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STATUTORY INSTRUMENTS

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**2022 No. 299**

**The Bridgwater Tidal Barrier Order 2022**

**PART 2**

**WORKS PROVISIONS**

*Streets and rights of way*

**Power to execute street works**

**8.** The Agency may, for the purposes of and to the extent necessary for the construction of the authorised works—

- (a) enter upon so much of any existing path or street as is within the Order limits and any street abutting the Order limits or which has a junction with such a street, and
- (b) 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.

**Power to keep apparatus in streets**

**9.—(1)** The Agency may, for the purposes of the construction, maintenance or alteration of the authorised works, alter, move, remove, place and maintain in any street within the Order limits any work, equipment or apparatus including foundations, road islands, substations, electric lines and any electrical or other apparatus.

(2) In this article—

- (a) “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- (b) “electric line” has the meaning given by section 64(1) of the Electricity Act 1989(1) (Interpretation etc. of Part 1); and
- (c) the reference to any work, equipment or apparatus or other thing in a street includes a reference to any work, equipment, apparatus or other thing under, over, along or upon the street.

**Power to alter layout, etc., of streets**

**10.—(1)** The Agency may for the purposes of the authorised works alter the layout of or carry out any ancillary works in any street within the Order limits and the layout of any street abutting the Order limits or which has a junction with such a street, including (but not limited to)—

- (a) increasing the width of the carriageway of the street by reducing the width of any kerb, footway, cycle track or verge within the street;
- (b) altering the level or increasing the width of any such kerb, footway, cycle track or verge;
- (c) reducing the width of the carriageway of the street;

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(1) 1989 c. 29.

(d) carrying out works for the provision, removal, suspension or alteration of parking places, loading bays, bus lanes, bus stop clearway and bus laybys;

(e) executing any works to provide or improve sight lines required by the highway authority.

(2) The powers conferred by paragraph (1) in relation to any street abutting the Order limits or which has a junction with such a street must not be exercised without the consent of the street authority, but such consent must not be unreasonably withheld.

(3) If a street authority which receives an application for consent under paragraph (2) fails to notify the Agency of its decision before the end of the period of 28 days beginning with the date on which the application was made, that authority is deemed to have granted consent.

### **Temporary stopping up and diversion of streets**

**11.**—(1) The Agency may, during and for the purposes of the execution of the authorised works, 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) Without limitation on the scope of paragraph (1), the Agency may use any street stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) The Agency must 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 limitation on the scope of paragraph (1), the Agency may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 2 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.

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

(a) in relation to any street specified in Schedule 2 (streets to be temporarily stopped up) without first consulting the street authority;

(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 must not be unreasonably withheld.

(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.

(7) If a street authority which receives an application for consent under paragraph (5)(b) fails to notify the Agency of its decision before the end of the period of 28 days beginning with the date on which the application was made, that authority is deemed to have granted consent.

### **Permanent stopping up and diversion of streets**

**12.**—(1) Subject to the provisions of this article, the Agency may, in connection with the construction of the authorised works, stop up each of the streets specified in columns (1) and (2) of Schedule 3 (streets to be permanently stopped up) to the extent specified in column (3) of that Schedule by reference to the letters and numbers shown on the public rights of way plans.

(2) No street specified in columns (1) and (2) of Schedule 3 may be wholly or partly stopped up under this article unless either—

(a) the new street to be substituted for it, and which is specified in relation to it by reference to one of the scheduled works mentioned in column (4) of Schedule 3, has been completed to the reasonable satisfaction of the street authority and is open for use, or

- (b) a temporary alternative route is first provided and then maintained by the Agency to the reasonable satisfaction of the street authority until completion of a new street in accordance with sub-paragraph (a).
- (3) Where a street has been stopped up under this article—
  - (a) all rights of way over or along it are extinguished, and
  - (b) the Agency may appropriate and use for the purposes of its undertaking so much of the site of the street as is bounded on both sides by land owned by the Agency.
- (4) 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.
- (5) This article is subject to paragraphs 5 and 6 of Schedule 9 (protection of electricity, gas, water and sewerage undertakers).

#### **Access to works**

- 13.**—(1) The Agency may, for the purposes of the authorised works form and lay out—
- (a) means of access, or alter or improve existing means of access, in the locations marked with ‘A’ on the Order plans, and
  - (b) such other means of access or alter or improve existing means of access at such locations within the Order limits as the Agency reasonably requires for the purposes of the authorised works, as may be first approved by the highway authority, but such approval must not be unreasonably withheld.
- (2) If a highway authority which receives an application for approval under paragraph (1)(b) fails to notify the Agency of its decision before the end of the period of 28 days beginning with the date on which the application was made, that authority is deemed to have granted approval.

#### **Agreements with street authorities**

- 14.**—(1) A street authority and the Agency may enter into agreements with respect to—
- (a) the strengthening or improvement of any street under the powers conferred by this Order;
  - (b) the maintenance of any street or of the structure of any bridge carrying a street within the vicinity of the authorised works;
  - (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order;
  - (d) the execution in a street of any of the works referred to in article 8 (power to execute street works).
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) provide 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 such other matters as the parties consider appropriate.

#### **Use of private roads for construction**

- 15.**—(1) The Agency may use any private road within the Order limits or any private road abutting the Order limits which has a junction with such a road for the passage of persons or vehicles (with or without materials, plant and machinery) for the purposes of, or in connection with, the construction of the authorised works.

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(2) The Agency must compensate the person liable for the repair of a road to which paragraph (1) applies for any loss or damage which that person may suffer by reason of the exercise of the power conferred by paragraph (1).

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of such compensation, is to be determined under Part 1 of the 1961 Act.