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STATUTORY INSTRUMENTS

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**2024 No. 393**

**The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024**

**PART 3**

**STREETS**

**Application of the 1991 Act**

**12.**—(1) Works carried out under this Order in relation to a highway which consists of or includes a carriageway must be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major highway works if—

- (a) they are of a description mentioned in any of sub-paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (highway authorities, highways and related matters) of the 1991 Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual carriageways and roundabouts) or section 184 (vehicle crossings over footways and verges) of the 1980 Act.

(2) In Part 3 of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act (including any equivalent or modified provisions in any permit scheme) do not apply in relation to any works executed under the powers of this Order—

- (a) section 53(1) (the street works register);
- (b) section 56(2) (power to give directions as to timing of street works);
- (c) section 56A(3) (power to give directions as to placing of apparatus);
- (d) section 58(4) (restrictions on works following substantial road works);
- (e) section 58A(5) (restriction on works following substantial street works);
- (f) section 73A(6) (power to require undertaker to re-surface street);
- (g) section 73B(7) (power to specify timing etc. of re-surfacing);
- (h) section 73C(8) (materials, workmanship and standard of re-surfacing);
- (i) section 78A(9) (contributions to costs of re-surfacing by undertaker); and

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- (1) Section 53 was added by section 45 of the Traffic Management Act 2004.
  - (2) Section 56 was amended by sections 40 and 43 of, and Schedule 1 to, the Traffic Management Act 2004.
  - (3) Section 56A was inserted by section 44 of the Traffic Management Act 2004.
  - (4) Section 58 was amended by sections 40 and 51 of, and Schedule 1 to, the Traffic Management Act 2004.
  - (5) Section 58A was inserted by section 52 of the Traffic Management Act 2004.
  - (6) Section 73A was inserted by section 55 of the Traffic Management Act 2004.
  - (7) Section 73B was inserted by section 55 of the Traffic Management Act 2004.
  - (8) Section 73C was inserted by section 55 of the Traffic Management Act 2004.
  - (9) Section 78A was inserted by section 57 of the Traffic Management Act 2004.

(j) Schedule 3A**(10)** (restriction on works following substantial street works).

(4) The provisions of the 1991 Act mentioned in paragraph (5) (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 necessary modifications) in relation to any closure, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 14 (temporary closure of streets, cycle tracks and public rights of way) whether or not the closure, alteration or diversion constitutes street works within the meaning of that Act.

(5) The provisions of the 1991 Act referred to in paragraph (4) are—

- (a) section 54**(11)** (advance notice of certain works), subject to paragraph (6);
- (b) section 55**(12)** (notice of starting date of works), subject to paragraph (6);
- (c) section 57**(13)** (notice of emergency works);
- (d) section 59**(14)** (general duty of street authority to co-ordinate works);
- (e) section 60**(15)** (general duty of undertakers to co-operate);
- (f) section 68**(16)** (facilities to be afforded to street authority);
- (g) section 69**(17)** (works likely to affect other apparatus in the street);
- (h) section 71**(18)** (materials, workmanship and standard of reinstatement);
- (i) section 76**(19)** (liability for cost of temporary traffic regulation); and
- (j) section 77**(20)** (liability for cost of use of alternative route);

and all such other provisions as apply for the purposes of the provisions mentioned in sub-paragraphs (a) to (j).

(6) Sections 54 (advance notice of certain works) and 55 (notice of starting date of works) of the 1991 Act as applied by paragraph (4) have effect as if references in section 57 (notice of emergency works) of that Act to emergency works were a reference to a temporary closure, stopping up, alteration or diversion (as the case may be) required in a case of emergency.

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**(10)** Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004.

**(11)** Section 54 was amended by section 49(1) of the Traffic Management Act 2004

**(12)** Section 55 was amended by sections 49, 51 of, and schedule 1 to, the Traffic Management Act 2004 (c. 18).

**(13)** Section 57 was amended by section 52 of, and Schedule 1 to, the Traffic Management Act 2004.

**(14)** Section 59 was amended by section 42 of the Traffic Management Act 2004.

**(15)** Section 60 was amended by Schedule 1 to the Traffic Management Act 2004.

**(16)** Section 68 was amended by Schedule 1 to the Traffic Management Act 2004.

**(17)** Section 69 was amended by Schedule 1 to the Traffic Management Act 2004 (c. 18).

**(18)** Section 71 was amended by Schedule 1 to the Traffic Management Act 2004.

**(19)** 1991 c. 18.

**(20)** 1991 c. 18.