
STATUTORY INSTRUMENTS

2005 No. 1163

The Telford Railfreight Terminal (Donnington) Order 2005

PART 2

WORKS PROVISIONS

Streets

Stopping up of ways, etc.

10.—(1) Subject to the provisions of this article, the Council may, in connection with the construction of the authorised works—

- (a) stop up the ways specified in columns (1) and (2) of Parts 1 and 2 of Schedule 3 to this Order to the extent specified, by reference to the letters and numbers shown on the rights of way maps, in column (3) of those Parts of that Schedule; and
- (b) stop up vehicular rights only over the street specified in columns (1) and (2) of Part 3 of Schedule 3 to this Order to the extent specified, by reference to the letters shown on the works plans, in column (3) of that Part of that Schedule.

(2) No way specified in columns (1) and (2) of Part 1 of Schedule 3 to this Order (being a way to be stopped up for which no substitute is to be provided) shall be wholly or partly stopped up under this article unless the condition specified in paragraph (3) is satisfied in relation to all the relevant land; and for this purpose “relevant land” means any land which abuts on either side of the way to be stopped up.

(3) The condition referred to in paragraph (2) is that—

- (a) the Council is in possession of the land,
- (b) there is no right of access to the land from the way concerned,
- (c) there is reasonably convenient access to the land otherwise than from the way concerned,
- (d) the owners and occupiers of the land have agreed to the stopping up.

(4) No way specified in columns (1) and (2) of Part 2 of Schedule 3 (being a way to be stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article until the new way to be substituted for it, and which is specified in relation to it either by reference to the letters and numbers shown on the works plans or by reference to one of the scheduled works, in either case in column (4) of that Part of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use.

(5) Where a way has been stopped up under this article—

- (a) all rights of way over or along the way so stopped up shall be extinguished; and
- (b) the Council may, without making any payment but subject to sections 77 to 85E of, and Schedules 1 to 3 to, the Railways Clauses Consolidation Act 1845 (which relate to minerals under railways) appropriate and use for the purpose of its railway undertaking so much of the site of the way as is bounded on both sides by land owned by the Council.

(6) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(7) This article is subject to paragraph 2 of Schedule 7 to this Order.

Ways to be provided or reconstructed

11. The Council may, in connection with the construction of the authorised works, provide each of the ways mentioned in Part 1 of Schedule 4 to this Order and reconstruct each of the ways mentioned in Part 2 of that Schedule.

Temporary stopping up of streets, etc.

12.—(1) The Council, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street in the Borough of Telford & Wrekin and may for any reasonable time—

- (a) divert the traffic from the street, and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without prejudice to the generality of paragraph (1), the Council may use any street stopped up under the powers conferred by this article as a temporary working site.

(3) The Council shall provide reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article, if there would otherwise be no such access.

(4) Without prejudice to the generality of paragraph (1), the Council may exercise the powers conferred by this article in relation to the ways specified in Part 2 of Schedule 4 to this Order to the extent specified in that Schedule.

(5) The Council shall not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) in relation to any other street without the consent of the street authority, but such consent shall not be unreasonably withheld.

(6) The provisions of the Street Works Act mentioned in paragraph (7) 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 Council under the powers conferred by this article where no street works are executed in that street as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in the street by the Council.

(7) The provisions of the Street Works Act referred to in paragraph (6) are—

- section 54 (advance notice of certain works);
- section 55 (notice of starting date of works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 69 (works likely to affect other apparatus in the street);
- 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.

(8) Any person who suffers loss by the suspension of a private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.