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STATUTORY INSTRUMENTS

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**1995 No. 3210**

**The Street Works (Northern Ireland) Order 1995**

*Streets subject to special controls*

**Protected streets**

**21.**—(1) The consent of the street authority is required for the placing of apparatus by an undertaker in a protected street, except as mentioned below.

The following are “protected streets” for this purpose—

- (a) any—
  - (i) road,
  - (ii) road in the course of construction, or
  - (iii) proposed road,which is a special road in accordance with Article 15 of the Roads Order; and
- (b) any street designated by the street authority as protected.

(2) Consent is not required for the placing of apparatus—

- (a) by way of renewal of existing apparatus, or
- (b) in pursuance of a street works licence,

unless, in the latter case, the licence was granted before the street became a protected street.

(3) The street authority may require the payment of—

- (a) a reasonable fee in respect of the legal or other expenses incurred in connection with the giving of its consent under this Article, and
- (b) an annual fee of a reasonable amount for administering the consent;

and any such fee is recoverable from the undertaker.

This shall not be construed as affecting any right of the authority where it owns the land on which the street is situated to grant for such consideration as it thinks fit the right to place anything in, under or over the land.

(4) Where the apparatus is to be placed crossing the protected street and not running along it, the street authority shall not withhold its consent unless there are special reasons for doing so.

(5) Consent to the placing of apparatus in a protected street may be given subject to conditions; and the street authority may agree to contribute to the expenses incurred by the undertaker in complying with the conditions.

(6) Any dispute between the street authority and an undertaker as to the withholding of consent, the imposition of conditions, or the making of contributions shall be settled by arbitration.

(7) An undertaker having a statutory duty to afford a supply or service shall not be regarded as in breach of that duty if, or to the extent that, it is not reasonably practicable to afford a supply or service by reason of anything done by the street authority in exercise of its functions under this Article.

(8) A consent granted under Article 17 of the Roads Order shall have effect as a consent granted under this Article.