
STATUTORY INSTRUMENTS

2015 No. 1347

The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015

PART 3

STREETS

Power to alter layout, etc., of streets

8.—(1) The undertaker may for the purposes of the authorised development alter the layout of, or carry out any works in, the streets specified in columns (1) and (2) of Schedule 3 (streets subject to permanent alteration of layout) in the manner specified in relation to that street in column (3).

(2) Regardless of the specific powers conferred by paragraph (1) but subject to paragraphs (3) and (4), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width or any kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and;
- (d) make and maintain passing places.

(3) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(4) The powers conferred by paragraph (2) must not be exercised without the consent of the street authority.

(5) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.

(6) Paragraphs (3), (4) and (5) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

Street works

9.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 4 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position; and

(e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) Where the undertaker is not the street authority, the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

(3) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(4) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

Construction and maintenance of new, altered or diverted streets and other structures

10.—(1) Subject to paragraph (2), the streets authorised to be constructed, altered or diverted under this Order are to be public highways and are to be maintained by and at the expense of the highway authority.

(2) Where a street which is not, and is not intended to be, a public highway is constructed, altered or diverted under this Order, the street (or part of the street as the case may be) must, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(3) In any action against the undertaker in respect of loss or damage resulting from its failure to maintain a street to which paragraph (2) applies, section 58 (special defence in action against a highway authority for damages for non-repair of highway) of the 1980 Act applies as if that street were a highway maintainable at the public expense.

(4) The undertaker must maintain at its expense the following parts of the authorised development—

- (a) the structure of the bridge over the NDR classified road comprised in Work No. 4(f);
- (b) the structure and surface of the bridge over the NDR classified road comprised in Work No. 6(b); and
- (c) the structure and surface of the bridge over the NDR classified road comprised in Work No. 16(c).

Classification of roads

11.—(1) From the day on which the undertaker notifies Highways England that the roads described in Part 1 of Schedule 5 (classification of roads) are completed and open for traffic, those roads are to be classified as trunk roads for the purposes of any enactment or instrument which refers to highways classified as trunk roads, and Highways England is to be highway authority.

(2) On the day on which the road described in Part 2 of Schedule 5 is completed and open for traffic it is to be classified as the A1270.

(3) On the day on which the road described in Part 4 of Schedule 5 is completed and open for traffic it is to be classified as the A140.

(4) Each of the roads described in paragraphs (2) and (3), from the respective dates in those paragraphs, is to be classified—

- (a) as a principal road for the purpose of any enactment or instrument which refers to highways classified as principal roads; and
- (b) as a classified road for the purpose of any enactment or instrument which refers to highways classified as classified roads,

as if such classification had been made under section 12(3) of the 1980 Act.

(5) On the day on which the road described in Part 2 of Schedule 5 is completed and open for traffic, the road described in Part 3 of Schedule 5—

- (a) ceases to be classified as the B1149; and
- (b) is to be classified as the A1270 and is to be classified—
 - (i) as a principal road for the purpose of any enactment or instrument which refers to highways classified as principal roads; and
 - (ii) as a classified road for the purpose of any enactment or instrument which refers to highways classified as classified roads,as if such classification had been made under section 12(3) of the 1980 Act.

(6) On the day on which the road described in Part 5 of Schedule 5 is completed and open for traffic—

- (a) the road described in Part 6 of Schedule 5 ceases to be classified as the C829; and
- (b) that road and the road described in Part 6 of Schedule 5, are together to be classified as the A1194 and are both to be classified—
 - (i) as a principal road for the purpose of any enactment or instrument which refers to highways classified as principal roads; and
 - (ii) as a classified road for the purpose of any enactment or instrument which refers to highways classified as classified roads,as if such classification had been made under section 12(3) of the 1980 Act.

Stopping up of streets and private access

12.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets and private accesses specified in columns (2) and (3) of Parts 1, 2 and 3 of Schedule 6 (streets and private accesses to be stopped up) to the extent specified in column (4) of those Parts of that Schedule.

(2) No street or private accesses specified in columns (2) and (3) of Parts 1 and 2 of Schedule 6 (being a street or private access to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street or private access to be substituted for it, which is specified in column (5) of Parts 1 and 2 of Schedule 6, has been completed to the reasonable satisfaction of the street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street or private access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private access until the completion and opening of the new street or private access in accordance with sub-paragraph (a).

(3) No street or private access specified in columns (2) and (3) of Part 3 of Schedule 6 (being a street or private access to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street or private access to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land;
- (b) there is no right of access to the land from the street or private access concerned;
- (c) there is reasonably convenient access to the land otherwise than from the street or private access concerned; or

- (d) the owners and occupiers of the land have agreed to the stopping up.
- (5) Where a street or private access has been stopped up under this article—
 - (a) all rights of way over or along the street or private access so stopped up are extinguished; and
 - (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private access as is bounded on both sides by land owned by the undertaker.
- (6) Any person who suffers loss by the suspension or extinguishment 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.
- (7) This article is subject to article 33 (apparatus and rights of statutory undertakers in stopped up streets).

Public rights of way

13.—(1) Subject to paragraph (2) the undertaker may in connection with the carrying out of the authorised development stop up the sections of the public rights of way described in paragraphs 1, 3 and 5 of Schedule 7 (public rights of way) and with effect from the date that each of those sections of those public rights of way are physically stopped up by the undertaker in connection with the carrying out of the authorised development, the public rights of way over each of those sections are extinguished.

(2) If the undertaker stops up the public rights of way described in paragraphs 1, 3 and 5 of Schedule 7, it must construct the alternative replacement sections of public rights of way described in paragraphs 2, 4 and 6 of Schedule 7 and with effect from the date of opening to the public of each alternative replacement section of public right of way, public rights of way of a restricted byway over each section so constructed are created.

Temporary prohibition or restriction of use of streets

14.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter or divert, or prohibit or restrict the use of, 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), the undertaker may use any street where the use has been prohibited or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site.

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

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert, or prohibit or restrict the use of, the streets specified in columns (1) and (2) of Schedule 8 (temporary prohibition or restriction of the use of streets) to the extent specified in column (3) of that Schedule.

- (5) The undertaker must not temporarily stop up, alter or divert, or prohibit or restrict the use of—
 - (a) any street specified 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.

(6) 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.

(7) If a street authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5)(b) that street authority is deemed to have granted consent.

Access to site during construction

- 15.** The undertaker may, for the purposes of the construction of the authorised development—
- (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 9 (construction access to and from works); and
 - (b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Agreements with street authorities

- 16.—**(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street including any structure carrying the street;
 - (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
 - (c) the maintenance of the structure of any bridge or tunnel carrying a street;
 - (d) any stopping up, alteration, or diversion of, or prohibition or restriction of the use of, a street (whether temporary or permanent) authorised by this Order; or
 - (e) the carrying out in the street of any of the works referred to in article 9(1) (street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
 - (b) specify a reasonable time for the completion of the works; and
 - (c) contain such terms as to payment and otherwise as the parties consider appropriate.