
STATUTORY INSTRUMENTS

2015 No. 680

The Knottingley Power Plant Order 2015

PART 4
STREETS

Street works

10.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 2 (streets subject to street works) as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) drill, 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), (b), (c) and (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) The provisions of sections 54 to 106 of the 1991 Act (1) apply to any street works carried out under paragraph (1).

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

Stopping up of street

11.—(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 column (2) of Schedule 3 (streets to be stopped up) to the extent specified.

(2) No street specified in column (2) of Schedule 3 (being a street to be stopped up for which a substitute is to be provided) may be wholly or partly stopped up under this article unless—

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

(1) A number of these provisions are amended, including by the Traffic Management Act 2004 (c.18).

(3) 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.

(4) Any person who suffers loss by the suspension or extinguishment 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.

(5) This article is subject to article 31 (apparatus and rights of statutory undertakers in stopped-up streets).

Public rights of way

12.—(1) Subject to paragraph (2), with effect from the date of commencement of Work No. 1 (electricity generating station), the section of the public right of way (being a claimed public bridle way) specified in Part 1 of Schedule 4 (public rights of way to be temporarily closed and permanently stopped up) and shown by a green dashed line on the public rights of way temporary closures and permanent stopping up plan is extinguished.

(2) The public right of way (being a claimed bridleway) specified in paragraph (1) must not be extinguished under this article unless the temporary bridleway specified in column (4) of Part 1 of Schedule 4 and shown in yellow on the works plan is first provided, to the reasonable satisfaction of the relevant planning authority.

(3) The temporary bridleway must be kept open and maintained by the undertaker until the completion and opening of a permanent replacement bridleway approved by the relevant planning authority.

(4) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, temporarily close each of the public rights of way specified in column (2) of Parts 2 and 3 of Schedule 4 to the extent shown on the public rights of way temporary closures and permanent stopping up plan.

Access to works

13. The undertaker may, for the purposes of the authorised development—

- (a) form and lay out means of access, or improve existing means of access, in the location 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, 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

14.—(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 10(1) (street works).

(2) Such an 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.