

STATUTORY INSTRUMENTS

2021 No. 1414

The Norfolk Boreas Offshore Wind Farm Order 2021

PART 3

Streets

Street works

9.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in Part 1 of Schedule 2 (streets subject to street works) in the event of scenario 1, or Part 2 of Schedule 2 (streets subject to street works) in the event of scenario 2, as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel within or under it;
- (b) tunnel or bore under the street;
- (c) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus under the street;
- (e) maintain apparatus under the street or change its position; and
- (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c), (d) and (e).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) In this article “apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act.

Commencement Information

11 Art. 9 in force at 1.1.2022, see [art. 1](#)

Public rights of way

10. The undertaker may, in connection with the carrying out of the authorised project, temporarily stop up each of the public rights of way specified in column (2) of Parts 1 and 2 of Schedule 3 (public rights of way to be temporarily stopped up) to the extent specified in column (3) of Part 1 of Schedule 3 in the event of scenario 1, or Part 2 of Schedule 3 in the event of scenario 2, by reference to the letters shown on the temporary stopping up of public rights of way plan.

Commencement Information

12 Art. 10 in force at 1.1.2022, see [art. 1](#)

Stopping up of streets

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

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

(2) Without limiting paragraph (1), the undertaker may, during and for the purposes of carrying out the authorised project, use any street temporarily stopped up, diverted or altered under the powers conferred by this article 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, diversion or alteration of a street under this article if there would otherwise be no such access.

(4) Without limiting paragraph (1), the undertaker may temporarily stop up, divert or alter the streets specified in column 2 of Part 1 of Schedule 4 (Streets to be temporarily stopped up (Scenario 1)) in the event of scenario 1, or column 2 of Part 2 of Schedule 4 (Streets to be temporarily stopped up (Scenario 2)) in the event of scenario 2, to the extent specified, by reference to the letters and numbers shown on the streets to be temporarily stopped up plan, in column (3) of Parts 1 and 2 of that Schedule.

(5) The undertaker must not temporarily stop up, divert, alter or use as a temporary working site—

- (a) any street referred to 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 the consent.

(6) 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.

(7) In the event of scenario 1 the undertaker may, in connection with the carrying out of the authorised development, stop up the private means of access specified in columns (1) and (2) of Part 3 of Schedule 4 (permanent stopping up of private means of access for which a substitute is to be provided) to the extent specified, by reference to the letters and numbers shown on the private means of access to be permanently stopped up plan, described in column (3) of that Schedule provided that—

- (a) the new private means of access, specified in column (4) Part 3 of Schedule 4, is constructed and substituted for it; or
- (b) a temporary alternative route for the passage of such traffic as could have used the private means of access to be stopped up is first provided and subsequently maintained by the undertaker, between the commencement and termination points for the stopping up of the private means of access until the completion and opening of the new private means of access in accordance with paragraph (7)(a).

(8) Where a private means of access has been stopped up under paragraph (7) of this article—

- (a) all rights of way over or along the private means of 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 private means of access as is bounded on both sides by land owned by the undertaker.

(9) 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 (determination of questions of disputed compensation) of the 1961 Act.

Commencement Information

I3 Art. 11 in force at 1.1.2022, see [art. 1](#)

Access to works

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

- (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Part 1 of Schedule 5 (access to works) in the event of scenario 1, or columns (1) and (2) of Part 2 of Schedule 5 (access to works) in the event of scenario 2; and
- (b) with the approval of the relevant planning authority after consultation with the highway authority in accordance with requirement 22 (highway accesses), 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 project.

(2) If the relevant planning authority fails to notify the undertaker of its decision within 28 days of receiving an application for approval under paragraph (1)(b) that relevant planning authority is deemed to have granted approval.

Commencement Information

I4 Art. 12 in force at 1.1.2022, see [art. 1](#)

Agreements with street authorities

13.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) any temporary stopping up, alteration or diversion of a street authorised by this Order; or
- (b) 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 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.

Commencement Information

I5 Art. 13 in force at 1.1.2022, see [art. 1](#)

Application of the 1991 Act

14.—(1) The provisions of the 1991 Act mentioned in paragraph (2) that apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—

- (a) the carrying out of works under article 9 (street works); and

- (b) the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under article 11 (stopping up of streets)

whether or not the carrying out of the works or the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(2) The provisions of the 1991 Act⁽¹⁾ are—

- (a) subject to paragraph (3), section 55 (notice of starting date of works);
- (b) section 57 (notice of emergency works);
- (c) section 60 (general duty of undertakers to co-operate);
- (d) section 68 (facilities to be afforded to street authority);
- (e) section 69 (works likely to affect other apparatus in the street);
- (f) section 76 (liability for cost of temporary traffic regulation);
- (g) section 77 (liability for cost of use of alternative route); and
- (h) all provisions of that Act that apply for the purposes of the provisions referred to in subparagraphs (a) to (g).

(3) Sections 55 of the 1991 Act as applied by paragraph (2) has effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Commencement Information

I6 Art. 14 in force at 1.1.2022, see [art. 1](#)

(1) Sections 55, 57, 60, 68 and 69 were amended by the Traffic Management Act 2004 c. 18.

Changes to legislation:

There are currently no known outstanding effects for the The Norfolk Boreas Offshore Wind Farm Order 2021, PART 3.