

---

STATUTORY INSTRUMENTS

---

**2022 No. 475**

**The M54 to M6 Link Road Development Consent Order 2022**

**PART 3**  
**STREETS**

**Permanent stopping up and restriction of use of streets, public rights of way and private means of access**

**13.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up, alter or provide, as the case may be, each of the streets, public rights of way and private means of access specified in column (1) of Parts 1 to 7 of Schedule 4 (permanent stopping up of streets, public rights of way and private means of access) to the extent specified and described in column (2) of those parts of that Schedule (or in respect of Parts 5 and 7 of that Schedule, to the extent necessary for the alteration of public rights of way or provision or alteration of private means of access, as the case may be).

(2) No street, public rights of way or private means of access specified in column (1) of Parts 1, 3 and 6 of Schedule 4 is to be wholly or partly stopped up under this article unless—

- (a) the new street, public right of way or private means of access to be constructed and substituted for it, which is specified in column (3) of those Parts of that Schedule, is open for use and, in the case of a street has been completed to the reasonable satisfaction of the street authority; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street, public right of way or private means of access to be stopped up is first provided and, in the case of a street, is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street, public right of way or private means of access until the completion and opening of the new street, public right of way or private means of access in accordance with sub-paragraph (a).

(3) No street or public right of way specified in column (1) of Parts 2 and 4 of Schedule 4 is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or public right of way to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land;
- (b) there is no right of access to the land from the street or public right of way concerned;
- (c) there is reasonably convenient access to the land otherwise than from the street or public right of way concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(5) Where a street or private means of access has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access so stopped up are extinguished; and
  - (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.
- (6) The undertaker may, in connection with the carrying out of the authorised development, alter the public right of way specified in column (1) of Part 5 of Schedule 4 as specified in column (2) of that Part.
- (7) The undertaker may, in connection with the carrying out of the authorised development, provide or alter the private means of access specified in column (1) of Part 7 of Schedule 4 as specified in column (2) of that Part.
- (8) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, as if it were a dispute under Part 1 of the 1961 Act.
- (9) This article is subject to article 32 (apparatus and rights of statutory undertakers in stopped up streets).