



Department  
for Transport

# Consultation Response: on the Statutory Guidance for Inspections (coring)

December 2017

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# Contents

Foreword.....	4
Questions 1 -7 .....	5
Question 8 .....	6
Government Response.....	6

# Foreword

Section 72 of the 1991 New Roads and Street Works Act (NRSWA) empowers local highway authorities to carry out investigatory works to ensure that the utility company has reinstated the highways to the required standard. Linked to this Section 72 of NRSWA empowers the local highway authority to carry out investigatory works to ensure that the utility company has restored the road to the required standard. Part of the investigatory works is delivered by a 'coring' programme. This is where a 100mm diameter core is removed from a reinstatement and tested for compliance to current standards. The process for these investigatory works is currently supported by a Code of Practice.

The power for the Secretary of State to issue or approve guidance in relation to street work inspections is contained within Section 73F NRSWA. This was inserted by Section 59 of the 2004 Traffic Management Act (TMA) which was brought into force by the TMA (Commencement No. 8) (England) Order 2015. We have worked with the Highway Authorities and Utilities Committee (UK) Inspections Working Group to amend and update the element of the 2002 Inspections Code of Practice covering coring. Therefore from the date of issue this document is statutory guidance and Local Highway Authorities must have regard to it.

The guidance on coring set out in the 2002 Code of Practice for Inspections was redrafted and the subject of a consultation which closed 1 June 2016. We received 66 detailed responses in total. 26 from utility companies, contractors and their representative bodies, and 37 from highways authorities in England and their representative bodies. There was 1 response from an interested company; 1 from an individual; and 1 joint response from a regional highway authority and utility committee.

The Department has worked closely with the HAUC (UK) Inspections Working Group to consider the content of the responses. In light of those responses we have made some textual amendments to the draft document. Due to the technical nature of the subject and the detail in many of the responses we have only provided an overview of those responses and the changes made.

# Questions related to the Statutory Guidance for Inspections - 'coring'

## Question 1

**Question 1 - The Purpose of Coring, Collaborative Coring Programme, Sharing Data. Do you have any comments on the recommendations made in sections A3 to A8?**

### **Responses from Utilities, contractors and their representative bodies - illustration of issues raised:**

Largely the intentions of the proposals were fully supported and the collaborative approach described was fully supported.

Concerns were raised over the overall increase in the volume of coring being undertaken.

### **Responses from Highway Authorities and their representative bodies - illustration of issues raised:**

Many authorities agreed that the document showed a reasonable approach to encourage a meaningful coring regime.

However authorities also considered that should the reinstatement comply visually the final decision on whether or not to core should rest with the authority.

## Question 2

**Question 2 Selection of Coring Sites - In A20 we describe the methods for selecting sites to be cored. Do you have any comments on this section?**

### **Responses from Utilities, contractors and their representative bodies - illustration of issues raised:**

The proposal that cores were to be taken within six months of permanent reinstatement was supported and that coring sites should be identified by a notice number.

It was suggested that the guidance is extended to provide for a minimum size for the excavation to be cored.

### **Responses from Highway Authorities and their representative bodies - illustration of issues raised:**

Largely authorities considered that this was a reasonable method for site selection.

## Question 3

**Question 3 - Do you have any comments on A22? Please provide evidence to support your views.**

### **Responses from Utilities, contractors and their representative bodies - illustration of issues raised:**

It was suggested that the guidance is extended to take into account the material used in the reinstatements as outlined in the SROH.

### **Responses from Highway Authorities and their representative bodies - illustration of issues raised:**

It was suggested that coring takes place early within the guarantee period in order that the most benefit could be achieved from improving the quality of reinstatements - where cores are taken very late in the guarantee period the ability to drive improvements can be diminished or lost.

Authorities also wanted to ensure that the guidance makes clear that authorities could still undertake individual cores after the end of the guarantee period where there was a need to demonstrate reinstatement compliance.

## Question 4

**Question 4 - Do you consider the 'Flow Chart for the Coring Process for Authorities' at Figure 1 of Annex A clear at A24? We would welcome your views as to whether or not you find it helpful. We would also like to know if any additions / changes are required.**

### **Responses from Utilities, contractors and their representative bodies - illustration of issues raised:**

The value of the flow chart received a mixed reception, but on the whole a flow chart was considered useful.

Some amendments to various boxes in the flow chart were suggested.

### **Responses from Highway Authorities and their representative bodies - illustration of the type of issues raised:**

The provision of a flow chart was supported.

However many stated that there were various errors in it, which needed to be corrected before it was fit for purpose - without corrections it should not be used.

It was also argued that the guidance needed to make clear that the flow chart was there as a quick reference guidance, but that it was the text of the guidance that was to be followed.

## Question 5

**Question 5 - The suggested fee for authority costs for non-compliant cores (section 5) is £47.50. Do you have any comments on the proposed fee? Would you wish to propose an alternative fee? If so, please give your reasons / evidence for a different fee than that proposed.**

### **Responses from Utilities, contractors and their representative bodies - illustration of the type of issues raised:**

Overall there was agreement for the cost as proposed (at £47.50). Alternative fees were not suggested.

### **Responses from Highway Authorities and their representative bodies - illustration of the type of issues raised.**

It was suggested that the administration fee should be derived from a time / cost analysis of the relevant process.

It was also suggested that the guidance needed to make clear that the fee should be charged for every failed core.

## Question 6

**Question 6 - In A13 (A Reasonable Approach) we set out the need for an evidence based approach to the need for coring. Do you have any views on this approach?**

### **Responses from Utilities, contractors and their representative bodies - illustration of the type of issues raised:**

Respondents agreed with the principle of an evidenced based approach.

A range of issues related to the percentage of cores taken were also raised.

### **Responses from Highway Authorities and their representative bodies - illustration of the type of issues raised:**

The evidence based approach was supported - as this supports the drive to improve performance.

There were various comments related to the use of the 6% in A13.

Some authorities recommended that there should be a minimum number of cores against which the failure rate is determined.

## Question 7

**Question 7 - In the part on Improvement Notices (Coring)) we describe the process for 'Improvement Plans' (see also A28 & A29). Do you have any comments in relation to the process for issuing of improvement notices and their discussion at regional HAUC meetings?**

### **Responses from Utilities, contractors and their representative bodies - illustration of the type of issues raised:**

It was considered that the guidance should make clear that the improvement notice for coring should be separate from improvement notices for sample category B and C inspections.

If 'coring' is to be made distinct from other improvement notices they too should be discussed at regional HAUC meetings in a similar way.

It was considered that the improvement Plan should only be used where reinstatements were identified as failing (and were within the time limits suggested in the guidance).

### **Responses from Highway Authorities and their representative bodies - illustration of the type of issues raised:**

It was suggested that rather than risk an element of 'name and shame' by discussing performance notices at regional HAUC meetings it would be better to use performance figures to help drive overall improvement.

## Question 8

**Question 8 - General Question - Do you have any further matters on this statutory guidance that you wish to raise? Please provide evidence to support your views and a reference to the part of the guidance on which you are commenting.**

### **Responses from Utilities, contractors and their representative bodies - illustration of the type of issues raised:**

Respondents provided a range of comments covering the whole of the guidance document, but these were largely repeated from previous questions.

### **Responses from Highway Authorities and their representative bodies - illustration of the type of issues raised:**

Authorities stressed their support for the overall aims of the document, although some questioned how compliance could be ensured.

Again the range of comments and issues was largely repeated from the previous questions.



## Main outcomes from the consultation

- 1.1** There was overall support for the aim of the statutory guidance from across the sector.
- 1.2** Clarity on the status of the final document was sought by several respondents.
- 1.3** A number of the consultation questions sought evidence to support answers provided, although this was largely not provided the responses were very detailed.
- 1.4** The flow chart in the draft document received a number of comments and suggestions for changes to improve its effectiveness.
- 1.5** A number of responses raised issues that relate to issues to be covered by the revision of the full sector guidance on inspections. These have been referred to the Working Group.

## Government response

- 2.1** We are grateful to all respondents for the time taken to provide comments on the draft document.
- 2.2** We were assisted in making revisions to the draft document by the Highway Authorities and Utilities Committee (UK) Inspections Working Group. In particular the flow chart has been considerably reworked.
- 2.3** The Traffic Management Act 2004 (Commencement No. 8) (England) Order 2015 enabled the Secretary of State to issue or approve Statutory Guidance in relation to Street Works Inspections. In accordance with that power from the date of its publication local highway authorities need to have regard to this Statutory Guidance for Inspections (Coring).