



DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS

HIGHWAYS ACT 1980

**THE BIRMINGHAM NORTHERN RELIEF ROAD
(WISHAW HOLLY LANE TO CURDWORTH SECTION) (SIDE ROADS) ORDER 1998**

THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS hereby gives notice that he has made an Order under sections 12, 18 and 125 of the Highways Act 1980, in relation to the part of the Birmingham Northern Relief Road which will be situated between Wishaw Holly Lane and to Curdworth in the County of Warwickshire. The Order is entitled "The Birmingham Northern Relief Road (Wishaw Holly Lane to Curdworth Section) (Side Roads) Order 1998", which:

- (1) authorises him to -
- (a) improve highways
 - (b) stop up highways
 - (c) construct new highways
 - (d) stop up private means of access to premises
 - (e) provide new means of access to premises

all in the vicinity of the Wishaw Holly Lane to Curdworth Section of the Birmingham Northern Relief Road: and

- (2) provides for the transfer of each of the new highways, except those referred to in article 3 of the Order, to the Warwickshire County Council as highway authority from the date on which he notifies them that it has been completed and is open for traffic.

COPIES of the Order and accompanying plans referred to in it have been deposited at the Highways Agency, Project Services, Room 12/27 St. Christopher House, Southwark Street, London SE1 0TE; the Highways Agency, Broadway, Broad Street, Birmingham, B15 1BL; and at Birmingham City Council, Council House, Victoria Square, Birmingham; Cannock Chase District Council, The Council House, Beecroft Road, Cannock, Staffordshire; Lichfield District Council, Council Offices, Frog Lane, Lichfield, Staffordshire; Walsall Metropolitan Borough Council, Civic Centre, Darwall Street, Walsall, West Midlands; North Warwickshire Borough Council, Council House, South Street, Atherstone, Warwickshire; South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, Wolverhampton, West Midlands; Norton Canes Library, Burntwood Road, Norton Canes, Cannock; Shenstone Library, Main Street, Shenstone, Walsall, Burntwood and Chase Terrace Library, Sankeys Corner, Burntwood, Lichfield; Cheslyn Hay Library, High Street, Cheslyn Hay, Walsall; Water Orton Library, Mickle Meadow, Coleshill Road, Water Orton, Birmingham;

Brownhills Library, Bricklin Street, Brownhills, Walsall; Coleshill Library, 141 High Street, Coleshill, Birmingham; Sutton Coldfield Library, Lower Parade, Sutton Coldfield and Reddicap Heath Post Office, 53 Reddicap Heath Road, Sutton Coldfield where they are open to inspection free of charge at all reasonable hours from 12 February 1998 to 3 April 1998.

COPIES of the Order can be obtained from the Highways Agency, Broadway, Broad Street, Birmingham B15 1BL.

ANY PERSON AGGRIEVED by the Order who desires to question its validity, or the validity of any provision in it, on the grounds that -

- (a) it is not within the powers of the Highways Act 1980, or
- (b) any requirement of that Act or of regulations made under that Act has not been complied with in relation to the Order,

may apply to the High Court within 6 weeks from the date of first publication of this notice. On such an application, the Court may suspend or quash the Order or any provision in it.

4 February 1998



G P RAINBOW
Highways Agency

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS

THE BIRMINGHAM NORTHERN RELIEF ROAD

(CURDWORTH TO M6 RIVER BLYTHE SECTION)

(SIDE ROADS) ORDER 1998

STATEMENT OF MODIFICATION

The above mentioned Order consists of an order published in draft in June 1993 and incorporates Supplementary Order No.1 published in draft in February 1994. This Order has been modified by the Secretary of State for the Environment, Transport and the Regions on making by:-

- a) the extent of works to be undertaken using trunk road improvement powers on the A446 Trunk Road are shown on Site Plan No.4 for the construction of a new bridge over the proposed motorway and for side road junction improvements at Coventry Road (B4117) and Coleshill Heath Road;
- b) amendment of the route of new footpath FP M37 labelled A on Site Plan No.1;
- c) amendment of the route of replacement means of access labelled 1R on Site Plan No.2;
- d) the addition of authorisation for the provision of new means of access labelled 2C, 3C and 4C on Site Plan No.4;
- e) amendment of the route of replacement means of access labelled IR on Site Plan No.6;
- f) new areas of improvement, additional to those shown in the published draft are detailed in Table 1. The new areas have been included where works on the highway are required; either at new or relocated private means of accesses or footpaths, or where accesses are to be stopped up.

Table 1

Schedule (S) & Site Plan (SP) Numbers	Highway to be improved Name (Number)	Reference of new/relocated or stopped up Private Means of Access or Footpath
S1/SP1	A446 Trunk Road (Lichfield Road) FP M37	1/1R/A 1/1R/A
S2/SP2	FP M58	3R/4/4R/B
S3/SP3	FP M76 FP M77	1/1R/2/2R/3R/A/B 1/1R/2/2R/3R/4C/A/B
S5/SP5	FP M93	4C/B
S6/SP6	FP M95A	1R/A

- g) correction of a number of minor typographical errors; and
- h) some minor drafting changes.

The modifications at g) and h) do not affect the substance or effect of the draft order which has been made.

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS
HIGHWAYS ACT 1980
THE BIRMINGHAM NORTHERN RELIEF ROAD
(CURDWORTH TO M6 RIVER BLYTHE SECTION)
(SIDE ROADS) ORDER 1998

The Secretary of State for the Environment, Transport and the Regions makes this Order in exercise of powers conferred by sections 12, 18 and 125 of the Highways Act 1980 and of all other powers enabling him in that behalf:-

1. (1) The Secretary of State is authorised in relation to the motorway and the connecting roads to carry out the following works:
 - (a) improvement of each highway named in a schedule and shown on a plan by cross hatching;
 - (b) stopping up of each length of highway described in a schedule and, except where paragraph (5) of this article applies, shown on a plan by zebra hatching;
 - (c) construction of a new highway along each route whose centre line is shown on a plan by an unbroken black line surrounded by stipple;
 - (d) stopping up of each length of private means of access to premises described in a schedule and shown on a plan by a solid black band; and
 - (e) provision of a new private means of access to premises along each route or at each location shown on a plan by thin diagonal hatching.
- (2) Each new highway is given a reference letter on a plan, which is also placed in a schedule, and will be a road unless the word "Footpath", "Bridleway" or "Cycletrack" appears beneath its reference letter in that schedule, in which case it will be a footpath, bridleway or cycletrack (as the case may be).
- (3) Each length of private means of access to premises to be stopped up and each new access is shown on a plan with a reference number which is also placed in a schedule. Where a new access replaces an existing access it is given the same number as that access followed by the letter "R" and all other new accesses are given a number followed by the letter "C".
- (4) Where a new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a schedule, its reference letter or reference number followed by a letter (as the case may be) is placed in that schedule opposite the description of that length.
- (5) Each plan shows the works indicated in a schedule and has the same number as that schedule, and the routes of the motorway and the connecting roads are shown in relation to the works shown on each plan.

2. The Secretary of State is satisfied -
- (a) as respects each length of highway the stopping up of which is authorised by this Order, that another reasonably convenient route is available or will be provided before that length is stopped up, and
 - (b) as respects each length of private means of access the stopping up of which is authorised by this Order, that other reasonably convenient means of access to the relevant premises are available or will be provided before that length is stopped up or that no access to the relevant premises is reasonably required.
3. Each new highway given a reference letter referred to in column (1) of the table below and shown as a temporary highway in the schedule and on the plan having the number indicated opposite that letter in columns (2) and (3) is to be constructed for temporary purposes:-

TABLE

<u>(1)</u> <u>Reference Letter</u>	<u>(2)</u> <u>Schedule No.</u>	<u>(3)</u> <u>Site Plan No.</u>
D	2	2
A	4	4
B	4	4

The Secretary of State is authorised to close any such highway at the end of one month from the date on which he notifies Warwickshire County Council that the highway in question is no longer needed for public use.

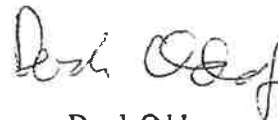
4. Each new highway, except those referred to in article 3, shall be transferred to Warwickshire County Council as highway authority with effect from the date on which the Secretary of State notifies them that it has been completed and is open for traffic.
5. Immediately after the transfer of a new highway for which a classification is shown in a schedule opposite the reference letter of that new highway, that highway shall be classified accordingly.
6. Where immediately before a length of highway is stopped up pursuant to this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers then, subject to section 21 of the Highways Act 1980, those undertakers shall continue to have the same rights as respects that apparatus as they had immediately before the stopping up took place.
7. In this Order -
- (a) all measurements of distance are measured along the route of the relevant highway or private means of access to premises as the case may be;
 - (b) a reference to a numbered article, Schedule or plan is a reference to the article of or the Schedule to this Order, or to the plan, so numbered; and "a schedule" means a schedule to this Order;
 - (c) (i) "classified road" as a classification for a new highway means that the highway is not a principal road for the purposes of enactments or instruments which refer to highways classified as principal roads but is a classified road for the purpose of every enactment and instrument which

refers to highways classified by the Secretary of State and which does not specifically refer to their classification as principal roads;

- (ii) "the connecting roads" means the special roads which the Secretary of State is authorised to provide along the routes described in schedule 2 to the Scheme;
- (iii) "improvement" in relation to a highway includes raising, lowering or otherwise altering that highway, and "improved" shall be construed accordingly;
- (iv) "the motorway" means the special road which the Secretary of State is authorised to provide along the route described in Schedule 1 to the Scheme; and
- (v) "new access" means a private means of access to premises authorised by this Order to be provided;
- (vi) "new highway" means a highway authorised by this Order to be constructed;
- (vii) "plan" means one of the plans numbered 1 to 6 and contained in the plan folio numbered HA 14/PS/234, marked "The Birmingham Northern Relief Road (Curdworth to M6 River Blythe Section)(Side Roads) Order 1998", signed by authority of the Secretary of State and deposited at the Highways Agency, Project Services, Room 12/27, St. Christopher House, Southwark Street, London SE1 0TE; and
- (viii) "the Scheme" means "The Birmingham Northern Relief Road and Connecting Roads Scheme 1998".

8. This Order shall come into force on ^{12 February} 1998. and may be cited as "The Birmingham Northern Relief Road (Curdworth to M6 River Blythe Section) (Side Roads) Order 1998".

Signed by authority of
the Secretary of State
for the Environment,
Transport and the
Regions



Derek Oddy
Divisional Director
Highways Agency

22 JAN 1998
.....1998

SCHEDULE 6

LOCALITY - Coleshill
PLAN TITLE - Hawkeswell Farm Access and Other Alterations

Highways to be improved

Footpath M95A

Highways to be stopped up

Footpath M95A (Coleshill) from its junction with the track to Hawkeswell Farm at a point 175 metres north of the northern boundary of the M6 Motorway to its junction with Footpath M95B at a point 65 metres south of the southern boundary of the M6 Motorway (a distance of 530 metres)

Footpath M95 (Coleshill) from its junction with Footpath M95A at a point 235 metres north of the northern boundary of the M6 Motorway to its junction with Footpath M95B at a point 60 metres south of the southern boundary of the M6 Motorway (a distance of 515 metres)

Particulars of new highways

Reference letters	Classification
A Footpath	-
	Along part of this route new access labelled "1R" (which will be subject to vehicular rights) is to be provided and subject thereto this footpath labelled "A" is to be created

Private means of access to be stopped up

1. Access to Hawkeswell Farm from the southern boundary of the M6 Motorway northwards for a distance of 198 metres

Reference numbers of new accesses

1R

HAWKESWELL FARM ACCESS AND OTHER ALTERATIONS

6

Along part of this route new access labelled "1R" (which will be subject to vehicular rights) is to be provided and subject thereto this footpath labelled "A" is to be created.

