



# Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004

2004 asp 10

## PART 1

### WORKS ETC.

#### *Supplemental powers*

#### **11 Temporary stopping up, alteration or diversion of roads**

- (1) During and for the purposes of the execution of the authorised works the authorised undertaker may temporarily stop up, alter or divert any road and may for any reasonable time—
  - (a) divert the traffic from the road; and
  - (b) subject to subsection (2) below, prevent all persons from passing along the road.
- (2) The authorised undertaker shall provide reasonable access for pedestrians going to or from premises abutting on a road affected by the exercise of the powers conferred by this section if there would otherwise be no such access.
- (3) Without prejudice to the generality of subsection (1) above, the authorised undertaker may temporarily stop up, alter or divert Dirleton Gardens, Alloa between points B and C shown on sheet 15 of the Parliamentary plans and may for any reasonable time—
  - (a) divert the traffic from the road; and
  - (b) subject to subsection (2) above, prevent all persons from passing along the road.
- (4) The authorised undertaker shall not exercise the powers conferred by this section—
  - (a) in relation to any road specified as mentioned in subsection (3) above, without first consulting the road works authority; and
  - (b) in relation to any other road, without the consent of the road works authority.
- (5) Consent under subsection (4)(b) above shall not be unreasonably withheld but may be given subject to such reasonable conditions as the road works authority may require.

- (6) Any question whether—
- (a) consent under subsection (4)(b) above has been unreasonably withheld; or
  - (b) a condition imposed under subsection (5) above is unreasonable,
- shall be determined by arbitration.

## **12 Discharge of water**

- (1) The authorised undertaker may use any available stream or watercourse or any public sewer or drain for the drainage of water, and for that purpose may—
- (a) lay down, take up and alter pipes; or
  - (b) make openings into, and connections with the stream, watercourse, public sewer or drain,
- on any land within the limits of deviation or the limits of land to be acquired or used.
- (2) The authorised undertaker shall not discharge any water into any public sewer or drain except with the consent of the authority to which it belongs; and such consent may be given subject to such terms and conditions as the authority may reasonably impose but shall not be unreasonably withheld.
- (3) The authorised undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the authority to which the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The authorised undertaker shall take such steps as are reasonably practicable to secure that any water discharged under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (5) Any difference under this section arising between the authorised undertaker and an authority which owns a public sewer or drain shall be determined by arbitration.
- (6) Section 30F of the Control of Pollution Act 1974 (c. 40) (which makes it an offence to pollute rivers and other waters) shall apply to, or to the consequence of, a discharge under the powers conferred by this section into any controlled waters as if this section were not a provision of a local Act or a statutory order for the purposes of section 30I(1) (f) of that Act.
- (7) Nothing in this section shall affect the operation of Part IV of the 1991 Act.
- (8) In this section “public sewer or drain” means a sewer or drain which belongs to Scottish Water or a roads authority.