
STATUTORY INSTRUMENTS

2014 No. 2935

**The Able Marine Energy Park
Development Consent Order 2014**

PART 3

STREETS

Street works

15.—(1) The undertaker may, for the purposes of the authorised development, enter on any of the streets specified in Schedule 2 (streets subject to street works) 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 in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (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) The provisions of sections 54 to 106 of the 1991 Act 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.

Temporary stopping up of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised development, 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 (2), prevent all persons from passing along the street.

(2) The undertaker must provide reasonable access for pedestrians and, where reasonably practicable, vehicles 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 limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters shown on the rights of way plan, in column (3) of that Schedule.

(4) The undertaker must not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (3) without first consulting the street authority; and
 - (b) any other street without the consent of the street authority which may attach reasonable conditions to any consent.
- (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.

Access to works

- 17.—**(1) The undertaker may, for the purposes of the authorised development—
- (a) form and lay out means of access to a public highway, or improve existing means of access to a public highway, in the locations specified in columns (1) and (2) of Schedule 4 (access to works); and
 - (b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access to a public highway or improve existing means of access to a public highway, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.
- (2) If a relevant planning authority which receives an application for approval under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted approval.

Agreements with street authorities

- 18.—**(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the strengthening, improvement, repair or reconstruction of any street required as a result of the exercise of the powers conferred by this Order;
 - (b) any stopping up, alteration or diversion of a street authorised by this Order; or
 - (c) the carrying out in the street of any of the works referred to in article 15(1) (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;
 - (b) include an agreement between the undertaker and street 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.

Public rights of way

- 19.—**(1) With effect from the date of certification by the local highway authority that the agreed alternative right of way has been created to the standard defined in the implementation plan, the section of each public right of way (being a footpath) specified in columns (1), (2) and (3) of Schedule 5 (footpaths to be stopped up) is extinguished.
- (2) With effect from that same date, the alternative section of each footpath specified in column (4) of Schedule 5 is created.
- (3) In this article—
- “implementation plan” means the plan referred to at requirement 11 in Schedule 11 (requirements); and
 - “local highway authority” has the same meaning as in section 329(1) of the 1980 Act.