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STATUTORY INSTRUMENTS

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**2018 No. 693**

**The High Speed Rail (London – West Midlands)  
(Greatmoor Railway Sidings Etc.) Order 2018**

**PART 2**

**WORKS PROVISIONS**

*Streets*

**Stopping up of streets and use of private roads for construction**

5.—(1) Subject to the provisions of this article, the Nominated Undertaker may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule 3 (streets to be stopped up) to the extent specified in column (3) of those parts of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 3 (being a street 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 to be substituted for it, which is specified 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; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and afterwards maintained by the Nominated Undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 3 (being a street 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 which abuts on either side of the street to be stopped up.

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

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

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

- (a) all rights of way over or along the street so stopped up are extinguished; and

(b) the Nominated Undertaker may appropriate and use for the purposes of its railway undertaking so much of the street so stopped up.

(6) The Nominated Undertaker may use any private road within the Order limits for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of or in connection with the construction of the authorised works.

(7) Any person who suffers loss under this article by either the suspension or extinguishment of any private right of way or the exercise by the Nominated Undertaker of the powers conferred by paragraph (6), entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.