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STATUTORY INSTRUMENTS

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**1995 No. 3210**

**The Street Works (Northern Ireland) Order 1995**

*Streets subject to special controls*

**Streets with special engineering difficulties**

23.—(1) The provisions of Schedule 2 have effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties.

(2) The Department may prescribe—

- (a) the criteria for designating a street as having special engineering difficulties,
- (b) the procedure for making or withdrawing such a designation, and
- (c) the information to be made available by the street authority as to the streets for the time being so designated by it.

(3) Where the Department is asked to designate a road as having special engineering difficulties—

- (a) by a transport authority on the ground of the proximity of the road to a structure belonging to, or under the management or control of, the authority, or
- (b) by an undertaker having apparatus in the road,

and the Department proposes to decline to do so, it shall serve notice of that proposal on the transport authority or undertaker concerned.

(4) If within 21 days of receiving notice of the Department's proposal under paragraph (3) the transport authority or undertaker so requests in writing, the Department shall afford the authority or undertaker an opportunity of appearing before and being heard by the planning appeals commission.

(5) There shall be payable in respect of a hearing under paragraph (4) such fee as may be prescribed.

(6) Where a hearing is held under paragraph (4)—

- (a) the Department shall, in determining whether to designate a road as having special engineering difficulties, take into account the report of the planning appeals commission; and
- (b) the decision of the Department shall be final.

(7) The designation of a street as having special engineering difficulties shall not be withdrawn except after consultation with any transport authority or undertaker at whose request the designation was made.