
STATUTORY INSTRUMENTS

2016 No. 880

The Triton Knoll Electrical System Order 2016

PART 3

Streets

Street works

8.—(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 under the street;
- (d) maintain apparatus 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) to (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) (street works in England and Wales).

Temporary stopping up of streets

9.—(1) Subject to paragraph (4), the undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street within the Order limits and may for any reasonable time—

- (a) divert the traffic or a class of traffic from the street; and
- (b) subject to paragraph (2), prevent persons from passing along the street.

(2) 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.

(3) Without limiting paragraph (1), the undertaker may—

- (a) temporarily stop up, alter or divert the streets specified in column (2) of Schedule 3 (streets to be temporarily stopped up); and

(1) A number of these provisions have been amended, including by the Traffic Management Act 2004 (c.18).

(2) “Apparatus” is defined in section 105(1).

- (b) temporarily stop up, alter or divert—
 - (i) any footpath specified in column (2) of Schedule 3 to the extent of the diversion zone for that footpath shown on the public rights of way plans;
 - (ii) any diverted footpath to the extent of the diversion zone agreed with the highway authority.
- (4) The undertaker must not temporarily stop up, alter or divert—
 - (a) any street referred to in paragraph (3) without notifying the relevant planning authority and the highway authority;
 - (b) any other street without the consent of the highway authority, which may attach reasonable conditions to any consent (such consent not to be unreasonably withheld or delayed).
- (5) Except as agreed in advance by the relevant planning authority, any notification under paragraph (4)(a) must be made at least 14 days before the temporary stopping up, alteration or diversion takes place.
- (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 (determination of questions of disputed compensation).
- (7) In this article, “diverted footpath” means a footpath identified in column (2) of Schedule 3 that has been diverted by the highway authority before commencement of the onshore works.

Access to works and temporary highways alterations

- 10.** The undertaker may, for the purposes of the authorised project,—
- (a) form and lay out a means of access, or improve an existing means of access, in the locations specified in column (2) of Schedule 4 (access to works);
 - (b) after consultation with the highway authority and with the approval of the relevant planning authority, form and lay out such other means of access, or improve an existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project; and
 - (c) after consultation with the highway authority and with the approval of the relevant planning authority, carry out the temporary highways alterations.

Agreements with a highway authority

- 11.—**(1) A highway 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 8(1) (street works).
- (2) An agreement referred to in paragraph (1) may, without limiting that paragraph,—
- (a) provide for the highway authority to carry out any function under this Order which relates to the street in question;
 - (b) include an agreement between the undertaker and highway 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.