
STATUTORY INSTRUMENTS

2014 No. 3328

The Wellington C Gas Pipeline Order 2014

PART 3

STREETS

Street works

10.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 2 (streets subject to street works) as are within the works 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 or under the street;
- (d) maintain apparatus in or under 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) 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) Sections 54 to 106 of the 1991 Act(1) apply to any street works carried out under paragraph (1).

(4) In this article, “apparatus” has the same meaning as in Part 3 of the 1991 Act(2).

Public rights of way

11.—(1) The undertaker may create an alternative public right of way to the section of footpath named the Yoxall 59 footpath (shown by a broken orange line between the points A and C on the Yoxall AGI plan) between the points A, B and C (shown by a broken purple line on the Yoxall AGI plan).

(2) With effect from the date of certification by the local highway authority that the agreed alternative right of way has been created in accordance with the implementation plan and specification approved under Requirement 8, the original right of way (shown by the broken orange line between the points A and C on the Yoxall AGI plan) is extinguished.

Access to works

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

(1) A number of these provisions are amended, including by the Traffic Management Act 2004 (c.18).
(2) “Apparatus” is defined in sections 89(3) and 105(1).

- (a) form and lay out means of accesses or improve existing means of access in the indicative locations specified in columns (1) and (2) of Schedule 3 (access to works) as shown coloured pink on sheets 1 to 7, 9 and 10 of the works plans; and
- (b) form and lay out such other means of access or improve existing means of access at such locations within the works 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 the carrying out in or under the street of any of the works referred to in article 10(1) (street works).

(2) Such an agreement may, without limiting paragraph (1),—

- (a) make provision for the street authority to carry out any function under this Order that 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.