



# **HS2 Phase One Planning Forum – Highways Sub-group**

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Meeting #3

January 2015

# Agenda

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1. Introductions
2. Review of notes and actions from last meeting
3. Feedback from authorities on Draft CoCP – Section 14
4. Hybrid Bill – Temporary highway consents and approvals
  - Schedule 2 part 1 - Trial holes
  - Schedule 4 part 2 - Temporary interference
  - Schedule 23 - Street works disapplication
  - Schedule 31 part 1 - Protective provisions
5. Traffic and temporary highway applications/notifications
6. Any other business



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# Introductions

All attendees



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# Review of notes and actions from last meeting

All attendees



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# Feedback from authorities on Draft CoCP – Section 14

All attendees

# Draft Code of Construction Practice

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- **Specific comments for Highways Sub-Group in Red**

## **Planning Forum**

- 4. Implementation
- 5. General requirements - 5.1, 5.3, 5.5-5.11, 5.13-5.15
- 6. Agriculture, forestry and soils
- 9. Ecology
- 10. Ground settlement
- 12. Landscape and visual
- 15. Waste and materials
- 16. Water resources and flood risk

## **Environmental Health Sub Group**

- 5. General requirements – 5.2, 5.4, 5.12
- 7. Air quality
- 11. Land quality
- 13. Noise and vibration

## **Heritage Sub Group**

- 8. Cultural heritage

## **Highways Sub Group**

- 14. Traffic and transport**



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# Hybrid Bill – Temporary highway consents and approvals

All attendees

# Schedule 2 Part 1 : Trial holes

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1 (1) The nominated undertaker may... (a) survey or investigate land which is within the Act limits or which may be affected by the works authorised by this Act.

(2) Includes the power to...(a) make trial holes in such positions as the nominated undertaker thinks fit...

(3) (2)(a) the making of trial holes in a carriageway or footway requires the consent of the highway authority; but such consent must not be unreasonably withheld.

The power to place, maintain or alter, or change the position of apparatus or remove apparatus within limits (e.g. monitoring equipment) is set out in Schedule 4 part 2, para. 7 – Street works.



# Schedule 4 Part 2 : Temporary interference

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6 (1) For the purpose of works authorised by this Act, the nominated undertaker may –

- a. temporarily stop up or alter or divert any highway or part of a highway;
- b. for any reasonable time divert traffic from, and prevent persons passing along, any highway or part of a highway;
- c. break up or interfere with any highway or part of a highway (including any sewer, drain or tunnel in it);
- d. temporarily remove any street furniture in or beside a highway.

(2) ...must provide reasonable access for pedestrians going to or from premises abutting on a highway...if there would otherwise be no such access.

# Schedule 4 Part 2 : Temporary interference

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In relation to a highway..**specified** in table 3, the nominated undertaker must **consult** the relevant authority...to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.

In relation to a highway..**not specified** in table 3, the nominated undertaker must **obtain consent** in writing of the relevant highway authority. Consent must not be unreasonably withheld, but may be given subject to such conditions as the relevant authority may reasonably require in the interest of public safety or convenience.

If a relevant authority which receives an application for **consent** fails to notify the applicant of its decision on the application before the end of 28 days..it is to be treated as having granted the application 42 days in the case of certain TfL roads

# Schedule 4 Part 2 : Temporary interference

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6(9) Any dispute..about consent..must be referred to arbitration.

(10) If a highway is broken up, there is no requirement to reinstate if it is to be permanently stopped up.

(11) The “relevant authority” means (a) the highway authority (b) the owner of the street furniture

“Street furniture includes traffic signs, street lighting and bus shelters”.  
*(....benches, signals, planters, parking equipment, advertising hoardings)*

# A couple of points....

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Traffic Regulation or Management Orders will need to be made on behalf of HS2 to:

- regulate traffic movements (banned turns, no waiting etc).
- Introduce temporary speed limits

Need to agree how vehicles parked on a highway will be relocated/moved where a worksite is to be located or within a closed road.



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# Streetworks disapplication and Protection provisions

All attendees

# Schedule 23 : Street works

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The following sections of the New Roads and Street Works Act do not apply in relation to the works being carried out under the powers conferred by the Act:

- 56(1) and 1A – timing of street works
- 56A – the power to give directions as to the placing of apparatus
- 58(1) – power to impose restriction on the execution of street works following completion of substantial road works.
- 61(1) and 62(2) and 62(4) – requirements in relation to protected streets.
- 63 (1) – requirement of the settlement of a plan and section to be executed in a street designated as having special engineering difficulties
- 73A(1) Requirements for re-surfacing streets
- (74A) and 78A(1)(b) Charges or contributions for streetworks

# Schedule 23 : Street works

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The following sections of the New Roads and Street Works Act do not apply in relation to the works being carried out under the powers conferred by the Act:

- Schedule 3A – restrictions on works following substantial street works, where a notice would be issued under sections 54 or 55
- 2(1)(d) of schedule 3A – notices to require notification of works
- Para. 3 of schedule 3A – directions as to date of commencement
- Para 3(4) of schedule 3A – order of street works to be completed
- Para 5(1) of schedule 3A – restriction of further works

# Schedule 23 : Streetworks disapplication

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Nothing in Part 3 of the Traffic Management Act 2004 (permit schemes), or in any permit scheme or permit regulations under that Part, applies in relation to the carrying out of works under the powers conferred by this Act.



# Schedule 31 Part 1 : Protective provisions

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2. Wherever in this Part provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and subject to such reasonable terms and conditions as the highway authority may require, but must not be unreasonably withheld.
3. In exercising the powers conferred by this Act in relation to any highway the **nominated undertaker must** —
  - (a) have regard to the potential disruption of traffic which may be caused, and
  - (b) seek to minimise such disruption so far as is reasonably practicable.

# Schedule 31 Part 1 : Protective provisions

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8 (1) Any officer of the highway authority duly appointed for the purpose may at all reasonable times, on giving to the nominated undertaker such notice as may in the circumstances be reasonable, enter upon and **inspect any part of the works** authorised by this Act which—

(a) is in, over or under any highway, or

(b) which may affect any highway or any property of the highway authority, during the carrying out of the works.

(2) The nominated undertaker must give to such officer all reasonable facilities for such inspection and, if the officer is of the opinion that the construction of the work is attended with danger to any highway or to any property of the highway authority on or under any highway, the nominated undertaker must adopt such measures and precautions as may be reasonably practicable for the purpose of preventing any damage or injury to the highway.

# Schedule 31 Part 1 : Protective provisions

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9 (1) The nominated undertaker must not alter, disturb or in any way interfere with any **property of the highway authority** on or under any highway, or the access to that property, without the **consent** of the highway authority.

(2) Any alteration, diversion, replacement or reconstruction of any such property which may be necessary must be made by the highway authority or the nominated undertaker as the highway authority thinks fit, and the expense reasonably incurred by the highway authority in so doing must be repaid to the highway authority by the nominated undertaker.

(3) If, within 28 days after a request for consent has been submitted, the highway authority has not given or refused such consent, it is to be deemed to have consented to the request as submitted.

# Schedule 31 Part 1 : Protective provisions

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10 The nominated undertaker must **not remove any soil or material** from any highway except so much as is excavated in the carrying out of the works authorised by this Act.

# Schedule 31 Part 1 : Protective provisions

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11 (1) If the highway authority, after giving to the nominated undertaker not less than 28 days' notice (or, in case of emergency, such notice as is reasonably practicable) of its intention to do so, incurs any **additional expense** in consequence of the construction of the works authorised by this Act—

(a) in the signposting of traffic diversions,

(b) in the taking of other measures in relation to those diversions, or

(c) in the **repair of any highway by reason of the diversion of traffic from a road of a higher standard,**

the nominated undertaker must repay to the highway authority the amount of any such expense reasonably so incurred.

# Schedule 31 Part 1 : Protective provisions

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(3) If the highway fell or would have fallen due for repair as part of the maintenance programme of the highway authority at any time within ten years of the repair being carried out by the nominated undertaker, so as to confer on the highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the highway authority is liable or by deferment of the time for such work in the ordinary course), the amount payable to the highway authority must be reduced by the amount which represents that **benefit**.

# Schedule 31 Part 1: Protective provisions

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12 The nominated undertaker must not, except with the consent of the highway authority—

- (a) **deposit** any soil or material, or store any plant, in or over a highway to which the public continues to have access so as to obstruct or render less safe the use of the highway,
- (b) deposit any soils or materials on any such highway outside a hoarding,
- (c) **erect or retain on or over such a highway any scaffolding or other structure** which obstructs the highway unless the structure comprises screening which has been approved under Schedule 16 (planning conditions), but if within 28 days after request for it any such consent is neither given nor refused it is to be deemed to have been given

# Schedule 31 Part 1: Protective provisions

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13 The nominated undertaker must, if reasonably so required by the highway authority, **provide and maintain** to the reasonable satisfaction of the highway authority, during such time as the nominated undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Act, **temporary bridges and temporary ramps** for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway.



# Schedule 31 Part 1: Protective provisions

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14 (1) Where any part of any highway has been broken up or disturbed by the nominated undertaker and not permanently stopped up or diverted, the nominated undertaker must—

(a) **make good** the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and

(b) **maintain** the same to the reasonable satisfaction of the highway authority for such time as may reasonably be required for the permanent reinstatement of the highway.

(2) **The reinstatement** of that part of the highway must be carried out by the nominated undertaker to the reasonable satisfaction of the highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the New Roads and Street Works Act 1991.

# Schedule 31 Part 1: Protective provisions

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15 (1) This paragraph applies where **damage** to any highway or property of the highway authority on or under any highway is caused by, or results from—

(a) the construction of any work authorised by this Act, or

(b) any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon such work.

(2) In the case of damage to a highway, the nominated undertaker may make good such damage to the reasonable satisfaction of the highway authority.

(3) The nominated undertaker must pay compensation to the highway authority—

(a) in a case where the nominated undertaker does not make good such damage to a highway;

(b) in the case of damage to property of the highway authority.

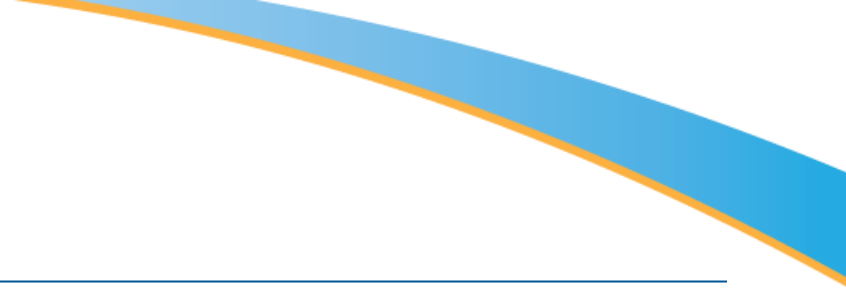
# Schedule 31 Part 1: Protective provisions

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16 The fact that any act or thing may have been done in accordance with plans approved by the highway authority must not (if it was not attributable to the act, neglect or default of the highway authority or of any person in its employ or its contractors or agents) exonerate the nominated undertaker from any **liability**, or affect any claim for damages, under this Part or otherwise.

17 (1) Any **dispute** arising between the nominated undertaker and the highway authority under this Part is to be determined by arbitration if—

- (a) the parties agree, or
- (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed by the Secretary of State.



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# Traffic and temporary highway applications/notifications

All attendees

# Current assumptions about process

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Two types of notification:

Consultation

Consent

Experience suggests three levels of notification:

Standard

Major

Outline consent sought first and then further standard application(s) made.

Minor works notices

....often linked to permanent works submissions

# Current assumptions about process

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## Local Traffic Liaison Groups

- Terms of reference to be agreed in Highways Sub Group
- Geographic areas to be agreed in Highways Sub Group
- Membership decided locally
- Meeting frequency decided locally
- Review local TMPs
- Other detailed technical meetings
- Share highways programme at NRSWA meetings

### **Purpose:**

Standard and major submissions are consulted on via TLGs and agreed prior to issue.



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# Any other business

All attendees