
STATUTORY INSTRUMENTS

2014 No. 3331

The Hornsea One Offshore Wind Farm Order 2014

PART 3

Streets

Street works

6.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in Schedule 2 (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) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Commencement Information

II Art. 6 in force at 31.12.2014, see [art. 1](#)

Application of the 1991 Act

7.—(1) The provisions of the 1991 Act mentioned in paragraph (2) which, together with other provisions of that Act, apply in relation to the carrying out of street works and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under the powers conferred by article 8 (temporary stopping up of streets) and the carrying out of works under article 6 (street works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

- (2) The provisions of the 1991 Act referred to in paragraph (1) are—
- sections 54 (advance notice of certain works) and 55, subject to paragraph (3);
 - section 55 (notice of starting date of works), subject to paragraph (3);
 - section 57 (notice of emergency works);
 - section 59 (general duty of street authority to co-ordinate works);
 - section 60 (general duty of undertakers to co-operate);
 - section 68 (facilities to be afforded to street authority);

Status: Point in time view as at 31/12/2014.

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section 69 (works likely to affect other apparatus in the street);
 section 76 (liability for cost of temporary traffic regulation);
 section 77 (liability for cost of use of alternative route); and

all such provisions as apply for the purposes of the provisions mentioned above.

(3) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) have effect as if references in section 57 of that Act to emergency included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Commencement Information

I2 Art. 7 in force at 31.12.2014, see [art. 1](#)

Temporary stopping up of streets

8.—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert 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 temporarily stopped up 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, alteration or diversion 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 the streets specified in columns (1) and (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the works plans, in column (3) of that Schedule.

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

- (a) any street specified as mentioned 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.

Commencement Information

I3 Art. 8 in force at 31.12.2014, see [art. 1](#)

Access to works

9.—(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 location specified in columns (1) and (2) of Schedule 4 (access to works); and
- (b) with the approval of the local 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 project.

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

Commencement Information

I4 Art. 9 in force at 31.12.2014, see [art. 1](#)

Agreements with street authorities

- 10.** A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street authorised by this Order; or
 - (b) the carrying out in the street of any of the works referred to in article 6(1) (street works).
 - (c) Such an agreement may, without prejudice to the generality of paragraph (1)—
 - (d) make provision for the street authority to carry out any function under this Order which relates to the street in question;
 - (e) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
 - (f) contain such terms as to payment and otherwise as the parties consider appropriate.

Commencement Information

I5 Art. 10 in force at 31.12.2014, see [art. 1](#)

Highway improvements

11.—(1) The undertaker may carry out highway improvements to the plot marked 106 on the land plans.

(2) The highway improvements should be carried out in accordance with plans approved by the relevant highway authority, such approval not to be unreasonably withheld.

(3) If the relevant highway authority fails to notify the undertaker of its decision on whether to give approval within 28 days of receiving plans for approval that highway authority is deemed to have given approval.

Commencement Information

I6 Art. 11 in force at 31.12.2014, see [art. 1](#)

Status:

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