbrian Water Authority (Kielder Water) Order 1974 as originally advertised contained provisions for the stopping up of certain bridleways and footpaths, but notices concerning the stopping up were not displayed at the proper time in accordance with the provisions of the Countryside Act 1968(c.41). Accordingly these provisions were omitted from the order. Notices have now been displayed and this order makes the necessary provision for the stopping up of the bridleways and footpaths.