

Town and Country Planning Acts 1962 and 1968

THE STOPPING UP OF HIGHWAYS (COUNTY OF LANCASTER)

(No. 13) ORDER 1971

Made 14 December 1971

The Secretary of State for the Environment makes this Order in exercise of his powers under section 153 of the Town and Country Planning Act 1962, and of all other enabling powers:-

1. The Secretary of State authorises the stopping up of the highways described in the Schedule to this Order, being satisfied that the stopping up is necessary to enable development to be carried out in accordance with planning permission granted under Part III of that Act:

Provided that no highway shall be stopped up in pursuance of this Order earlier than the date on which the Council may certify to the Developer that the provisions of Article 2 (1) of this Order have been complied with.

2. - (1) The Developer shall provide to the reasonable satisfaction of the Council:-

(a) a new highway which shall be a footpath along the route shown by heavy broken lines on the deposited plan, and

(b) a new highway which shall be a road along the route shown by stipple on the deposited plan.

(2) The new footpath and road along the routes shown by heavy broken lines and stipple on the deposited plan shall be highways which for the purposes of the Highways Act 1959 are highways maintainable at the public expense and the Council shall be the highway authority for them.

3. Where immediately before the date on which a highway is stopped up in pursuance of this Order there is apparatus under, in, on, over, along or across that highway belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall (subject to the provisions of section 32 (3) of the Mineral Workings Act 1951) continue to have the same rights in respect of the apparatus as they then had.

4. In this case:-

"the Council"

means the County Council of Lancaster;

"the deposited plan"

means the plan numbered #153/300/26", marked "Highways at Chatburn in the County of Lancaster", signed by authority of the Secretary of State and deposited at the Department of the Environment, St Christopher House, Southwark Street, London SE1;

"the Developer"

means Ribblesdale Cement Limited and The Horrocksford Lime Company Limited both of whose Registered Offices are at Albion Works, Sheffield, Yorkshire and Richard Briggs & Sons Limited whose Registered Office is at Eltingshall, Wolverhampton, Staffordshire.

5. This Order shall come into operation on the date on which notice that it has been made is first published in accordance with section 154(6) of the Town and Country Planning Act 1962, and may be cited as the Stopping up of Highways (County of Lancaster) (No. 13) Order 1971.

J D WALLACE
Regional Controller
(Roads and Transportation)
Department of the Environment.

Signed by authority of
the Secretary of State
14 December 1971.

THE SCHEDULE

Description of highways to be
stopped up

(The Distances are approximate)

The highways to be stopped up are in the Parish of Chatburn in the Rural District of Clitheroe and in the Borough of Clitheroe in the County of Lancaster. They are shown hatched black and by solid black lines and are lettered and numbered, as indicated below on the deposited plan and are:-

1. a length of Chatburn Old Road starting 500 yards east of its junction with West Bradford Road and extending in an easterly direction for a distance of 1,520 yards between the points A and B referred to on the plan;
2. a length of footpath No 3 starting 80 yards north east of its junction with footpath No 4 and extending in a north easterly direction for a distance of 683 yards between the points C and D referred to on the plan;
3. a length of footpath No 4 starting 166 yards east of its junction with Chatburn Old Road and extending in an easterly direction for a distance of 283 yards between the points E and F referred to on the plan;
4. a length of footpath No 1 starting at its junction with footpaths No 3 and 13 and extending in a north easterly direction for a distance of 670 yards between the points D and G referred to on the plan;
5. a length of footpath No 13 starting at its junction with the footpaths mentioned in paragraph 4 of this schedule and extending in a northerly direction for a distance of 260 yards thereupon turning eastwards and extending along the southern side of Chatburn Old Road for a further distance of 572 yards between the points D and B referred to on the plan, and
6. a length of footpath No 14 starting 425 yards north west of its junction with Chatburn Old Road and extending in a north westerly direction for a distance of 443 yards between the points H and I referred to on the plan.

DEPARTMENT OF THE ENVIRONMENT

TOWN AND COUNTRY PLANNING ACTS 1962 AND 1968

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THE SECRETARY OF STATE FOR THE ENVIRONMENT HEREBY GIVES NOTICE THAT HE HAS MADE AN ORDER UNDER S. 153 OF THE TOWN AND COUNTRY PLANNING ACT 1962 ENTITLED "THE STOPPING UP OF HIGHWAYS (COUNTY OF LANCASTER) (NO 13) ORDER 1971" AUTHORISING THE STOPPING UP OF A LENGTH OF CHATBURN OLD ROAD AND ADJACENT LENGTHS OF FOOTPATHS AT CHATBURN, NEAR CLITHEROE, LANCASHIRE AND REQUIRING THE PROVISION OF A NEW ROAD AND FOOTPATH.

COPIES OF THE ORDER MAY BE OBTAINED, FREE OF CHARGE, ON APPLICATION TO THE SECRETARY OF STATE, AT HIS ADDRESS AT THE OFFICE OF THE REGIONAL CONTROLLER (ROADS AND TRANSPORTATION), NORTH WEST REGION, SUNLEY BUILDING, PICCADILLY PLAZA, MANCHESTER, M1 4AR (QUOTING DEW 30035/1/013) AND MAY BE INSPECTED AT ALL REASONABLE HOURS AT THE OFFICES OF THE CLITHEROE BOROUGH COUNCIL, THE CASTLE, CLITHEROE; THE CLITHEROE RURAL DISTRICT COUNCIL, CHURCH BROW, CLITHEROE; AND AT THE ADDRESS OF THE CLERK TO THE CHATBURN PARISH COUNCIL, 11 RYDAL PLACE, CHATBURN, NEAR CLITHEROE.

ANY PERSON AGGRIEVED BY THE ORDER AND DESIRING TO QUESTION THE VALIDITY THEREOF, OR OF ANY PROVISION CONTAINED THEREIN, ON THE GROUND THAT IT IS NOT WITHIN THE POWERS OF THE ABOVE ACTS OR THAT ANY REQUIREMENT OF THOSE ACTS OR OF ANY REGULATION MADE THEREUNDER HAS NOT BEEN COMPLIED WITH IN RELATION TO THE ORDER, MAY, WITHIN 6 WEEKS OF THE 31 DEC 1971 APPLY TO THE HIGH COURT FOR THE SUSPENSION OR QUASHING OF THE ORDER OR OF ANY PROVISION CONTAINED THEREIN.

J D SALLACE
REGIONAL CONTROLLER
(ROADS AND TRANSPORTATION)
NORTH WEST REGION
DEPARTMENT OF THE ENVIRONMENT