
STATUTORY INSTRUMENTS

2015 No. 1574

The Hirwaun Generating Station 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 street in the case of permanent works, as specified in column (2) of Schedule 3 (streets subject to permanent alteration of layout) and in the manner specified in relation to that street in column (3).

(2) Without prejudice to the specific powers conferred by paragraph (1) but subject to paragraph (3), 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 limiting the scope of this paragraph, the undertaker may—

- (a) alter the level or increase the width of any kerb, footway, cycle track or verge; and
- (b) make and maintain passing place(s).

(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 eight weeks 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.

Construction and maintenance of new or altered means of access

9.—(1) Those parts of each means of access specified in Part 1 of Schedule 4 to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the highway authority.

(2) Those parts of each means of access specified in Part 2 of Schedule 4 to be constructed under this Order and which are not intended to be a public highway must be completed to the reasonable satisfaction of the street authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the street authority.

Extinguishment of public rights of way

10.—(1) Subject to sub-paragraph (2), the undertaker may in connection with the carrying out of the authorised development stop up the section of the public right of way (being a footpath) shown marked by a pecked red line on the rights of way, streets and access plan and, with effect from the date that the aforementioned section of the public right of way is physically stopped up by the undertaker in connection with the carrying out of the authorised development, the public right of way over the aforementioned section will be extinguished.

(2) The undertaker must not stop up the public right of way described in sub-paragraph (1) unless and until it has constructed and made available for public use the alternative replacement section of the public right of way shown marked by a pecked blue line on the rights of way, streets and access plan and, with effect from the date of opening of such replacement section of public right of way to the public following completion of any works relating thereto, public rights of way of the same type, namely use as a footpath, over the replacement section will be deemed to be created.

Temporary prohibition or restriction of use of streets

11.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily alter, divert, prohibit the use of 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 prejudice to 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 within the Order limits as a temporary working site.

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

(4) The undertaker must not temporarily alter, divert, prohibit the use of or restrict the use of any street without the consent of the street authority which may attach reasonable conditions to any consent

(5) If a street authority fails to notify the undertaker of its decision within 8 weeks of receiving an application for consent under paragraph (4) that street authority is deemed to have granted consent.

(6) This article does not remove the requirement for the undertaker to obtain any order required under sections 1, 9 or 22BB of the 1984 Act.

Access to works

12.—(1) The undertaker may, for the purposes of the authorised development—

- (a) form and lay out the permanent means of access, or improve existing means of access, in the location specified in Schedule 3 (streets subject to permanent alteration of layout); and
- (b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other temporary means of access or improve the 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

13.—(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 alteration, diversion, prohibition or restriction in the use of a street authorised by this Order; or
 - (e) the carrying out in the street of any of the works referred to in article 9 (construction and maintenance of new or altered means of access).
- (2) Such an agreement may, without prejudice to the generality 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) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
 - (c) contain such terms as to payment and otherwise as the parties consider appropriate.