
STATUTORY INSTRUMENTS

2007 No. 1494

The Highways (SSSI Diversion Orders) (England) Regulations 2007

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Highways (SSSI Diversion Orders) (England) Regulations 2007 and shall come into force on 1st July 2007.

(2) These Regulations apply in relation to England only⁽¹⁾.

Interpretation

2. In these Regulations—

“the Act” means the Highways Act 1980;

“order” means an SSSI diversion order⁽²⁾ or an order varying or revoking such an order.

Notice of intention to apply for an order

3. A notice of intention to apply for an order shall be in the form set out in Schedule 1 or in a form substantially to the same effect.

Application for an order

4.—(1) An application for an order, and the assessment to accompany it, shall be in the form set out in Schedule 2 or in a form substantially to the same effect.

(2) The map required to accompany an application for an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale available.

(3) Other information to accompany an application is stated in the form set out in Schedule 2.

Orders

5.—(1) An order shall be in the form set out in Schedule 3 or in a form substantially to the same effect.

(2) The map contained in an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale available.

(1) The functions of the Secretary of State in relation to the powers in the Highways Act 1980 set out in the preamble to these Regulations are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2 and Schedule 1 as extended by section 99 of the Countryside and Rights of Way Act 2000.

(2) See section 119D(4) of the Act. An SSSI diversion order diverts a highway to protect the special interest features by reason of which a site is of special scientific interest.

Notices of making or confirmation

6.—(1) A notice required to be given under paragraph 1(1) of Schedule 6 to the Act in respect of the making of an order and its intended submission for confirmation or confirmation as an unopposed order shall be in the form set out in Form 1 in Schedule 4 or in a form substantially to the same effect.

(2) A notice required to be published under paragraph 4(1) of Schedule 6 to the Act in respect of the confirmation of an order shall be in the form set out in Form 2 in Schedule 4 or in a form substantially to the same effect.

(3) A notice required to be published under paragraph 4(1) of Schedule 6 to the Act in respect of the making of an order by the Secretary of State shall be in the form set out in Form 3 in Schedule 4 or in a form substantially to the same effect.

(4) A notice required to be served under paragraph 1(3)(b)(iv)(3) or 4(1)(a)(4) of Schedule 6 to the Act shall, in relation to the areas specified in column 1 of the table in Schedule 4 to these Regulations, be served on the persons prescribed in column 2 of that table.

Procedure for orders

7.—(1) An order shall be made in duplicate.

(2) Where an order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to him accompanied by—

- (a) two further copies of the order;
- (b) a copy of the notice given before submission as required by paragraph 1(1) of Schedule 6 to the Act;
- (c) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them made by the council(5); and
- (d) a statement of the grounds on which the council consider that the order should be confirmed.

(3) Any proceedings preliminary to the confirmation of an SSSI diversion order may be taken concurrently with any proceedings preliminary to the confirmation of a public path extinguishment order(6), a rail crossing extinguishment order(7) or a special extinguishment order(8).

(4) After being notified of a decision not to confirm an order, the council shall, as soon as the requirements of paragraph 4(3) of Schedule 6 to the Act have been complied with, certify in writing to the Secretary of State that those requirements have been complied with.

(5) After an order has been confirmed by the Secretary of State, the council shall, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, certify in writing to the Secretary of State that those requirements have been complied with.

(6) After an order has been confirmed, the council shall send a copy of the order as confirmed to the Ordnance Survey.

(3) Paragraph 1(3)(b) was substituted by the Wildlife and Countryside Act 1981 (c. 69), Schedule 16, paragraph 6.

(4) Paragraph 4(1)(a) was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 8.

(5) See the definition of “council” in section 329(1) of the Act.

(6) See section 118(1) of the Act.

(7) See section 118A(2) and (3) of the Act, inserted by the Transport and Works Act 1992 (c. 42), Schedule 2, paragraph 3.

(8) See section 118B(4) and (5) of the Act, inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 8.

Claims for compensation in respect of orders

8.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), as applied by section 121(2) of the Act⁽⁹⁾, in consequence of the coming into operation of an order shall be made in writing and shall be served on the council, or, in the case of an order made by the Secretary of State, on the authority nominated by the Secretary of State as provided by section 28(3) of the Act (as it applies by virtue of section 121(2)(a) of the Act), by delivering it to the offices of the council or the authority (as the case may be), addressed to its Chief Executive, or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be served shall be six months from the date on which the order in respect of which the claim is made has come fully into force.

Barry Gardiner
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

21st May 2007

(9) Section 121(2) of the Act was amended by the Transport and Works Act 1992 (c. 42), Schedule 2, paragraph 6, and by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 6, paragraph 14.

Changes to legislation:

There are currently no known outstanding effects for the The Highways (SSSI Diversion Orders) (England) Regulations 2007.