
STATUTORY INSTRUMENTS

2006 No. 3118

The Luton Dunstable Translink Order 2006

PART 5

MISCELLANEOUS AND GENERAL

Public open space

44.—(1) The Council shall not under the powers of this Order take possession of any part of the existing open space until the Council has taken possession of so much of the replacement land as is equivalent in area to the amount of the existing open space that is required by the Council for the authorised works.

(2) Upon the Council taking possession of so much of the existing open space as is required for the authorised works that land shall be discharged from all rights, trusts and incidents to which it was previously subject.

(3) Not less than 28 days before taking up possession of the replacement land the Council shall—

- (a) publish a notice in a local newspaper circulating in the area of the replacement land; and
- (b) display a copy of the notice in a conspicuous position in or adjacent to the replacement land.

(4) A notice published and displayed pursuant to paragraph (3) shall—

- (a) identify which of either of the areas of land identified in paragraph (7)(b)(ii) or (iii) shall, together with the land identified in paragraph (7)(b)(i) be occupied as replacement land by the Council for the purposes of paragraph (1); and
- (b) specify a date, which shall be a date not less than 28 days after the date of publication of a notice under paragraph (3), after which the Council shall be at liberty to enter onto the replacement land for the purposes of paragraph (5).

(5) The Council shall lay out as replacement open space before the authorised works are first brought into public use so much of the replacement land of which possession has been taken under paragraph (1).

(6) As soon as Houghton Regis Town Council has certified that the land referred to in paragraph (3) has been laid out to its reasonable satisfaction that land shall vest in Houghton Regis Town Council subject to the like rights, trusts and incidents as attached to so much of the existing open space of which possession has been taken under paragraph (1).

(7) In this article—

- (a) “the existing open space” means the open space comprised in the land delineated on the deposited plans and thereon numbered 4, 12 and 12b in the District of South Bedfordshire and coloured green on the open space plan;
- (b) “the replacement land” means—
 - (i) the land delineated on the deposited plans and thereon numbered 9 in the District of South Bedfordshire and coloured blue on the open space plan; and either

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- (ii) the land coloured pink on the open space plan; or
 - (iii) the land coloured orange on the open space plan.
- (c) “open space plan” means the plan so headed and attached to the deposited plans.