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STATUTORY INSTRUMENTS

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**2022 No. 853**

**The Sizewell C (Nuclear Generating Station) Order 2022**

**PART 3**

**STREETS**

**Permanent stopping up of streets, change of status, and extinguishment of private means of access**

**16.**—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development:

- (a) stop up each of the streets and extinguish each private means of access specified in column (2) of Parts 1 and 2 of Schedule 10 (streets to be permanently stopped up, changed in status or private means of access extinguished) to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of those Parts of that Schedule, and
- (b) change the status of each of the streets specified in column (2) of Part 3 of Schedule 10 to the extent specified, by reference to the letters and numbers shown on the rights of way plans, in column (3) of that Part of that Schedule, to the new status specified in column (4) of that Part of that Schedule.

(2) No street or private means of access specified in column (2) of Part 1 of Schedule 10 will be wholly or partly stopped up or extinguished under paragraph (1)(a) unless—

- (a) the new street or private means of access to be substituted for it, which is specified in column (4) of that Part of that Schedule is open for use and, in the case of a street, has been completed to the reasonable satisfaction of the street authority or, in the case of a footpath created pursuant to article 17 (status of public rights of way created or improved), to the standard specified in a public rights of way implementation plan; or
  - (b) a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up between the commencement and termination points for the stopping up of the street or extinguishment of the private means of access is first provided and, in the case of a street, is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, until the completion and opening of the new street in accordance with sub-paragraph (a).
- (3) No street specified in column (2) of Part 3 of Schedule 10 may be changed in status unless—
- (a) it has been completed to the reasonable satisfaction of the street authority and is open for use with its new status specified in column (4) of Part 3 of that Schedule; or
  - (b) a temporary alternative route for the passage of pedestrian users between the commencement and termination points specified in column (3) of Part 3 of that Schedule is first provided and is subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, until the completion and opening of the street with its new status in accordance with sub-paragraph (a).

(4) Where the undertaker provides a substitution under paragraph (2), or the status of the highway is changed under paragraph (3), the new or temporary alternative street or private means of access is not required to be of a higher standard than the stopped up street or extinguished private means of access in column (2) of Part 1 of Schedule 10 or the highway prior to its change of status provided for in Part 3 of Schedule 10.

(5) No street specified in column (2) of Part 2 of Schedule 10 will be wholly or partly stopped up under this article unless at least one of the conditions specified in paragraph (6) is satisfied in relation to all the land which abuts on either side of the street to be stopped up or private means of access to be extinguished.

(6) The conditions referred to in paragraph (5) are that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned; or
- (d) the owners and occupiers of the land have agreed to the stopping up.

(7) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street or private means of access are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street or private means of access as is bounded on both sides by land owned by the undertaker.

(8) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article will be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(9) This article is subject to article 43 (apparatus and rights of statutory undertakers in stopped up streets).