2020

Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and

Related Matters

HAUC(England) Edition ISSUED BY HAUC (ENGLAND) SEPTEMBER 2020

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FOREWORD

The **N**ew **R**oads and **S**treet **W**orks **A**ct 1991 (NRSWA), supported by relevant Regulations and Codes of Practice, provides a legislative framework for street works by undertakers (including utility companies) and works for road purposes – to the extent that these must be co-ordinated by street authorities.

The aim is to balance the statutory rights of highway authorities and undertakers to carry out works with the right of road users to expect the minimum disruption from works.

This Guidance Note;

• Reflects various changes made to the provisions of NRSWA under the **T**raffic **M**anagement **A**ct 2004 (TMA) and subsequent legislation to enable the administration and management of all on street activities by means of permit schemes. The most recent changes in relation to permit schemes tighten the framework within which roads and streets are excavated, giving street authorities more power to co-ordinate, control and direct works effectively with the aim of minimising disruption.

• Gives practical guidance to both undertakers’ and authorities responsibilities with regard to street or highway works.

• Was prepared by a HAUC England Working Group, comprising representatives of the Department for Transport, the Utility Industries and Highway Authorities and was subject to extensive consultation with all practitioners.

To assist with the change to Street Manager this Guidance Note has been issued by the Joint Chairs of HAUC England for the use of and on behalf of the Street and Road Works Community, prior to it being approved and endorsed by the Secretary of State for Transport, and becoming a Statutory Guidance document.

During this transition from Guidance Note to Statutory Guidance practitioners should be mindful that the document makes reference to Code when at the moment the document is of Guidance Note status. However, it does set out the expectations of HAUC England and the Department for Transport for the operation of permit schemes for the efficient co-ordination of street and road works.

This 5th edition has been issued by the Joint Chairs of HAUC England for use in England *only (Street works are a devolved matter in Scotland and Wales)*. It supercedes the 4th edition published in October 2012 with effect from 1 September 2020.

Peter Loft and David Latham

Joint Chairs HAUC - England

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CHAPTER 1 - Introduction

1.1 Introduction

The efficient co-ordination of street and road works is one of the most important aspects of street works legislation, and this Code is a practical document that provides guidance around both legislative requirements and associated good practice to help achieve this.

Throughout this Code, except where it is important to specifically use the legally correct name, standardisation of “authority” and “promoter” has been used as follows:

The term “**authority**” means the same and has been used in place of;

• Highway Authority

• Street Authority

• Transport Authority

• Permit Authority

• Noticing Authority

• Bridge Authority

• Strategic Highway Company

The term “**promoter**” means the same and has been used in place of;

• Statutory Undertaker

• Utility

• Authority carrying out works

• Other organisations such as London Underground

These terms are also covered in the Glossary in Appendix A.

1.2 Legislative Framework

The **N**ew **R**oads and **S**treet **W**orks **A**ct 1991 (NRSWA) sets out the objectives of the co-ordination function:

• to ensure safety;

• to minimise inconvenience to people using a street, including a specific reference to people with a disability; and

• to protect the structure of the street and the apparatus in it.

This Code is intended to help authorities carry out the above duties by virtue of section 59 of NRSWA, and promoters to fulfil their responsibilities to co-operate in this process, under section 60 of NRSWA.

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Everyone working in the street should take account of the needs of all road users, including those with disabilities – whether they are pedestrians, equestrians, cyclists or drivers – at all stages in the planning and execution of works in the street. This has implications for the timing, method and scheduling of works.

Inevitably, works in the street will interfere with road users and nearby residential and business premises to some extent. However, the aim should be to avoid disruption where possible including:

• serious traffic disruption;

• works on recently resurfaced or reconstructed streets; and

• planned works within a short time of earlier works.

The legislative and regulatory provisions explained in this Code may be best viewed as three pillars of co-ordination:

• **The Administration System.** This covers both the legislative requirement to serve notifications and apply for permits, as well as the electronic system that is used to do this. Together they provide essential information to aid the co ordination process.

• **Streets subject to special controls.** Designation procedures allow for attention to be focussed on particularly sensitive streets such as traffic-sensitive streets.

• **The Co-ordination Tools**. The legislation provides tools to help the co-ordination process, including powers to restrict further works following substantial street or road works, as well as the ability under permits to manage works.

Authorities and promoters must understand and follow three key principles:

• the need to balance the potentially conflicting interests of road users, residents, businesses and customers;

• the importance of co-operation and regular communication between authorities and promoters; and

• an acknowledgement that works programmes and practices may have to be adjusted to meet the statutory objectives of the co-ordination provisions.

This guidance builds upon previous Codes of Practice that had, at their core, a series of notice transactions by which works were communicated and managed between authorities and promoters. Since April 2020, all authorities in England have been required to implement permit schemes and these are now the means by which all street and road works are planned, co-ordinated and administered.

Permit schemes provide a way to manage activities in the street. They were introduced by Part 3 of the **T**raffic **M**anagement **A**ct 2004 (TMA) to improve authorities’ abilities to minimise disruption from street and road works.

Network impacts are best minimised, the travelling public better informed and disruption kept to the minimum when promoters and authorities work together to achieve their common objective of planning and implementing work effectively. Permit schemes provide a powerful tool to help achieve this common objective

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and help deliver the authority’s network management duty whilst facilitating access to assets for promoters.

This guidance explains how these principles can be made to work in practice. Significant elements are:

• that most permit lead in periods specified in the legislation and regulations are **minimum** periods. Longer periods should be given, and permit information should be updated, wherever possible;

• the central role played by local liaison meetings between authorities, promoters and other interested parties; and

• the importance of the designation of streets subject to special controls. Authorities should only use designation to cases where it is strictly necessary. Promoters must respect the objectives of designation when planning and carrying out works.

This Code applies to prospectively1 maintainable streets as well as publically maintainable streets.

The provisions of this note and its accompanying legislation cannot be achieved without the commitment of all concerned. Everyone should ensure that the information given is up-to-date, timely and correct, including a nationally consistent street gazetteer (NSG), Additional Street Data (ASD), and that all permits are administered in accordance with the Electronic System.

1.3 Other statutory obligations

Both authorities and promoters operate under other statutes which impose additional obligations that impact on those under NRSWA – for authorities to act reasonably and co-ordinate all works, and for promoters to co-operate.

Besides those duties under section 59 of NRSWA, a local traffic authority has an obligation to fulfil the **N**etwork **M**anagement **D**uty (NMD), under Part 2 of the TMA; to do all that is reasonably practicable to manage its road network effectively with a view to keeping traffic moving. Authorities need to have regard for the *Network Management Duty Guidance2.*

However, these authority’s duties must be balanced against the statutory obligations of the promoter.

As well as the powers contained in NRSWA and the **T**raffic **M**anagement **A**ct 2004 (TMA), the authority has further powers through other legislation such as the

1 NRSWA 1991, section 87 *Prospectively maintainable highways*

2 *The Traffic Management (Guidance on Intervention Criteria) (England)* Order 2007SI 2007 No. 39 ISBN 978-0-11-075792-6

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Highways Act 1980 and the Road Traffic Regulation Act 1984. It may also have powers granted by Local Acts, particularly in London.

**This Code should be read in conjunction with separate guidance for Street Manager for a full understanding of the administration of street and road works.**

The NRSWA, the TMA and other relevant regulations must be read and applied in conjunction with this Code, as should the other Codes of Practice published under the NRSWA: *the Network Management Duty Guidance* and the *Guidance on Intervention Criteria*, published under the TMA.

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CHAPTER 2 – Co-ordination & Collaboration

2.1 Introduction

This Chapter sets out the key principles of effective coordination, collaboration, and works processes to be followed.

There are some key factors that form these work processes. These include:

• The need for the authority to have accurate and timelyinformation. • Details of how works will be undertaken such that the authority can understand the impact.

• The authority to consider if any changes are required to the works to help minimise disruption.

• All parties must co-operate with the authority to minimise disruption, and • All parties should consider opportunities for collaboration.

2.2 Information

Successful co-ordination requires accurate and timely information, along with effective dialogue between authorities and promoters. The authority cannot fulfil its duty, under section 59 of NRSWA, to co-ordinate activities affecting the street without adequate advance notice of proposed works.

The key principles of effective co-ordination are:

• sharing of information and consultation between interested parties at the earliest opportunity;

• regular input and attendance of relevant people (those empowered to take decisions) at co-ordination meetings;

• promoters and authorities sharing business development plans, and replacement programmes for apparatus and highway assets with the co ordinating authority;

• communication of decisions at the earliest opportunity so that promoters’ plans can be adapted, if necessary; and

• cross-boundary co-ordination between neighbouring authorities, promoters, and other interested parties, especially for all planned works and planned maintenance on strategic routes.

There are various mechanisms available to authorities and promoters for gathering and sharing information. The basic principle is: the greater the disruption, the sooner the engagement with the authority and relevant stakeholders.

**2.2.1 FORWARD PLANNING INFORMATION**

Forward planning information is a means of sharing information about future

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work intentions at the earliest opportunity, promoting early engagement with the authority and other promoters, helping to identify opportunities for joint working and wider co-ordination of activities including resurfacing and reconstruction.

Promoters are strongly encouraged to provide forward planning information about road or street works. This may include but not be limited to, those works in their annual operating programme, or three or five-year rolling programmes such as mains replacement programmes or the reconstruction of main roads, which will be planned several years ahead. Forward planning information should also include works identified through asset condition surveys.

Forward planning information can be provided at any time before an application for a Provisional Advance Authorisation, Permit Application or Notice, but is encouraged to be submitted at the earliest opportunity to support coordination. It is much easier to adjust medium and long-term programmes to coordinate with the plans of others if forward visibility is given well enough in advance, than it is for short term programmes where contractual commitments may have been made.

Submission of Forward Plans should be via the prescribed electronic street works system.

It is essential that information on large-scale or potentially very disruptive works is included in the street works register at the earliest opportunity. This will enable work promoters to:

• take part in early co-ordination;

• consider collaboration;

• highlight other activities which need to be coordinated with these works.

The entry should give as much detail as possible including the street involved, the nature of the activity and proposed dates – these may just be a calendar year.

Promoters are also strongly encouraged to review their Forward Plans at least quarterly to ensure the information held within the street works register is still current and update these plans accordingly.

**2.2.2 MEETINGS**

In some cases, the authority and promoters will be able to co-ordinate effectively on a one-to-one basis. For the most part, regular meetings of dedicated groups will be needed and the regional **H**ighway **A**uthorities and **U**tilities **C**ommittees (HAUCs) and local co-ordination meetings provide the means to do this.

These meetings should be organised and chaired by the relevant authority.

Suggested topics for discussion at these meeting may include the following subject areas:

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• All planned works and proposed traffic management (including the effect of any diversion routes);

• Specific details of high impact works;

• Planned road closures for the next quarter and rolling year ahead, to allow all street and road works to be accommodated within the closure as far as possible;

• Any other events which may impact on the highway;

• Local policies and strategies affecting street works;

• The potential for reducing disruption from works through collaborative working; • Proposed designations of streets subject to special controls and other constraints;

• Performance reviews.

**2.2.3 NATIONAL & REGIONAL HAUC MEETINGS**

National and Regional **H**ighway **A**uthorities and **U**tilities **C**ommittees (HAUCs) hold regular meetings. Principal issues discussed at these meetings will be national policy implications and providing policy guidance on a local basis. They will also facilitate local mediation procedures.

**2.2.4 LIAISON WITH OTHER BODIES**

Authorities must liaise with adjacent authorities if works are likely to affect traffic flows across boundaries and/or trunk roads. They should also provide information to other bodies likely to have an interest such as but not limited to:

• the police, fire, ambulance and other emergency services;

• public transport operators;

• any other appropriate bodies, e.g. organisations representing people with disabilities, pedestrians, motorists, equestrians and cyclists; and

• the appropriate planning and environmental health officers.

**2.2.5 PERMITS & NOTICES**

NRSWA places significant obligations on both promoters and authorities to register works although the requirement to give certain notices applies only to promoters.

Promoters should recognise that statutory notice periods are the minimum, and whenever possible, longer lead in periods should be given (this benefits both the authority and the promoter).

2.3 Analysis and Assessment Considerations

When assessing proposed works, authorities must consider all aspects of the proposed works and other influences that may affect traffic, which commonly include:

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• the road network capacity;

• the scope for collaborative working opportunities;

• the optimum timing of works from all aspects;

• the effect on all traffic; in particular the need for temporary traffic restrictions or prohibitions;

• the impact to vulnerable highway users;

• the working arrangements i.e. TM, innovative technology and construction methodologies;

• the effect of licences for the occupation of the highway, any known events and other licences or consents issued in respect of affected streets;

• developments for which there is a resulting impact on the highway; and • Seasonality and local considerations

When assessing all of the influencing factors, the authority must consider whether any changes are required to the work proposals to minimise disruption on the network and before it agrees to the works.

It is important that dialogue continues between authorities and the promoters throughout the life cycle of the works.

**2.3.1 COMMUNICATION**

Whilst all works are required to be published on public facing websites, when considering the impact of the works during the assessment process, authorities should consider the need for additional communications methods advising those most affected of particularly impactful works. An effective communication plan can assist road users greatly in making informed journey choices and help key affected stakeholders understand the work that has gone into these projects to mitigate their impact.

Suggested communications strategies may involve any of the following:

• Press statements

• Radio advertising

• Use of variable message signs

• Advance signing on site

• Communications briefing notes to key stakeholders

• Letter drops to frontagers

• Publication via webpage

• Social media feeds

It would be the responsibility of the authority to decide when additional and proportionate communications are required and the most appropriate method of notification.

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2.4 Co-operation

The primary aim of section 59 is for the authority to co-ordinate works in the street with the active co-operation of all parties concerned.

Promoters proposing works in the street have a statutory duty to co-operate with the authority under section 60 of NRSWA. Failure to comply with section 60 may constitute a criminal offence.

An authority should discuss any difficulties that the proposed works cause with the promoter and agree an acceptable way forward. However, safety concerns, urgency or lack of co-operation, may make it necessary for the authority to use its powers under NRSWA & TMA.

2.5 Collaborative working

Collaborative working is something that all promoters, whether authority or utility company, should consider during the planning process. Collaborative works can only take place where parties can identify the opportunities to do so, the early sharing of information regarding proposed works is a key enabler to creating these opportunities. The principles of collaboration can be applied to all types of planned works and to achieve maximum benefit should not be limited to major works.

Collaboration helps minimise impact on users of the highway through reduced disruption and occupation of the highway and can bring the following benefits;

• Reduce the environmental impact of street works:

o Less material to landfill

o Reduced pollution/vehicle emissions from reduced disruption

o Reduce repeated reinstatement of same surfaces, reducing the use of non-renewable resources

• Reduce direct costs to the customer, the promoter and the authority. • Reduce indirect costs, such as costs of delays, access to parking and businesses.

• Create better journeys and more reliable public transport.

• Fewer individual street works activities means improved safety for public and workforce.

• Overall efficiencies gained for UK plc.

• Improved public perception from visible collaboration efforts.

• The industry acts as socially responsible organisations.

• Fewer individual excavations can result in lower impact on the integrity of the highway asset.

• Lane Rental schemes may incentivise collaboration with discounts on Lane Rental charges.

Collaboration has traditionally been limited to the most significant schemes and

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concerns about overall responsibilities for sites and transparency of costs have created a situation where the barriers to collaboration have been difficult to overcome for promoters. All promoters are encouraged to develop policies that enable collaboration where possible, with the aim of delivering the above benefits.

**2.5.1 COLLABORATIVE OPPORTUNITIES**

Within existing highway:

1. **S**pecial **E**ngineering **D**ifficulty (SED) - There is an opportunity for promoters to work together on other network activities when bridge works etc. are planned. This needs to be agreed with owners of structures in advance.

2. Trench sharing - this form of collaboration is the most widely recognised, although opportunities to trench share may be limited. Main considerations for trench sharing are responsibility for backfill and reinstatement. Are operatives skilled to backfill and reinstate around all the types of equipment that has been laid? Which promoter will be responsible for the reinstatement guarantee?

3. Internal (within an organisation) - An organisation may be able to utilise an opportunity to undertake a single set of works encompassing multiple jobs from different work streams. The promotor must be aware of thenotification implications in relation to the different work types.

4. Traffic Management sharing- There are several ways in which promoters may work together to minimise the actual or perceived incidence and duration of temporary traffic control used on the highway.

• Road closure- e.g. where one promotor has a road closure in place to facilitate works, and other promoters undertake other works in

the street concurrently. The objective is to do as much work as

possible during the closure to avoid any further disruption and

maximise safety.

• Traffic signals- e.g. where more than one promotor can work at the same location within the same temporary traffic signals, although

not necessarily the same excavation. The objective is to minimise

the incidence of traffic control deployed on the highway and

minimise the duration of highway occupancy.

• Extended sites (road occupancy)-two or more promoters who need to work in close proximity may be able to work during the same

period if the signing and guarding or TM arrangements can be

extended to safely accommodate the concurrent works. The

objective is to minimise the incidence of traffic control deployed on

the highway and minimise the duration of highway occupancy.

• Consecutive works- two or more promoters who need to work in close proximity but cannot do so concurrently, may be able to work

consecutively with one promoters work immediately following the

works of another. The objective is to minimise the incidence of

traffic control deployed on the highway, although the overall

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duration of the disruption may not be reduced. This option may be

preferable to promoters setting up multiple sites, days or weeks

apart, particularly in terms of public perception of the disruption

caused by repeated street and road works.

5. Routine asset inspections - when a routine asset inspection would result in the need to use traffic control to access chambers, promoters may seek opportunities to inspect assets during other promoter works when traffic

management will be deployed on the highway. Road closures provide good opportunities.

**2.5.2 IDENTIFYING THE OPPORTUNITY FOR COLLABORATION**

Providing early planning information is a means by which information about proposed works can be shared at the earliest opportunity, this may be via the co- ordination process or via submission of forward Planning Information. The earlier information is shared about works the higher the likelihood that collaboration will be achieved.

Promoters may be able to directly identify opportunities for collaboration using the prescribed electronic system and highlight to an authority that they intend to undertake collaborative works. If an authority believes that permits submitted suggest a clash of works, it is strongly recommended that rather than refusing the later permit application, they first ask whether the parties plan to, or are able to, work in collaboration.

It must be recognised that while collaboration can bring benefits it will not always be possible to achieve, and parties should not be treated unfavourably in instances where collaboration has been considered but the parties have not been able to agree how it can be achieved.

**2.5.3 CONSIDERATIONS FOR COLLABORATING PROMOTERS**

Collaborative works onsite will require all involved promoters to fulfil certain legal requirements on site safety, notification requirements and reinstatement. It is imperative that the responsibilities of each party are agreed in advance of execution of works and understood by the operatives involved.

• Ongoing site liabilities - all operatives should work to the correct standards on safety and quality during the works. Promoters should clearly agree who is responsible for overall management of the site and particularly signing, lighting and guarding and traffic management for the duration of the works. This will normally be the primary promoter.

• Noticing/permits/lane rental - each party will be required to submit relevant notifications but these will differ depending on whether you are the primary or secondary promoter. Permits should refer to the collaboration and primary promoter in order to claim applicable discounts.

• Reinstatement and Inspection units - collaborative works may involve trench sharing or one promoter taking responsibility for the final reinstatement of a site. Only the promoter undertaking the full reinstatement is required to

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record the relevant inspection units.

**2.5.4 TRAFFIC MANAGEMENT AND SHARING OF COSTS**

Where traffic management costs or other costs are shared, all promoters involved will need to agree how this will be achieved. It is recommended that a framework agreement is captured covering these items. Transparency of shared costs is particularly important in instances where these are passed on to utility customers, as these must be reasonable and stand up to scrutiny.

A suggested proforma for basic agreements is included in Appendix E. **2.5.5 REINSTATEMENT**

Promoters will need to be clear about responsibilities for backfill and reinstatement. Where there are arrangements for trench sharing or final surface reinstatement taking in multiple promoters it is strongly recommended that an agreement is documented by the collaborating promoters.

A suggested proforma for basic agreements is included in Appendix E. **2.5.6 SYSTEMS**

Current street works systems do not provide a mechanism for undertakers to directly contact each other regarding collaboration. So, by necessity, discussions and agreements may be made via phone calls and e-mails outside of the street works systems.

It is recommended that all promoters are clear on their individual responsibilities to record relevant information on the street works register.

**2.5.7 SPECIAL CONSIDERATIONS FOR AUTHORITIES**

**Durations**

A major objective of collaboration is to reduce the disruption caused by repeated street works at the same location. Where in isolation each promoters works would take a given number of days it should not be assumed that concurrent works by multiple promoters will take the maximum of the proposed durations of promoter works. The requirements for successful collaboration include additional responsibilities and communication that is notfully within the control of each promoter. Therefore, it would be reasonable to allow additional time for achieving these measures and authorities should avoid challenging durations on collaborative works where it can be seen that a net benefit in reduced occupancy will be achieved.

Illustration:

The following example shows a collaboration where Promoter 1 completes the final reinstatement of the surfaces on behalf of all promoters.

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***Without Collaboration:***

Promoter 1 – planned duration 15 days

Promoter 2 – planned duration 13 days

Promoter 3 – planned duration 1 day

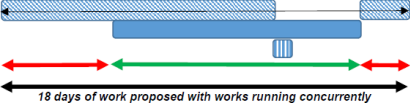


***With Collaboration:***

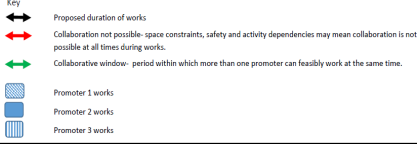
Collaboration between 3 promoters with promoter 1 as the primary promoter, taking responsibility for the final reinstatement of the site.

Promoter 1 – duration now proposed at 18 days from excavation to reinstatement. Unable to complete reinstatement until other Promoters have completed work.

Promoter 2 – duration now proposed at 11 days (as reduced excavation and reinstatement required).

Promoter 3 – duration 1 day at any time within the collaborative window. 

Collaborative scenario is 3 days longer than the longest duration initially proposed by any of the promoters, but the overall duration results in 11 days less disruption for highway users.



**Reinstatement following substantial works**

When multiple promoters will undertake work in close proximity without trench share, multiple areas of reinstatement may result. In these instances, the authority is encouraged to consider whether it would offer to restore the permanent reinstatement of the highway with an appropriate cost contribution from the promoter(s) involved. However, the grant of a permit to work cannot be conditional on acceptance of such an offer from the authority.

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CHAPTER 3 - The Street Gazetteer and Additional Street Data

3.1 Introduction

This chapter provides information about the **NSG** – **N**ational **S**treet **G**azetteer - which holds detailed information about all the streets in England and Wales and other **A**dditional **S**treet **D**ata (**ASD**).

3.2 The Local & National Street Gazetteers

Every local highway authority produces a **L**ocal **S**treet **G**azetteer (**LSG**) which must include all streets within their area.

Each of these LSGs shall contain the information required by the NSG Concessionaire which is defined in the latest versions of the Data Entry Conventions for Streets and transferred in accordance with the **D**ata **T**ransfer **F**ormat (DTF) specification. To ensure the LSGs remain current the specification should be reviewed regularly.

Highways England produce the **T**runk **R**oad **S**treet **G**azetteer (**TRSG),** which contains details of the motorway and trunk road network maintained by Highways England.

These gazetteers then combine to form the National Street Gazetteer.

3.3 Additional Street Data (ASD)

**ASD** can be recorded against any Street.

There are many different types of ASD which can be recorded, including maintenance responsibility and subsequent interested organisations, construction information, special designations and height, width and weight restrictions: the data requirements of each different type of ASD shall be defined by the NSG Concessionaire, within the **D**ata **T**ransfer **F**ormat (DTF) specification.

All authorities are urged to make full use of the facility to record all additional information pertinent to any street.

The NSG Concessionaire and/or the Department for Transport may expand the scope of ASD as required.

➢ *The coordination process will be greatly enhanced by ensuring all ASD is current and recorded on all appropriate streets.*

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**3.3.1 Special Designations**

The purpose of a Special Designation is to identify any special attributes relating to the Street.

Conditional Designations should be recorded against any street where they exist in the real world.

➢ *All special designations should be reviewed on a regular basis to ensure that any amendments are available to all users. (At least every 3 years)*

➢ *All special designations must be recorded in a nationally consistent format as defined by the NSG Concessionaire in the Data Entry Conventions for Streets*

➢ *The list of designations will be reviewed on an annual basis in collaboration with representative groups*

The current list of special designations includes:-

| **Table 3.3.1: Special Designations**  (this table is copied from the NSG Dataset specification) | | |
| --- | --- | --- |
| **Special**  **Designation** | **Description** | **Example** |
| 1 - Protected  Street | **Statutory designation** to restrict the placement of apparatus in Street. This Record must contain a start date for the designation.  Section 61, NRSWA – defines as formally designated Protected Street. | See Chapter 5 of this Code for examples and more information. |
| 2 - Traffic Sensitive | **Statutory designation** that allows highly trafficked Highways to be identified. Once a designation is made it applies to all works taking place in the Street during the specified dates and/or times.  Section 64, NRSWA and section 5.4.2 of the CoP (Co-ordination of Streetworks (Works for Road Purposes and Related Matters)) set out the criteria for creating these designations. | See Chapter 5 of this Code for examples and more information. |
| 3 - Special  Engineering  Difficulty (SED) | **Statutory designation** that requires the Works Promoter to provide additional advance information to the owner of the affected asset prior to works. Usually this is in the form of a Section and Plan but may be more detailed if the asset owner requests it. Schedule 4, Section 63, NRSWA sets out the process for SEDs. | See Chapter 5 of this Code for examples and more information. |
| Proposed Special Engineering  Difficulty | **Conditional designation** and is used to identify new assets or old assets that have been identified as at risk. A typical use is to identify the location of a designation during any consultation period. | •Bridges  • Retaining walls  • Cuttings and  embankments  •Isolated structures  •Subways and tunnels at shallow depth  • Tramway tracks in the street  • Culverts  Undertaker’s apparatus |

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| Level Crossing  Safety Zone | **Conditional designation** which is created by a **Transport Authority**.  It identifies an area around a level crossing where, if occupied to carry out works, there is a risk of traffic obstructing the crossing.  The Works Promoter of any works must consult the SWA\_ORG\_REF\_CONSULTANT identified in the Record. | •Level Crossing |
| --- | --- | --- |
| Environmentally Sensitive Areas | **Conditional designation** that identifies information about the local environment. This includes environmentally sensitive areas, such as sites of specific scientific interest and ancient monuments, or specially cultivated areas containing shrubs, plants or bulbs shall be reinstated using the same or similar species. Known location of Invasive Plant Species.  It is advisable to consult the  SWA\_ORG\_REF\_CONSULTANT prior to works commencing.  Where this is mandatory this should be made clear in the text. | •SSSI  •Specially Cultivated Area •Ancient Monument  •AONB  •Invasive Plant Species •SNCI (Sites of Nature Conservation Interest)  •Listed Buildings / Statues • Contaminated Land  • Tree Preservation Orders |
| Structures (not  designated Special Engineering  Difficulty - SED) | **Conditional designation** used by asset owners to identify the existence of a structure that has not been designated as an SED.  In cases where this identifies a Bridge, Works Promoters should regard it as a reminder that under Section 88, NRSWA they must consult the Bridge Authority prior to serving Notices. | •Bridges  •Statues  • Retaining walls  • Cuttings and  embankments  •Isolated structures  •Subways and tunnels at shallow depth  • Tramway tracks in the street  • Culverts  • Undertaker’s apparatus |
| Pipelines and  specialist Cables | **Conditional designation** that is created by the Local Highway Authority and maintained on the behalf of the private sector oil or gas pipeline owner. The SWA\_ORG\_CONSULT is the owner of the pipeline. Consultation is recommended. | • High Pressure Gas  Pipeline  •Oil Pipe  •Oil Filled Cable  • District Heating |
| Priority lanes | **Conditional designation** that allows the Local Highway Authority to identify the location of bus and cycle lanes in the Street. | •Bus Lane  • Cycle Lane  • Taxi Lane |
| Lane Rental | **Statutory designation** that identifies streets included in a lane rental scheme.  **This Record must be included when the scheme commences or when a street is later designated as Lane Rental within an existing scheme.** | • Formally designated as subject to a Lane Rental scheme. |
| Streets subject to early notification of immediate  activities | **Conditional designation** that enables Street Authorities to designate Streets that are particularly vulnerable to traffic disruption. Thus, this requires Work Promoters to provide early warning of activities by telephoning the Street Authority immediately after the activity has commenced. | • Markets  • Critical junctions,  roundabouts and bridges • Filter lanes  •Premises, for example, Prison, Hospital,  Ambulance, Fire and  Police stations |
| Special Events | **Conditional designation** that provides early awareness of Special Events to Work Promoters to enable them to consider any actions that they may | • Carnival  • Street Market |

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| Special Events  Cont’d | need to take to avoid any works taking place on the Street during the time(s) of the Special Event. This designation must be used if special events either occupy a work space or create traffic conditions which require an absence of works on defined Streets during the period of impact of the event. | • Remembrance Parade • Street fairs and parades • Tour de France  • Sporting events  • Street events  • Play streets  • Annual Events  • Christmas Restrictions |
| --- | --- | --- |
| Parking Bays and Restrictions | **Conditional designation** that provides details of Streets with parking meters, residents parking and parking restrictions such as yellow lines, red routes, and other permanent parking restrictions. If works are planned on Streets subject to parking bays or restrictions, there can be a requirement to suspend or alter restrictions for the period of the works. | • Resident Parking  • Metered Parking  • Red Route |
| Pedestrian  Crossings, Traffic Signals and Traffic Sensors | **Conditional designation** that captures Streets that have signal controlled pedestrian crossings and permanent traffic signals or any traffic sensors in the Highway.  If works are to be carried out on or near to a pedestrian crossing or traffic signals, this code gives Works Promoters notification of such features so that they can provide temporary vehicle and pedestrian traffic control measures.  Advice regarding precautions to avoid damage should be sought from the relevant Highway Authority before work commences.  **Note:** In London TfL will normally be responsible for these. | • Pedestrian crossings • Traffic signals  • Traffic sensors  •School crossing patrol |
| Speed Limits | **Conditional designation** that provides information about the maximum speed limit applicable to the Street. High-speed routes require special health and safety measures when works are undertaken on the Highway.  High-speed routes are defined as 40mph and over. | •Blank |
| Transport Authority Critical Apparatus | **Conditional designation** that provides details of Transport Authority apparatus critical to operations of the Transport Authority which if damaged or if interrupted could disrupt or temporarily stop services.  The designation can also alert Works Promoters to apparatus that may possibly cause a significant special engineering difficulty when works are undertaken on the Highway. | • HV cables to a rail network •Power cables to rail  network  • TfL critical apparatus |
| Strategic Route | **Conditional designation** that is used to identify Strategic Routes, such as the Primary Route Network.  Strategic Routes are identified, using criteria set out by the DfT in England and the Welsh Assembly Government in Wales; such routes are aligned to regional and national transport policies and strategies.  This designation is used to alert Works Promoters to critical and strategic routes where traffic disruption should be kept to a minimum or, where appropriate, alternative routes need to be investigated with the Local Highways Authority. | •Local Highway Authority Primary Route Network • TfL Strategic Route  Network  • Highways England  Strategic Route Network •SWTRA Strategic Route Network  • NMWTRA Strategic Route Network  • Region/area combined transport authority |

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| Street Lighting | **Conditional designation** that helps Works Promoters to carry out works in the evenings and overnight by providing relevant information about Street lighting.  It is particularly useful for part overnight lighting where a Local Highway Authority has a policy of turning lights off during specific hours.  If works are going to be carried out at night and lighting will possibly be a problem, this code gives Works Promoters notification so that appropriate additional lighting equipment may be used. | • Part overnight street lighting  • Dimming street lighting |
| --- | --- | --- |
| Drainage and  Flood Risk | **Conditional designation** that provides details of areas that are susceptible to drainage and flood risk should be recorded here.  This code provides Works Promoters with a warning that planned works may be affected.  It can also include likely effects on the road during adverse weather and use of sustainable drainage methods. | • Permeable surface  • Flood risk area  • Sustainable drainage systems  • Poor drainage area  • Flood risk at high tide |
| Unusual Traffic  Layout | **Conditional designation** that provides details of where the layout of existing traffic signs, road markings, studs or verge markers is not in accordance with the Traffic Signs Manual, Chapter 5: Road Markings and the Traffic Signs Regulations & General Directions regulations.  This designation allows the Traffic Authority to notify the Undertaker that prior to the commencement of works, it must be agreed, that the layout of all traffic signs, road markings, studs or verge markers must be reinstated following the works. | • Unusual centre road markings  • non-standard road signs • Tidal lanes operating at different times of the day, for example, A38 Aston Expressway |
| Local  Considerations | **Conditional designation** that should be used to inform the Works Promoter of any special schemes (large construction projects) or special requirements that may impact on works. | •School crossing area  •Local residential home for the elderly  •Noise levels  •Length of vehicle  restrictions  •Large construction  projects, for example,  town centre re  development |
| Winter  Maintenance  Routes | **Conditional designation** that helps determine the relative importance a route is given by a Local Highway Authority. | •Principal winter gritting route  •Secondary winter gritting route |
| HGV Approved  Routes | **Conditional designation** that allows promoters to consider the impact on HGVs of restricted traffic flow or alerts the Works Promoter that wide vehicles are commonplace. | •Abnormal load route |
| Emergency  Service Routes | **Conditional designation** that alerts the Works Promoter if there is a need to keep the emergency services informed of proposed works and progress. | • |

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3.4 Maintaining and updating the LSG and ASD

**3.4.1 MANDATORY INFORMATION REQUIRED**

The LSG and ASD must contain the following up to date information for every street:

a) the street authority responsible for maintaining the street;

b) the maintainability of the street, whether the street is publicly maintainable, prospectively publicly maintainable, or neither;

c) the street reinstatement category

The following up to date information must also be provided where it applies to a street (or any part of a street):

d) all Traffic Sensitive designations

e) all formally Protected Street designations

f) all Special Engineering Difficulty designations

g) all Lane Rental scheme designations

h) if the street forms part of a strategic route

i) all **P**ublic **R**ights **o**f **W**ay(PRoW) rights that currently exist

j) any organisation that has expressed an interest in the street

**3.4.2 RESPONSIBILITY FOR MAINTAINING AND UPDATING**

It is the authority’s responsibility to create and maintain street gazetteer data and ASD together for all streets within its geographical area, whether or not it is the street authority for any particular street.

Where regional or national highway authorities exist, they may create and submit their own ASD to the NSG Concessionaire, referenced to the local highway authorities’ gazetteers. Examples of organisations that fall into this category are:

• Highways England

• Transport for London

• Welsh Government

Any other organisation with an asset or interest in the Street may submit records to the NSG Concessionaire where they are the definitive source of a type of data or where they have an interest in activities happening in the street. An example of such an organisation is Network Rail. Alternatively, this may also be entered into the ASD maintained by the authority. This is particularly appropriate to neighbouring authorities in the exercise of their network management duties.

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➢ *Other organisations can request a designation to be added for their assets by contacting the relevant authority*

**3.4.3 FORMAT OF DATA**

This common geographical dataset should be vector-based, nationally consistent, maintained, and seamless with changes published on a regular update cycle. It should include:

• vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing

• road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network.

Authorities should synchronise their holdings of the common digital map data so that they all contain the same version at any given point in time.

| **Table 3.4.3: The minimum specification of the common map base** | |
| --- | --- |
| Scale | Urban areas: 1:1250  Rural areas: 1:2500  Remote areas: 1:10000 |
| Accuracy | Urban areas: ± 1.0m Rural areas: ± 2.0m  Remote areas: ± 4.0m |
| Coverage | National and seamless, exhausting  space over all land areas. |
| Geometry types | Point, line and polygon. |
| Classification | Objects classified by physical form. |
| Update cycle | 8 weeks max. |

All streets in Local Street Gazetteers should reference the road centreline geometries in the common map base (using royalty-free unique identifiers), which should in turn reference polygons representing the road surface.

Such a structure promotes consistency and maximises the possibility for interoperability between applications, both in the highways arena and in a wider context.

In essence, authorities should provide the USRN definitions and attribution as defined in BS7666: 2006 Part 1, while the geometries should be recorded by referencing the road centreline objects in the digital map base. This will promote reuse and consistency between datasets. All data should follow the principles of the Digital National Framework (www.dnf.org).

**3.4.4 PROCEDURE FOR UPDATING**

All LSG’s and the TRSG must be submitted to the NSG Concessionaire at least every month. They are validated to a nationally consistent standard and combined to create the NSG. The NSG Concessionaire publishes the NSG dataset including

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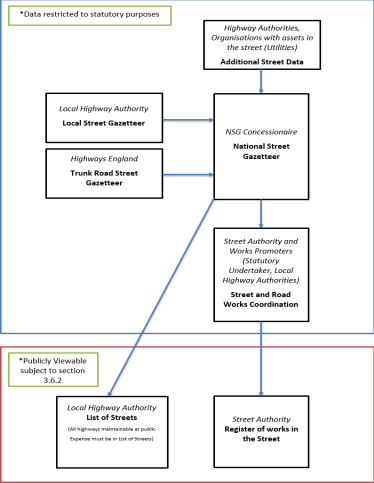
the ASD and TRSG on at least a monthly basis. Frequency of updates and publication may be subject to change following review by the NSG concessionaire and DfT.

All Highway authorities and statutory undertakers can obtain the street data and ASD data from the NSG Concessionaire’s website;

**https://services.geoplace.co.uk/**.

➢ *It is essential that all users work from the same data. Once the NSG has been published all authorities, promoters, and other interested and approved parties must use the most current data.*

Once published the NSG dataset should be used to underpin all statutory duties on the Local Highway, Street or Permit Authority as identified in the following process diagram.

\*Publicly 

Viewable subject

to section 3.5.1

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| **Legal Documents** | **Purpose** |
| --- | --- |
| List of Streets | To provide the public with information on streets that are maintainable at Public Expense |
| National Street Gazetteer | To hold all streets and relevant details about that street to be used in the facilitation and  coordination of street works |
| Register of works in the Street | To identify current works happening in the street |

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CHAPTER 4 - Register of works in a street

4.1 Introduction

Under Section 53 of **N**ew **R**oads and **S**treet **W**orks **A**ct 1991 (NRSWA) and associated regulations (The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007) or section 37.11 of The **T**raffic **M**anagement **A**ct 2004 (TMA) and associated regulations (The Traffic

Management Permit Scheme (England) Regulations 2007 plus amendments) each street or permit authority is required to maintain a register for every street for which they are responsible. The register should contain information about street works and other prescribed types of works. See 4.3 Form of Registers.

For maintainable highways, the street authority is the highway authority.

For streets that are not maintainable highways the street authority is the street manager, as defined in NRSWA Section 49. However, the regulations still require the authority to maintain a register of such streets if

a) the street is prospectively maintainable, or

b) the authority is aware of the street.

The regulations do not require the authority to coordinate works on these streets and any approvals to work on them need to be sought from the street manager.

For areas operating a permit scheme, the Permit Regulations create an additional obligation on the permit authority to create a register of permits.

4.2 Local and Central Registers

A local register is a register that is maintained by a single authority for its own geographic area. It will include information on all streets other than those that are the responsibility of another authority.

A central register is a register covering two or more authority areas that is maintained by one single authority, the ‘register authority’. A central register could, for example, include all authorities in a metropolitan area.

4.3 Form of Registers

The register shall be kept on an electronic system. Street Manager is the Register. The regulations require that all registers are based on

**G**eographic **I**nformation **S**ystem (GIS).

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4.4 Content of Registers

As per NRSWA and the Regulations outlined below, the register must record:

| NRSWA  section  reference | Registers,  Notices,  Designations & Directions Regulations reference | What must be recorded –  Fields to be Completed  in Noticing areas | Permit  Regulations  reference | What must be  recorded –  Fields to be  Completed in  Permitting areas |
| --- | --- | --- | --- | --- |
| 50(1) | 4(5) | Particulars of street works licences, including details of conditions and changes of ownership | 33(4)(f) | Same as noticing areas |
| 53 | 4(5) | Details of every street:  • for which the local highway authority is the street  authority  • which is a prospectively maintainable highway  • of which the local highway authority is aware, which is a  highway, but for which it is  not the street authority  • or part of a street, which is or is proposed for designation  as: a) a protected street; b)a  street with special  engineering difficulties, or, c)  a traffic-sensitive street and  proposed designations | 33(2) | Same as noticing areas |
| 53 | 4(5) | The road category of each street | 33(2)(b) | And such other  information in relation to the street as the Permit Authority considers  appropriate |
| 53 | 4(5) | Description, timing and location of both street authority works for road purposes and any such works that are proposed. Notices Regulation 4(5) shows whether this is the responsibility of the Highway Authority or Street Authority |  | N/a - replaced by permits |
| 53 | 4(5) | Details of road closures and diversions, where an order under section 14 of the Road Traffic Regulation Act 1984 is required |  | No direct  reference |
| 54, 55, 57 | 4(4) | Notifications served on the highway authority relating to street works in any street which is a maintainable highway  Notifications served on street managers relating to street works in | 33(3)(a-l) | • Every  provisional  advance  authorisation  and application for a provisional  advance |

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|  |  | any street which is not a maintainable highway |  | authorisation  • Every permit and every application for a permit  • Every permit variation and every  application for a permit variation  • Every variation and revocation of permit conditions  • Every refusal to grant a permit, a variation of a permit or a provisional  advance  authorisation  • Every permit, permit variation, provisional  advance  authorisation or variation to permit  conditions  deemed granted • Every permit revocation |
| --- | --- | --- | --- | --- |
| 56, 56A | 4(4) | Particulars of all directions given |  | N/a – replaced by permit conditions and variations |
| 58, 58 A | 4(4) | Particulars of all notifications, consents and directions published or given by a street authority  Particulars of all notifications served by an undertaker | 33(4)(a) | Same as noticing areas |
| 61 | 4(5) | Particulars of all consents, along with any conditions | 33(2)(b) | And such other information in relation to the street as the Permit Authority considers  appropriate |
| 62 | 4(5) | Details of all directions | 33(2)(b) | And such other  information in relation to the street as the Permit Authority considers  appropriate |
| 66 | 4(4) | Particulars of all notifications served by a street authority |  | N/a – replaced by permits |

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| 70(3) & 70(4A) | 4(4) | Information as to completion of reinstatements | 33(4)(g) | Same as noticing areas |
| --- | --- | --- | --- | --- |
| 72(3) | 4(4) | Particulars of all notifications given by a street authority |  | No direct  reference |
| 74, 74A | 4(4) | Particulars of all notifications given | 33(4)(b) | Same as noticing areas |
| 80(2) | 4(5) | Particulars of apparatus notified to the street authority | 33(4)(h) | Same as noticing areas |
| 85(2) | 4(5) | Every notification of works | 33(4)(i) | Same as noticing areas |
| Schedule 3A  2(1)(d) | 4(4) | Particulars of all notifications made by an undertaker | 33(4)(c) | Every notification and direction given |
| Schedule 4 | 4(4) | Description and location of street works for which plans and sections have been submitted  Particulars of all notifications given by any relevant authority | 33(4)(d-e) | Same as noticing areas |

4.5 Access to Registered Information

**4.5.1 ACCESS TO REGISTERS**

Everyone has a right to inspect the register, free of charge, at all reasonable times. “All reasonable times” may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays). There are exceptions for restricted information as detailed in 3.5.2. Authorities are strongly

recommended to publish the register on their public website with a street name search and retrieve function, noting the exceptions in 3.5.2.

**Public access to websites should be read-only to prevent unauthorised amendment to records.**

**4.5.2 RESTRICTED AND CONFIDENTIAL INFORMATION**

**Restricted Information**

Restricted information is anything certified by the Government as a matter of national security, or, information, which could jeopardise the promoters’ commercial interests. The promoter should indicate restricted information on the notice or permit application.

The case for restriction needs to be considered on a notification by notification basis, rather than a works-by-works basis.

The right of access to restricted information is limited to:

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a) Persons authorised to execute any type of works in the street or b) Persons "otherwise appearing to the authority to have a sufficient interest".

Any person wishing to see restricted information must satisfy the authority, as a minimum, that their interest is greater than the general interest of the ordinary member of the public.

***Restricted information must not be shown on authorities’ websites.* Confidential Information**

Confidential information includes any personal data such as names, telephone numbers and email addresses of individuals within organisations. Unless promoters provide explicit consent to share this information authorities must make sure that such information is not published or passed on to members of the public. Promoters should be mindful that the content of the works description and works location will always be made public and so confidential information must not be included in these system fields.

**4.5.3 RETENTION OF INFORMATION**

Information provided by means of any notification under NRSWA or the TMA should be retained on the register for at least seven years. Information about other works should be retained on the register for at least six years after completion. The period is *at least* six years as personal injury claims can be brought well beyond this period.

Authorities will need to decide how to keep the information on the register. Because of the size of the database the authority may decide to archive information, or a subset of the information on the register, for a longer period or even indefinitely.

**All organisations will need to obtain their own legal advice and guidance on how to meet retention requirements.**

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CHAPTER 5 - Streets subject to special controls 5.1 Introduction

There is a need to ensure that we strive for simplicity in managing street works but balance this with the importance of minimising delay and inconvenience to road users, protecting the integrity of the street and any apparatus in it. To achieve this NRSWA provides for three categories of streets to be subject to special controls:

| **Category** | **Legislation** |
| --- | --- |
| Protected streets | NRSWA section 61 |
| Streets with special  engineering  difficulty | NRSWA Section 63 |
| Traffic-sensitive  streets | NRSWA Section 64 |

Criteria for designation of streets in these categories and the procedures for making and withdrawing designations are covered in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951.

This chapter describes the various designation categories and main criteria, the process for making designations and the processes for reviewing, challenging and withdrawing designations prescribed by these Regulations.

5.2 Protected Streets

**5.2.1 BACKGROUND**

By virtue of section 61 of NRSWA, all “special roads”, as defined in the Highways Act 1980 (i.e. motorways), are protected streets. In addition, an authority may designate other protected streets that meet criteria specified in Regulation 143.

Once a street has been designation as protected, the activities of both promoters and authorities will be severely restricted. Therefore, in practice the use of this designation is only likely to be applicable to certain major trunk roads, major bypasses and major ring roads.

**5.2.2 DESIGNATION**

Streets may only be designated as protected where a traffic sensitive

3 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended)

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designation alone would not prevent significant traffic disruption during works, and where all of the following apply:

1. The street serves, or will serve, a specific strategic traffic4 need,and 2. Has high and constant traffic flow, and

3. There is a reasonable alternative route in which statutory undertakers can place the equipment, which would otherwise lawfully have been placed in the protected street. This includes services to existing or proposed properties in the street, or trunk supply routes passing through the street.

**5.2.3 EXISTING STREETS**

Given the possible financial and operational implications for both authorities and promoters, designation should be contemplated only when essential.

The decision should be taken only after consultation and after other means of reducing delay and inconvenience have been explored.

The authority shall justify the need and:

(a) Consider the needs of utilities to supply and maintain services to frontagers and to use such streets for existing trunk supplies.

(b) Reimburse reasonable expenses incurred by the statutory undertaker for removal or alteration of apparatus in the street is required (subject to appropriate allowances for betterment, deferment of renewal and value of recovered apparatus). The cost-sharing arrangements for diversionary works do not apply.

**5.2.4 NEW STREETS**

Where construction of a street is planned and it is being considered for designation, the authority shall consult all appropriate undertakers and others, such as transport, bridge and sewer authorities, as well as adjacent landowners and frontagers, who may have an interest. It is recommended that where requested and reasonably practicable, the authority make provision for necessary areas or strips for carrying services alongside carriageways, and for duct or service crossings.

**5.2.5 THE IMPLICATIONS OF DESIGNATION**

Once a street is designated as protected, undertakers lose their statutory powers to place apparatus in the street without the written consent of the authority.

An undertaker may repair and replace existing apparatus within a protected street without requiring consent from the authority; noticing and permitting requirement still apply.

However, NRSWA s61(4) states that where the apparatus is to be placed crossing the protected street and not running along it, the authority shall not withhold their consent unless there are special reasons for doing so. For example, if the new service could be provided by a reasonable alternative

4 See Appendix A: Glossary for definition of “*traffic*”.

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route.

If permission is granted with conditions attached, the authority may contribute to the undertaker’s expenses in complying with those conditions.

As good practice, where a promoter proposes work in verges and central reservations, which will not impinge on the carriageway, this should not be unreasonably refused. Authority activities such as road maintenance or repairs will, in general, be carried out only at night, weekends, or other times when the impact on traffic is less.

Any dispute arising out of the giving of this consent or any conditions attached may be settled by formal arbitration, see Chapter 13.4 of this Code.

5.3 Streets with Special Engineering Difficulties (SED)

**5.3.1 BACKGROUND**

Under section 63 of NRSWA, the term ‘**S**pecial **E**ngineering **D**ifficulties (SED)’ relates to streets or parts of streets associated with structures, or streets of extraordinary construction, where works must be carefully planned and executed to avoid damage to, or failure of, the street itself or the associated structure, with attendant danger to people or property.

Under Schedule 4 of NRSWA, plans and sections of proposed street works must be approved by each authority with an interest in the structure concerned, i.e. the street authority, and/or the sewer, transport or bridge authority.

Criteria that may lead to an SED designation are set out in Regulation 155.

**5.3.2 SCOPE OF DESIGNATIONS**

The designation of streets with SED should be used only where strictly necessary, bearing in mind the safeguards already provided elsewhere in NRSWA, for example sections 69 (for other apparatus in the street), 88 and 89 (for bridges and sewers), and 93 (level crossings and tramways). This is in the interests of all concerned - the authority, the promoter and where appropriate, the owner of the structure.

Circumstances where designation may be appropriate include:

**Bridges**

The street may be designated if the bridge authority is concerned about the impact of street works on the strength, stability or waterproofing of the bridge, or access for maintenance or any other purpose. In general, the designation would relate to the whole of the bridge structure, but it will only be necessary to designate the area adjacent to the bridge and not the whole length of the street.

5 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended).

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**Retaining walls**

Retaining walls may be designated where they give support to the highway and bridge abutments, and where the foundations are sufficiently shallow for excavation to affect the integrity of the structure. Where foundations are piled, designation is likely to be necessary only if excavation could alter the degree of support given to the piles by the soil.

In many cases, it will be necessary to designate only the adjacent area and not the whole width of the street. A distinction should be made between areas appropriate for excavations no deeper than 1.2 metres, and areas where further restrictions are needed if an excavation is deeper.

**Cuttings and embankments**

Areas adjacent to cuttings and embankments should be designated if excavation could lead to slides or slips of the soil or could affect special construction features such as earth reinforcement systems or lightweight fills. The whole width of street, or specific areas like those for retaining walls, may be designated.

**Isolated structures**

Examples of isolated structures include high-mast lighting columns and large sign gantry supports. Where excavation could affect stability, areas immediately around the supports should be designated, again distinguishing between excavations up to 1.2 metres deep and those that are deeper.

**Subways and tunnels at shallow depth**

Areas immediately above subways and tunnels and adjacent areas may be designated.

**Tramway tracks in the street**

Areas occupied by the tracks and immediately adjacent areas may be designated. Additional protection to the appropriate authority is also given in section 93 of NRSWA. See also Chapter 12.3 of this Code.

**Culverts**

The area of the street immediately above a culvert may be designated where the structural integrity of the pipe or channel could be adversely affected by works. Therefore, a reinforced concrete pipe or box culvert would not justify designation, but a masonry or steel culvert could be considered if the depth of cover is shallow.

**Undertaker's apparatus**

Designation may be required only in exceptional circumstances, such as electricity pylons adjacent to the carriageway, or the presence of critical operational apparatus, for example, communications or signalling cables for transport operators like Network Rail or London Underground. In most cases, the safety and security of apparatus is adequately covered by sections 69 or 89 of NRSWA.

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**Pipelines**

Some types of government and private sector oil or gas pipelines, district heating and similar structures which traverse the street, may justify designation.

**Engineering problems**

Streets may be designated if they pose extraordinary engineering problems in the event of excavation - for example, a road, which might have been constructed using a continuously reinforced concrete slab or geo-textiles and is founded on very poor soil, such as a peat bog.

**5.3.3 DESIGNATION ON REQUEST**

An authority may be asked to designate a street as having special

engineering difficulties by:

• A transport authority, on the grounds of the proximity of the street to one of its structures

• An undertaker having apparatus in the street.

The authority shall consider any request carefully and make a response within 1 month. It may then make the designation, with or without modifications, or decide not to do so.

The authority should demonstrate that they have carefully considered the arguments for and against the proposed designation and should act reasonably in coming to its decision.

It is strongly recommended that the entire process is completed within a period of three months.

If the authority declines the requested designation, the transport authority or undertaker may appeal to the Secretary of State.

**5.3.4 PRACTICAL CONSIDERATIONS**

Designations should not be made as a matter of policy wherever there is a bridge or structure that is likely to be affected by street works. Each case should be considered on its own merits.

**5.3.5 CELLARS**

It is not practical for the authority to identify all cellars under footways and carriageways, and to decide whether they justify an SED designation.

Owners of cellars must notify the authority under section 180 of the Highways Act 1980, if they wish to carry out works. The authority will in turn notify interested undertakers before work begins.

Authorities and promoters wishing to carry out work in areas where they know, or might reasonably be expected to know, of the existence of cellars should notify the cellar owners or frontages when they intend to carry out:

• excavations close to cellars, or

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• extensive excavations which may impinge upon cellars.

**5.3.6 POLICY GUIDANCE**

The authority is responsible for designating sections of streets with SED, maintaining a list of such designations, and creating the appropriate ASD record - subject of course to the provisos in section 3.4 of this Code.

However, it is important that:

• the owner of the structure informs the authority of its existence so that it can be considered for designation

• the key relationship to ensure that adequate precautions are taken, is that between a promoter proposing street works and the owner of the structure.

For this mechanism to work effectively, it is essential that:

• The street authority, promoters, bridge authorities and other owners of relevant structures consult and co-operate on the designation, and

withdrawal of designation, of sections of streets with SED

• On receipt of formal notices covering sections of street with SED, the authority ensures that the necessary actions are in hand

• Arrangements for handling immediate works on sections of streets with SED are agreed between promoters and the owners of structures

• There are early discussions between promoters and the owners of the structures concerned in the cases of planned major works and provision of new supplies.

5.4 Traffic Sensitive Streets

**5.4.1 BACKGROUND**

Under section 64 of NRSWA an authority may designate certain streets (or parts of streets) as "traffic-sensitive" if they meet the criteria set out below, or by written agreement with the majority of undertakers known to have apparatus in the street concerned.

This designation highlights that works in these situations are likely to be particularly disruptive to other road users, but it does not necessarily prevent occupation during traffic-sensitive times. Even if a street meets one of the criteria, it does not mean that a designation has to be made.

The authority should provide sufficient detail to make it clear as to the exact location and times that the designation for traffic sensitivity is to apply.

Authorities and promoters should avoid working in the carriageway of traffic sensitive streets at sensitive times where there is a feasible alternative.

**5.4.2 THE CRITERIA FOR DESIGNATION**

To encourage works outside the traffic sensitive period, Authorities should only make the designation during the periods when it is strictly necessary.

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Designations should be reflective of the various network management needs and be reviewed periodically.

Regulation 166 sets out the criteria that may lead to a traffic sensitive designation.

One or more of the following criteria should apply before an authority may designate a street as traffic-sensitive:

(a) The street is one on which, at any time, the authority estimates traffic flow to be greater than 500 vehicles per hour, per lane of carriageway, excluding bus or cycle lanes.

(b) The street is a single carriageway two-way road, the carriageway of which, is less than 6.5 metres wide, having a total traffic flow inboth

directions of not less than 600 vehicles per hour.

(c) The street falls within a congestion charges area.

(d) Traffic flow contains more than 25% heavy commercial vehicles.

(e) The street carries more than eight buses an hour.

(f) The street is designated for pre-salting, by the authority as part of its programme of winter maintenance.

(g) The street is within 100 metres of a critical signalised junction, gyratory or roundabout system.

(h) The street, or that part of a street that, has a pedestrian flow rate in both directions at any time, of at least 1,300 persons per hour, per metre width of footway.

(i) The street is on a tourist route or within an area where international, national, or significant major local events take place.

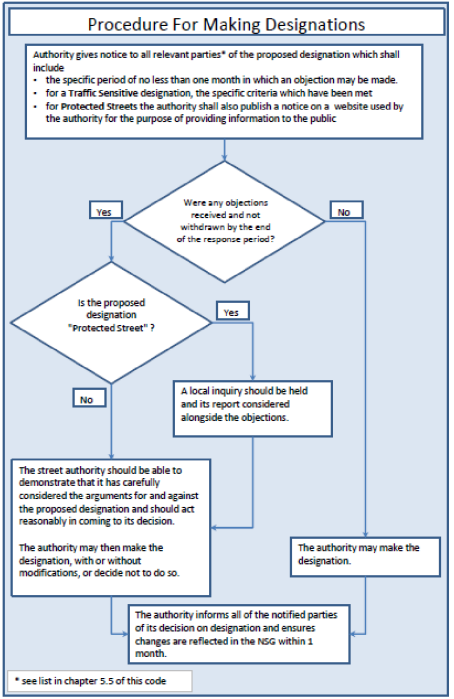
➢ *In cases where inclusion on the winter maintenance pre-salting regime is the only criteria for traffic sensitive designation, it is strongly recommended that the designated traffic sensitive period reflects the specific need, e.g. the traffic sensitive designation may be seasonal or exist only during daily periods when gritting is likely to be carried out.*

**5.4.3 PROCEDURES FOR MAKING DESIGNATIONS**

The procedures for making designations are contained in the schedule to the Regulations6 and summarised on the diagram on the following page and described thereafter.

6 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended).

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Before making any designation, the authority shall give a notice which:

• specifies a period, of not less than one month, when objections may be made; and

• for designations of streets as traffic-sensitive, identifies the specific criteria that are met.

To:

• every promoter known to the authority to be working in its area, and every promoter that has given the authority notice of its intention to start working in its area

• every other authority for the street to which the proposed designation relates • Transport for London, where the street is in Greater London

• the chief officer of police, chief executive of fire and rescue authority, the chief executive of the National Health Service ambulance trust

• Passenger Transport Executives and other transport authorities, such as light rail operators

• any person who has submitted a written request to be given notice of a proposed designation. This may include other relevant authorities e.g. Highways England ,Network Rail and any other relevant transport authority

• for the designation of streets as protected, the occupiers of properties fronting the street concerned.

The above list is not definitive and there may be other bodies that could be consulted before making a designation, for instance neighbouring authorities, local groups and regional HAUC forums.

The means by which this notice is served are not prescribed; good practice would be to send the relevant notifications to a specific contact of the promoter, nominated for that purpose.

For protected streets, authorities are required to publish a notice of their intention to make the designation on any website maintained by the authority for the purpose of providing information to the public, and as best practice may also wish to publish other proposed designations in the same way.

If the authority does not receive any objections within the specified period, or if all objections have been withdrawn, the authority may make the designation.

If there are outstanding objections at the end of the consultation period, the authority shall give careful consideration to these.

Additionally, in the case of a proposed designation of a street as protected, a local inquiry must be held and its report considered alongside the objections.

The authority may then make the designation, with or without modifications, or decide not to do so.

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The authority should demonstrate that it has carefully considered the arguments for and against the proposed designation and should act reasonably in coming to its decision.

It is strongly recommended that the entire process is completed within a period of three months.

When a designation is made, the authority shall ensure that the appropriate changes are reflected in the NSG as soon as practicable and in any event within one month.

5.5 Review Procedure

This section contains information on the periodic review of designations along with procedures for withdrawing and challenging existing designations. The procedures for withdrawing designations are contained in Regulation 16 (4)8.

**5.5.1 PERIODIC REVIEW OF DESIGNATIONS**

There will be occasions where criteria originally used in making a designation are no longer met and it is therefore recommended that the authority reviews its designations periodically. In particular, criteria affecting traffic sensitivity could change significantly in relatively short periods and it is recommended that protected street and traffic sensitive designations are reviewed at least every three years.

Authorities and owners of structures should re-examine SED designations periodically and withdraw any that are unnecessary in the light of other safeguards in NRSWA or other legislation. Good practice would be to review every time the authority is made aware of a substantial change in relation to the existing designation and, in any case every three years.

**5.5.2 CHALLENGING A DESIGNATION**

Any person included in the consultation process in section 5.5, or any other person the authority considers having sufficient interest, may make

representations to the authority requesting the withdrawal of a designation.

The authority should be able to demonstrate that it has carefully considered the arguments for and against the proposed withdrawal of designation with appropriate evidence and shall act reasonably in coming to its decision. It is strongly recommended that the process is concluded with a period of three months.

8 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951

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**5.5.2 WITHDRAWAL OF A DESIGNATION**

An authority can withdraw a designation at any time, subject to the following provisions for SED designation:

(a) If the original designation was made at the request of a transport authority or undertaker, no withdrawal shall take place without prior consultation with them.

(b) If the original designation was made following a direction by the Secretary of State, no withdrawal shall take place without their consent.

Where a designation is withdrawn, the relevant authority shall:

• ensure that the relevant changes are reflected in the NSG as soon as reasonably practicable, or in any case within one month

• publish notice of the withdrawal on any website maintained by the authority for the purpose of providing information to the public.

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CHAPTER 6 - Restrictions

6.1 Introduction

This chapter will cover the reasons, criteria, process and the extent of the powers to help ensure that all applicable restrictions are legally compliant, easily identifiable and any potential conflicts are avoided.

The purpose of a restriction is to protect the highway asset following substantial works.

It is important to bear in mind the fundamental requirements under section 597 and section 608for all parties, when working in the highway:

**S59 –** *A street authority shall use their best endeavours to co-ordinate the execution of works of all kinds (including works for road purposes) in the streets for which they are responsible.*

**S60 –** *An undertaker shall as regards the execution of street works use his best endeavours to co-operate with the street authority and with other undertakers.*

Under s58 and s58A of NRSWA, street authorities have the power to impose a restriction on further works on a street. These powers are defined in primary legislation.

| Restriction Category | Section of  NRSWA |
| --- | --- |
| Restriction on works following substantial road works | Section 589 |
| Restriction on works following substantial street works | Section 58A10 |

It is important to understand the provisions as detailed in secondary legislation. For Restrictions the relevant Regulations are;

• The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended)

• The Street Works (Permits)(England) Regulations 2015, UKSI 2015 No. 958 (as amended)

7 Section 59 NRSWA 1991 *General duty of street authority to co-ordinate works.*

8 Section 60 NRSWA 1991 *General duty of undertakers to co-operate.*

9 Section 58 NRSWA 1991 amended by Section 51 TMA *Restriction on works following substantial road works* 10 Section 58A NRSWA 1991 inserted by Section 52 & Schedule 4 *TMA Restriction on works following substantial street works*

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Where significant works are planned, either to improve the fabric of the street or to install utility apparatus, part of the co-ordination process should be to consider the impact of the works and whether a restriction on future works would be appropriate.

Restrictions apply only to the section of the street where these substantial road or street works have been carried out; the location of the restricted area needs to be clearly specified.

6.2 Substantial works – definitions

**6.2.1 SUBSTANTIAL ROAD WORKS**

This restriction is for use following substantial works by an authority.

It is important to be clear as to where and when the powers under section 58 can be used.

The regulations11 state:

*For the purposes of section 58(1) substantial road works means works for road purposes which comprise a reconstruction, widening, alteration in the level, resurfacing or specialist non-skid surface dressing of the part of the highway concerned and which if carried out –*

*(a) in a footpath, footway, bridleway or cycle track –*

*(i) extend for more than 30 metres of continuous length; and*

*(ii) in the case of a footpath or cycle track, result in the width*

*available for pedestrians or cyclists, as the case may be, being*

*reduced by more than two- thirds; or*

*(b) in the carriageway –*

*(i) extend for more than 30 metres of continuous length; and*

*(ii) result in the use by vehicles of the carriageway being prohibited*

*or the width of carriageway available for vehicular traffic being*

*reduced by more than one-third.*

➢ please note *both* criteria in (i) and (ii) ***must*** be met whilst the road works are in progress

Terms used in the above are defined in regulation12, but included here for ease

11 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 11(1).*

12 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951

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of reference:

*“cycle track” has the same meaning as on section 329(1) of the Highways Act 198013;*

*“reconstruction” means the removal of some or all of the various layers that make up a road pavement and their replacement;*

*“resurfacing” means the removal of the running surface of a carriageway and its replacement to restore surface integrity and skid resistance.*

The use of a s58 restriction must fully satisfy the requirements listed in regulation, and where a restriction is to be used in order to assist and meet s59 an authority should evidence the qualifying criteria in order to prevent

unnecessary challenge.

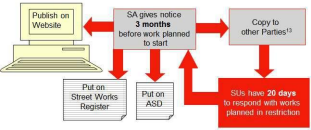
**6.2.2 SUBSTANTIAL STREET WORKS**

This restriction is for use by an authority following substantial works by a statutory undertaker.

It is important to be clear as to where and when the powers under s58A can be used. The regulations14 state that *“substantial street works means major works”.* The definition of major works can be found in regulations15 and in 7.4.1 of this Code.

6.3 Creating a restriction

Where substantial road or street works that meet the qualifying criteria, are proposed and a restriction is assessed as appropriate, the correct process must be followed.



(as amended) *Regulation 11(10).*

13 (**a**) 1980 c.66; section 329(1) was amended by section 1(1) of the Cycle Tracks Act 1984 (c.38) and by the Road Traffic (Consequential Provisions) Act 1988 (c.54), section 4 and Schedule 3, paragraph 21(2).

14 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 12(1).*

15 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 3 Interpretation.*

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**6.3.1 PROCESS**

1. All promoters to submit future work programmes to allow early

discussion around substantial works.

2. The authority shall use their best endeavours to discuss any potential restrictions at the relevant coordination meeting, to fulfil duties under

section 5916.

3. The authority shall17 publicise proposed section 58/58A works restriction notices on the authority web-site.

4. The authority shall18 notify all interested parties19 of the proposed section 58/58A works restriction giving a minimum three months’ notice20 for

section 58 and a minimum 20 working days for section 58A of the

intended commencement date.

➢ However, it is strongly recommended that for **all** restrictions a

**minimum of three months’** notice is given to ensure co

ordination and collaboration opportunities are fully explored before

the restriction comes into force.

5. On receipt of the notice referred to in point 4, if a promoter identifies their own future works, then these need to be notified to the authority within

20 days to ensure both sets of works are completed in an appropriate

timeframe avoiding unnecessary disruption; ideally the promoter works should be completed before the relevant authority works.

6. It is appropriate for a Noticing Authority to use section 56 to give

direction on timing for works and for a Permit Authority to use the permit process for work notified under point 5, to ensure co- ordination.

7. It is a requirement that the authority shall21 issue section 58/58A

Proposed Works notices via the current notification system, ensuring that the street restriction data is entered correctly within that system.

8. As soon as reasonably practicable (and in any case within 1 month) following completion of the works the authority should also issue a

section 58 / 58A Restriction In Force notice via the current notification

system, confirming the date restriction began. This is a statutory notice under s58A.

16 Section 59 NRSWA “A street authority shall use their best endeavours to coordinate the execution of works of all kinds (including works for road purposes) in the streets for which they are responsible”

17 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) Regulation 11(3).

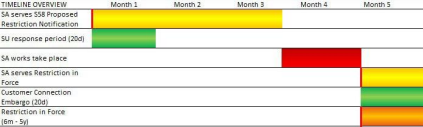
18 Section 58(2) NRSWA 1991 (as amended by section 51 TMA 2004).

19 Section 58 (3) NRSWA 1991 (as amended by section 51 TMA 2004) and 58A (2)(4) (inserted by Schedule 3A of TMA). 20 For s58 see The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) Regulation 11(4); for s58A see Regulation 12(2) of SI No.1951.

21 Section 58 (2) & (3) NRSWA 1991 (as amended by section 51 TMA 2004) and Schedule 3A Section 58A(2) NRSWA 1991 and UKSI 2007. No. 1951 Regulation 12(5) and Regulation 5.

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9. If the proposed works are no longer required, the authority should send a cancellation notice to all the previously notified interested parties.



➢ It is vital that all works are flagged as the timing of the restriction can be adjusted to accommodate all works

➢ Failure to give 3 months advance notice as prescribed will lead to the section 58 / 58A restriction having no statutory backing and the potential for conflict caused by works being promoted after the resurfacing / reconstruction has taken place.

➢ If the road works have not started within 6 months of the proposed start date the notice ceases to be valid; hence it is vitally important that the correct notification process is followed to ensure a fully legal and compliant restriction comes into force.

**6.3.2 REVOCATION OF A RESTRICTION**

A restriction may be revoked at any time. This should be done by updating the authority’s website and issuing a notice via the current notification system to all the prescribed parties13.

The Additional Street Data for the relevant USRN must be corrected if the restriction has been included.

There are no powers to vary a restriction under section 58A.

**6.3.3 WORKS PROMOTERS**

The following steps regarding restrictions are advocated for promoters:

1. Identify through available processes including Forward Planning Information via the current notification system or Co-ordination meetings all future works (planned) that are known to the works promoter.

2. Ensure that systems are configured to draw attention to any restrictions that may be proposed or in force when proposing works.

3. If a restriction is found which applies to proposed works, then contact the authority immediately to obtain consent if the works must proceed

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6.4 Duration of Restrictions

**6.4.1 DURATION OF RESTRICTIONS**

Durations of restrictions depend upon the type of works carried out and the impact they have on the highway user, residents and local community.

The restrictions are prescribed in regulations22.

Table 6.1 **Maximum durations of restrictions22**

| **Works type** | **Category of carriageway in street** | |
| --- | --- | --- |
|  | Traffic-sensitive or  reinstatement  category 0, 1 or 2 | Reinstatement  category 3 or 4 |
| 1: Reconstruction (Defined in 6.2.1) | 3 years | 3 years |
| 2: Resurfacing (Defined in 6.2.1) | 2 years | 2 years |
| 3. Other substantial road or street works (Defined in 6.2.1 & 6.2.2) | 1 year | 6 months |
| 4. Combination of 1 or 2 plus 3 | Higher of figures | Higher of figures |
| 5. Customer connections | 20 days | |

6.5 Works during a restriction

Works may be carried out during a restriction if the works either fall within the categories of exempt works or have the consent of the authority.

Where works are to take place in a part of the street not subject to a restriction, consent or agreement is not required and the promoter should notice or permit as per the normal process; however it is advised that the promoter includes information to confirm they are working in a non-restricted area. This will help to ensure that the notice or permit is processed without delay. Likewise,

authorities are advised to ensure that the extent of the restriction is clearly identifiable in the restriction notification.

**6.5.1 EXEMPT WORKS AND REDUCED RESTRICTIONS**

Planned street works and works for road purposes may be carried out following substantial road or street works either:

(a) After any relevant statutory section 58 / 58A restriction period has ended; or

(b) Within the section 58 / 58A restriction period, where allowed under

22 The Street Works *(Registers, Notices, Directions and Designations) (England)* Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 11(2)*

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legislation.

Works which are exempt or subject to reduced restrictions are

specified in regulations23 (unless indicated otherwise):

• Emergency works24

• Urgent works25

• Street works that do not involve breaking up or excavating in the

highway

• A new service or supply to a customer (see 6.5.2);

Street works under regulation 16(3)(b) of theGas Safety

(Installation and Use) Regulations 199826 (primary meters)

• Street works to comply with either an improvement notice or

prohibition notice issued by the Health and Safety Executive under

sections 21 or 22 of the Health and Safety at Work etc Act 1974;

• Street works carried out to comply with a programme approved under regulation 13A of the Pipelines Safety Regulations 199627 that

could not have been identified before the restriction began.

For any planned works subject to the above exemptions, promoters

(Undertakers) will need to be prepared to discuss their proposed works and the reason for the exemption in advance of submitting a notice or permit. Providing justification of a request for early entry into a restricted street will result in consent from a Noticing Authority.

Permit Authorities should act reasonably and ensure that any decisions take into account the specific circumstances of the works, as well as whether refusal of early entry will have further (e.g. safety, reliability or delays to projects covering multiple streets). The key test is whether the promoter could

reasonably have foreseen the eventuality during the notice period and/or could reasonably be required to postpone the work until the end of the restriction.

➢ The regulations28 state specifically in regard to the exemptions above; “*any question as to whether the withholding of consent by a street authority is unreasonable shall be settled by arbitration”.*

**6.5.2 CUSTOMER CONNECTIONS**

If an undertaker receives a request for a new customer connection after

23 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 11(7) & (8).*

24 Section 58 (5) NRSWA 1991; Section 52 NRSWA 1991 *Emergency works.*

25 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 3 Interpretation.*

26 SI 1998/2451

27 SI 1996/825 as amended by SI 2003/2563

28 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 11(9).*

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the period for response to a section 58 or section 58A notice of

restriction, and it is not possible to carry out the necessary works

before the restriction comes into force – then a delay on carrying out

those works will apply for 20 working days (date restriction begins plus 19 days29) immediately following the completion of the substantial street or road works, as indicated in Table 6.1.

The guidance in 6.5.1 covering early access should be followed.

**6.5.3 OTHER WORKS DURING A RESTRICTION**

If the proposed works do not fall within one of the exempt categories, then the works may be carried out, but **only with the authority’s consent**.

There is no official format to obtain an application for consent. This Code recommends the following for obtaining consent:

• Initial contact via a telephone call from the promoter to the authority to discuss works and possibility of consent.

• Where consent is given the authority may provide an agreement reference number.

• In some cases, an authority may require a written request as a follow up. Key points to note are;

➢ The promoter cannot start work without receiving the consent of the authority.

➢ The consent of the authority should not be unreasonably withheld.

➢ If the authority refuses consent, they should provide written justification. If the promoter considers this unreasonable, the matter may be settled by arbitration.

6.6 Policy guidance

The appropriate use of restrictions will not only protect streets where notice is served but should also encourage authorities and promoters to plan and amend their programmes in a way which minimises inconvenience for the public.

Where an authority intends to protect a newly constructed or significantly improved road, it may consider designating the street as “protected”; this process is covered in Chapter 5.

A restriction under section 58 or section 58A cannot be made, if substantial

29 The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007, UKSI 2007 No.1951 (as amended) *Regulation 11(8)(b)(ii*

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works have started without a valid notice under section 58 or section 58A having been given, as detailed in 6.3.

Even if a valid notice is given under s58, the restriction will be invalid if the substantial road works have not started within six months of the proposed start date.

Where promoters plan to work in a street that appears to have had recent substantial road works (see 6.2.1) but have not received the correct notifications (proposal of a restriction and restriction in force) or the ASD entry does not include a restriction, then the authority should be contacted to confirm the restriction status of the street.

If having received a notice or permit application from a promoter, the authority realises that there is a valid restriction in place then they should advise the promoter of this fact as soon as possible.

It must be noted that there is ***no legislation in force*** *to support* any

requirement for half-width, full-width, first time permanent or “extended footprint” (e.g. a larger patch) reinstatement to be carried out by the promoter and this **cannot** be a condition of consent.

➢ Where a promoter needs to carry out planned works in a restricted street, discussions and negotiations between the authority and promoter should be held separately for any potential and appropriate mitigation measures that may be mutually agreed outside of legislative requirements.

In the interests of ensuring best use of public money, where there are exceptional and justified circumstances, and the authority engages with the relevant promoters there may be opportunity to allow a reduced notice period under s58 – as long as there is a minimum period of three months from the serving of the notice to the start of the restriction period **and** there is an opportunity for promoters to carry out necessary works.

There are no Fixed Penalty Offences associated with restrictions.

6.7 Dispute resolution

Disagreement between the promoter and the authority should be resolved by means of the dispute resolution procedures set out in Chapter 13 in the first instance or by arbitration (as per regulations) when this is appropriate.

All parties should familiarise themselves with the relevant legislative framework that covers restrictions in their entirety as well as the guidance in this Code and should act reasonably with regard to their duties under section 58 / 58A.

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CHAPTER 7 - Works Classification

7.1 Introduction

This chapter explains the circumstances when a permit or notice is required, and the correct category of works to use. It also provides further guidance on immediate activities as well as bar holes and street lighting.

In order to provide clarity, the terms ‘registerable’ or ‘notifiable’ works in relation to whether a permit or notice is required have been substituted for ‘works requiring a permit or notice’.

7.2 Legislative Background

**7.2.1 WHO CAN WORK IN THE STREET**

Organisations get their powers to work in the public highway from different enabling legislation. The main categories defined in the New Roads & Street Works Act 1991 are:

• **Statutory Undertaker**, as defined in section 48(4), with the statutory right enabled in primary legislation such as the Electricity Act, the Water Act, the Gas Act or the CommunicationsAct;

• **Street Works Licensee,** as defined in section 48(4) and enabled through section 50;

• **Street Authority**, as defined in section 49(1). This includes Highway Authority for a maintainable highway or a Street Manager of a non- maintainable or private street, as well as Highways England and organisations such as Transport for London;

• **Other Authority,** as defined in section 88 (**Sewer**), section 89 (**Bridge**) and section 91 (**Transport**) such as Network Rail;

• **Highways Act enabled,** such as developers working under section 38 or section 278 of the Highways Act1980.

Statutory Undertakers, Street Authorities and Other Authorities (Sewer, Bridge or Transport) all must follow the requirements of permits/notices for applicable works.

Further guidance for Section 50 Licensees or Highways Act (38 or 278) enabled works is out of scope for this Code.

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**7.2.2 STATUTORY UNDERTAKER**

It is important to understand that the qualifying criteria for deciding if a permit or notice is needed for a Statutory Undertaker starts with the NRSWA definition of street works in section 48(3) & (3A);

***48 Streets, street works and undertakers.***

*(3) In this Part “street works” means works of any of the following kinds (other than works for road purposes) executed in a street in*

*pursuance of a statutory right or a street works licence—*

*(a) placing apparatus, or*

*(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,*

*or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).*

*(3A) For the purposes of subsection (3), the works that are street works by virtue of being works required for or incidental to street works*

*of any particular kind include—*

*(a) reinstatement of the street, and*

*(b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.*

**7.2.3 HIGHWAY AUTHORITY**

For a Highway Authority, including a “strategic highway company30”, the underpinning criteria for “Works for Road Purposes” can be found in NRSWA section 86(2), and for “Major Highway Works” in NRSWA section 86(3). This also applies to Network Rail when undertaking relevant activities;

***86 Highway authorities, highways and related matters. 1980 c66.***

*(2) In this Part “works for road purposes” means works of any of the following descriptions executed in relation to a highway –*

*(a) works for the maintenance of the highway,*

*(b) any works under powers conferred by Part V of the Highways Act 1980 (Improvement31),*

*(c) the erection, maintenance, alteration or removal of traffic signs on or near the highway, or*

30 Amendment to NRSWA s86(1) by Infrastructure Act 2015 Schedule 1 para. 121.

31 Highways Act 1980, Part V Improvement of Highways section 62 *General Power of Improvement*

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*(d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaption of a footway for use as a crossing for vehicles,*

*or works of any corresponding description executed in relation to a street which is not a highway.*

*(3) In this Part “major highway works” means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway –*

*(a) reconstruction or widening of the highway*

*(b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts),*

*(c) substantial alteration of the level of the highway,*

*(d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway,*

*(e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980,*

*(f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges),*

*(g) provision of a cattle-grid in the highway or works ancillary thereto, or (h) tunnelling or boring under the highway.*

In order to aid understanding of what constitutes ‘Works for Road Purposes’ please see the full text of Section 62 of the Highways Act 1980 below, which is referred to in NRSWA section 86 (2)(b) above;

***Highways Act 1980 – section 62***

*(3) Notwithstanding subsection (2) above, but without prejudice to any enactment not contained in this Part of this Act, work of any of the following descriptions shall be carried out only under the powers specifically conferred by the following provisions of this Part of this Act, and not under this section—*

*(a) the division of carriageways, provision of roundabouts and variation of the relative widths of carriageways and footways;*

*(b) the construction of cycle tracks;*

*(c) the provision of subways, refuges, pillars, walls, barriers, rails, fences or posts for the use or protection of persons using a highway;*

*(d) the construction and reconstruction of bridges and alteration of level of highways;*

*(e) the planting of trees, shrubs and other vegetation and laying out of grass verges;*

*(f) the provision, maintenance, alteration, improvement or other dealing with cattle-grids, by-passes, gates and other works for use in connection with cattle-grids;*

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*(ff)32 the construction, maintenance and removal of road humps;*

*(fg)33 the construction and removal of such traffic calming works as may be specially authorised by the Secretary of State under section 90G below or prescribed by regulations made by him under section 90H below;*

*(g) the execution of works for the purpose of draining a highway or of otherwise preventing surface water from flowing on to it;*

*(h) the provision of barriers or other works for the purpose of affording to a highway protection against hazards of nature.*

**7.2.4 WORKS FOR ROAD PURPOSES – CARRIED OUT BY**

**STATUTORY UNDERTAKERS**

Street lighting connections carried out by an Electricity **D**istribution **N**etwork **O**perator (DNO) **on behalf of** an authority will fall into the definition of “works for road purposes” in 7.2.4 and not “street works” in 7.2.3. This follows a High Court ruling in 200334 that sets out the principle that these are not street works, and cannot be treated as such where the Highway Authority and the Lighting Authority are the same organisation. Instead, they should be treated as if the authority is the promoter, even if the DNO does this in practice. This may include work to disconnect and reconnect supplies to lit street furniture following road traffic accidents or improvement works where the authority is promoting or funding the work.

This principle also will be relevant to installation of infrastructure for **E**lectric **V**ehicle (EV) charging points and associated enabling electricity network infrastructure where the work is being promoted **on behalf of** the authority.

Loss of supplies to Street Lights should be treated as ‘Street Works’ where the DNO is required to undertake works on their network to restore the supply. These works fall under the definition of urgent works in 7.4.5.

Any works involved in the installation of infrastructure for EV charging points, not being promoted or paid for by the authority, should be treated as ‘Street Works’ and will fall into the correct works definitions set out in this chapter.

32 Highways Act 1980 section 62(3)(ff) inserted by Transport Act 1981.

33 Highways Act 1980 section 62(3)(fg) inserted by Traffic Calming Act 1992.

34 P.N.Daly & United Utilities Electricity plc V Wigan Metropolitan Borough Council.

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7.3 Works Requiring a Permit or Notice

As well as different parts of legislation giving the power to different types of organisation to work in the street, there are also different descriptions in legislation regarding the activities that would require a permit or notice. Only works that are covered by these definitions are relevant to this Code or Practice.

**7.3.1 WORKS THAT MUST BE DONE UNDER A PERMIT OR NOTICE**

Once satisfied that the criteria in 7.2 has been met, and following checks to ensure the works are to be done in a “street35”, only then can the list below be consulted to confirm whether the works must be carried out under a permit/notice. Works requiring a permit or notice for all promoters, and for which a permit fee can but need not be required, are any works that:

a) Involve the breaking up or resurfacing any street, (see below for

pole testing and coring involving excavation);

b) Involve opening the carriageway or cycleway of traffic

sensitive streets at traffic-sensitive times;

c) Reduce the lanes available on a carriageway of three or more lanes;

d) Require a temporary traffic regulation order or notice, or

the suspension of pedestrian facilities;and

e) Require a reduction in the width of the existing

carriageway of a traffic-sensitive street at a traffic

sensitive time.

➢ The basis for this list is NRSWA section 48(3) for statutory undertaker’s works, and in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations36 *regulation 4.(5) item 5 in the table*. These are also referred to as ‘specified works37’ in permit regulations.

➢ Please see also the DfT Statutory Guidance for Permit Schemes, Annex D regarding this list for permits.

➢ Under the Road Traffic Regulation Act and The Safety at Street Works (A Code of Practice), permission for the placing of portable traffic signals on the public highway is required in advance for planned activity, and within 2 (working) hours for immediate activities.

➢ It is the Road Traffic Regulation Act that provides the route for permission and therefore should be used to manage unauthorised use on the public highway.

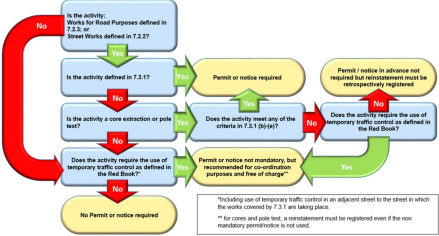
35 New Roads & Street Works Act 1991 Section 48(1).

36 Statutory Instrument 2007 No 3372, as amended by Statutory Instrument 2015 No 958.

37 The Traffic Management Permit Scheme (England) Regulations 2007 (and as amended by 2015 SI 958) Part 3 Permit Scheme Content; Regulation 6 *Specified Works.*

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**Fig. 7.1** – **Do I need a permit/notice?**

****

**7.3.2 WORKS WHERE IT IS RECOMMENDED TO BE DONE UNDERA PERMIT OR NOTICE**

The activities below relate to those works by all promoters for which notification to the authority is strongly recommended to assist in the co- ordination of highway management by the collection of accurate data, thereby supporting the Network Management Duty of the authority. Given that these are recommended permits/notices **they are not subject to a permit fee** and are described as follows:

• Use of temporary traffic control in an adjacent street to the street in which the works covered by 7.3.1 are taking place;

• Traffic census surveys – because disclosure prior to a census can encourage a change in normal traffic flows;

• Pole testing involving excavation – does not require a notice or permit in advance, unless one or more of rules 7.3.1(b) – (e) apply;

• Core holes – not exceeding 150 mm in diameter do not require a notice of permit in advance, unless one or more of rules 7.3.1(b) –

(e) apply;

• Road markings – that are not part of a larger set of works and do not reduce the width of the carriageway, as they do not involve breaking up of the highway;

• Other activities occupying the highway that involve active traffic management.

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**7.3.3 BAR HOLES**

Bar holes can be used to detect and monitor leakage from utility assets. Those which require no further street works (e.g. such as a reported gas leak with no gas detected) should be registered (i.e. a reinstatement registration notice) within ten days of the final checks being completed. For registration purposes, the cumulative number of bar holes count as a single excavation and

reinstatement.

An immediate (e.g. emergency) notice or permit must be sent within two hours of the start of any other street works (i.e. excavation or activities defined in 7.2.1) associated with the bar holes. For registration purposes, these bar holes will not count as further excavations and reinstatements. All bar holes must be reinstated and registered when works on site are complete.

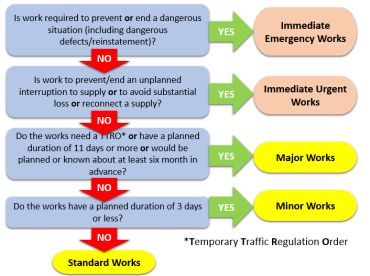
7.4 Categorisation of Works

Works are categorised by duration, except for immediate works, which are not time specific. The works categories are defined in legislation, with Emergency Works defined in NRSWA Section 52 and all other categories in *The Street Works (Registers, Notices, Directions and Designations) Regulations 2007 SI 1951 regulation (3) Interpretation*, are the same for both permits and notices.

The works description, along with the duration of works, within the permit or notice should provide adequate information to demonstrate that the correct category of works has been used.

**Fig 7.2 What type of permit/notice do I need**

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**7.3.4 MAJOR WORKS**

Major works are:

• works which are planned or known about at least six months in

advance of the date proposed for theworks; or

• works which require a temporary traffic regulation order38 (but

not a temporary traffic notice); or

• works which have a planned duration of 11 or more working days,

Works which fall into the definition of Immediate Works cannot be categorised as Major Works, regardless of duration. However, where there are infrastructure build projects where the general area is known about in line with the Major Works timescales but a specific work in a street is not able to be planned in detail until less than the timescales (i.e. plans to work in City X in 3 years’ time, but clarity on Street Y comes 1 month before works are needed) then in line with HAUC Guidance39 these should fall in the works category appropriate to the duration, unless there is a requirement for a temporary traffic regulation order.

**7.3.5 STANDARD WORKS**

Standard Works are those activities, other than Immediate, Minor or Major activities, which have a planned duration of between 4 and 10 working days inclusive.

**7.3.6 MINOR WORKS**

38 The Road Traffic Regulation Act 1984 section 14 (temporary prohibition or restriction on roads). 39 HAUC (UK) Advice Note: Broadband Infrastructure Installation.

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Minor Works are those activities, other than Immediate, Standard or Major activities, where the planned duration is 3 working days or less.

**7.3.7 EMERGENCY - IMMEDIATE WORKS**

Emergency works are specifically defined by NRSWA section 52 *Emergency works* as:

***52.****-(1) In this Part “emergency works” means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property.*

*(2) Where works comprise items some of which fall within the preceding definition, the expression “emergency works” shall be taken to include*

*such of the items as do not fall within that definition as cannot reasonably be severed from those that do.*

In simple terms, Emergency Works are for those scenarios where immediate action is needed to prevent danger to people or property. This assessment of danger is made by those responsible for the works.

**7.3.8 URGENT - IMMEDIATE WORKS**

Urgent works are defined in Regulations40:

*“urgent works”*

*(a) means street works, other than emergency works, whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required) –*

*(i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;*

*(ii) to avoid substantial loss to the undertaker in relation to an existing service; or*

*(iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and*

*(b) includes works which cannot reasonably be severed from such works.*

In simple terms, Urgent Works are for those scenarios where immediate action is needed to prevent a loss or restore any supply or service provided by them. It

40 *The Street Works (Registers, Notices, Directions and Designations) Regulations 2007 SI 1951 regulation (3) Interpretation.*

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is not unreasonable to include leaks from pipes or other apparatus in this category. This assessment is made by those responsible for the works.

**7.3.9 REMEDIAL WORKS**

Remedial works to rectify a non-compliant reinstatement should be classified dependent on the rules above and an appropriate permit/notice served. Where an Immediate (Emergency or Urgent) permit/notice is selected, based on the criteria above, the works description should provide enough information to justify this works category.

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CHAPTER 8 - Permit & Notice Principles

8.1 Introduction

This chapter describes the principles behind applying for permits and notices as well as the various notifications that are required to enable works to be properly managed under NRSWA and TMA legislation. Chapter 7 of this Code explains which works require a permit or a notice and should be referred to as the requirements apply to all works regardless of the promoter.

The term “notification” includes permit applications, notices, notifications, registrations of reinstatement, directions, responses, and cancellations and are covered in this Chapter.

The purpose of the range of notifications via the electronic system is to:

• Enable works to be legally carried out on the public highway

• Enable the authority to fulfill their Network Management

Duty by co-ordinating works

• Enable the requirement for keeping an accurate Register

• Enables emergency notices, which can prompt the

emergency procedures of other organisations

• Trigger the inspection regime

• Form the basis of records for reinstatement guarantee purposes

• Record who has worked at a particular location

• Facilitates charging regimes; and

• Provides information to inform the public of disruption.

8.2 Common Rules

The following common rules apply where notifications are given in using the prescribed electronic system, using the format of that system, and in compliance with the requirements set out in Regulations41. These apply to all works that require a permit or a notice. For circumstances where a ‘paper’ form can be used see 8.4.

**General Points**

• Ensure compliance with GDPR when including information on notifications.

41 The Street Works (Registers, Notices, Directions & Designations) Regulations 2007 SI 1951 (as amended) regulation **4** Street works registers (5) Table item 5 *and* The Traffic Management Permit Scheme Regulations 2007 (as amended by 2015 SI 958) SI 3372 Regulation **6**(2) Specified Works.

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• A separate permit or notice is required for each street covering an USRN; larger projects covered multiple streets should be cross- referenced and where permits or notices are created for information only activities, it is

advised that these rules are applicable to support the aims of co-ordination and co-operation.

• The Additional Street Data (ASD) associated with the National Street Gazetteer (NSG) may indicate an interested party that will require a copy of the permit or notice. This requirement must42 be complied with.

• Each permit application or notice will relate to a single ‘phase’ of works. Works can have more than one phase that will each require an individual permit or notice. Examples of phases of work include initial installation or repair of apparatus, works to make interim reinstatement permanent, works to make interim road markings permanent on an otherwise permanent

reinstatement and remedial works.

**Timing**

• The term ‘month’ is calculated as 28 calendar days.

• The term ‘date’ means the calendar date on which a work starts or ends. The correct date (00:00 to 23:59) should be used for start and end dates of works.

• The term ‘day’ means a working day as defined in NRSWA **s98**43(2) and should be used to calculate notification periods, categorisation of works , and charges under NRSWA section 7444.

• The minimum notice period includes the day on which the notification is given but does not include the proposed start date.45

• Response periods do not include the day on which the notification is given, and should be with the recipient before 16:30 on the last date the response is due. See table in 8.3

• Immediate works must have a permit application or a section 55/57 notice sent to the authority within two working hours of works starting on site.

• Actual Start and Works Stop notifications must include both the date and time at which the on-site status change took effect (see Chapter 10 for guidance).

• The working day 08:00 to 16:30 is used to calculate notice periods. Any notification received after 16:30 on a working day is considered to have been given on the next working day, with the exception of Actual Start and Works Stop where 18:30 is the last time of receipt on a working day (see Chapter

42 For Notices see 2007 SI 1951 Regulation 7; for Permits see 2007 SI 3372 (as amended) Regulation 9 & NRSWA Part III.

43 NRSWA **s98** Reckoning of periods.

44 NRSWA **s74** Charge for occupation of the highway where works unreasonably prolonged.

45 NRSWA **s98(1)** *and* The Street Works (Registers, Notices, Directions & Designations) Regulations 2007 SI 1951 regulation **8**(1) Advance notice of works *and* **9**(1) & (2) Notice of starting date of works.

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10 for details).

➢ The time of 16:30 is only significant with regard to calculating notice periods and does not mark the “end” of the day for any other purpose.

8.3 Notification types

Legislation prescribes a number of different notification types, which support the end to end process of carrying out work on the public highway. The relevant Regulations are referenced here, but it is important to look at these in the wider legislative context. This is due to the complex nature of legislation particularly where there are subsequent or multiple amendments, across different pieces of primary or secondary legislation or through Statutory Guidance.

Here is an overview of the key notifications;

| Works Status &  *Minimum Notice Period* | TMA Permit Notification Type & *Regulation46*  reference | NRSWA Notice  Notification Type &  *Regulation47* reference |
| --- | --- | --- |
| Forward Planning  Information - *>3 Months in advance* | Forward Planning Information Notice | |
| Major Works – *3*  *Months in advance* | Provisional Advance Authorisation (PAA) *Reg*46 *2 & 11* | Section 54(1) Advance Notice of Major Works (s54) *Reg*47 *3 & 8* |
| Major Works – *10 Days in advance (following from 3 Months)* | Permit Application (PA) *Reg*46 *2 & 9* | Section 55(1) Notice of Starting Date *Reg*47 *3 & 9* |
| Standard Works – *10 Days in advance* | Permit Application (PA) *Reg*46 *2 & 9* | Section 55(1) Notice of Starting Date *Reg*47 *3 & 9* |
| Minor Works – *3 Days in advance* | Permit Application (PA) *Reg*46 *2 & 9* | Section 55(1) Notice of Starting Date *Reg*47 *3 & 9* |
| Immediate Urgent –  *within 2 Hours of works having begun* | Permit Application (PA) *Reg*46 *2 & 9* | Section 55(1) Notice of Starting Date *Reg*47 *3, 6(2) & 9(2)* |
| Immediate Emergency (s52) - *within 2 Hours of works having begun* | Permit Application (PA) *Reg*46 *2 & 9* | Section 57 & Section 55(1) Notice of Starting Date *Reg*47 *3, 6(2) & 9(2)* |

46 The Traffic Management Permit Scheme Regulations 2007 SI 3372 (as amended).

47 The Street Works (Registers, Notices, Directions & Designations) Regulations 2007 SI 1951 (as amended).

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| Actual Start of Works – *within 2 hours of works having begun (See Chapter 10)* | Section 74(5C) *Regulation486(1)(2)* | |
| --- | --- | --- |
| Works Closed - *within 2 hours of works having completed (See Chapter 10)* | Section 74(5C) *Regulation*48*6(3)(4)* | |
| Revised Duration of Works – *whilst works in progress* | Review, variation and revocations of permits *Reg*4615 | Section 74  *Regulation48*  *11* |
| Variation to permit – *in*  *advance or whilst works in progress* | Review, variation and revocations of permits *Reg*46 15 |  |
| Registration of Reinstatement – *within 10 days of*  *completion of reinstatement* | Section 70(3) *Regulation*4717 & 18 | |

8.4 Process in the Event of System Unavailability

In the event of the prescribed electronic system being unavailable for use, alternative communication methods must be used in order to ensure statutory notifications, and their timescales are met. All parties should ensure that a suitable email account is available for this purpose and that this is address is

communicated. This process may be used for copy notices or permits for interested parties. Further information can be found at

https://departmentfortransport.github.io/street-manager-docs/business-change/#Other 8.5 Detailed Guidance

Guidance regarding the information required for each notification and the processes to be followed are detailed separately from this Code to enable guidance keeps pace with the Street Manager system.

Guidance on the operation of permit schemes is available in the HAUC(England) guidance, which can be found in Appendix B.

48 The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2009 SI 303 (As Amended)

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CHAPTER 9 - Notification Validity

9.1 Introduction

This chapter explains what the validity period is, how it works in practice, and also includes illustrations of common scenarios.

The validity period should not be confused with the prescribed period; which is detailed in Chapter 10.

9.2 What is the validity period?

The validity period is a period of time prescribed by regulation, that a notification remains valid before the works start on site.

The validity period starts on the proposed starting date, unless the proposed starting date is on a non-working day, in which case the validity period starts on the very next working day.

To clarify, this means that the validity period begins on the first working day of the notification.

A validity period is a number of working days.

Any planned works must commence before the expiry of the notice validity period unless an extension to the validity period has been agreed.

If works have not started, the notification for planned works ceases to have effect, or lapses, when the validity period expires.

**Table 9.1**

|  | **Validity Period (in working days)** | |
| --- | --- | --- |
|  | Provisional Advance Authorisation  (PAA)/S5449 | Permit Application  (PA)/S5550 |
| Major | 15 | 5 |
| Standard | N/A | 5 |
| Minor | N/A | 2 |
| Immediate - urgent | N/A | N/A |
| Immediate -  emergency | N/A | N/A |

49 The Street Works (Registers, Notices, Directions & Designations) Regulations 2007 SI 1951 Regulation **8**(3) Advance notice of works.

50 The Street Works (Registers, Notices, Directions & Designations) Regulations 2007 SI 1951 Regulation **9**(4) Notice of starting date of works.

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9.3 How to determine the validity period

**9.3.1 MAJOR WORKS S54 NOTICES & PAA’S**

The following validity rules apply consistently in all circumstances. When the subsequent S55/PA is submitted, it must specify a proposed start date, which is:

*a)* No earlier than three months after the date on which the advance

notification is given, unless an early start has been agreed,

**AND**

*b)* No later than 15 days beginning with the starting date given in the S54/PAA (fifteen day validity period)

**9.3.2 MAJOR, STANDARD AND MINOR S55 NOTICES AND PERMITS** The following rules apply regarding the start of works: -

a) Standard or major notifications – within five days of the

proposed start date specified (five day validity period)

b) Minor notifications – within two days of the proposed start date

(two day validity period)

If the works have not started within these periods, the notification is no longer valid and a new S55(1)/PA should be given, unless the authority agrees to extend the validity period.

A new major S54/PAA is not required when there is still time left within the validity period on the major s54/PAA to give another S55/PA notification; otherwise a new S54/PAA will be required.

➢ *Remember the validity period begins on the first working day of the notification* **9.3.3 IMMEDIATE NOTICES AND PERMITS**

Immediate notifications do not have a validity period because the works will have already started by the time the notice/PA is issued.

9.4 The validity period in practice

The use of a validity period is a legally allowable process and therefore should take precedence over **N**ational **C**ondition **T**ext (NCT)1A/B with regard to start dates.

**9.4.1 HOW DOES IT WORK?**

The validity period applies in both noticing and permitting regimes albeit in

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practice it works in different ways.

**9.4.2 IN A NOTICE REGIME:**

1. A promoter can start proposed works on any day within the relevant validity period.

For example, on a 3 day duration minor works the validity period

is 2 days. This means that the promoter can either start works on

day 1, or, on day 2. If the works have not started by the end of

day 2, the notification lapses and a new S55 must be submitted

for new dates if works are still required.

2. If works start on a different date than the original planned date, but within the relevant validity period, the proposed end date will move to provide the same duration for the works.

For example, for works planned for 1st-3rd June (Tuesday to

Thursday), where the promoter starts work on Wednesday 2nd

June and submits the actual start notification – the proposed end

date will move to Friday 4th June.

➢ *If proposed start date is a Monday, your validity period starts on Monday* **9.4.3 IN A PERMIT REGIME:**

Additional consideration must also be given to the road category and the traffic sensitivity of the street.

1) For works on a street:

a) with a road category of 0, 1 or 2 with or without any traffic

sensitivity recorded against the relevant USRN

**OR**

b) with a road category of 3 or 4 and works are planned to be

taking place during traffic sensitive times

The following rules apply:

The end date is fixed at the point at which the PA is granted.

If works start on a different date than the original planned date, but within the relevant validity period, the proposed end date will remain as

originally proposed.

For example, for works planned for 1st – 3rd June (Tuesday to

Thursday), where the promoter starts work on Wednesday 2nd

June and submits the actual start notification – the proposed end

date remains as Thursday 3rd June; thus reducing the duration of

the works from 3 days to 2 days.

➢ *In the scenario above, if you wish to retain the original duration, then you must apply for a duration variation as soon as practicable. Please note that the authority may not grant the request.*

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2) For all other works in a permit regime

The duration is fixed at the point at which the PA is granted, but the start and end dates are flexible within the validity period.

If works start on a different date than the original planned date, but within the relevant validity period, the proposed end date will move to keep the original duration.

For example, for works planned for 1st – 3rd June (Tuesday to

Thursday), where the promoter starts work on Wednesday 2nd

June and submits the actual start notification – the proposed end

date changes to Friday 4th June; thus retaining the original

duration of 3 days.

9.5 What if things change?

**9.5.1 CHANGES TO STARTING DATE**

When a promoter needs to change the starting date after submitting a S54/PAA/S55/PA, the following rules apply:-

• If the works are to be re-scheduled within the validity period of the existing notification, then no further notice is required

• If the works are to be re-scheduled and the revised timing would contravene the statutory notice or validity period of the existing

notification, a new S54/PAA/S55/PA must be served giving the

revised dates.

• If the revised dates do not give sufficient time for the required

notice period to be given, then an agreement for an early start is

required before submitting the new notification.

• If the works are to be cancelled permanently, or there is no current plan to re-schedule them, the works should be cancelled.

➢ *Consideration should be given to the impact of moving the dates previously reported to the public.*

**9.5.2 ADVANCE NOTIFICATION OF CHANGES TO MAJOR WORKS**

To assist in coordination, works promoters should inform the authority concerned of plans to re-schedule planned works as soon as possible.

When Major works need to be postponed, the promoter should give a replacement S54/ PAA, or an initial, or replacement, S55/PA notice following the rules below:-

1. If the new proposed start date is within the current S54/PAA validity period,

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this is notified on the initial S55/PA, or within a further S55/PA. No prior agreement is necessary unless an early start is required.

2. If the new proposed start date is outside the validity period of the current S54/PAA, but the new date **does not** allow a full 3 months’ notice to be provided, then either:

(i) a further S54/PAA should be given, but the authority’s

agreement to an early start must be obtained before submission of

the new notification;

**or**

(ii) where the original date is deferred by a few days, an initial or

further S55/PA may be given, but only if agreement to extend the

validity period is obtained from the authority.

3. If the new proposed start date is outside the validity period of the current S54/PAA, and the new date **does allow** a full 3 months’ notice to be provided, then a further S54/PAA should be given after cancelling the current notification.

9.6 Illustration of examples

The following section provides some visual representations for common scenarios. Each is similar to illustration 1 below, which shows how the validity period works in practice for minor works permits with a one day duration.

**Illustration 9.1**

**A minor works permit of 1 day duration on type 0,1,2 or during TS times.**

**Principle- if the validity period is longer than the permit period, the full validity period cannot be used.**

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**Validity period**

Work starts on the proposed date and has a duration of 1 day.

Work cannot start on day 2 of the validity period as the permit end date is fixed by the PA.

| Key  Days on which work takes place Non NRSWA days Days on which work cannot start for this scenario |
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**Illustration 9.2**

**Examples – minor works on type 0,1 or 2, or during TS times**

**Minor works permit on Type 0,1,2 or during TS times Principle: Start date may move within the validity period, but end date is fixed.**

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Work starts on date proposed and has planned duration of 3 days to complete. Work starts on day 2 of validity period and must be completed by the fixed permit end date.

Work started within the validity period may be carried out on non NRSWA days between the actual start date and fixed end date- unless this has been prohibited by the authority.

Work has not started within the validity period and a new PA should be made if required.

Work starts on date proposed and has planned duration of 3 days to complete. Work starts on day 2 of validity period and must be completed by the fixed permit end date.

Work may start on the non NRSWA days where these fall within the validity period. Unless this has been prohibited by the authority.

Work has not started within the validity period and a new PA should be made if required.

Work starts on day proposed and has planned duration of 3 days to complete. Work starts on day 2 of validity period and must be completed by the fixed permit end date. Work cannot start on the non NRSWA days as these are before the start of the validity period. Work has not started within the validity period and a new PA should be made if required.

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| Key  Days on which work takes place Non NRSWA days Days on which work cannot start for this scenario |
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**Illustration 9.3**

**Examples – minor works on non TS type 3&4**

**Minor works notices or permit for type 3 &4 during non TS times. Principle- duration is fixed by the s55/PA and the start date may move within the validity period.**

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Work starts on date planned for duration planned.

Work starts on day 2 of validity period for the planned duration, moving the end date.

Work not started within validity period. A new notice /PA should be raised if required.

Work starts on date planned for duration planned.

Work may start on a non NRSWA day where this is within the validity period. Unless this has

been prohibited by the authority.

Work starts on day 2 of the validity period and may continue for the planned duration.

Work not started within validity period and cannot proceed without authority agreement to extend

validity period.

Work starts on date planned for duration planned.

Work starts on day 2 of validity period and may continue for planned duration

Work cannot start on the non NRSWA days preceding the proposed start date.

Work cannot start beyond the validity period.

**validity period**

Mon Tue Wed Thu Fri Sat Sun Mon Tue Wed Thu

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**Illustration 9.4**

**Examples – Standard works notifications**

**Standard works Permits for type 0,1,2 and during TS times Principle: Works start date maymove within the validity period, but works end date is fixed.**

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Work starts on date planned for 7 day duration. 

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Work may start within the validity period but the end date is fixed when the

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permit is granted.

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Work not started within validity period. A new PA may be rasied if required.

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**advance notice period **

**Standard works permit of duration 4 days on type 0,1,2 and during TS times. Principle- The period in which work can be undertaken is less than the validity period**

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**advance noticeperiod**

Work starts on date planned for 4 day duration planned 

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Work may start within the validity period but the end date is fixed when the

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permit is granted.

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****Work cannot start within the validity period if the start date is beyond the fixed end date. A new PA may be rasied if required.

**Standard works notices or permit for type 3 &4 during non TS times. Principle- works duration is fixed by the s55/PAand the works start date maymove within the validity period.**

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**advance noticeperiod **

Sat Sun Mon Tue Wed Thu Fri Sat Sun Mon Tue

Work starts on date planned for duration planned

Work starts within validity period, and may continue for planned duration

Work not started within validty period and cannot proceed without authority agreement to extend validityperiod

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**Illustration 9.5**

**Examples – major works notifications Major works overview**

**PAA/ s54 3 month advance notice period**

**PAA/ s54- 15 working day validity period**

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**Working day 15 of the PAA/ s54 validity**

**PAA or s54 advance notice issued at least 3 calendar months before proposed start date.**

Major works examples

**Latest point at which a**

**s55 or PA can be issued to start on original proposed date.**

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**Working day 4. Latest point**

**at which a s55 or PA can be issued for this PAA or s54**

**period is the last date on which a PA/ s55**

**can propose to start work.**

**The latest date that work could actualy start is 4 working days later due to the 5 day validity period of the PA/ s55.**

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Work proposed to start on day one of the PAA/ s54 validity period and may start on any day between day 1 and day 5 of the s55 validity period.



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Works proposed to start on day 15 of the PAA/ s54 validity period and may start on any day any time between day 1 and day 5 of the s55 validity period.

No PA /s55 has been raised for the PAA validity period. Work cannot proceed.

If the promoter cannot start work in the PA/ s55 5 day validity period, a revised PA/ s55 can be issued if there is sufficient time for this to start within the PAA/ s54 validity period.

PA/ s55 10 working day notice period

PA/ s55 10 working day notice period

Working day 15, last day on which a PA can propose to start for this PAA

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CHAPTER 10 - Charging Schemes

10.1 Introduction

Authorities have a Network Management Duty51 to secure the

expeditious movement of traffic on their, *and* neighbouring authorities’, street networks. Additional powers to support this duty within NRSWA, as amended by the Transport Act 2000 and the TMA, are the provision for two charging schemes:

• section 74A – Charge determined by reference to duration of works; and

• section 74 – Charge for occupation of the highway where works unreasonably prolonged.

These two charging schemes should be used in such a way as to

maximise capacity on the road network, with parity of approach to all

Promoters, for the benefit of the public.

10.2 Section 74A – Charge determined by reference to duration of works

Section 74A requires Promoters to pay a daily charge for occupation of the highway whilst carrying out works. This is called ‘Lane Rental’.

The Street Works (Charges for Occupation of the Highway) (England)

Regulations 2012 (Statutory Instrument No 425) makes provision about section 74A charges. Separate non-statutory guidance about lane rental is available on the Department for Transport’s website.

HAUC(England) may produce lane rental guidance to support those developing, operating and working in lane rental schemes.

10.3 Section 74 – Charge for occupation of the highway where works unreasonably prolonged

Section 74 of NRSWA allows Authorities to charge Promoters if works are unreasonably prolonged (i.e. take longer than previously agreed) and specifically for Statutory Undertakers where they are *“executing street works in a*

*maintainable highway52”*. Chapter 7 details the definition of *“street works”.* If the works take longer than the “Prescribed Period” *and* either the permit

51 Traffic Management Act 2004, Part 2, section 16 *The network management duty.*

52 NRSWA section 74(1).

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duration or the “Reasonable Period”, described later in this chapter, they become ‘unreasonably prolonged’. The Authority may levy a daily charge for each working day in excess of the longer of the two periods. The first chargeable day is the next working day of occupation, and is a daily rate regardless of how much of the day the site remains occupied; any subsequent reduction or waiving of charges are covered in 10.10.

The regulations, *The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009* (as amended)53, apply to every publicly maintainable street, except:

•*a footpath or bridleway;*

•*a highway with a pedestrian planning order in force; and*

•*a highway where vehicular traffic is prohibited by a traffic order54 – unless that prohibition is restricted to particular times.*

It is important to note that the exemptions above do not just relate to the charging under section 74, but the requirements detailed in section 74 and the associated Regulations. However it is good practice to treat all works as if it did apply, to ensure accurate information is available to the Authority, supporting their Network Management Duty, and also to inform the public.

10.4 Exempt Works

As well as parts of the highway where section 74 does not apply (see 10.3) there are also activities in applicable highway that are exempt from section 74 charges.

These exemptions are covered in the regulations55 as follows;

*Works that do not involve breaking up the street, or tunnelling or boring under it, and which take place;*

*i. in a street which is neither a traffic-sensitive street nor a protected56 street; ii. in the footway of a traffic-sensitive street at a traffic-sensitive time; iii. in the footway of a protected street at any time*

In addition, charges may not be levied against:

• replacing poles, lamp columns or signs in the same location;

• pole testing;

• any small diameter holes of less than 30mm diameter created for

investigatory purposes (for example bar holes);

53 Amended by The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2012 SI 2272 Regulation 5.

54“Traffic Order” means an order made under section 1,6 or 9 of the Road Traffic Regulation Act 1984 55 The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2009 SI 303 Regulation 9(2) (As Amended).

56“Protected street” as defined in NRSWA 1991 section 61 & 62

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• works for road purposes (see Glossary);

• diversionary works (i.e. works needing to be taken in relation to an

undertaker’s apparatus in consequence of major highway, bridge or

transport works – see section 84 of NRSWA and the associated *Code of Practice “Measures necessary where apparatus is affected by major work (Diversionary Works)1992”*); and

• any warning signs legitimately left in place for a period following completion of the works (e.g. to warn of a slippery road surface).

• activities carried out under an “Information Only” permit.

➢ If works are exempt, it is recommended that the Promoter should ensure the works description or activity type reflects this.

10.5 Prescribed Period

The “Prescribed Period” is the period during which no overrun charges can be levied. It has been set by the Secretary of State, in Regulations57, at two working days, starting on the date works begin.

The length of the prescribed period is the same for all works. Its length is not a relevant consideration when Authorities and Promoters are trying to agree a ‘reasonable period’ for any given set of works, and should not be set as the default for any works duration.

Every works covered by a permit or notice will have a prescribed period of two working days. Each phase of works has a new permit or notice and the prescribed period is reset each time.

The following diagrams provide illustrated examples of how the various time periods for a works operate.

57 2009 SI 303 as amended by 2012 SI 2272 Regulation 7

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10.6 Reasonable Period

A “Reasonable Period” is a period agreed via the permit or notice, between the Promoter and the Authority, as reasonable for the street works in question. In default of agreement, it is the period determined by dispute resolution to be reasonable.

The reasonable period should be agreed within two working days of receipt of the notification of proposed minor or immediate works, or five working days for major or standard works. In practice, this agreement is done by granting a permit application or in the case of a notice taking no further action.

Works will have three different time periods; the prescribed period, the reasonable period and the permit period (or works duration). On the application and grant of a permit, the reasonable and permit period will be the same. If there is a change to the permit duration after it is granted, the reasonable period will need to be reset along with the permit period. There may be circumstances where the Authority only extends the permit period and not the reasonable period. The Authority should provide an explanation to justify this decision as section 74 charges may apply for the extended occupation.

10.7 Duration of Works

All permit applications and notices should include proposed start and end dates so that the **estimated duration** can be calculated for section 74 purposes, and it is this estimated duration that is agreed to set the Reasonable Period.

The **actual duration** used to assess whether works have overrun is measured from the *date* provided in the Actual Start notice to the *date* provided in the Works Closed notice (see 10.7.8 for notification timescales). It is important to extend the duration of a works if they will not be completed in the original timeframe. Please see 10.6 for the potential consequences regarding the reasonable period.

Interim and permanent reinstatements are separate phases. The period between these cannot be considered as an overrun provided the site has been properly cleared and fully returned to public use. In other words, all spoil, excess materials, stores, plant and equipment and all signs, lighting and guarding must be removed from site before works can be regarded as finished. See also 10.11 for guidance for circumstances where mitigated charges may apply.

Further works to complete the reinstatement, for example the replacement of temporary road markings with permanent ones where delay is permitted by the *Specification for the Reinstatement of Openings in Highways*, should be

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