
STATUTORY INSTRUMENTS

2014 No. 1796

**The Daventry International Rail Freight
Interchange Alteration Order 2014**

PART 3

Streets

Power to alter layout, etc., of streets

10.—(1) Subject to paragraph (2), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of such kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street;
- (d) make and maintain crossovers, sidings and passing places.

(2) The undertaker must restore to the reasonable satisfaction of the relevant street authority any street that has been temporarily altered under this article.

(3) The powers conferred by paragraph (1) are not to be exercised without the consent of the relevant street authority; but such consent must not be unreasonably withheld.

Street works

11.—(1) The undertaker may with the prior agreement of the relevant street authority (such agreement not to be unreasonably withheld), for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 3 (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;
- (e) construct and maintain the bridges and tunnels referred to in Works Nos 1, 2 and 3; and
- (f) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c), (d) and (e) .

(2) The prior agreement of the relevant street authority required under sub-paragraph (1) is not required where the street works are carried out under an agreement entered into under section 278 of the 1980 Act(1).

Stopping up of streets

12.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up each of the streets specified in columns (1) and (2) of Parts 1 and 2 of Schedule 4 (streets to be permanently stopped up) to the extent specified, by reference to the letters shown on the access and rights of way plan, in column (3) of those Parts of that Schedule.

(2) No street specified in columns (1) and (2) of Part 1 of Schedule 4 (being a street to be stopped up for which a substitute is to be provided) is to be wholly or partly stopped up under this article unless—

- (a) the new street to be substituted for it, which is specified in column (4) of that Part of that Schedule, has been completed and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) No street specified in columns (1) and (2) of Part 2 of Schedule 4 (being a street to be stopped up for which no substitute is to be provided) is to be wholly or partly stopped up under this article unless the condition specified in paragraph (4) is satisfied in relation to all the land which abuts on either side of the street to be stopped up.

(4) The condition referred to in paragraph (3) is that—

- (a) the undertaker is in possession of the land; or
- (b) there is no right of access to the land from the street concerned; or
- (c) there is reasonably convenient access to the land otherwise than from the street concerned.

(5) Where a street has been stopped up under this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the site of the street as is bounded on both sides by land owned by the undertaker.

(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) This article is subject to article 23 (apparatus etc. of statutory undertakers).

Public rights of way – diversion and stopping up

13.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development—

- (a) stop up each of the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 5 (public rights of way to be permanently stopped up) to the extent specified, by reference to the letters and numbers shown on the access and rights of way plan, in column (3) of that Part of that Schedule; and

(1) Section 278 was substituted by section 23 of the 1991 Act (c. 22).

(b) temporarily stop up each of the public rights of way specified in columns (1) and (2) of Part 2 of Schedule 5 (public rights of way to be temporarily stopped up) to the extent as may be from time to time agreed with the relevant highway authority.

(2) No public right of way specified in columns (1) and (2) of Part 1 of Schedule 5 may be wholly or partly stopped up under this article unless the permanent diversion routes specified in column (4) of that Part of that Schedule, or such temporary diversion routes as may from time to time be agreed by the relevant highway authority, have first been provided by the undertaker to the reasonable satisfaction of the relevant highway authority.

(3) The permanent diversion routes referred to in paragraph (2), or any temporary diversion route as may from time to time be agreed by the relevant highway authority, must be maintained by the undertaker with appropriate clear signage of the permanently or temporarily diverted route to the reasonable satisfaction of the relevant highway authority.

(4) Any temporary diversion route must be maintained by the undertaker until the completion and opening of the public rights of way within the Order limits specified in column (4) of Part 1 of Schedule 5.

Temporary stopping up of streets

14.—(1) During and for the purposes of carrying out the authorised development, the undertaker 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 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) The undertaker must not temporarily stop up, alter or divert any street without the consent of the relevant street authority which may attach reasonable conditions to any consent but such consent must not be unreasonably withheld.

(4) 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

15. The undertaker may, for the purposes of the authorised development and with the agreement of the relevant highway authority (such agreement not to be unreasonably withheld), form and lay out such means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires.

Agreements with highway authorities

16.—(1) A relevant highway authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street, including any structure carrying the street over or under a railway authorised by this Order;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) the maintenance of the structure of any bridge or tunnel carrying a street over or under a railway;

- (d) any stopping up, alteration or diversion of a street as part of or to facilitate the authorised development; or
 - (e) the carrying out in the street of any of the works referred to in article 11 (street works),
- prior to the carrying out of the works to which the agreements relate.
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
 - (a) make provision for the relevant highway authority to carry out any function under this Order which relates to the street in question;
 - (b) include an agreement between the undertaker and the relevant highway 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.
 - (3) This article does not apply to streets within the main site which are intended to be private streets.