

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 1

HIGHWAY ACCESS

- 1 (1) The nominated undertaker may, for Phase One purposes—
- (a) form and lay out means of access, and
 - (b) improve existing means of access,
- at any place within the Act limits.
- (2) In the case of works at a place shown on the deposited plans which require the opening of an access on to, 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 Act 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 on to, or the alteration of, a highway used by vehicular traffic, they must 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,
- and are reasonably capable of being so modified.

Status: This is the original version (as it was originally enacted).

- (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; and such consent is not to be unreasonably withheld.
- (8) Works under sub-paragraph (1) at a place not shown on the deposited plans must be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.
- (9) In considering whether to give 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 on to, or the alteration of, a highway used by vehicular traffic, the highway authority must 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 28 days beginning with the date on which the application was made, it is to be treated as having 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 28 days beginning with the date on which the application was made, it is to be treated as having 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) have effect in relation to the works as if the place were shown on the deposited plans.
- (13) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.