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SCHEDULES

SCHEDULE 3

Section 3.

HIGHWAYS

Stopping up: non-level crossings

- 1 (1) Subject to the provisions of this paragraph, the nominated undertaker may, in connection with the construction of the works authorised by this Part of this Act, stop up each of the highways or parts of highways specified, by reference to the letters and numbers shown on the deposited plans, in columns (1) and (2) of the following table.
- (2) No highway or part of a highway specified in columns (1) and (2) of Part I of the following table shall be stopped up under this paragraph unless all the land which abuts on it falls within one or more of the following categories, namely—
- (a) land to which there is no right of access directly from the highway or part to be stopped up,
 - (b) land to which there is reasonably convenient access otherwise than directly from the highway or part to be stopped up,
 - (c) land the owners and occupiers of which have agreed to the stopping up of the highway or part, and
 - (d) land which is in the possession of the Secretary of State.
- (3) No highway or part of a highway specified in columns (1) and (2) of Part II of the following table shall be stopped up under this paragraph if a new highway is specified in relation to it in column (3) of that Part of the table, by reference to the letters and numbers shown on the deposited plans or by reference to scheduled works, until—
- (a) where the new highway is provided in exercise of the powers conferred by this Part of this Act, the later of the date of practical completion and the date on which it is first open for public use, and
 - (b) where it is not, the date on which it is first open for public use.
- (4) Where a new highway specified in column (3) of Part II of the following table is provided in exercise of the powers conferred by this Part of this Act, the date of practical completion of the highway, or the date on which it is first open for public use, shall be taken for the purposes of sub-paragraph (3) above to be what it is taken to be for the purposes of paragraph 11(2) below.

The Table

HIGHWAYS TO BE STOPPED UP

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Part I

HIGHWAYS TO BE STOPPED UP WITHOUT PROVISION OF SUBSTITUTE

(1) Area	(2) Highway or part to be stopped up
GREATER LONDON	
London Borough of Camden	Battlebridge Road between points E3 and E4 Wellers Court between points F1 and F2 Clarence Passage between points G1 and G2 Stanley Passage between points H1 and H2
London Borough of Barking and Dagenham	Footpath 47 between points M4 and M5
COUNTY OF ESSEX	
Borough of Thurrock	Oliver Close between points F4 and F5
COUNTY OF KENT	
Borough of Dartford, Parishes of Swanscombe and Greenhithe and Southfleet	Access road adjoining A2 between points D6, D7 and D8
Borough of Gravesham, Town of Gravesend	Footpath NU15 between points D3 and D4
Borough of Gravesham, Parish of Cobham	Old Watling Street (B395) between points K1 and K2
City of Rochester upon Medway, Parish of Cuxton	Footpath RS 205 between points D1 and D2 Footpath RR 27 between points D2 and D3
Borough of Maidstone, Parish of Hollingbourne	Musket Lane between points A4 and A3
Borough of Maidstone, Parish of Harrietsham	Footpath KH275 between points E5 and E3
Borough of Ashford, Parish of Charing	Footpath AW47 between points K1 and K2
Borough of Ashford, Town of Ashford	Gasworks Lane (D4543) between points E1 and E2
Borough of Ashford, Parish of Mersham	Footpath AE 386 between points C10 and C11
Borough of Ashford, Parish of Smeeth	Footpath AE 434 between points C3 and C2
District of Shepway, Parishes of Saltwood and Stanford	Footpath HE 346 between points A2 and A5 Stone Street between points B1 and B2

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District of Shepway, Parish of Saltwood Footpath HE 279 between points C9 and C10 Sandy Lane (D1752) between points C11 and C8

Part II

HIGHWAYS TO BE STOPPED UP ONLY ON PROVISION OF SUBSTITUTE

(1)	(2)	(3)
Area	Highway or part to be stopped up	New highway to be substituted for it
GREATER LONDON		
London Borough of Camden	Midland Road between points B1 and B2	Work No. 5B
	Pancras Road between points C1, B2 and C2	Works Nos. 5B, 5C and 5D
	Taxi Road between points D1, D2 and D3	Works Nos. 5F and 5F(1)
	Cheney Road between points E1, E2 and E3	Work No. 5C
	Goods Way between points K1 and K5	Work No. 5D
	Camley Street between points K4 and K6	Works Nos. 5A and 5C
	York Way between points L1 and L2	Work No. 5Q
London Borough of Islington	Randell's Road between points A1 and A2	Work No. 5Q(1)
London Borough of Barking and Dagenham	Pooles Lane between points M1 and M2	Work No. 22H(1) between its commencement and its junction with Work No. 22H(2), and Work No. 22H(2)
	Choats Manor Way between points M3 and M4	Work No. 22H(1) between its commencement and its junction with Work No. 8P(3)
	Choats Road between points L1 and L2	Work No. 8P(3)
	Hindmans Way between points L2 and L3	Work No. 8P(3)

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	Chequers Lane between points L4 and L5	Works Nos. 8P(3) and 8P(4)
	Kent Avenue between points J1 and J2	Work No. 8Q
	Thames Avenue between points K1 and K2	Work No. 8R
London Borough of Havering	Creekside between points C1 and C2	Works Nos. 8S and 8T
	Lamson Road between points D1 and D3	Work No. 8S
COUNTY OF ESSEX		
Borough of Thurrock	Footpath FP145 between points L1 and L2	New footpath between points L1, L3, L4, L5, L6, L7 and L2
	Arterial Road, Purfleet between points M1 and M2	Work No. 23C(1)
	Purfleet Bypass between points M3 and M4	Work No. 23C(3)
	Tank Lane between points M5 and M6	Work No. 23C(5) and Work No. 23C(4) between point M5 and its termination
	Botany Way between points M8 and M9	Works Nos. 23C(2), 23C(3) and 23C(5)
	Footpath 167 between points N1 and N2	New footpath between points N1, N3 and N2
	Oliver Close (North) between points F1, F2 and F3	Work No. 9B
	Oliver Road between points G1 and G2	Work No. 9C
	Burnley Road and Watson Close between points H1, H2 and H3	Work No. 9D
	A1090 (Tank Hill Road) between points J8 and J2	Work No. 23B(1) and new footpath between points J8 and J9
	Access road to Purfleet Industrial Park between points J5 and J6	Work No. 23B(1) between its commencement and its junction with Work No. 23B(2), and Work No. 23B(2)

COUNTY OF KENT

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Borough of Dartford, Parish of Swanscombe and Greenhithe	Green Manor Way between points B1 and B2	Works Nos. 10J and 10J(1)
	Footpath DS17 between points D1 and D2	New footpath between points D1, D3 and D2
Borough of Dartford, Parish of Swanscombe and Greenhithe and Borough of Gravesham, Town of Gravesend	Lower Road between points B3 and B4	Work No. 10J
Borough of Dartford, Parishes of Swanscombe and Greenhithe and Southfleet	Park Corner Road and Southfleet Road (B259) between points E1, E2 and E3	Works Nos. 10S(2) and 10(T)(6) to 10T(8)
	Access road between points F1 and F2	Works Nos. 10S(2), 10T(1), 10T(4), 10T(6) and 10T(8)
Borough of Dartford, Parish of Southfleet	Slip road from A2 to Park Corner Road between points C1 and C2	Work No. 10T(8)
	Footpath DR132 between points B1 and B2	New footpath between points B2 and B3
	New Barn Road between points A1 and A2	Work No. 11F
	Hook Green Road between points D1 and D2	Work No. 11D
Borough of Dartford, Parishes of Longfield and New Barn and Southfleet	Whitehill Road between points A1 and A2	Work No. 11C
Borough of Dartford, Parish of Longfield and New Barn and District of Sevenoaks, Parish of Horton Kirby and South Darent	Footpath DR160 between points B1 and B2	New footpath between points B1, B3, B4 and B2
Borough of Gravesham, Town of Gravesend	Manor Way between points B5 and B6	Work No. 10J(2)
	Footpath NU14 between points A1 and A2	New footpath between points A1, A3, A4 and A2
	Footpath NU 7A between points B1 and B2	New footpath between points B1, B3 and B2
	Footpath NU14 between points C1 and C2	New footpath between points C1, C3 and C2

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	Footpath NU16 between points D1 and D2	New footpath between points D1 and D5
	Bridleway NU24 between points F1 and F2	New bridleway between points F1, F5, F6 and F2
	Footpath NU23 between points F3 and F4	New footpath between points F4 and F2
	Downs Road between points G1 and G2	Work No. 10P
	Access road to Hazells between points H1 and H2	Work No. 10Q
	Bridleway NU27 between points J1 and J2	New bridleway between points J1, J3, J4 and J2
	Footpath NU29 between points L1 and L2	New footpath between points L1, K3, L3 and L2
	Footpath NU9 between points K1 and K2	New footpath between points K1 and K3
Borough of Gravesham, Town of Gravesend and Parish of Cobham	Footpaths NU18, NS193 and NG15 between points M1 and M4	New footpath between points M4 and M5
Borough of Gravesham, Parish of Cobham	Church Road between points A1 and A2	Work No. 12C and new footpath between points A3, A4, A5 and A2
	Footpaths NG16 and NS175 between points B1 and B3	Works Nos. 12C and 12D and new footpath between points B3 and B4
	Henhurst Road between points C1 and C2	Work No. 12D
	Footpath NS177 between points D1 and D2	Work No.12D and new footpaths between points D1 and D3 and between points D4 and D2
	Access road between points E1, E4 and E2	New access roads between points E1, E3 and E2 and between points E3 and E4
	Scotland Lane (Byway NS195) between points F1 and F2	Works Nos. 12E and 12F
	Watling Street (B395) between points G1 and G2	Work No. 12F
	Access road between points F3 and F4	Works Nos. 12E and 12F

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	Halfpence Lane (C492) and slip road to A2 between points H1 and H3	Works Nos. 32B and 32C
	Slip road from A2 to Halfpence Lane between points H4 and H2	Work No. 32B
	Footpath NS179 between points L1 and L2	New footpaths between points L3 and L4 and between points L2 and L5
	Access road between points M1 and M2	Work No. 12L
Borough of Gravesham, Parish of Shorne	A2 eastbound slip road between points J3 and J4	Work No. 32A
Borough of Gravesham, Parishes of Cobham and Shorne	Brewers Road between points J1 and J2	Work No. 12H
	Access road between points K3 and K2	Work No. 12K
	Footpath NS180 between points K2 and K4	Work No. 12K
	Footpath NS161 between points K6, K2, K8 and K5	Work No. 12K and new footpath between points L5, K7 and K5
City of Rochester upon Medway, Town of Rochester and Parish of Cuxton	Footpath RS203 between points B2 and B3	New footpath between points B2, B5, B4 and B3
	A228 (Rochester Road) between points C1 and C3	Work No. 13A(4) and Work No. 36F between its commencement and its junction with Work No. 13A(4)
	M2 westbound entry slip road between points C6 and C7	Work No. 13A(2), Work No. 36C between its junction with Work No. 13A(2) and its termination, and Work No. 36E between its junction with Work No. 36C and its termination
	M2 westbound exit slip road between points C8 and C7	Work No. 13A(3) and Work No. 36E between its junction with

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		Work No. 36C and its termination
	M2 eastbound exit slip road between points C9 and C4	Works Nos. 13A(1) and 13A(4) and Work No. 36F between its commencement and its junction with Work No. 13A(4)
City of Rochester upon Medway, Town of Rochester	Burham Road (D422) between points A1 and A2	Work No. 13B
	Bridleway RR16 between points E4, E11 and E12	Work No. 13C between its junction with Work No. 38F and its termination, Work No. 38F between point E13 and its termination, and new bridleway between points E4 and E13 (having a junction at point E4 with bridleway RR16 as existing, so far as not stopped up under paragraph 3 of Schedule 12 below, or, if so stopped up, with Work No. 38C)
City of Rochester upon Medway, Town of Rochester and Borough of Tonbridge and Malling, Parish of Wouldham	Bridleway MR11 (Stony Lane) between points A1 and A2	Work No. 13C
	Bridleway MR12 between points E12 and A1	Work No. 13C
Borough of Tonbridge and Malling, Parish of Aylesford	Byway MR401 between points T1 and T2	Work No. 13E
Borough of Maidstone, Parish of Boxley	Boarley Lane (D898) between points A1 and A2	Work No. 13G
	Footpath KH25 between points B1 and B2	New footpath between points B1, B3 and B2
	Boxley Road (C97) between points C1 and C2	Work No. 13H
	Footpath KH15 between points D1 and D2	New footpath between points D1, D3 and D2

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Borough of Maidstone, Parish of Thurnham	Footpath KH71 between points A1, A2 and A3	New footpath between points A1, A4, A5 and A6
	Thurnham Lane between points B1 and B2	Work No. 14A
	Bridleway KH123 between points C1, C2 and C3	New bridleway between points C1 and C4
	Water Lane between points D1 and D2	Work No. 14B
	Footpath KH130 between points E1, E4 and E2	New footpaths between points E1, E3 and E2 and between points E3 and E4
Borough of Maidstone, Parishes of Thurnham and Hollingbourne	Bridleway KH134 (Crismill Lane) between points F1 and F2	Work No. 14C
	Footpath KH141 between points G1 and G2	Work No. 14C and new footpath between points G3 and G2
Borough of Maidstone, Parish of Hollingbourne	Footpath KH132A between points A1 and A2	New footpath between points A1 and A3
	Footpath KH198 between points C1, C2 and C3	New footpath between points C1, C4, C3 and C5
	Hospital Road (D971) between points D1 and D2	Work No. 14E
Borough of Maidstone, Parish of Broomfield	Footpath KH201 between points A1, A2 and A3	Works Nos. 14F and 14G and new footpath between points A1, A4 and A5
Borough of Maidstone, Parishes of Broomfield and Hollingbourne	Greenway Court Road (D946) between points E1 and E2	Works Nos. 14F and 14G
Borough of Maidstone, Parishes of Broomfield and Harrietsham	A20 (Ashford Road) between points B1 and B2	Work No. 14F
Borough of Maidstone, Parish of Harrietsham	Footpath KH343 between points A1 and A5	New footpaths between points A1, A2 and A4 and between points A2 and A3
	Bridleway between points C1 and C2	New bridleway between those points
	Footpath KH272 between points E1, E2, E3 and E4	New footpaths between points E1, E5 and E4 and between points E1 and E6

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	Footpath KH272A between points F1, F2 and F3	New footpath between points F1, F4 and F5
	Access road between points G1 and G2	Work No. 14J
Borough of Maidstone, Parish of Lenham	Footpath KH416 between points A1 and A2	New footpath between points A1 and A3
	Sandway Road (C92) between points C1 and C2	Work No. 14L
	Footpath KH414B between points D1 and D2	Work No. 14L and new footpaths between points D3 and D1 and between points D4 and D5
	Old Ham Lane (D986) between points E1 and E2	Work No. 14M
	Footpath KH415 between points F3, F1 and F2	New footpath between points F4 and F5
Borough of Maidstone, Parishes of Boughton Malherbe and Lenham	Lenham Heath Road (C92) between points J1 and J2	Work No. 14Q
	Lenham Heath Road (C92) between points K1 and K2	Work No. 14R
	Bowley Lane between points L1 and L2	Work No. 14S
Borough of Maidstone, Parish of Lenham	Access road to Water Street Cottage between points M1 and M2	Works Nos. 14U and 14V
	Hook Street between points P1 and P2	Works Nos. 14U and 14V
	Footpath KH408A between points Q1, Q2, Q3 and Q4	New footpath between points Q1 and Q4
	Footpath KH407A between points R1 and R2	New footpath between points R1, R3, R4 and R2
Borough of Ashford, Parish of Charing	Bridleway AW58 between points D1, D2 and C3 and footpath AW17 between points C1 and C3	New bridleway and footpath between points D1, C1 and D3
	Hurst Lane (D1198) between points E1 and E2	Works Nos. 15E and 15F
	Newlands Road (D1199) between points F1 and F2	Work No. 15F

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	Footpath AW30 between points G1 and G2	New footpath between points G3 and G2
Borough of Ashford, Parishes of Charing and Little Chart	Leacon Lane (D1220) between points J1 and J2 and between points J3 and J4	Work No. 15H
Borough of Ashford, Parish of Charing	Footpath AW44 between points L1 and L2	New footpath between points L3, L4 and L2
	Footpath AW40 between points M1 and M2	New footpath between points M1, M3 and M2
Borough of Ashford, Parishes of Charing, Hothfield and Westwell	A20 (Maidstone Road) at West Leacon between points P1 and P2 and between points P3 and P4	Works Nos. 15K and 15L
Borough of Ashford, Parish of Westwell	Westwell Lane (D1227) between points B1 and B2	Work No. 15M
	Footpath AW123 between points A1 and A2	Work No.15M and new footpath between points A1 and A3
	Footpath AW124 between points C1, C2 and C3	Works Nos. 15M and 15N and new footpath between points C4 and C5
	Footpath AW124 between points E1, E2 and E3	New footpath between points E1 and E3
Borough of Ashford, Parishes of Hothfield and Westwell	A20 (Maidstone Road) at Yonse between points F1 and F2	Work No. 15P
Borough of Ashford, Parish of Hothfield	Byway AW173 between points A1, A2 and A3	New byway between points A4 and A3
Borough of Ashford, Parish of Hothfield and Town of Ashford	Godinton Lane (C154) between points B1 and B2	Work No. 15Q
Borough of Ashford, Town of Ashford	Footpath AU67 between points A1 and A2	New footpath between points A1 and A3
	Godinton Road (B2074) between points C1 and C2	Works Nos. 16G and 16H
	Carlton Road (E1467) between points C4 and C5	Work No. 16G
	Footpath AU34 between points D1, D2 and D6	New footpath between points D1, D3, D4, D5 and D6
	Footpath AU37 between points F1 and F2	Work No. 16M

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	Beaver Road (A2070) between points G1 and G2	Work No. 16N
	Footpath AU52 between points J1 and J2	New footpath between points J1, J3, J4, J5 and J2
	Boys Hall Road and Canterbury Road (E1466) between points P1 and P2	Work No. 16QQ
	Footpath AU51 between points Q1 and Q2	Work No. 16RR(1) and Work No. 16RR between its junction with Work No. 16RR(1) and point Q2
	Crowbridge Road (D4488) between points N1 and N2	Work No. 16RR(1) and Work No. 16RR between its commencement and its junction with Work No. 16RR(1)
Borough of Ashford, Parish of Sevington	Footpath AE341 between points A1 and A2	New footpath between points A1 and A5
	Footpath AE343 between points A2, A7 and A3	New footpath between points A5, A6 and A3
	Footpath AE342 between points A2 and A4	New footpath between points A5 and A8
	Highfield Lane between points B5, B4, B6 and B7 and between points B8 and B9	Works Nos. 17B, 17C and 17C(1)
Borough of Ashford, Parishes of Sevington and Mersham	Footpath AE344 between points C1 and C2 and footpath AE364 between points C2, C4 and C5	New footpath between points C6, C7, C8, C9, C3 and C5
Borough of Ashford, Parish of Mersham	Church Road (C177) between points B1 and B2 and between points B3 and B4	Works Nos. 17F and 17G
	Footpath AE369 between points D1 and D2	New footpath between points D1 and D3
Borough of Ashford, Parishes of Mersham and Smeeth	Footpath AE373 between points E1 and E2	New footpath between points E1, E3 and E2
Borough of Ashford, Parish of Smeeth	Footpath AE428 between points A1, A2 and A3 and footpath AE430 between points A2 and A4	New footpath between points A3, A5, A1 and A4

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	Station Road (B2069) between points B1 and B2	Work No. 17H
	Footpath AE435 between points C1 and C8	New footpath between points C1, C3, and C4
	Footpath AE437 between points C7 and C5	New footpath between points C7, C6, C4 and C5
Borough of Ashford, Parish of Aldington	Church Lane (B1424) between points E1 and E2	Work No. 17K
District of Shepway, Parish of Sellindge	Footpath HE309 between points A1, A3 and A4	New footpath between points A1, A2 and A4
	Bridleway HE271A between points C1, C2 and C3	New bridleway between points C1 and C4 and new footpath between points C1, C2 and C3
District of Shepway, Parish of Stanford	Footpath HE274 between points A1, A2 and A4	New footpath between points A1 and A4
District of Shepway, Parishes of Postling, Saltwood and Stanford	Footpath HE227 between points B3, C1, C2, C3 and C4	Work No.17N and new footpaths between points B3, B4 and C5 and between points C6 and C4
District of Shepway, Parishes of Postling and Saltwood	A20 (Ashford Road) between points B1 and B2	Work No. 17Q and new footpath between points B3, B4 and B5
District of Shepway, Parish of Saltwood	Footpath HE294 between points A1 and A2	Work No. 18H and new footpath between points A1 and A3
	Footpath HE280 between points C1, C2 and C3	New footpath between points C4 and C5
	Footpath HE349 between points C3, C10, C6 and C7	New footpath between points C8, C9 and C7
	Bridleway HE350 between points C11 and C12	New bridleway between points C12 and C8

Modifications etc. (not altering text)

C1 Power conferred by Sch. 3 para. 1 ceased to have effect (19.2.1999) by [S.I. 1999/537](#), [art. 16](#)

- 2 (1) Subject to the provisions of this paragraph, the nominated undertaker may, in connection with the construction of the works authorised by this Part of this Act, stop up any bridleway or footpath, or part of a bridleway or footpath, which is—
- (a) within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, and
 - (b) not specified in columns (1) and (2) of the table in paragraph 1 above.

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- (2) The power conferred by sub-paragraph (1) above shall not be exercised unless the proposed stopping up has been confirmed by the [^{F1}appropriate Ministers] upon application by the nominated undertaker.
- (3) The [^{F2}appropriate Ministers] shall grant an application under sub-paragraph (2) above if, but only if, [^{F3}they are] satisfied—
- (a) that an alternative bridleway or footpath has been provided,
 - (b) that an alternative bridleway or footpath will be provided before the proposed stopping up takes place, or
 - (c) that the provision of an alternative bridleway or footpath is not required.
- (4) Where the [^{F4}appropriate Ministers grant] an application under sub-paragraph (2) above, [^{F5}they] shall notify the nominated undertaker of the basis on which the application is granted.
- (5) Where the basis on which an application under sub-paragraph (2) above is granted is that an alternative bridleway or footpath will be provided, the proposed stopping up shall not take place until the alternative has been provided.
- (6) Before making an application under sub-paragraph (2) above, the nominated undertaker shall publish in at least one local newspaper circulating in the relevant area a notice—
- (a) specifying—
 - (i) the bridleway or footpath, or part, proposed to be stopped up,
 - (ii) what, if any, alternative bridleway or footpath is proposed, and
 - (iii) if no alternative is proposed, the reasons why,
 - (b) specifying a place in the relevant area where a map or plan illustrating the proposals may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of publication of the notice (“the publication date”),
 - (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) above of the proposed stopping up, and
 - (d) specifying the manner in which such representations may be made.
- (7) Not later than the publication date, the nominated undertaker shall—
- (a) serve a copy of the notice, together with any map or plan to which it refers, on every local authority whose area includes any of the land on which the bridleway or footpath, or part, proposed to be stopped up is situated, and
 - (b) cause a copy of the notice to be displayed in a prominent position at the ends of the bridleway or footpath, or part, proposed to be stopped up.
- (8) Before granting an application under sub-paragraph (2) above, the [^{F6}appropriate Ministers] shall consider any representations made to [^{F7}them] in accordance with the nominated undertaker’s notice which have not been withdrawn.
- (9) Unless [^{F8}they direct] otherwise, [^{F9}the Secretary of State’s functions] in relation to an application under sub-paragraph (2) above shall, instead of being carried out by [^{F10}them], be carried out by a person appointed by [^{F11}them] for the purpose.
- (10) In sub-paragraph (6) above, references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.

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(11) In sub-paragraph (7)(a) above, “local authority” means the council of a county, district, parish or London borough, a joint authority established by Part IV of the ^{M1}Local Government Act 1985, [^{F12}the London Fire Commissioner,] a housing action trust established under Part III of the ^{M2}Housing Act 1988 and the parish meeting of a rural parish not having a separate parish council.

[^{F13}(12) In this paragraph references to the appropriate Ministers are to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions and, in relation to the carrying out of any functions, are to those Ministers acting jointly.]

Textual Amendments

- F1** Words in Sch. 3 para. 2(2) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(a\)](#)
- F2** Words in Sch. 3 para. 2(3) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(b\)](#)
- F3** Words in Sch. 3 para. 2(3) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(b\)](#)
- F4** Words in Sch. 3 para. 2(4) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(c\)](#)
- F5** Words in Sch. 3 para. 2(4) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(c\)](#)
- F6** Words in Sch. 3 para. 2(8) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(d\)](#)
- F7** Words in Sch. 3 para. 2(8) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(d\)](#)
- F8** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(e\)](#)
- F9** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(e\)](#)
- F10** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(e\)](#)
- F11** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by [S.I. 2001/2568](#), art. 16, [Sch. para. 15\(4\)\(e\)](#)
- F12** Words in [Sch. 3 para. 2\(11\)](#) substituted (E.W.) (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), s. 183(1)(5)(e), [Sch. 2 para. 102](#); [S.I. 2018/227](#), reg. 4(c)
- F13** Sch. 3 para. 2(12) inserted (13.8.2001) by [S.I. 2001/2568](#), [Sch. para. 15\(4\)\(f\)](#)

Modifications etc. (not altering text)

- C2** Sch. 3 para. 2 transfer of functions (13.8.2001) by [S.I. 2001/2568](#), art. 5

Marginal Citations

- M1** 1985 c. 51.
M2 1988 c. 50.

- 3 (1) On a highway or part of a highway being stopped up under paragraph 1 or 2 above—
- (a) all rights of way over or along it shall be extinguished, and
 - (b) the Secretary of State may appropriate and use, without making any payment, so much of the site of it as is bounded on both sides by land which he owns.
- (2) The nominated undertaker shall compensate any person who suffers loss by the extinguishment under this paragraph of a private right of way.
- (3) Any dispute as to a person’s entitlement to compensation under sub-paragraph (2) above, or as to the amount of such compensation, shall be determined under and in accordance with Part I of the ^{M3}Land Compensation Act 1961.
- (4) The Secretary of State shall not be entitled to any mines or minerals under land which he is entitled to appropriate and use under sub-paragraph (1)(b) above, with the exception of minerals necessarily extracted or used in the construction of the

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undertaking which the nominated undertaker is authorised to carry on by this Part of this Act.

- (5) Part III of Schedule 2 to the ^{M4}Acquisition of Land Act 1981 (regulation of the working of mines or minerals underlying an authorised undertaking) shall apply in relation to the working of any mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) above with the following modifications—
- (a) references to the undertaking shall be construed as references to the undertaking which the nominated undertaker is authorised to carry on by this Part of this Act,
 - (b) in paragraphs 3 to 5 and 7 to 9, references to the acquiring authority shall be construed as references to the nominated undertaker, and
 - (c) in paragraph 6, the first of the references to the acquiring authority shall be construed as a reference to the nominated undertaker.

Modifications etc. (not altering text)

- C3** Sch. 3 para. 3(1)(a)(2)(3) applied with modifications (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 paras. 1-8**
- C4** Sch. 3 para. 3(1)(a)(2)(3) applied with modifications (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 paras. 1-8**
- C5** Sch. 3 para. 3(1)(a)(2)(3) applied with modifications (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 paras. 1-8**

Marginal Citations

- M3** 1961 c. 33.
- M4** 1981 c. 67.

Stopping up: level crossings

- 4 (1) The nominated undertaker may, in connection with the construction of the works authorised by this Part of this Act, stop up each of the highways or parts of highways specified, by reference to the letters and numbers shown on the deposited plans, in columns (1), (2) and (3) of the following table.
- (2) The nominated undertaker shall construct the footbridges referred to in column (3) of the following table, but the power conferred by sub-paragraph (1) above shall be independent of the duty imposed by this sub-paragraph.
- (3) On a highway or part of a highway being stopped up under this paragraph—
- (a) all rights of way over or along it shall be extinguished, and
 - (b) the place where the former highway crossed the railway shall cease to be a level crossing for the purposes of any enactment.
- (4) The nominated undertaker shall compensate any person who suffers loss by the extinguishment under this paragraph of a private right of way.
- (5) Any dispute as to a person's entitlement to compensation under sub-paragraph (4) above, or as to the amount of such compensation, shall be determined under and in accordance with Part I of the ^{M5}Land Compensation Act 1961.

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THE TABLE

(1) Area	(2) Name of highway at crossing	(3) Extent of closure and nature of work
GREATER LONDON		
London Borough of Barking and Dagenham	Chequers Lane	Chequers Lane to be stopped up between points H1 and H2. Footbridge to be provided to carry a new footpath between points H3, H4, H5 and H6.
London Borough of Havering	Manor Way	Manor Way to be stopped up between points A1 and A2. Footbridge to be provided to carry a new footpath between points A1, A3, A4, A5, A6 and A2.
	Ferry Lane	Ferry Lane to be stopped up between points F1 and F2. Footbridge to be provided to carry a new footpath between points F3, F4, F5, F6, F7 and F2.
COUNTY OF ESSEX		
Borough of Thurrock	A1090 (Tank Hill Road)	A1090 (Tank Hill Road) to be stopped up between points J1 and J7.
COUNTY OF KENT		
Borough of Ashford, Town of Ashford	Aylesford Place	Aylesford Place to be stopped up between points H1 and H2.

Marginal Citations

M5 1961 c. 33.

Permanent obstruction

- 5 (1) The powers conferred by paragraph 1 or 4 of Schedule 2 to this Act may be exercised in such a way as to obstruct the highway, but only with the consent of the highway authority, such consent not to be unreasonably withheld.

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- (2) Any dispute with a highway authority under sub-paragraph (1) above shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (3) If a highway authority which receives an application for consent under sub-paragraph (1) above fails to notify the applicant 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 granted it.

Modifications etc. (not altering text)

- C6** Sch. 3 para. 5 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 para. 1-8**
 Sch. 3 para. 5 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(c), **3(2)**

Temporary interference

- 6 (1) For the purposes of the works authorised by this Part of this Act, the nominated undertaker may—
 - (a) temporarily stop up or alter or divert any highway or part of a highway,
 - (b) for any reasonable time—
 - (i) divert traffic from, and
 - (ii) prevent persons passing along, any highway or part of a highway, and
 - (c) break up or interfere with any highway or part of a highway (including any sewer, drain or tunnel in it).
- (2) The nominated undertaker shall provide reasonable access for pedestrians going to or from premises abutting on a highway affected by the exercise of the powers conferred by this paragraph if there would otherwise be no such access.
- (3) It is hereby declared for the avoidance of doubt that there is no need to reinstate a highway or part of a highway in relation to which any of the powers conferred by sub-paragraph (1) above has been exercised where the exercise of the power comes to an end on the exercise, in relation to the highway or part, of the power conferred by paragraph 1(1) or 2(1) above.

Modifications etc. (not altering text)

- C7** Sch. 3 para. 6 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 para. 1-8**
 Sch. 3 para. 6 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(c), **3(3)**

Street works

- 7 (1) The nominated undertaker may, for the purposes of the works authorised by this Part of this Act, enter upon any highway within the limits of deviation for the scheduled works or within the limits of land to be acquired or used and—
 - (a) place apparatus in it,
 - (b) maintain apparatus in it,

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- (c) change the position of apparatus in it,
- (d) remove apparatus from it, and
- (e) execute any works required for, or incidental to, any works authorised by paragraph (a), (b), (c) or (d) above.

(2) In this paragraph, “apparatus” has the same meaning as in Part III of the ^{M6}New Roads and Street Works Act 1991.

Modifications etc. (not altering text)

- C8** Sch. 3 para. 7 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 paras. 1-8**
Sch. 3 para. 7 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), **Sch. 3 para. 1(c)**

Marginal Citations

- M6** 1991 c. 22.

- 8 (1) Works to which sub-paragraph (2) below applies shall be treated for the purposes of Part III of the New Roads and Street Works Act 1991 (street works) as major highway works if—
- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of that Act (which defines what highway authority works are major highway works), or
 - (b) they are works which, had they been executed under the powers of the highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts) or 184 (vehicle crossings over footways and verges) of the ^{M7}Highways Act 1980.
- (2) This sub-paragraph applies to any works executed under this Part of this Act in relation to a highway which consists of or includes a carriageway, other than those executed under power delegated to a highway authority by an agreement under paragraph 14(2) below.
- (3) In Part III of the New Roads and Street Works Act 1991, references, in relation to major highway works, to the highway authority concerned shall, in relation to works which are major highway works by virtue of sub-paragraph (1) above, be construed as references to the nominated undertaker.

Modifications etc. (not altering text)

- C9** Sch. 3 para. 8 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), **Sch. 3 para. 1-8**
Sch. 3 para. 8 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), **Sch. 3 para. 1(c)**

Marginal Citations

- M7** 1980 c. 66.

Construction

- 9 (1) Where under this Part of this Act the nominated undertaker—
- (a) constructs a new highway, or
 - (b) alters a highway, otherwise than by carrying out street works within the meaning of Part III of the New Roads and Street Works Act 1991,

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the construction or alteration shall be completed to the reasonable satisfaction of the highway authority.

- (2) Where work to which sub-paragraph (1) above applies has been completed to the reasonable satisfaction of a highway authority, it shall certify that fact in writing to the nominated undertaker.
- (3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) above and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made—
 - (a) issue a certificate under that sub-paragraph, or
 - (b) notify the nominated undertaker of its decision to refuse to issue such a certificate,
 it shall be deemed to have issued such a certificate at the end of that period.
- (4) Any dispute with a highway authority under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.

Modifications etc. (not altering text)

C10 Sch. 3 para. 9 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 9 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

- 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.

Modifications etc. (not altering text)

C11 Sch. 3 para. 10 applied (with modifications) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 10 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

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Maintenance

- 11 (1) Sub-paragraph (2) below applies where under this Part of this Act the nominated undertaker—
- (a) constructs a new highway, or
 - (b) alters a highway, otherwise than by carrying out street works within the meaning of Part III of the ^{M8}New Roads and Street Works Act 1991.
- (2) Unless otherwise agreed between the nominated undertaker and the highway authority, the new or altered highway shall be maintained by and at the expense of the nominated undertaker for a period of 12 months from the later of—
- (a) the date of practical completion, and
 - (b) the date on which it is first open for public use;
- and after the end of that period shall be maintained by and at the expense of the highway authority.
- (3) Where in relation to a highway to which sub-paragraph (2) above applies the highway authority is satisfied that the highway is practically complete or is open for public use, it shall, at the request of the nominated undertaker, certify to it in writing the date of practical completion of the highway or, as the case may be, the date on which it was first open for public use.
- (4) If the highway authority refuses a request to issue a certificate under sub-paragraph (3) above, or if the nominated undertaker disputes the date given in a certificate under that sub-paragraph, the matter shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (5) For the purposes of sub-paragraph (2) above, the date of practical completion of a highway, or the date on which it is first open for public use, shall be taken to be—
- (a) where the date has been determined under sub-paragraph (4) above, the date so determined, and
 - (b) where it has not, the date certified under sub-paragraph (3) above.
- (6) Sub-paragraph (2) above shall not have effect to impose any obligation in relation to—
- (a) the structure of any bridge carrying a highway over, or
 - (b) the structure of any tunnel carrying a highway under,
- any railway of the nominated undertaker.
- (7) Nothing in this paragraph shall prejudice the operation of section 87 of the New Roads and Street Works Act 1991.

Modifications etc. (not altering text)

C12 Sch. 3 para. 11 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 11 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

Marginal Citations

M8 1991 c. 22.

- 12 Notwithstanding anything in section 46 of the ^{M9}Railways Clauses Consolidation Act 1845, as incorporated with this Act, the nominated undertaker shall not be liable

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to maintain the surface of any highway under or over which the scheduled works shall be constructed, or the immediate approaches to any such highway.

Modifications etc. (not altering text)

- C13** Sch. 3 para. 12 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 12 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

Marginal Citations

- M9** 1845 c. 20.

Bridges carrying highways

- 13 Each of sections 116 and 117 of the ^{M10}Transport Act 1968 (duties as respects bridges carrying highways over railways) shall apply as if the nominated undertaker were one of the boards mentioned in that section.

Modifications etc. (not altering text)

- C14** Sch. 3 para. 13 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 para. 1-8
Sch. 3 para. 13 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 para. 1(c)

Marginal Citations

- M10** 1968 c. 73.

Agreements with highway authorities etc.

- 14 (1) Where under this Schedule the nominated undertaker is authorised to stop up or interfere with an existing highway or part of an existing highway, it may enter into agreements with the persons having the charge, management or control of the highway concerning the construction (or contribution towards the expense of the construction) of—
- (a) any new highway to be provided in substitution,
 - (b) any alteration of the existing highway, and
 - (c) any other related matters.
- (2) The nominated undertaker may, by agreement with any such persons, delegate to them the power of constructing any such new highway or any such alteration of an existing highway, including any bridge over any railway, and, where the nominated undertaker is responsible for maintaining the new or altered highway (or bridge), the power to maintain it.

Modifications etc. (not altering text)

- C15** Sch. 3 para. 14 applied (with modifications) (19.2.1999) by S.I. 1999/537, art. 13(1), Sch. 3 paras. 1-8
Sch. 3 para. 14 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(c), 3(4)

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Use of subsoil

PROSPECTIVE

- 15 The nominated undertaker may enter upon, take and use for the purposes of the works authorised by this Part of this Act so much of the subsoil of any highway within the limits of deviation for the scheduled works or within the limits of land to be acquired or used as shall be required for the purpose of the construction or maintenance of those works, without being required to acquire that subsoil or any interest therein.

Status:

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Changes to legislation:

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