
STATUTORY INSTRUMENTS

2003 No. 3364

**The Alconbury Airfield (Rail Facilities and
Connection to East Coast Main Line) Order 2003**

PART 2

WORKS PROVISIONS

Streets

Power to execute street works

7.—(1) The undertaker may, for the purposes of the authorised works, enter upon so much of any of the streets specified in Part 1 of Schedule 3 to this Order as is within the limits of deviation for the scheduled works shown on the works plans and may—

- (a) place apparatus in the street,
- (b) maintain apparatus in the street or change its position, and
- (c) execute any works required for or incidental to any works referred to in sub-paragraphs (a) and (b) (including, in particular, breaking up or opening the street or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

(2) This article is subject to paragraph 3 of Schedule 6 (provisions relating to statutory undertakers etc.) to this Order.

(3) In this article “apparatus” has the same meaning as in Part III of the 1991 Act.

Permanent and temporary stopping up and diversion of streets

8.—(1) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised works, permanently stop up each of the streets specified in column (1) of Part 2 of Schedule 3 to this Order to the extent specified in column (2) of Part 2 of that Schedule.

(2) Subject to the provisions of this article, the undertaker may, in connection with the construction of the authorised works, temporarily stop up each of the streets specified in column (1) of Part 3 of Schedule 3 to this Order to the extent specified in column (2) of Part 3 of that Schedule.

(3) No street specified in column (1) of Parts 2 and 3 of Schedule 3 to this Order (being a street stopped up for which a substitute is to be provided) shall be wholly or partly stopped up under this article until the new street to be substituted for it, and which is specified in column (3) of Part 2 and 3 of that Schedule has been completed to the reasonable satisfaction of the highway authority and is open for use.

(4) Where a street has been permanently stopped up under this article—

- (a) all rights of way over or along the street so stopped up shall be extinguished, and

(b) the undertaker may, without making any payment but subject to sections 77 to 85E of, and Schedules 1 to 3 to, the Railways Clauses Consolidation Act 1845⁽¹⁾ (which relates to minerals under railways) appropriate and use for the purposes of its railway undertaking so much of the site of the street as is bounded on both sides by land owned by the undertaker.

(5) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined in case of dispute, under Part I of the Land Compensation Act 1961⁽²⁾.

(6) This article is subject to paragraph 2 of Schedule 6 (provisions relating to statutory undertakers etc.) to this Order.

Access to works

9. The undertaker may, for the purposes of the scheduled works, form and lay out means of access or improve existing means of access in such location within the limits of deviation for those works shown on the works plans as may be approved by the highway authority, but such approval shall not be unreasonably withheld.

⁽¹⁾ 1845 c. 20.

⁽²⁾ 1961 c. 33.