
STATUTORY INSTRUMENTS

2012 No. 1867

The Ipswich Barrier Order 2012

PART 2

WORKS PROVISIONS

Streets and rights of way

Power to execute street works

5.—(1) The Agency may, for purposes ancillary to the authorised works, enter upon so much of any existing path or street as is within the limits of deviation and may—

- (a) break up or open the path or street, or any sewer, drain, or tunnel under it, or tunnel or bore under the path or street;
- (b) place apparatus in the path or street;
- (c) maintain apparatus in the path or street or change its position; and
- (d) execute works required for or incidental to any works referred to in sub-paragraph (a), (b) or (c).

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

Commencement Information

II Art. 5 in force at 7.8.2012, see [art. 1](#)

Extinguishment and diversion of rights of way

6.—(1) On the completion and coming into operation of the barrier, whichever is the later, any existing or alleged path or street within the limits of deviation is stopped up and all rights of way then existing within the limits of deviation, including unless otherwise agreed to by the Agency any private right of way but excluding any right of navigation along the river or through the Wet Dock Lock, are extinguished.

(2) Paragraph (1) does not apply to so much of Ship Launch Road as is a public highway.

(3) Paragraph (1) does not apply to the proposed public footpath 40, to the restricted byway 36, proposed restricted byway 37 or to byway 38 shown between the points marked K and N on the rights of way maps but the Agency may—

- (a) stop up that part of byway 38 hatched blue on the rights of way maps; and
- (b) divert byway 38 as shown on the rights of way maps through the proposed flood gate as built (and shown between the points marked D1 and D2 on those maps), in consequence of which the restricted byway will be narrower than otherwise provided for between those points.

(4) Paragraph (1) does not apply to any alleged right of way which is both shown on the rights of way maps and referred to in column 1 of Part 1 of Schedule 2 if the alleged right of way has been dedicated, prior to the completion and coming into operation of the barrier, whichever is the later, as a right of way but the Agency may then stop up and divert it as described in column 2 of Part 1 of Schedule 2 and shown on the rights of way maps.

(5) Any stopping up or diversion authorised by paragraph (3) or (4) has no effect until the highway authority is satisfied that the diversion has been completed in accordance with its reasonable requirements and is open for public use or, in the case of any difference between the Agency and the highway authority as to whether the highway authority's requirements are reasonable, until the matter in dispute has been determined by arbitration.

(6) If byway 38 or any other right of way is diverted through the flood gate as shown on the rights of way maps, the Agency may from time to time close the floodgate across such rights of way.

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

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the Agency may appropriate and use for the purposes of the authorised works so much of the site of the path or street as is bounded on both sides by land owned by the Agency.

(8) Any person who suffers loss by the extinguishment or 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.

Commencement Information

I2 Art. 6 in force at 7.8.2012, see [art. 1](#)

Temporary stopping up of streets

7.—(1) The Agency, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any existing or alleged path or street and may for any reasonable time—

- (a) divert the traffic from the path or street;
- (b) subject to paragraph (2), prevent all persons from passing along the path or street; and
- (c) use the stopped up parts of the path or street as a temporary working site.

(2) The Agency must provide—

- (a) reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access; and
- (b) such reasonable access for A.B. Ports as may be required for the purposes of its dock undertaking as may be agreed with the Agency, such agreement not to be unreasonably withheld.

(3) Without limitation on the scope of paragraph (1), the Agency may exercise the powers conferred by this article in relation to the existing or alleged paths or streets specified in columns (1) and (2) of Part 2 of Schedule 2 (diversion of possible rights of way) to the extent specified, by reference to the letters and numbers shown on the rights of way maps.

(4) The Agency must not exercise the powers conferred by this article—

- (a) in relation to byway 38 without providing for the duration of the temporary stopping up and to the reasonable satisfaction of the highway authority a 3 metre wide path between the point marked K on the rights of way maps and Bath Street;

- (b) in relation to any other path or street specified as mentioned in paragraph (3) without first consulting the highway authority and where a temporary diversion is specified in column (3) of Part 2 of Schedule 2, without the diversion being first completed to the reasonable satisfaction of the highway authority and opened for use; and
 - (c) in relation to any other path or street without the consent of the street authority (within the meaning given in Part 3 of the 1991 Act) which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.
- (5) 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.

Commencement Information

I3 Art. 7 in force at 7.8.2012, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Ipswich Barrier Order 2012, Cross
Heading: Streets and rights of way.