
STATUTORY INSTRUMENTS

2012 No. 1914

The Hinkley Point Harbour Empowerment Order 2012

PART 2

WORKS PROVISIONS

Stopping up etc. of footpaths and substitution of new public rights of way

19.—(1) Subject to paragraph (3), the Company may, in connection with the construction of the works permanently stop up each of the footpaths specified in columns (1) and (2) of Schedule 2 (stopping up of footpaths and new public rights of way to be substituted) to the extent specified in column (3) of that Schedule.

(2) Subject to paragraph (3), upon the stopping up of a footpath referred to in paragraph (1), any right of way over the part of the footpath specified in relation to it in column (3) of Schedule 2 shall be extinguished.

(3) Paragraphs (1) and (2) shall not take effect with respect to a footpath specified in columns (1) and (2) of Schedule 2 until the substituted footpath specified in relation to it in column (4) of that Schedule has been provided to the reasonable satisfaction of the highway authority and is open for use.

(4) In providing the substituted footpaths specified in column (4) of Schedule 2, the Company may erect barriers and signs and carry out or provide any ancillary works or conveniences, subject to the agreement of the highway authority which agreement shall not be unreasonably withheld.

(5) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(6) Any substituted footpath specified in column (4) of Schedule 2 provided under this article shall be a public footpath and, subject to paragraphs (7) to (10), in relation to that substituted footpath section 28 of the Highways Act 1980⁽¹⁾ (compensation for loss caused by public path creation order) shall apply as if the opening for use of a substituted footpath provided under this article had been effected in consequence of the coming into operation of a public path creation order.

(7) In its application by virtue of paragraph (6), section 28 of the Highways Act 1980 shall have effect with the modifications mentioned in paragraphs (8) to (10).

(8) In subsection (1), for the words “the authority by whom the order was made” there shall be substituted the words “NNB Generation Company Limited.”

(9) For subsection (2), there shall be substituted—

“(2) A claim for compensation under this section shall be made to NNB Generation Company Limited in writing within 6 months from the coming into force of the Hinkley Point Harbour Empowerment Order 2012⁽²⁾ and shall be served on NNB Generation

(1) 1980 c.66. Section 28 was amended by S.I. 2006/1177, Regulation 2 and the Schedule, Part I.

(2) S.I. 2012/1914

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Company Limited by delivering it at, or by sending it by pre-paid post to, the registered office of NNB Generation Company Limited”.

(10) Subsection (3) shall be omitted.

(11) For the purposes of paragraphs (6) to (10), section 307 of the Highways Act 1980(3) (disputes as to compensation which are to be determined by Upper Tribunal and related provisions), in its application to section 28 by virtue of subsection (1), shall have effect as if in subsection (2) for the words “the authority from whom the compensation in question is claimed”, there were substituted the words “NNB Generation Company Limited”.

(12) In this article “the highway authority” means the Somerset County Council and includes any successor body as highway authority and a reference in Schedule 2 and the next following article to a point identified by the letter F and a number shall be construed as a reference to the point so lettered and numbered on the footpaths maps in Schedule 3 (footpaths maps), which maps are reproduced as a composite map at sheet no. 14.

(3) Section 307 was amended by [S.I. 2009/1307](#), Schedule 1, paragraph 137.