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STATUTORY INSTRUMENTS

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**2015 No. 1386**

**The Swansea Bay Tidal Generating Station Order 2015**

**PART 3**

**Streets**

**Street works**

**9.**—(1) The undertaker may, for the purposes of constructing the authorised development, enter on so much of any of the streets set out in Schedule 2 (streets subject to street works) as is within the Order limits between the numbered and lettered points shown on the access and public rights of way plans 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; 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) Sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

(4) Nothing in this article authorises the breaking up or opening of the carriageway of the A483 Fabian Way without the prior written approval of the local highway authority.

(5) In this article, “apparatus” has the same meaning as in Part 3 of the 1991 Act.

**Temporary stopping up of streets**

**10.**—(1) Subject to paragraph (4), the undertaker, for the purposes of constructing the authorised development, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) prevent persons from passing along the street.

(2) Where the undertaker prevents persons from passing along the street, the undertaker must provide reasonable access for pedestrians and vehicular traffic going to or from premises abutting or served by 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) Without limiting paragraph (1), the undertaker may temporarily stop up, alter or divert the streets set out in columns (1) and (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the access and public rights of way plans, in column (3) of that Schedule.

- (4) The undertaker must not temporarily stop up, alter or divert—
  - (a) the streets set out as mentioned in paragraph (3) without first consulting the local highway authority; and
  - (b) any other street without the consent of the local highway authority, which may attach reasonable conditions to any consent including as to notice to be given.
- (5) 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.
- (6) Nothing in this article authorises the stopping up of the carriageway of the A483 Fabian Way without the prior written approval of the highway authorities responsible for the maintenance and control of that highway.

#### **Access to works**

- 11. The undertaker may, for the purposes of carrying out the authorised development,—
  - (a) form and lay out means of access, or improve existing means of access, in the locations set out in columns (1) and (2) of Schedule 4 (access to works); and
  - (b) with the approval of the relevant planning authority after consultation with the highway authority, 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 development.

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

- 12.—(1) A street authority and the undertaker may enter into agreements with respect to—
  - (a) any stopping up, 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 9(1) (street works).
- (2) Such an agreement may, without limiting paragraph (1),—
  - (a) make provision for the street authority to carry out any function under this Order that relates to the street in question;
  - (b) include an agreement between the undertaker and the 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.