
STATUTORY INSTRUMENTS

2023 No. 800

The Hornsea Four Offshore Wind Farm Order 2023

PART 3
STREETS

Street works

8.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified 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 within or under it;
- (b) tunnel or bore under the street;
- (c) place and keep 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) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) In this article “apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act.

Application of the 1991 Act

9.—(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 8 (street works); and
- (b) the temporary closure, temporary alteration or temporary diversion of a street by the undertaker under article 10 (temporary closure of streets and public rights of way),

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

(2) The provisions of the 1991 Act⁽¹⁾ are—

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

⁽¹⁾ Sections 55, 57, 60, 68 and 69 were amended by the Traffic Management Act 2004 (c. 18).

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

(3) Section 55 of the 1991 Act as applied by paragraph (2) has effect as if references in section 57 of that Act to emergency works included a reference to a closure, alteration or diversion (as the case may be) required in a case of emergency.

Temporary closure and restriction of streets and public rights of way

10.—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily close, alter or divert any street or public right of way and may for any reasonable time—

- (a) divert the traffic or a class of traffic from the street or public right of way; and
- (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way.

(2) Without limiting paragraph (1), the undertaker may for the purposes of carrying out the authorised project use any street or public right of way temporarily closed or restricted under the powers conferred by this article and 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 or public right of way affected by the temporary closure, alteration or diversion of a street or public right of way under this article if there would otherwise be no such access.

(4) Without limiting paragraph (1), the undertaker may temporarily close, alter or divert the streets set out in column (10) of Schedule 3 (streets to be temporarily closed or restricted) to the extent specified, by reference to the letters and numbers shown on the streets plans, in column (2) of that Schedule.

(5) The undertaker must not temporarily close, 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 or public right of way 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 (determination of questions of disputed compensation) of the 1961 Act.

(7) If a street authority fails to notify the undertaker of its decision within 56 days of receiving an application for consent under paragraph (5)(b) that street authority is deemed to have granted consent.

Closure and diversion of public rights of way and access land

11.—(1) The undertaker may, in connection with the carrying out of the authorised project—

- (a) temporarily close each of the public rights of way specified in column (1) of Part 1 of Schedule 4 (public rights of way to be closed or diverted and access land) to the extent specified in column (2), by reference to the numbers and letters shown on the public rights of way plan;
- (b) permanently divert each of the public rights of way specified in column (1) of Part 2 Schedule 4 (public rights of way to be closed or diverted and access land) to the extent specified, in column (2) of that Schedule;

- (c) provide the substitute public rights of way to those diverted as described in column (3) of Part 2 of Schedule 4 (public rights of way to be closed or diverted and access land) between the specified terminus points;
- (d) temporarily divert each of the public rights of way specified in column (1) of Part 3 Schedule 4 (public rights of way to be closed or diverted and access land) to the extent specified, in column (2) of that Schedule;
- (e) provide the substitute public rights of way to those temporarily diverted for the duration of that diversion as described in column (3) of Part 3 of Schedule 4 (public rights of way to be closed or diverted and access land) between the specified terminus points; and
- (f) temporarily close, prohibit the use of or restrict the use of the access land specified in column (1) of Part 4 of Schedule 4 (public rights of way to be closed or diverted and access land) to the extent specified in column (2), by reference to the area shown on the public rights of way plan.

(2) The rights of access conferred by section 2 of the 2000 Act (rights of the public in relation to access land) are suspended in relation to any access land specified in column (1) of Part 4 of Schedule 4 (public rights of way to be closed or diverted and access land) to the extent specified in column (2), by reference to the area shown on the public rights of way plan.

(3) The period of suspension under paragraph (2) lasts for the period of the temporary closure.

Access to works

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

- (a) form, lay out and maintain a means of access, or improve or maintain an existing means of access, in the locations specified in columns (1) and (2) of Schedule 5 (access to works); and
- (b) with the approval of the relevant planning authority after consultation with the highway authority in accordance with requirement 11 (highway accesses), 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 relevant planning authority fails to notify the undertaker of its decision within 56 days of receiving an application for approval under paragraph (1)(b) that relevant planning authority is deemed to have granted approval.

Agreements with street authorities

13.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) any temporary closure, alteration or diversion of a street authorised by this Order; or
- (b) the carrying out in the street of any of the works referred to in article 8(1) (street works).

(2) Such agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which 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.

Power to alter layout etc. of streets

14.—(1) Subject to paragraphs (2) and (3), the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with constructing, operating and maintaining the authorised development alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—

- (a) alter the level or increase the width of the street including any kerb, footway, cycle track or verge; and
- (b) make and maintain passing place(s).

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

(3) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority.

(4) Paragraphs (2) and (3) do not apply where the undertaker is the street authority for a street in which the works are being carried out.