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STATUTORY INSTRUMENTS

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**2010 No. 1721**

**The Network Rail (Nuneaton North Chord) Order 2010**

**PART 2**

**WORKS PROVISIONS**

*Streets*

**Power to execute street works**

7.—(1) Network Rail may, for the purposes of the authorised works, enter upon so much of any street as is within the Order limits and may—

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

**Stopping up of street and extinguishment and creation of rights**

8.—(1) Subject to the provisions of this article, Network Rail may, in connection with the construction of the authorised works, stop up the street specified in columns (1) and (3) of Schedule 2 (street to be stopped up) to the extent specified, by reference to the letters and numbers shown on the Order plans, in column (4) of that Schedule.

- (2) Network Rail shall not exercise the powers conferred by paragraph (1) until either—
- (a) Work No. 4 has been completed to the reasonable satisfaction of the street authority and is open for use; or
  - (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by Network Rail, to the reasonable satisfaction of the street authority, between the commencement and termination points until the completion and opening of Work No. 4 in accordance with sub-paragraph (a).
- (3) When Stoney Road has been stopped up under this article—
- (a) all rights of way over or along so much of Stoney Road as has been so stopped up shall be extinguished; and
  - (b) Work No. 4 shall be subject to rights of way equivalent to such rights of way as are extinguished by sub-paragraph (a).

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

(5) This article is subject to paragraph 2 of Schedule 8 (statutory undertakers, etc.).

### **Temporary stopping up of streets**

**9.**—(1) Network Rail, during and for the purposes of the execution of the authorised works, 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 limiting the scope of paragraph (1), Network Rail may use any street stopped up under the powers conferred by this article as a temporary working site.

(3) Network Rail shall provide 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.

(4) Without limiting the scope of paragraph (1), Network Rail may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (3) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the Order plans, in column (4) of that Schedule.

(5) Network Rail shall not exercise the powers conferred by this article—

- (a) in relation to any street specified as mentioned in paragraph (4) without first consulting the street authority; and
- (b) in relation to any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent shall not be unreasonably withheld.

(6) Any person who suffers loss by the suspension of any private right of way under this article shall be 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 Network Rail of its decision within 28 days of receiving an application for consent under paragraph (5)(b), that street authority shall be deemed to have granted consent.

### **Access to works**

**10.**—(1) Network Rail may, for the purposes of the authorised works, and with the approval of the highway authority, such approval not to be unreasonably withheld, form and lay out such means of access, or improve existing means of access, at such locations within the Order limits as Network Rail reasonably requires for the purposes of the authorised works.

(2) If a highway authority fails to notify Network Rail of its decision within 28 days of receiving an application for approval under paragraph (1), that highway authority shall be deemed to have granted approval.

### **Agreements with street authorities**

**11.**—(1) Network Rail and a street authority may enter into agreements with respect to—

- (a) the construction of Work No. 4 under the powers conferred by this Order;
- (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under a railway;

- (c) any stopping up, alteration or diversion of a street conferred by article 9 (temporary stopping up of streets); or
  - (d) the execution in the street of any of the works referred to in article 7 (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
  - (b) contain such terms as to payment and otherwise as the parties consider appropriate.