

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 2

INTERFERENCE WITH HIGHWAYS

Stopping up

- 2 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up each highway or part of a highway specified in table 1 or 2 in Schedule 5.
- (2) Where a highway or part of a highway is specified in table 1 in Schedule 5, it may not be stopped up under sub-paragraph (1) unless all of 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;
 - (d) land which is in the possession of the Secretary of State.
- (3) Where a highway or part of a highway is specified in columns (1) and (2) of table 2 in Schedule 5—
- (a) it may not be stopped up under sub-paragraph (1) until the date on which the new highway to be provided in substitution for the highway or part, as specified in column (3) of table 2, is first open for public use, but
 - (b) the nominated undertaker may, at any time before that date, temporarily stop up so much of the highway or part as is within the Act limits for the purposes of or in connection with the provision of the new highway to be provided in substitution for the highway or part.
- (4) Before exercising the power conferred by sub-paragraph (3)(b) in relation to a highway or part of a highway, the nominated undertaker must consult the highway authority.
- (5) The purpose of consultation under sub-paragraph (4) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.
- (6) Where a new highway specified in column (3) of table 2 in Schedule 5 is provided in exercise of the powers conferred by this Act, the date on which the new highway is first open for public use is to be taken for the purposes of sub-paragraph (3) to be—

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- (a) where a date has been determined in relation to the highway under paragraph 17(6), the date so determined, and
 - (b) where it has not, the date certified under paragraph 17(5).
- (7) There is no need to reinstate a highway or part of a highway in relation to which the power conferred by sub-paragraph (3)(b) 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 under sub-paragraph (1).
- 3 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up a bridleway or footpath, or part of a bridleway or footpath, where—
 - (a) the bridleway or footpath (or part) is within the Act limits, and
 - (b) there is no power under paragraph 2 to stop up the bridleway or footpath (or part).
- (2) The power under sub-paragraph (1) may not be exercised unless the proposed stopping up has been confirmed by the appropriate Ministers on application by the nominated undertaker.
- (3) The appropriate Ministers must grant an application under sub-paragraph (2) if, but only if, 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 appropriate Ministers grant an application under sub-paragraph (2), they must notify the nominated undertaker of the basis on which the application is granted.
- (5) Where an application under sub-paragraph (2) is granted on the basis that an alternative bridleway or footpath will be provided, the proposed stopping up may not take place until the alternative has been provided.
- (6) Before making an application under sub-paragraph (2), the nominated undertaker must 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 the publication of the notice (“the publication date”),
 - (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) 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 must—
 - (a) give a copy of the notice, together with any map or plan to which it refers, to 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

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- (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), the appropriate Ministers must consider any representations made to them in accordance with the nominated undertaker's notice which have not been withdrawn.
- (9) Unless they direct otherwise, the appropriate Ministers' functions in relation to an application under sub-paragraph (2) must, instead of being carried out by them, be carried out by a person appointed by them for the purpose.
- (10) In sub-paragraph (6), references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.
- (11) In sub-paragraph (7)(a), “local authority” means—
 - (a) the council of a county, district or parish,
 - (b) a joint authority established by Part 4 of the Local Government Act 1985,
 - (c) a housing action trust established under Part 3 of the Housing Act 1988, and
 - (d) the parish meeting of a rural parish not having a separate parish council.
- (12) In this paragraph, references to the appropriate Ministers are to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs and, in relation to the carrying out of any functions, are to those Ministers acting jointly.

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