
STATUTORY INSTRUMENTS

2022 No. 934

**The A428 Black Cat to Caxton Gibbet
Development Consent Order 2022**

PART 7

MISCELLANEOUS AND GENERAL

Works in the River Great Ouse

54.—(1) Subject to the provisions of this article, during the construction of the authorised development the public right of navigation over any part of the River Great Ouse that is situated within the Order limits may be temporarily suspended with the written approval of the Environment Agency, such approval not to be unreasonably withheld.

(2) The undertaker must apply to the Environment Agency for approval under paragraph (1) for such suspension, except in the case of an emergency when the undertaker must give such notice as is reasonably practicable.

(3) For the purposes of paragraph (2), an emergency means a situation that exists that without the temporary suspension of navigation rights will present—

- (a) a risk to life or serious injury to one or more persons;
- (b) a substantial risk of significant damage to one or more vessels;
- (c) a risk of significant or structural damage to a bridge, sluice, sluice gate, lock, flood defence structure, river bank, river control work or drainage work; or
- (d) a risk of serious environmental harm,

and it would not be reasonable in the circumstances to require prior approval under this article before suspending the public rights of navigation.

(4) An application for approval under paragraph (2) must provide details of the proposed suspension or periods of suspension, including particulars of—

- (a) the commencement date;
- (b) the duration; and
- (c) the affected area,

and must include an explanation of the need for the proposed suspension or periods of suspension.

(5) The Environment Agency may in relation to any application for approval made under paragraph (2) impose reasonable conditions for any purpose described in paragraph (3).

(6) Conditions imposed under paragraph (5) may include conditions as to—

- (a) the limits of any area subject to a temporary suspension of the public right of navigation;
- (b) the duration of any temporary suspension;
- (c) the means of marking or otherwise providing warning in the River Great Ouse of any area affected by a temporary suspension of the public right of navigation; and

- (d) the use by the undertaker of the area subject to any temporary suspension so as not to interfere with any other part of the River Great Ouse or affect its use.
- (7) Following an approval of any suspension given by the Environment Agency under this article or determined in accordance with article 50 (arbitration), the undertaker must:
 - (a) publish a notice in one or more local newspapers circulating in the district in which the River Great Ouse is situated;
 - (b) publish such notice not less than one month before the powers are to be exercised and state the extent to which, the period during and the purpose for which the use or navigation of the River Great Ouse is to be prohibited, restricted or regulated;
 - (c) display a copy of such notice in one or more places on or adjacent to the River Great Ouse in such places to bring its contents to the notice of persons using or navigating the waterways.
- (8) Subject to paragraph (9), an application for approval under this article is deemed to have been approved if it is neither given nor refused within 28 business days of the Environment Agency receiving the application under paragraph (2).
- (9) An approval of the Environment Agency under this article is not deemed to have been approved, if approval within the time limited by paragraph (8) has not been given pending the outcome of any consultation on the approval in question that the Environment Agency is obliged to carry out in the proper exercise of its functions.

Commencement Information

II Art. 54 in force at 8.9.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The A428 Black Cat to Caxton Gibbet Development Consent Order 2022, Section 54.