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STATUTORY INSTRUMENTS

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**2020 No. 556**

**The A63 (Castle Street Improvement,  
Hull) Development Consent Order 2020**

**PART 3**

**STREETS**

**Permanent stopping up and restriction of use of streets and private means of access**

**13.**—(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 means of access specified in column (2) of Parts 1 and 2 of Schedule 4 (permanent stopping up of streets and private means of access), and column (1) of Parts 3 and 4 of that Schedule to the extent specified and described in column (3) of Parts 1 and 2 of that Schedule and column (2) of Parts 3 and 4 of that Schedule.

(2) No street or private means of access specified in column (2) of Part 1 and column (1) of Part 3 of Schedule 4 is to be wholly or partly stopped up under this article unless—

- (a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) or (3) of those Parts of that Schedule respectively, 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 or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a).

(3) No street or private means of access specified in column (2) of Part 2 of Schedule 4 or column (1) of Part 4 of that Schedule 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 or private means of access to be stopped up.

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

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

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

- (a) all rights of way over or along the street or private means of 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 or private means of access as is bounded on both sides by land owned by the undertaker.

(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).

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**Commencement Information**

**II** Art. 13 in force at 18.6.2020, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The A63 (Castle Street Improvement, Hull) Development Consent Order 2020, Section 13.