
STATUTORY INSTRUMENTS

2012 No. 2284

The Network Rail (Ipswich Chord) Order 2012

PART 3

STREETS

Street works

9.—(1) Network Rail may, for the purposes of the authorised project, enter on any of the streets specified in Schedule 2 (streets subject to street works) within the Order limits to the extent necessary and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) place temporary apparatus in the street and permanent apparatus under the street;
- (c) maintain temporary apparatus in the street and permanent apparatus under the street and, in either case, change its position;
- (d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

(2) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act and “in” as referring to apparatus in the street, means under, over, across, along or upon the street.

Application of the 1991 Act

10.—(1) The provisions of the 1991 Act mentioned in paragraph (2) which, together with other provisions of that Act, apply in relation to the carrying out of street works and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to the temporary stopping up, temporary alteration or temporary diversion of a street by Network Rail under the powers conferred by article 11 (temporary stopping up of streets) and the carrying out of works under article 9 (street works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

(2) The provisions of the 1991 Act referred to in paragraph (1) are—

- section 54 (advance notice of certain works), subject to paragraph (3);
- section 55 (notice of starting date of works), subject to paragraph (3);
- section 57 (notice of emergency works);
- section 59 (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulation);
- section 77 (liability for cost of use of alternative route); and

all such provisions as apply for the purposes of the provisions mentioned above.

(3) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) have effect as if references in section 57 of that Act to emergency included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Temporary stopping up of streets

11.—(1) Network Rail, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent all persons from passing along the street.

(2) Without limitation on the scope of paragraph (1), Network Rail may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) Network Rail must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(4) Without limitation on the scope of paragraph (1), Network Rail may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters shown on the works plans, in column (3) of that Schedule.

(5) Network Rail must not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(6) During any period that the footpath and cycleway on the west bank of the River Gipping is stopped up between points E and F Network Rail must provide and maintain an alternative means of access between those points on land within the Order limits.

(7) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) If within 28 days of receiving an application for consent under paragraph (5)(b) a street authority fails to notify Network Rail of its decision or refuses consent without giving any grounds for its refusal that street authority is deemed to have granted consent.

Traffic signs

12.—(1) Network Rail may, for the purposes of, or in connection with, the control of construction traffic entering the site of the authorised development, and after consultation with the traffic authority, place or maintain traffic signs of a type prescribed by regulations made under section 64(1) (a) (general provisions as to traffic signs) of the Road Traffic Regulation Act 1984⁽¹⁾ (“the 1984 Act”) or of a character authorised by the Secretary of State at or adjoining the junction between Hadleigh Road and the access road leading to that site.

(2) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to Network Rail as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(1) 1984 c. 27.

(3) Expressions used in this article and in the 1984 Act have the same meaning in this article as in the Act.