
STATUTORY INSTRUMENTS

2016 No. 844

The Hornsea Two Offshore Wind Farm Order 2016

PART 3

Streets

Street works

9.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets set out in Schedule 2 (streets subject to street works) as is 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) to (d).

(2) In this article, “apparatus” has the same meaning as in Part 3 of the 1991 Act⁽¹⁾.

Application of New Roads and Street Works Act 1991

10.—(1) The provisions of the 1991 Act mentioned in paragraph (2) that apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—

- (a) the carrying out of works under article 9 (street works); and
- (b) the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under article 11 (temporary stopping up of streets),

whether or not the carrying out of the works or the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(2) The provisions of the 1991 Act⁽²⁾ are—

- (a) subject to paragraph (3), section 54 (advance notice of certain works);
- (b) subject to paragraph (3), section 55 (notice of starting date of works);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);

(1) “Apparatus” is defined in sections 89(3) and 105(1).

(2) Sections 54, 55, 57, 59, 60, 68 and 69 were amended by the Traffic Management Act 2004 (c.18).

- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 76 (liability for cost of temporary traffic regulation);
- (i) section 77 (liability for cost of use of alternative route); and
- (j) all provisions of that Act that apply for the purposes of the provisions referred to in subparagraphs (a) to (i).

(3) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) have effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Temporary stopping up of streets

11.—(1) The undertaker, during and for the purposes of carrying out the authorised project, 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 persons from passing along the street.

(2) Without limiting paragraph (1), the undertaker may use any street temporarily stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) The undertaker must provide reasonable access for pedestrians 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.

(4) Without limiting paragraph (1), the undertaker may temporarily stop up, alter or divert the streets set out in column (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the works plans, in column (3) of that Schedule.

(5) The undertaker must not temporarily stop up, alter, divert or use as a temporary working site—

- (a) any street referred to in paragraph (4) without first consulting the street authority; and
- (b) any other street without the consent of the street authority, which may attach reasonable conditions to the consent.

(6) 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 (determination of questions of disputed compensation).

(7) If a street authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5)(b), the street authority is deemed to have given consent.

Access to works

12.—(1) The undertaker may for the purposes of the authorised project—

- (a) form and lay out means of access, or improve existing means of access, in the locations set out in column (2) of Schedule 4 (access to works); and
- (b) with the approval of the local planning authority after consultation with the highway authority, form and lay out such other means of access, or improve existing means of access, at such locations within the Order limits, as the undertaker reasonably requires for the purposes of the authorised project.

(2) If the local planning authority fails to notify the undertaker of its decision within 28 days of receiving an application for approval under paragraph (1)(b), the local planning authority is deemed to have given approval.

Agreements with street authorities

- 13.**—(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street authorised by this Order; or
 - (b) the carrying out in the street of any of the works referred to in article 9(1) (street works).
- (2) Such an agreement may, without limiting paragraph (1),—
- (a) provide for the street authority to carry out any function under this Order that 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.

Highway improvements

- 14.**—(1) The undertaker may carry out highway improvements to the plot marked 133 on the land plans.
- (2) The highway improvements must be carried out in accordance with plans approved by the highway authority, such approval not to be unreasonably withheld.
- (3) If the highway authority fails to notify the undertaker of its decision within 28 days of receiving plans for approval under paragraph (2), the highway authority is deemed to have given approval.