

*Status: Point in time view as at 22/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Cross Heading: Highway accesses. (See end of Document for details)*

VALID FROM 05/03/2009

## SCHEDULES

### SCHEDULE 2

#### WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

##### *Highway accesses*

- 2 (1) The nominated undertaker may, for the purposes of or in connection with the works authorised by this Act or otherwise for the purposes of or in connection with Crossrail—
- (a) form and lay out means of access, and
  - (b) improve existing means of access,
- at any place within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.
- (2) In the case of works at a place shown on the deposited plans which require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, the power under sub-paragraph (1) is exercisable on giving at least 28 days' notice to the highway authority.
- (3) Works which are the subject of a notice under sub-paragraph (2) may not be carried out at the place shown on the deposited plans if, within 28 days of the giving of the notice, the highway authority objects to the works being carried out there by giving the nominated undertaker notice to that effect.
- (4) The only ground on which the highway authority may object under sub-paragraph (3) is that works under sub-paragraph (1) should be carried out instead at another place within the relevant limits to prevent or reduce—
- (a) injury to local amenity, or
  - (b) prejudicial effects on road safety or on the free flow of traffic in the local area,
- and are reasonably capable of being carried out there.
- (5) If, in the case of works under sub-paragraph (1) at a place shown on the deposited plans, the works require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, they shall be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker.
- (6) The only ground on which the highway authority may refuse to approve plans or specifications for the purposes of sub-paragraph (5) is that they ought to be modified to prevent or reduce—
- (a) injury to local amenity, or
  - (b) prejudicial effects on road safety or on the free flow of traffic in the local area,

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and are reasonably capable of being so modified.

- (7) Works under sub-paragraph (1) may only be carried out at a place not shown on the deposited plans if the highway authority consents to the siting of the works, such consent not to be unreasonably withheld.
- (8) Works under sub-paragraph (1) at a place not shown on the deposited plans shall be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker, such approval not to be unreasonably withheld.
- (9) In considering whether to give its consent for the purposes of sub-paragraph (7), or approval for the purposes of sub-paragraph (8), in a case where the works require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, the highway authority shall have regard, in particular, to effects on road safety and on the free flow of traffic in the local area.
- (10) If, on application by the nominated undertaker for the approval of plans or specifications under sub-paragraph (5) or (8), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have approved the plans or specifications as submitted.
- (11) If a highway authority which receives an application for consent under sub-paragraph (7) fails to notify the applicant of its decision on the application before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have granted it.
- (12) Where an objection under sub-paragraph (3) leads to the carrying out of works under sub-paragraph (1) at a place not shown on the deposited plans, sub-paragraphs (5), (7) and (8) shall have effect in relation to them as if the place were shown on the deposited plans.
- (13) Any dispute with a highway authority under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.

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