

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 3

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Construction and alteration

- 11 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker—
- (a) constructs a new highway which is constituted by or comprises a carriageway, or
 - (b) realigns a highway which is constituted by or comprises a carriageway.
- (2) The construction or realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.
- (3) Any dispute with a highway authority under sub-paragraph (2) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans, sections or specifications as submitted.