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STATUTORY INSTRUMENTS

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**2015 No. 23**

**The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeth Northern Bypass)) Development Consent Order 2015**

**Stopping up of streets**

**10.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private accesses specified in columns (1) and (2) of Parts 1 to 3 of Schedule 4 (streets and private accesses to be stopped up) to the extent specified, by reference to the letters and numbers shown on the street plans, in column (3) of those Parts of that Schedule.

(2) No street or private access specified in columns (1) and (2) of Parts 1 and 2 of Schedule 4 (being a street or private access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street or private access to be substituted for it, which is specified in column (4) of those Parts of that Schedule, has been constructed and completed to the reasonable satisfaction of the street authority (in the case of a new street) or the landowners (in the case of a new private access) and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority (in the case of a new street) or the landowners (in the case of a new private access), until the completion and opening of the new street or private access in accordance with sub-paragraph (a).

(3) No private access specified in columns (1) and (2) of Part 3 of Schedule 4 (being a private access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land served by the private access to be stopped up.

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

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

(5) Where a street or private access has been stopped up under this article—

- (a) all rights of way over or along the street or private access so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street as is bounded on both sides by land owned by the undertaker.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(7) This article is subject to article 32 (apparatus and rights of statutory undertakers in stopped up streets).