

# **Code of practice for the co-ordination of street and road works**

Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR



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## Executive summary

The New Roads and Street Works Act 1991 (NRSWA) and the Traffic Management Act 2004 (TMA), supported by relevant regulations and codes of practice, provide a legislative framework for street works by undertakers (including utility companies) and the road works carried out by highway authorities – to the extent that these must be co-ordinated by street authorities. Highway authorities are the street authorities for the public road network.

The aim of this code of practice 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 code

- Reflects various changes made to the provisions of NRSWA by the Traffic Management Act 2004 (TMA) and subsequent legislation to enable the administration and management of all street and road works 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 authorities more power to co-ordinate, control and direct works effectively with the aim of minimising disruption.
- Gives practical guidance on both undertakers' and authorities' responsibilities with regard to street or road works and the legislation.
- Was prepared by a Highways Authority and Utility Committee (HAUC) England working group, comprising representatives of the Department for Transport (DfT), the utility industries and highway authorities and was subject to extensive consultation with all practitioners before presenting it to the DfT. The DfT thanks everyone who has been involved in the production of this guidance and for the time and work that has been put into it.

This 6th edition of the code is issued under sections 56A(8), 59(3) and 60(2) of NRSWA as statutory guidance by the DfT for use in England. It comes into force as statutory guidance on 5 January 2026 and authorities must have regard to it.

It supersedes the 5th edition of the code that was published in April 2023 and any other previous versions.

# 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 gives practical 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” covers the following definitions of authority since they are, usually, the same organisation

- highway authority
- street authority
- transport authority
- permit authority
- noticing authority (refers to an authority that used the notices provided for in NRSWA. Almost every authority now operates a permit scheme)
- bridge authority
- strategic highways company (refers to National Highways)

The term “promoter” means the organisation promoting the works and includes

- undertaker
- utility company
- highway authority
- other organisations such as, for example, London Underground and Network Rail

These terms are also covered in the glossary in appendix A.



### 1.1.1 Other definitions

The key words, "must", "must not", "required", "shall", "shall not", "should", "should not", "recommended", "may", and "optional" used in this document are to be interpreted as follows

- legislative requirements are defined in this code by the terms “must” or “must not”, “shall” or “shall not”
- the terms “should” or “should not” and “recommended” or “not recommended”, whilst not clear legislative requirements, nevertheless can have legal repercussions and therefore are expected practice. Deviation from this ought to be justified
- the terms “may” or “optional” refer to accepted good practice

## 1.2 Legislative framework

NRSWA sets out the objectives of the co-ordination function

- to ensure safety
- to minimise inconvenience to people using a street, having regard, in particular, to the needs of people with a disability
- to protect the structure of the street and the apparatus in it

This code is intended to help authorities carry out the above duties which are set out in section 59 of NRSWA, and promoters to fulfil their duty to co-operate in this process which is set out in section 60 of NRSWA.

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
- 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 the legislative requirements to serve notifications and apply for permits, as well as the electronic system(s) 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 focused 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 utility company customers
- the importance of co-operation and regular communication between authorities and promoters
- 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 transactions by which works were communicated and managed between authorities and promoters. Almost every authority in England operates a permit scheme, with the last one or two expected to introduce schemes shortly. Permit schemes are, or shortly will be, the means by which all street and road works are planned, co-ordinated and administered.

This code applies to prospectively maintainable streets (under section 87 of NRSWA) as well as to the public road network (roads maintainable at public expense).

The provisions of this code 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 (National Street Gazetteer (NSG)), Additional Street Data (ASD), and that all permits are administered in accordance with Street Manager (the DfT's digital service for planning and managing works in England and which must be used by every authority and promoter).

### 1.3 Other statutory obligations

Both authorities and promoters operate in line with other statutes which impose additional obligations and need to comply with these as well as the duties in NRSWA.

Permit schemes were introduced by Part 3 of the TMA to improve authorities' abilities to minimise disruption from street and road works. Section 16 of the TMA also introduced the network management duty. The network management duty requires authorities to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives

- (a) securing the expeditious movement of traffic on the authority's road network, and
- (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. Traffic includes pedestrians and cyclists.

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

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

- that minimum application times for permits specified in the permit scheme [statutory guidance](#) 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
- the importance of the designation of streets subject to special controls. Authorities should only use designation in cases where it is strictly necessary. Promoters must respect the objectives of designation when planning and carrying out works.

The authority has further powers through other legislation such as the Highways Act 1980 and the Road Traffic Regulation Act 1984. It may also have powers granted by local acts, particularly in London.

An authority's duties and powers must be balanced against the statutory obligations of the promoter, and must adhere to duties under sections 59 and 60 of NRSWA for authorities to co-ordinate works and for promoters to co-operate.

This code should also be read in conjunction with the relevant regulations, guidance relating to Street Manager, and other guidance issued including in relation to permit schemes, inspections, safety and the technical guidance relating to reinstatements for a full understanding of the administration of street and road works.

# Chapter 2 – Co-ordination and collaboration

## 2.1 Introduction

This chapter sets out the key principles of effective co-ordination, collaboration, and works processes that should be followed.

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

- the need for the authority to have accurate and timely information, including contact details with each permit
- details of how works will be undertaken so 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
- 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
- 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 there should be engagement with the authority and relevant stakeholders.

### 2.2.2 Forward planning information

Forward planning information is a means of sharing information about future 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 should provide forward planning information about road or street works. This may include but not be limited to

- those works in their annual operating programme
- three or five-year rolling programmes such as mains replacement programmes or the reconstruction of main roads, which will be planned several years ahead
- works identified through asset condition surveys

Forward planning information can be provided at any time before an application for a provisional advance authorisation or permit application, but is encouraged to be submitted at the earliest opportunity to support co-ordination. It is much easier to adjust medium and long-term programmes to co-ordinate with the plans of others if forward visibility is given in advance, than it is for short term programmes where contractual commitments may have been made.

Submission of forward plan notices should be via Street Manager.

It is essential that information on large-scale or potentially very disruptive works is included in Street Manager 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 which 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 Street Manager is still current and to update these plans accordingly.

### 2.2.3 Co-ordination 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 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 meetings may include the following subject areas

- 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

### 2.2.4 National and regional HAUC meetings

National and regional HAUCs hold regular meetings. Principal issues discussed at these meetings will be national policy implications and they will provide policy guidance on a local basis. They will also facilitate local mediation procedures.

### 2.2.5 Liaison with other bodies

Authorities must liaise with neighbouring 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
- freight operators
- any other appropriate bodies, for example, organisations representing people with disabilities, pedestrians, motorists, equestrians and cyclists the appropriate planning and environmental health officers

## 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

- 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, that is, traffic management, innovative technology and construction methodologies
- the effect of other planned or active works, other licences and activities that will occupy the highway, any known events, any forward planning information and other licences or consents issued in respect of affected streets
- developments for which there is a resulting impact on the highway
- 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.

The promoter might, for example, also want to consider issues like the future accessibility to all assets both above and below ground and the availability of a workforce to begin and complete works as quickly as possible before submitting permit applications.

### 2.3.1 Communication

Whilst all works are required to be published on public facing websites, and are included in Street Manager's open data, when considering the impact of the works during the assessment process, authorities and utility companies 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 householders or businesses with frontages on the street
- 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. Utility companies can also propose communications that could help to mitigate the impact of their works.

## 2.4 Co-operation

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

Undertakers 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 undertaker 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 and the TMA.

## 2.5 Collaborative working

Collaborative working is something that all promoters, whether authority or undertaker, should consider during the planning process. Collaborative works can only take place where parties can identify the opportunities to do so, and 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
- less material to landfill
- reduced pollution/vehicle emissions from reduced disruption
- reduce repeated reinstatement of same surfaces, reducing the use of non-renewable resources
- reduce direct costs to the customer, the undertaker 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 works activities mean improved safety for public and workforce
- overall efficiencies gained for the UK
- 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 and permit schemes may incentivise collaboration with discounts on lane rental charges and permit fees.

Collaboration has traditionally been limited to the most significant schemes and 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

- Special engineering difficulty (SED). There is an opportunity for promoters to work together on other network activities when bridge works, for example, are planned. This needs to be agreed with owners of structures in advance.
- 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?
- 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 promoter must be aware of the permitting implications in relation to the different work types.
- 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. For example, 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. For example, 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 traffic

management 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 promoter's work immediately following the works of another. The objective is to minimise the incidence of traffic control deployed on the highway, although the overall 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.
- 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 Street Manager 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 for site safety, permitting requirements and reinstatement. There should be an agreed primary promoter, with other collaborating promoters designated as secondary promoters. 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 for 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.

- Permits/lane rental. Each party will be required to submit relevant permits but these will differ depending on whether they 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. In the case of collaborative works with shared trenches, provided that one undertaker accepts responsibility for the works, the calculation of units of inspection will be based on the cumulative duration of all works on the primary promoter's permit. This should not be seen as a deterrent to collaborative works since the benefits of these type of works are significant and can reduce the total time the highway is occupied.
- Each promoter should indicate the type of traffic management for which they are responsible when applying for a permit. This is not the most severe type of traffic management for the entire works, but the element relevant to that permit application. For example, promoter 1 applies for a permit with a “road closure”, and promoter 2 applies for a permit with “some carriageway incursion”. In more complex scenarios, further information can be provided in the works' description.

#### **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 used, 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.

Further guidance 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.

Further guidance 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, discussions and agreements may be made via phone calls and e-mails outside of Street Manager and other street works systems.

It is recommended that all promoters are clear about their individual responsibilities to record relevant information in Street Manager.

Promoters and authorities should also, where possible, ensure that relevant contact information is recorded in Street Manager to facilitate effective communication.

## 2.5.7 Special considerations for authorities

### Durations

A major objective of collaboration is to reduce the disruption caused by repeated street and road works at the same location. Where, in isolation, each promoter's 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 not fully 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.

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

#### Without Collaboration

Promoter 1 – planned duration 15 days

Promoter 2 – planned duration 13 days

Promoter 3 – planned duration 1 day



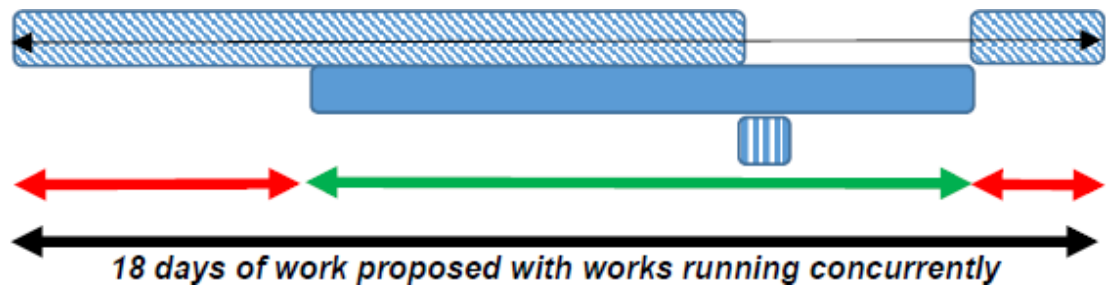
#### With Collaboration

This example shows collaboration between 3 promoters with promoter 1 as the primary promoter, taking responsibility for the final reinstatement of the site.

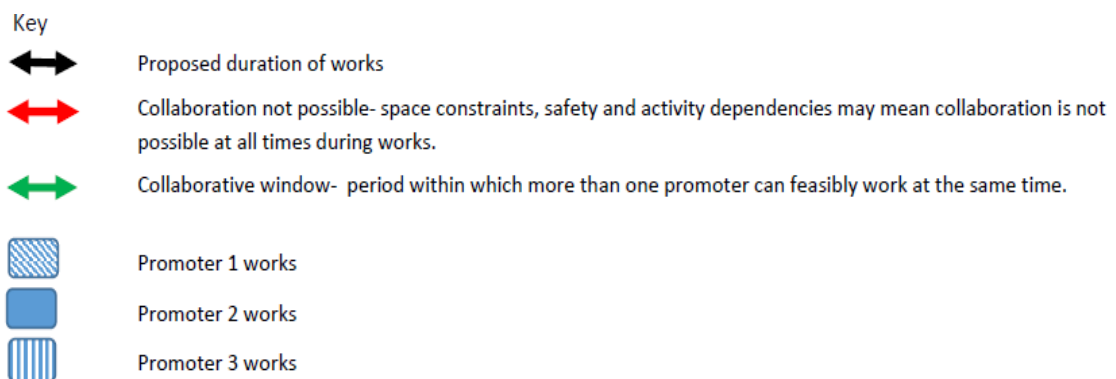
Promoter 1 – duration now proposed at 18 days from excavation to reinstatement. Unable to complete reinstatement until other promoters have completed work.

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.



Under this collaborative scenario, the duration of promoter 1's works is three days longer than without collaboration. But the overall duration for all 3 works results in 11 days' less disruption for road 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.

## Chapter 3 - The national street gazetteer

### 3.1 Introduction

This chapter provides information about the national street gazetteer (NSG) which holds detailed information about all the streets in England and Wales and other additional street data (ASD).

### 3.2 The local and national street gazetteers

Every local highway authority produces a local street gazetteer (LSG) which must include all streets within their area.

Each of these LSGs shall contain the [information](#) required by the NSG concessionaire (GeoPlace) which is defined in the latest versions of the data entry conventions for streets and transferred in accordance with the data transfer format (DTF) specification. To ensure the LSGs remain current, the specification should be reviewed regularly.

National Highways produce the trunk road street gazetteer (TRSG) which contains details of the strategic and trunk road network maintained by National Highways.

The LSGs and TSRGD then combine to form the NSG.

### 3.3 Additional street data

Additional street data (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 (see below). The data requirements of each different type of ASD are defined by the NSG concessionaire, within the 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 DfT may expand the scope of ASD as required.

The co-ordination process is greatly enhanced by ensuring all ASD is current and recorded on all appropriate streets.

### 3.3.1 Interest records

The principal purpose of this record is to identify any organisation that has an interest in the street and the nature of that interest.

It also identifies whether the street is a highway maintainable at public expense and, where this is not the highway authority, who is responsible for maintaining the street. For example, Transport for London, National Highways, Network Rail or a private street manager.

### 3.3.2 Construction records

The purpose of this information is to identify the standard of construction that is used in the street, as specified by the current [Specification](#) for the Reinstatement of Openings in Highways (SROH).

It also identifies any special surface or construction needs in the street, as specified by the current SROH

- special surface (a discretionary record) identifies areas of the street where special surfacing materials were used, for example, porous asphalt, high friction surfacing, coloured surfacing, modular surfacing, other asphalt areas (footways, including mastic asphalt) and replacement modules
- special construction needs (a discretionary record) identifies areas where the street is subject to special construction methods or where they were used, for example, geosynthetic materials, geotextile materials, reinforcement grids, sulphate resistant concrete, air entrained concrete, HD26 design standard, high sulphate areas.

If the standard of construction varies along the length of the street, it is possible to have multiple construction records that apply to each street.

### 3.3.3 Special designations

The purpose of a special designation is to identify any special attributes relating to the street that would be useful in street works' co-ordination.

Statutory designations should be recorded against any street where they exist.

Conditional designations should be recorded against any street where they exist.

All special designations should be reviewed on a regular basis to ensure that any amendments are available to all users. This should be at least every 3 years.

All special designations should 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.

See Annex F for the current list of special designations.

## **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

- the street authority responsible for maintaining the street
- the maintainability of the street, whether the street is publicly maintainable, prospectively publicly maintainable, or private
- 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

- all traffic-sensitive designations
- all formally protected street designations
- all special engineering difficulty designations
- all lane rental scheme designations
- if the street forms part of a strategic route
- all Public Rights of Way (PRoW) rights that currently exist
- 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 data for all streets within its geographical area, whether or not it is the street authority for any particular street. This includes all streets that are not maintainable at public expense.

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

- National Highways
- Transport for London



Any other organisation with an asset in the street may submit records to the NSG concessionaire where they are the definitive source of a type of data. They may also submit an interest record. An example of such an organisation is Network Rail.

Any other organisation with only an interest in the street may submit records to the NSG concessionaire where they have an interest in activities happening in the street. An example of this is a neighbouring authority, exercising their network management duty.

These records may also be entered into the ASD maintained by the authority where the data cannot be submitted directly.

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

### 3.4.3 Format of data

The NSG is a geographical dataset that 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 centerline geometry objects (defined as level 3 geometry in BS7666), 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.

#### The minimum specification of the common map base

Scale	Urban areas: 1:1250 Rural areas: 1:2500 Remote areas: 1:10000
Accuracy	Urban areas: $\pm 1.0\text{m}$ Rural areas: $\pm 2.0\text{m}$ Remote areas: $\pm 4.0\text{m}$

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 maximum

All streets in a LSG should reference the road centreline geometries as defined above, which should in turn reference polygons representing the road surface.

All streets in a LSG must be identified using a Unique Street Reference Number (USRN).

In essence, for each street, authorities should provide

- USRN definitions and attribution as defined in BS7666: 2006 Part 1
- the geometries recorded by referencing the road centreline objects in the digital map base

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

All data should follow the [NSG standards](#).

### 3.4.3 Procedure for updating and publication

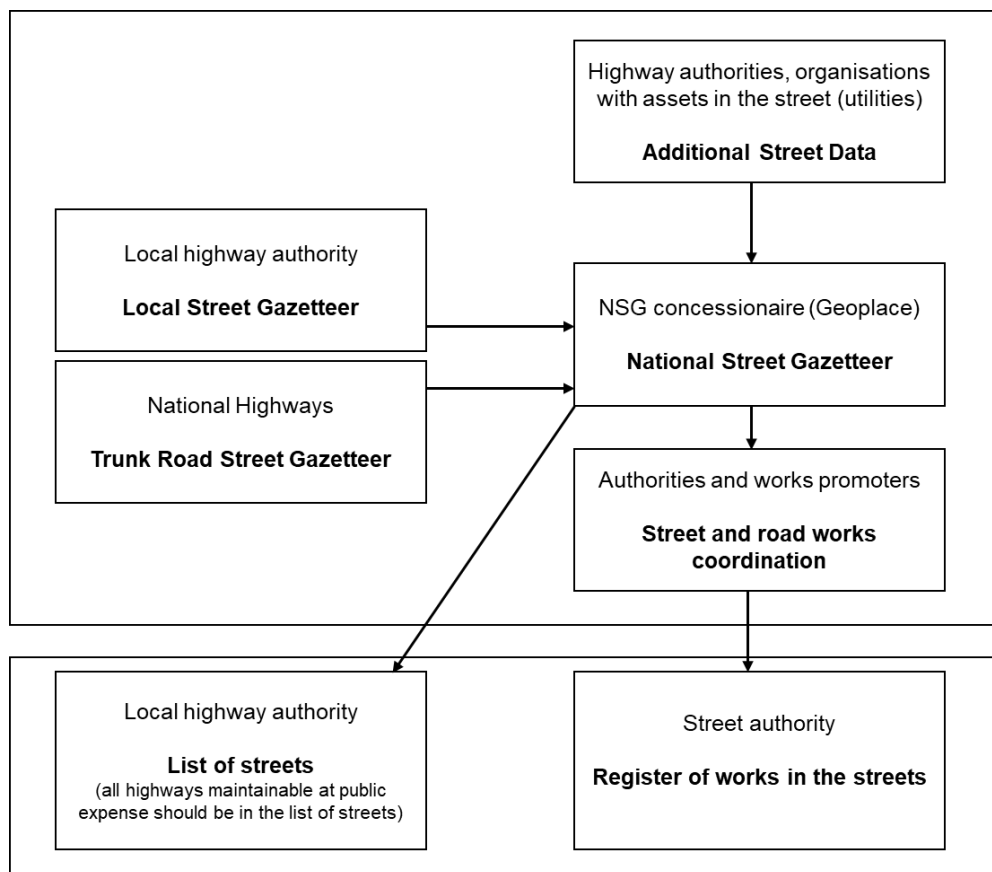
For updates, all LSGs and the TRSG should be submitted to the NSG concessionaire at least once per calendar month. The frequency of updates may be subject to change following review by the NSG concessionaire and the DfT. The data should be submitted to a nationally consistent standard where it is validated and combined to create the NSG.

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

All authorities and statutory undertakers can obtain the street data and ASD from Geoplace's [website](#)

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 should use the most current data. Street Manager is updated with the latest NSG data at least every month.

The NSG dataset should be used to underpin all statutory duties on the authority as identified in the following process diagram.



# Chapter 4 - Register of works in a street

## 4.1 Introduction

Part 8A of the Traffic Management Permit Scheme (England) [Regulations](#) 2007 as amended (the 2007 permit regulations) was inserted by the Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020 to enable the Secretary of State to charge authorities and statutory undertakers for use of Street Manager and to require use of it by authorities and statutory undertakers.

Regulation 38A applies the modifications to section 53 of NRSWA set out in regulation 38B to specified streets within permit areas and requires authorities to maintain a register of each street covered by their scheme containing information with respect to all specified works on those streets.

For highways maintainable at the public expense, the street authority is the highway authority. For streets that are not maintainable at public expense, the street authority is the relevant street manager (different to Street Manager - the digital service) as defined in section 49 of NRSWA. However, the regulations still require the street authority maintains a register of such streets if they are "specified streets" (see regulation 9 of the 2007 permit regulations). Such streets may be specified streets if

- the authority anticipates that the street will become a maintainable highway
- the permit scheme provides that the controls on specified works shall apply only in relation to works in that street which are carried out after the street has become a maintainable highway
- they are publicly maintained streets but are not included in the permit scheme

Authorities must use Street Manager - the digital service - as the register for the information set out in the 2007 permit regulations and section 53 of NWSRA, as amended.

Both authorities and statutory undertakers are joint data controllers with the DfT under the Street Manager terms and conditions and as set out in the Data Privacy Impact Assessment.

## 4.2 Public access to information contained in street manager

Street Manager publishes a sub-set of the data included within it via open data. This data includes information about the work, its location, its type, the promoter and the expected duration. Actual start and stop data are also provided. This data can then be used by external companies, app developers and other technology companies to provide information to the general public. Statutory undertakers and other authorities will have access to information across England about other works that are planned or underway.

Authorities are strongly recommended to publish the register on their public website. Public access to websites should be read-only to prevent unauthorised amendment to records. Restricted information must not be shown on authorities' websites. The promoter should indicate restricted information on the permit application. The case for restriction needs to be considered on a permit-by-permit basis, rather than a works-by-works basis.

It is essential that both authorities and promoters ensure the information included in Street Manager is accurate and up to date for the benefit of all users, including the open data customers. It is also essential that information on major, large-scale works, or potentially very disruptive activities is included in the permits register on Street Manager at the earliest opportunity (using the forward planning feature). The entry should give as much detail as possible. This will enable activity promoters to take part in early co-ordination enable:

- consideration of joint working (including trench sharing)
- identification of other activities which need to be coordinated with these activities and
- production of reports for activity coordinators

## 4.3 Entering information on the register

It is the authority's responsibility to enter forward planning information into the relevant section of the register but, if agreed, the promoter may submit forward planning information. Street Manager has been developed to enable this and for all promoters to enter their own forward plans in line with modern working practices.

## 4.4 Requirements for Street Manager

The following registration requirements must be carried out via Street Manager

- every permit (consolidated so as to incorporate any variations of the permit)
- every variation of a permit
- every variation and revocation of permit conditions
- every provisional advance authorisation
- every application for a permit
- every application for a variation of a permit
- every application for a provisional advance authorisation
- every refusal to grant a permit
- every refusal to grant a variation of a permit
- every refusal to grant a provisional advance authorisation

- every permit, provisional advance authorisation, variation of a permit and variation to permit conditions deemed to have been granted under regulation 16 of the 2007 permit regulations
- every permit revocation.
- every notice given under section 58 NRSWA
- every notice given under 58A and Schedule 3A NRSWA
- every notice given under regulation 6 of the Street Works (Charges for Unreasonably Prolonged Occupations of the Highway) (England) Regulations 2009 (the 2009 charging regulations)
- every notice given under section 70(3) or (4A) NRSWA
- every notice given under regulation 9B, 21 or 27 of the 2007 permit regulations
- every fixed penalty notice given or notice withdrawing a fixed penalty given under regulation 5(1) of the Street Works (Fixed Penalty) (England) Regulations 2007
- every notice given under section 81 NRSWA.

#### **4.4.1 Retention of information**

Street Manager will store data for seven years. After that data, authorities and promoters can download their data and store it for a further period of time if needed in their own systems. Authorities, in particular, will need to consider doing this for data needed to deal with any personal injury claims.

# 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 as amended (the 2007 noticing regulations).

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 (for example, motorways), are protected streets. In addition, an authority may designate other protected streets that meet criteria specified in regulation 14 of the 2007 noticing regulations.

Once a street has been designated 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 designation alone would not prevent significant traffic disruption during works, and where all of the following apply

- the street serves, or will serve, a specific strategic traffic need (see the glossary in appendix A), and
- has high and constant traffic flow, and
- there is a reasonable alternative route in which 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.

### 5.3.3 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

- consider the needs of utilities to supply and maintain services to householders and businesses with frontages on the street, and to use such streets for existing trunk supplies
- 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.



### 5.3.4 New streets

Where construction of a street is planned and it is being considered for designation, the authority shall consult all appropriate statutory undertakers and others, such as transport, bridge and sewer authorities, as well as adjacent landowners and householders and businesses with frontages on the street 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.

### 5.3.5 The implications of designation

Once a street is designated as protected, statutory 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. Permitting requirements still apply. However, NRSWA s61(4) provides 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. This can include, for example, if the new apparatus could be provided using a reasonable alternative route.

If permission is granted with conditions attached, the authority may contribute to the statutory 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, permission should not be unreasonably refused. An authority's own 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 'special engineering difficulties (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, that is, the street authority, and/or the sewer, transport or bridge authority.

Criteria that may lead to an SED designation are set out in regulation 15 of the 2007 noticing regulations.

### 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.
- **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.
- **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 should reply to the request within 1 month. It shall then follow the procedure for making a designation and subsequently make the designation, with or without modifications.

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 statutory 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 households and businesses with frontages on the street when they intend to carry out

- excavations close to cellars, or
- 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 in the 2007 noticing regulations, or by written agreement with the majority of undertakers whom they know 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.

Designations should be reflective of the various network management needs, up to date traffic data, and be reviewed at least every three years.

Regulation 16 of the 2007 noticing regulations sets out the criteria that may lead to a traffic-sensitive designation. It was amended in 2022 with changes coming into force on 3 April 2023.

The amendments removed three criteria ('is designated by the authority as part of its winter maintenance programme'; 'is on a tourist route or within an area where major events take place'; and 'is covered by a congestion charge'). It means that, with effect from April 2023, streets cannot be designated as traffic-sensitive using any of these criteria.

Authorities should review their existing designations before the end of 2023 to check if they have any streets designated under one of these three criteria and they should assess whether a traffic-sensitive designation should still apply to those streets. It may be that one of the remaining criteria will continue to apply, for example, the street may carry more than eight buses an hour. However, if another criterion does not apply, the designation should be removed at the earliest opportunity so that access for street and road works is not unnecessarily restricted and traffic sensitive rates are not inadvertently charged as part of permit fees. Access can still be managed through permits and authorities can add conditions about when and, on what days, works can take place.

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

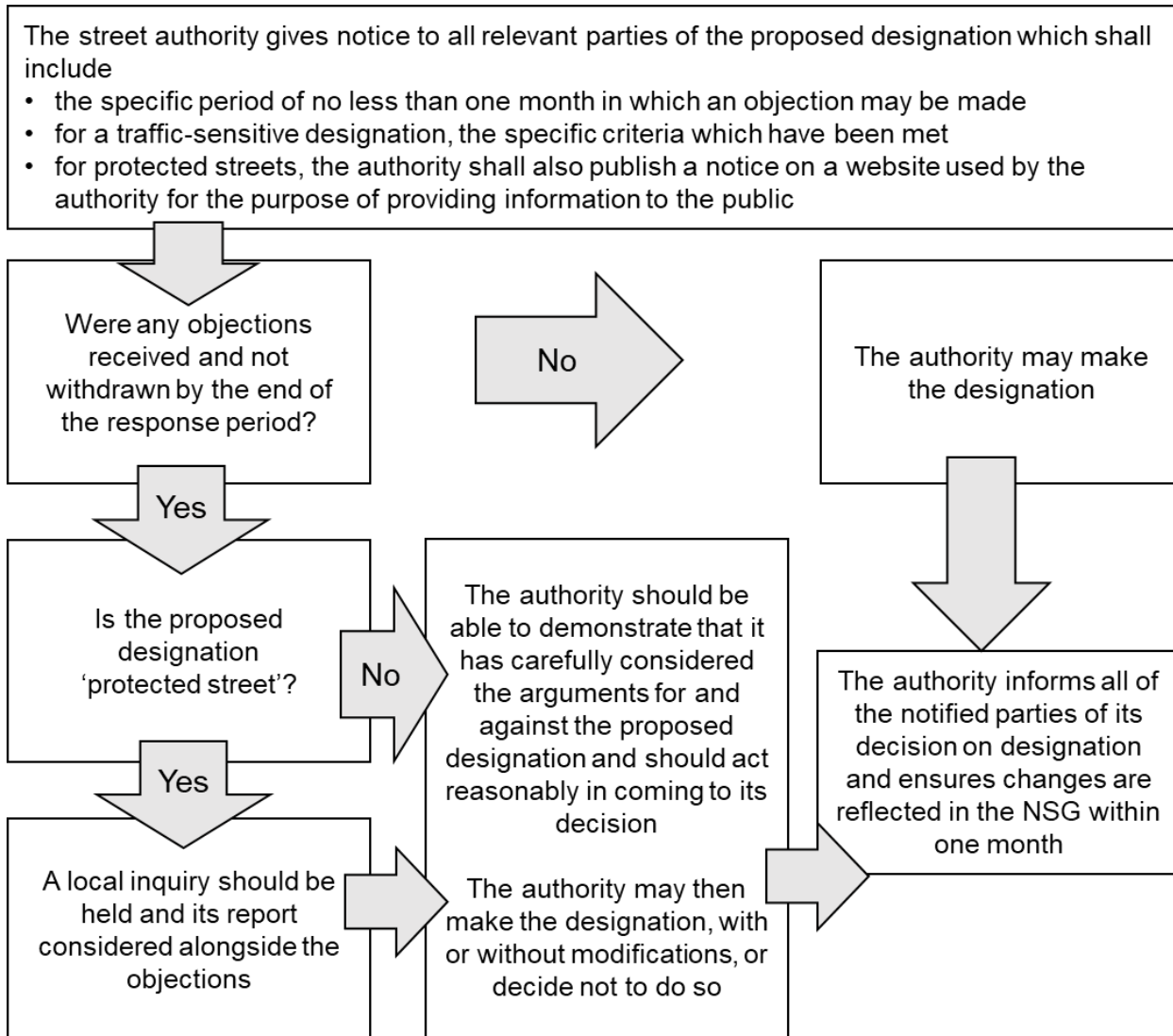
- the street is one on which at any time the authority estimates traffic flow to be greater than 500 vehicles per hour per lane of carriageway, disregarding bus or cycle lanes
- the street is a single carriageway two-way road, the carriageway of which is less than 6.5 metres wide, having a total traffic flow in both directions of not less than 600 vehicles per hour
- the street is one on which more than 25% of the traffic flow in both directions consists of heavy commercial vehicles

- the street is one on which the traffic flow in both directions includes more than eight buses per hour
- the street is within 100 metres of a critical signalised junction or a critical gyratory or roundabout system
- the street has a pedestrian flow of at least 1,300 people per hour, per metre width of footway

Regulation 16(5) of the 2007 noticing regulations also allows designation of a street as traffic-sensitive with the agreement of the majority of statutory undertakers whom they know to have apparatus in the street. If a highway authority wants to designate a street as traffic sensitive using this criterium, they should proactively seek the necessary agreement from the relevant utility companies.

## **5.5 Procedure for making designations**

The procedure for making designations is contained in the schedule to the 2007 noticing regulations and is summarised in the following diagram and described thereafter.



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, for example, National Highways, Network Rail and any other relevant transport authority
- for the designation of streets as protected, the occupiers of properties which have a frontage onto the part of 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 carefully consider 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.

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.

## 5.6 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 the schedule to the 2007 noticing regulations.



### **5.6.1 Periodic review of designations**

There will be occasions where criteria originally used in making a designation are no longer met. It is therefore recommended that the authority reviews its designations at least every three years, especially as criteria affecting traffic sensitivity could change significantly in relatively short periods. Authorities that have not reviewed their designations for several years should do so as soon as possible.

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.

### **5.6.2 Challenging a designation**

Any person included in the consultation process, 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.

### **5.6.3 Withdrawal of a designation**

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

- 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
- if the original designation was made following a direction by the Secretary of State, no withdrawal shall take place without his/her 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

# Chapter 6 - Restrictions

## 6.1 Introduction

This chapter covers 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 sections 59 and 60 of NRSWA for all parties when working in the highway:

- Section 59 – 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.
- Section 60 – 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.

Restriction Category	Section of NRSWA
Restriction on street works following substantial road works	Section 58 (as modified for the purposes of permit schemes by regulation 37(2) of the 2007 permit regulations)
Restriction on street works following substantial street works	Section 58A and Schedule 3A (as modified for the

	purpose of permit schemes by regulation 37(9) of the 2007 permit regulations)
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Under sections 58 and 58A of NRSWA, street authorities have the power to impose a restriction on further street works on a street. These powers are defined in primary legislation.

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 as amended
- The Traffic Management Permit Scheme (England) Regulations 2007 as amended

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 street 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 road works by an authority.

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

The 2007 noticing regulations provide:

- (1) 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 (a)(i) and (ii) or (b)(i) and (ii) must be met whilst the road works are in progress.

The terms used in the above are defined in the 2007 noticing regulations, but are included here for ease of reference:

- “cycle track” has the same meaning as in section 329(1) of the Highways Act 1980
- “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

To note, “non-skid surface dressing” means a high friction surface applied leading up to and at hazard points on the highway, such as pedestrian crossings, bends and junctions. The current term for “non-skid surface dressing” is High Friction Surfacing (HFS).

The use of a section 58 restriction must fully satisfy the requirements listed in regulations and, where a restriction is to be used in order to support the coordination duty in section 59, 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 street works by an undertaker.

It is important to be clear as to where and when the powers under section 58A can be used. The 2007 noticing regulations provide that, for the purposes of Schedule 3A to the NRSWA, “substantial street works means major works”. The definition of major works can be found in regulation 3 of the 2007 noticing regulations and in 7.4.1 of this code.

## **6.3 Creating a restriction**

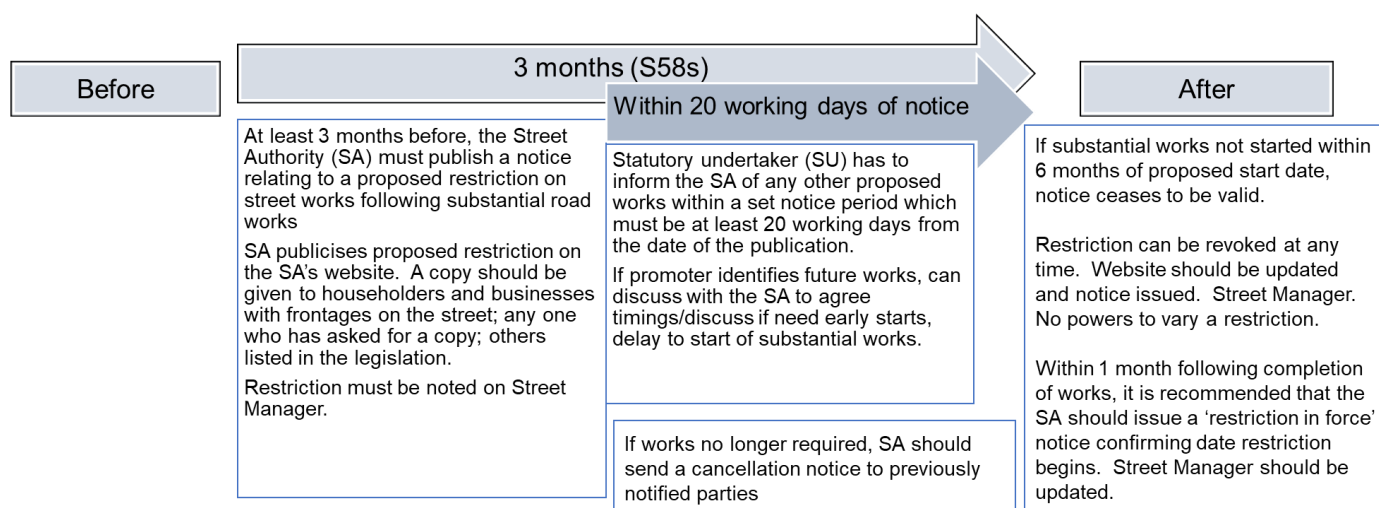
Where substantial road or street works that meet the qualifying criteria are proposed and a restriction is assessed as appropriate, the correct process must be followed.

### **6.3.1 Process**

All promoters should submit future work programmes to allow early discussion around substantial works.

The authority shall use their best endeavours to discuss any potential restrictions at the relevant co-ordination meeting to fulfil duties under section 59 of NRSWA.

The diagram below summarises the current requirements for information exchange for **section 58** notices about proposed restrictions and updates on the start and end dates of restrictions.



In more detail:

At least 3 months before, the street authority (SA) must publish a notice relating to a proposed restriction on street works following substantial road works on any website maintained by the authority for the purpose of providing information to the public (regulation 11(4) of the 2007 noticing regulations).

A copy of the notice must be given to parties prescribed in the legislation including

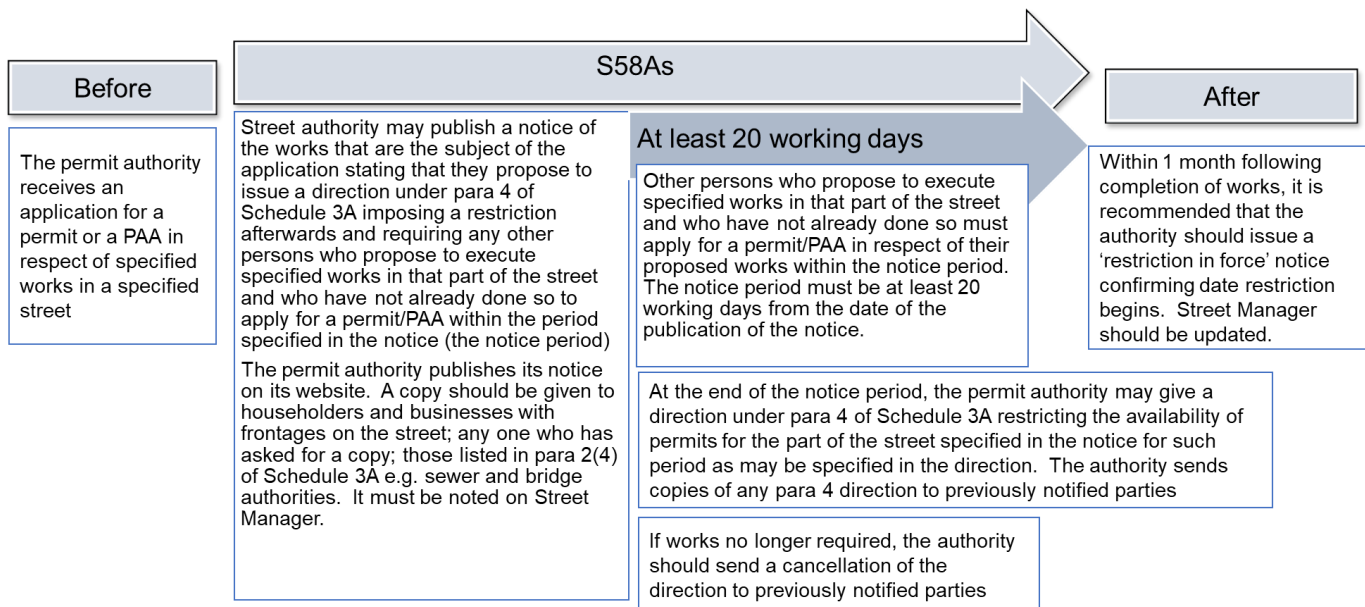
- the occupier of any premises which have a frontage onto the part of the highway to which the proposed restriction relates
- any other person who has made a written request asking for a copy of any such notice, and
- others set out in section 58(3) of NRSWA, for example, the sewer or bridge authority.

The notice of a proposed restriction ceases to be effective if the road works to which it relates are not substantially begun within six months of the later of:

- (a) the date specified in the notice as being the date on which it is proposed to begin the works; or
- (b) the completion of all works executed as a consequence of any notice given to a SA in accordance with regulation 9(3) (regulation 9(3) provides that an undertaker should give notice

of any proposed works not more than 20 working days from the publication date of the notice of a proposed restriction).

The diagram below summarises the current requirements for information exchange for **section 58A** notices.



In more detail, the process for section 58A and Schedule 3A notices is as follows.

The permit authority receives an application for a permit or for a provisional advance authorisation in respect of specified works in a specified street (paragraph 1(1) of schedule 3A of NRSWA as amended by regulation 37 of the 2007 permit regulations).

The authority may publish a notice of the works that are the subject of the application and stating that they (the authority) propose to issue a direction under paragraph 4 of Schedule 3A imposing a restriction afterwards (paragraph 2(1) of schedule 3A of NRSWA). The notice should state the duration of the proposed restriction and the part of the street to which it relates.

Other persons who propose to execute specified works in that part of the street are then required to apply for a permit (or provisional advance authorisation, as applicable) in respect of their proposed works within the period specified in the authority's notice (paragraph 2(1)(d) of schedule 3A of NRSWA). That notice period must be at least 20 working days (so could be more than that) from the date of the publication of the notice (paragraph 2(2) of Schedule 3A of NRSWA and regulation 12(2) of the 2007 noticing regulations).

Copies of the notice must be given to parties prescribed in the legislation including:

- the occupier of any premises which have a frontage onto the part of the highway to which the proposed restriction relates
- any other person who has made a written request asking for a copy of any such notice, and
- others set out in paragraph 2(4) of schedule 3A of NRSWA, for example, the sewer or bridge authority.

After the expiry of the notice period, the authority may issue a direction under paragraph 4 of Schedule 3A, restricting the availability of permits for such period as may be specified in the direction (paragraph 4 of Schedule 3A of NRSWA).

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.

Once the proposed restriction has been recorded via Street Manager, if a promoter identifies their own future works, they need to submit a permit application/PAA within the notice period 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.

It is appropriate for an authority to use the permit process to ensure co-ordination.

Under regulation 5(2) of the 2007 noticing regulations (service of notices: maintainable highways), notices under section 58 and 58A must be submitted via Street Manager.

As soon as reasonably practicable following completion of the works, the authority should also issue a section 58/58A restriction in force notice via Street Manager, confirming the date the restriction began. This is a direction restricting further works under s58A (see paragraph 4 of Schedule 3A NRSWA).

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 a section 58 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. It is, therefore, vitally important that the correct notification process is followed to ensure a legally compliant restriction comes into force.

### 6.3.2 Revocation of a restriction

An in-force restriction may be revoked at any time if circumstances change and mean the restriction is no longer required. Revocation should be carried out via Street Manager by cancelling the restriction in force, as well as updating the authority's website and notifying other prescribed parties.

### 6.3.3 Promoters

The following steps regarding restrictions are advocated for promoters

- identify via Street Manager or co-ordination meetings all future works (planned) that are known to the promoter. This allows visibility of future works to identify potential conflicts
- ensure that systems are configured to draw attention to any restrictions that may be proposed or in force when proposing works
- if a restriction is found which applies to proposed works, then contact the authority immediately to obtain consent if the works must proceed

## 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 the 2007 noticing regulations.

**Table 6.1 Maximum durations of restrictions**

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 above)	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 and 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
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In accordance with regulation 11(2) of the 2007 noticing regulations, section 58 restrictions can be in place for:

- 3 years in relation to substantial road works involving reconstruction
- 2 years in relation to substantial road works involving resurfacing or an alteration in the level of the highway
- 1 year in relation to any other substantial road works carried out in a traffic-sensitive street or a street in road category 0, 1 or 2 which is not a traffic-sensitive street, and
- 6 months in relation to any other substantial road works carried out in a street in road category 3 or 4 which is not a traffic-sensitive street

## 6.5 Works during a restriction

Works may be carried out during a restriction if the works fall within the categories of exempt works.

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 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 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

- after any relevant statutory section 58/58A restriction period has ended, or
- within the section 58/58A restriction period, where allowed under legislation

Works which are exempt or subject to reduced restrictions are specified in the 2007 noticing and 2007 permit regulations (unless indicated otherwise)

- emergency works
- urgent works
- street works that do not involve breaking up or excavating the street
- a new service or supply to a customer (see 6.5.2)
- street works under regulation 16(3)(b) of the Gas Safety (Installation and Use) Regulations 1998 (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 1996 that could not have been identified before the restriction began

For any planned works subject to the above exemptions, promoters will need to be prepared to discuss their proposed works and the reason for the exemption in advance of submitting a permit application. Providing justification of a request for early entry into a restricted street will result in consent from an authority.

The regulations specifically provide 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 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 (from the date the restriction begins plus 19 days) 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 consent. This code recommends the following

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

A section 58 restriction will cease to be effective if the substantial road works have not substantially begun 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, then the authority should be contacted to confirm the restriction status of the street if the promoter cannot find a record of any restriction.

The section 58/58A restrictions which are currently in force or active can be found in several places depending upon when they were activated

- for those section 58/58A restrictions created in EToN (electronic transfer of notifications systems) prior to July 2020, they may remain in those EToN systems and are still valid. The latest end date of any such section restrictions will be 30th June 2025.
- for those section 58/58A restrictions which were created in Street Manager as ‘activities’ from 1st July 2020, they will remain as an activity in Street Manager and are still valid. The earliest end date of any such section 58/58A restrictions will be 31st March 2025.
- on 1st April 2022, Street Manager introduced a dedicated function to record proposed and in-force section 58/58A restrictions. After 30th June 2025, this will be the only place to view all section 58/58A restrictions.
- it is possible that some authorities also used co-ordination meetings or emails to inform promoters of section 58/58A restrictions prior to the functionality in Street Manager being available.

If, having received a 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” (for example, a larger patch) reinstatement to be carried out by the promoter. This cannot be a permit condition or basis for withholding consent.

Where a promoter needs to carry out planned works in a restricted street where exemptions do not apply, 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 section 58. This is 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 offences for which fixed penalty notices can be issued associated with section 58 restrictions. There is, of course, an offence for working without a permit.

## **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.

# Chapter 7 - Works' classification

## 7.1 Introduction

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

## 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 NRSWA are

- "undertaker", as defined in section 48(4), refers to: (a) the person by whom the relevant statutory right is exercisable (that is, a statutory undertaker, with the statutory right enabled in primary legislation such as the Electricity Act, the Water Act, the Gas Act or the Communications Act) and (b) the holder of a street works licence under section 50 (a street works licensee)
- Street authority, as defined in section 49(1). This includes the highway authority for a maintainable highway or a street manager of a non-maintainable or private street, as well as National Highways 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
- Network Rail is a statutory undertaker due to enactments to construct and operate railways, and a street manager for non-maintainable or private streets (for example, station approach roads)
- enabled by the Highways Act 1980, such as developers working under section 38 or section 278 of the 1980 Act

Undertakers, highways, street and other authorities (sewer, bridge or transport) must all follow the requirements of permits under the Traffic Management Act 2004 or the licences required under NRSWA for applicable works.

Further guidance about licences under section 50 of the 1991 Act or the 1980 Highways Act (including sections 38 or 278 of the 1980 Act) are out of scope for this code.

### 7.2.2 Undertakers

It is important to understand that the qualifying criteria for deciding if a permit is needed for an undertaker starts with the NRSWA definition of street works in section 48(3) and 48(3A)

#### **Section 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 highways company” (National Highways), 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.

#### **Section 86 Highway authorities, highways and related matters**

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

(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;
- (ff) the construction, maintenance and removal of road humps;
- (fg) 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 Distribution Network Operator (DNO) on behalf of an authority will fall into the definition of “works for road purposes” in 7.2.3 and not “street works” in 7.2.3. This follows a High Court ruling in 2003 (P.N. Daly & United Utilities Electricity plc V Wigan Metropolitan Borough Council) that sets out the principle that these are not street works (powers relating to lighting of highways are contained in Part 5 (improvement) of the Highways Act 1980, hence are “works for road purposes” under section 86(2) of NRSWA). 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.

Loss of supplies to streetlights 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 diversionary works carried out by a statutory undertaker on behalf of an authority should be permitted in Street Manager as activity type ‘diversionary works’.

## 7.3 Works requiring a permit

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 works that would require a permit. Only works that are covered by these definitions are relevant to this code of practice.

### 7.3.1 Works that must be carried out under a permit

Once satisfied that the criteria in 7.2 have been met, and following checks to ensure the works are to be done in a “street” (as defined in section 48 NRSWA), the list below should be consulted to confirm whether the works must be carried out under a permit. Permits are required for all promoters carrying out these works, and a permit fee can be (but does not have to be) charged for statutory undertakers. Specified works

- involve the breaking up or resurfacing any street (including tunnelling and boring under the street) (see below for pole testing and coring involving excavation)
- involve opening the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times
- reduce the lanes available on a carriageway of three or more lanes
- require a temporary traffic regulation order or notice, or the suspension of pedestrian facilities
- 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 undertakers' works, and regulation 4(5) of the 2007 noticing regulations - item 5 in the table included in the regulations. These are also referred to as ‘specified works’ in the 2007 permit regulations (see regulation 6).



Please see also the [statutory guidance](#) for highway authority permit schemes and the [national conditions](#).

Some specified works will need temporary traffic control and will be covered by conditions NCT08a, NCT08b, NCT09a, NCT09b, NCT09c, and NCT09d as appropriate.

Under the Road Traffic Regulation Act 1984 and the street and road works [safety code](#), 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 works.

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.

### 7.3.2 Supplementary information on ancillary activities

Regulation 9(3A) of the 2007 permit regulations requires permit schemes to specify that applicants provide such supplementary information as is known by the applicant as part of the permit application, when it is initially made. This supplementary information should cover activities the applicant is aware of and which are ancillary to the works to which the permit application relates, and which it would be helpful for the authority to be aware of for network management and coordination purposes. Examples of the types of activities, either in the street to which the application relates or in an adjacent street that should be included as supplementary information on a permit application are

- placement of portable traffic signals or other traffic control
- placement of site welfare facilities
- placement of site compound or material storage
- placement of spoil compound for the works

Supplementary information is defined in regulation 9(12) of the 2007 permit regulations. A fee cannot be charged for providing this information.

National condition (NCT03 activities ancillary to those permitted - supplementary information will apply if there are changes to ancillary activities (that is, related to the works permitted) that become known about within the duration of the permit. In these cases, the authority must be notified of changes via Street Manager.

### 7.3.3 Works that it is recommended are carried out under a permit

The activities below relate to those works by all promoters, both utility and highway authority, which should be notified to the authority to help them co-ordinate works and activities and support the authority's network management duty under the TMA. Given that these are recommended permits/notifications, they should be raised as 'optional permits' in Street Manager and are not subject to a permit fee

- installation of traffic count apparatus involving breaking the surface of the highway

- pole testing involving excavation – does not require a permit in advance, unless one or more of rules in 7.3.1 apply
- core holes – not exceeding 150 mm in diameter do not require a permit in advance, unless one or more of rules in 7.3.1 apply
- applying 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

Where a reinstatement is carried out, it must be registered with 10 working days of completion.

#### **7.3.4 Activities/works that do not need a permit and the authority does not need to be informed about**

These activities, if carried out on their own and not in connection with one of the other activities listed above, typically will not have an impact on the network and therefore do not require coordination. They will typically be short term and mobile works and may involve guarding.

However, sites requiring un-attended guarding, that is, personnel not within the vicinity of the works will require an 'optional permit' sent for information (see 7.3.3). In relation to the opening of covers, 'unattended' means that operatives have completed the works' activity for the day and have left site and need to return at a later date. "Unattended" does not mean where an operative is not physically present at the opened cover.

This list is not exhaustive and further examples may be given in additional advice issued by HAUC.

- meter reading
- gully cleansing
- cable surveys
- sign cleaning
- soft landscape
- traffic signal maintenance
- street lighting maintenance

#### **7.3.5 Bar holes**

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

An immediate (for example, emergency) permit must be sent within two hours of the start of any other street works (that is, 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

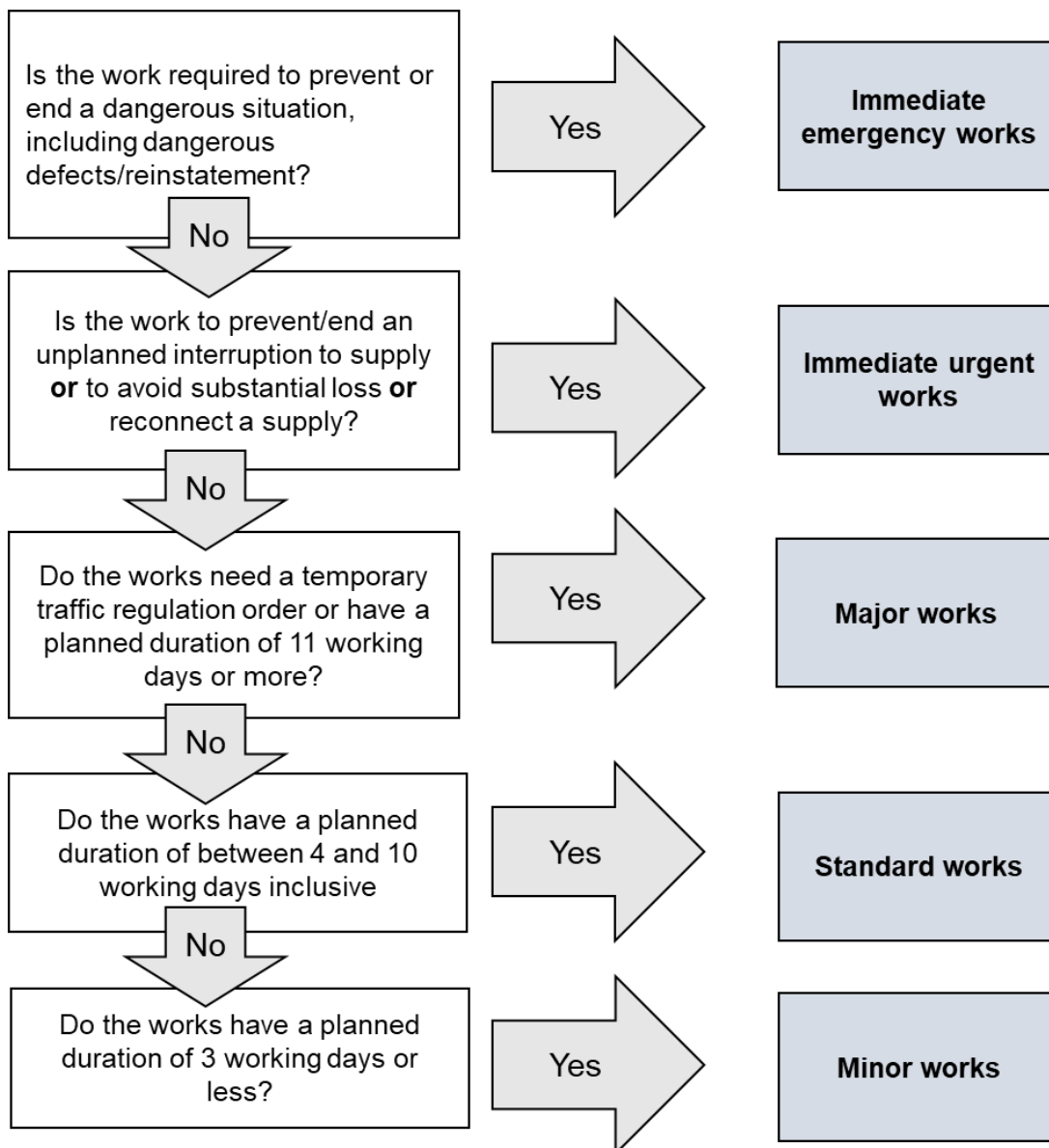
reinstatements. All bar holes must be reinstated and registered when works on site are complete.

## 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 the 2007 noticing regulations, with emergency works defined in section 52 of NRSWA.

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

### What type of permit/notice do I need?



#### 7.4.1 Major works

Major works are

- works which require a [temporary traffic regulation order](#) (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. Any planned works can be preceded by a forward planning information notice (see 2.2.2) as well as being shared at co-ordination meetings (2.2.3).

#### 7.4.2 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.

#### 7.4.3 Minor works

Minor works are those activities, other than immediate, standard or major activities, where the planned duration is 3 working days or less.

#### 7.4.4 Emergency - immediate works

Emergency works are specifically defined in section 52 of NRSWA 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 means works where immediate action is needed to prevent danger to people or property. This assessment of danger is made by those responsible for the works.

#### 7.4.5 Urgent - Immediate works

Urgent works mean 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)

- to prevent or put an end to an unplanned interruption of any supply or service provided by an undertaker
- to avoid substantial loss to an undertaker in relation to an existing service or
- to reconnect supplies or services where an undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and
- includes works which cannot reasonably be severed from such works

In simple terms, urgent works means works where immediate action is needed to prevent a loss or restore any supply or service provided by them. It is not unreasonable to include leaks from pipes or other apparatus in this category where the repair is required without delay. This assessment is made by those responsible for the works.

To note, immediate permits should not be requested for planned works or works that are known about. Instead, the appropriate planned permit with an early start should be requested.

#### **7.4.6 Remedial works**

Remedial works to rectify a non-compliant reinstatement should be classified based on the rules above and an appropriate permit should be applied for. Where an immediate (emergency or urgent) permit is selected, based on the criteria above, the works description should provide enough information to justify this works category.

# Chapter 8 - General principles

## 8.1 Introduction

This chapter sets out some principles behind applying for permits, as well as the various notifications that are required to enable works to be properly managed under the NRSWA and the TMA.

Statutory [guidance](#) on permit schemes includes more details on permit schemes.

The [business rules](#) that apply to Street Manager set out more information about use of the service.

Chapter 7 of this code explains which works require a permit and should be referred to, as the requirements apply to all works, regardless of the promoter.

The purpose of supplying relevant information, notifications and registrations via Street Manager includes

- enabling works to be legally carried out on the public highway
- enabling the HA to fulfil its network management duty by co-ordinating works
- enabling works to be planned and coordinated effectively by promoters to reduce the impact of their works on congestion and the travelling public
- complying with the requirement for keeping an accurate register
- enabling emergency works permits, which can prompt the emergency procedures of other organisations
- triggering and supporting the street works inspection regime
- forming the basis of records for reinstatement guarantee purposes
- recording who has worked at a particular location
- facilitating charging and penalty regimes
- providing up to date and accurate information on planned and live works to the public

## 8.2 Common rules

The following common rules apply to all works that require a permit

### 8.2.1 General points

Ensure compliance with GDPR and data privacy requirements when providing information.

Ensure compliance with Street Manager's terms and conditions.

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. This requirement must be complied with.

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

Where works are not going to take place, an appropriate cancellation should be sent to aid co-ordination of works in the highway.

### 8.2.3 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' has different meanings depending on the context within NRSWA:

**Working Day:** For notification periods, categorisation of works, and determining the prescribed period under section 74, 'day' means a working day, as defined in section 98 of NRSWA. This ensures consistency with coordination requirements and statutory notice periods, which are based on operational working days.

**Calendar Day:** For calculating charges under section 74, 'day' means a calendar day. This reflects the policy intent that occupation of the highway is disruptive regardless of whether it occurs on a weekday, weekend, or public holiday. Charging by calendar day incentivises undertakers to minimise the total duration of works and restore the highway promptly, even outside normal working days.

The minimum notice period includes the day on which the notification is given, but does not include the proposed start date (see section 98 NRSWA and 8(1), 9(1) and 9(2) of the 2007 noticing regulations).

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.

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 notification 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 (see chapter 10 for details of the timescales for start and stop notices).

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

Applications for a permit for immediate works must be sent within 2 hours of starting works on a working day (that is, Monday to Friday). Works start notices required under the 2009 charging regulations must be sent within two hours of starting works on any day (that is between 08:00-16:30 on any day including weekends - see chapter 10).

A permit application should be submitted within two hours and, in Street Manager, this is accepted as the works start notice and the status of the works will be changed to 'in progress'. There is therefore no need to submit both a permit application and a works start notice for immediate works on a working day.

At weekends, the regulatory requirement to submit a works start notice applies and so this must be sent in line with the regulations. In practice, this means the permit application should also be sent within the same timescale (that is within two hours if between 8.00-4.30) so that the works start notice can be attached to the permit. A works start notice cannot be sent in isolation in Street Manager and needs to be attached to a permit. It should be noted that there is no change to the separate legal requirement to submit a permit for immediate works within two hours on a working day. Street Manager is available for use 24 hours a day, 7 days a week.

## 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, including this code.

Here is an overview of the key notifications



<b>Works status and minimum notice period</b>	<b>Permit notification type and regulation reference</b>
Forward Planning Information More than 3 months in advance	Forward planning information notice
Major works 3 months in advance	Provisional advance authorisation (PAA)  Regulations 2 and 11, 2007 permit regulations
Major works 10 days in advance (following from 3 month PAA)	Permit application  Regulations 2 and 9, 2007 noticing regulations
Standard works 10 days in advance	Permit application  Regulations 2 and 9, 2007 noticing regulations
Minor works 3 days in advance	Permit application  Regulations 2 and 9, 2007 noticing regulations
Immediate: urgent and emergency  Within 2 hours of works having begun (see timeframes for actual start of works below)	Permit application  Regulations 2 and 9, 2007 noticing regulations
Actual start of works  In the case of works starting with the period beginning with 12am and ending with 7:59am, 10am on the same day  In the case of works starting within the period beginning with 8am and ending with 4:30pm, two hours after the start of the works  In the case of works starting within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day	Section 74(5C)  Regulation 6(1), 2009 <a href="#">charging regulations</a> as amended

<p>Works closed</p> <p>In the case of a highway returned fully to public use within the period beginning with 12am and ending with 7:59am, 10am on the same day</p> <p>In the case of a highway returned fully to public use within the period beginning with 8am and ending with 4:31pm, two hours after that full return</p> <p>In the case of a highway returned full to public use within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day</p>	<p>Section 74(5C)</p> <p>Regulation 6(5), 2009 charging regulations as amended</p>
<p>Revised duration of works</p> <p>Whilst works in progress</p>	<p>Review, variation and revocations of permits</p> <p>Regulation 15, 2007 permit regulations</p>
<p>Variation to permit</p> <p>In advance or whilst works in progress</p>	<p>Review, variation and revocations of permits</p> <p>Regulation 15, 2007 permit regulations</p>
<p>Registration of reinstatement</p> <p>Within 10 days of completion of reinstatement</p>	<p>Section 70(3) and (4A) NRSWA</p> <p>Regulations 17 and 18, 2007 noticing regulations</p>

## 8.4 Process in the event of Street Manager being unavailable

In the event of Street Manager being unavailable for use, alternative communication methods must be used in order to ensure statutory notifications and the timing of key notifications are met. All parties should ensure that a suitable email account is available for this purpose and that this is address is communicated. Further information can be found [here](#).

Guidance regarding the information required for each notification and the processes to be followed are detailed separately from this Code to enable guidance to keep 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.

# Chapter 9 - Guidance on when a validity window applies

## 9.1 Introduction

This chapter explains what the validity window is and how it works in practice.

The validity window should not be confused with the prescribed period or the reasonable period which are both detailed in chapter 10.

## 9.2 Explaining the validity window

The validity window is a term used in the permit scheme [national conditions](#).

NCT01a covers permits on streets with a road category of 0, 1 or 2 (as defined in the current SROH) at all times. It also applies to permits on streets with a road category 3 or 4 in cases when the promoter wants to work at traffic sensitive times.

For NCT01a, the only flexibility is with respect to the start of the works. The end date is fixed.

NCT01b covers permits on streets not covered by NCT01a - for example, category 3 and 4 roads at non-traffic sensitive times.

NCT01a will apply where works are taking place anywhere in the public highway of a category 0, 1, 2 road, or category 3 or 4 road at a traffic sensitive time. NCT01b would apply if the works take place in the public highway of a category 3 or 4 road at non-traffic sensitive times, or any other streets of a category not covered by NCT01a (see below).

The validity window applies in NCT01b with the purpose of allowing flexibility around the start and end of works to help with operational matters, such as parked cars, resource issues or customer requests that can be resolved by starting and ending a day or so later than planned.

There is a separate process for where the permit needs to start in advance of the proposed start date. This is explained in the early start process in appendix B of this document.

## 9.3 Guidance on the start date under NCT01a – planned works

For consistency in permit schemes, the following principles apply where NCT01a is used.

In category 0, 1, 2 roads and 3 or 4 roads where the promoter wants to work at traffic-sensitive times, the proposed start and end dates of the permit should match the start and end dates of the planned activity or works.

Promoters should plan works to start on the proposed start date on this type of street. However, there may be unexpected operational reasons that mean the start date is justifiably delayed.

If the works start after the planned start date, the end date does not change, meaning the duration (both the permit duration and the reasonable period (see 10.6 below about agreement to both of these)) are now reduced. If the promoter wants to change the end date, they will need to submit a permit duration variation. As this work is in the busiest streets, it will be at the discretion of the authority as to whether the variation can be agreed.

If the start of the works is to be significantly delayed, then the promoter should contact the authority to discuss the appropriate course of action based on the specific circumstances.

## 9.4 Guidance on using the validity window under NCT01b – planned works

For consistency in permit schemes, the following principles apply where NCT01b is used.

In category 3 or 4 roads during non-traffic-sensitive times, or any other streets of a category not covered by NCT01a (for example, high duty, high amenity and other footways), the proposed start and end dates of the permit should allow for flexibility in the start and end dates of the activity, but not the overall duration of the activity.

This means the proposed start date of the permit should be the planned start date of the activity. The permit end date should be calculated to include both the expected duration of the activity and to allow the activity to start on last day of the validity window.

In effect, the duration starts within a defined validity window and that remains the same with the end date sliding along accordingly.

This could mean a three-day minor permit, allowing for the full 2 days start window, has an end date that is five working days from the start date. It is essential to be clear that the allowable duration of the permit remains at three days, and the duration (permit duration and reasonable period) are counted from when the actual start notification is submitted.

Once granted, the permit is not valid before the planned start date and, while the end date incorporates the additional time for a validity window, any changes to the duration must be managed through the promoter submitting a duration variation.

If the start of the works is to be significantly delayed beyond the flexible validity window, then the promoter should contact the authority to discuss the appropriate course of action based on the specific circumstances.

	<b>Validity window for NCT01b (in working days)</b>  <b>Flexibility in start date for NCT01a</b>	
	<b>Provisional advance authorisation (PAA)</b>	<b>Permit application</b>
Major	15	5
Standard	N/A	5
Minor	N/A	2
Immediate - urgent	N/A	N/A
Immediate - emergency	N/A	N/A

# Chapter 10 - Charging schemes

## 10.1 Introduction

Authorities have a network management duty under section 16 of the TMA to secure the expeditious movement of traffic on their network and on networks for which another traffic authority is responsible. Additional powers to support authorities' network management duty provide for two charging schemes in NRSWA

- section 74A: charge determined by reference to duration of works (lane rental)
- section 74: charge for occupation of the highway where works unreasonably prolonged (overrun charges)

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 undertakers, for the benefit of the public.

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

Section 74A requires undertakers 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 make provision about section 74A charges. Separate, non-statutory guidance about lane rental is available [here](#).

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 (that is, take longer than previously agreed) and, specifically, to charge statutory undertakers where they are “executing street works in a maintainable highway”. Chapter 7 of

this code sets out the definition of “street works”. Section 74 charges are also known as overrun charges.

Works become ‘unreasonably prolonged’ if the works take longer than the “prescribed period” and either the duration of the permit or the “reasonable period”, described later in this chapter. The authority may levy a daily charge for each day in excess of the longer of the two periods. The first chargeable day is the next 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 below.

The 2009 charging [regulations](#) as amended apply to every publicly maintainable street, except

- a footpath or bridleway
- a highway with a pedestrian planning order in force
- a highway where vehicular traffic is prohibited by a traffic regulation order (see the Road Traffic Regulation [Act](#) 1984) unless that prohibition is restricted to particular times

It is important to note that the exemptions above do not just relate to charges under section 74, but to 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 the information provided to 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 an applicable highway that are exempt from section 74 charges. These are set out in the 2009 charging regulations.

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

- in a street which is neither a traffic-sensitive street nor a protected street (as defined in sections 61 and 62 of NRSWA)
- in the footway of a traffic-sensitive street at a traffic-sensitive time
- in the footway of a protected street at any time
- in a traffic sensitive street, other than at a traffic-sensitive 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)
- works for road purposes (see glossary)
- diversionary works (that is, works needing to be carried out 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))

- any warning signs legitimately left in place for a period following completion of the works (for example, to warn of a slippery road surface)
- ancillary activities carried out or notified to the authority as part of the permit application or under NCT03 (see the permit scheme national conditions)
- works which paragraph 7.3.3. of this code recommends be carried out under a 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 in regulation 7 of the 2007 noticing regulations 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 work covered by a permit will have a prescribed period of two working days. Each phase of works has a new permit and the prescribed period is reset each time.

## 10.6 Reasonable period

Reasonable period end dates (under NRSWA) and permit end dates (under TMA 2004) run in parallel, until a duration challenge to the reasonable period is made by the authority. At this point they become two separate entities.

A “reasonable period” is a period which should be agreed via the permit, between the undertaker 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 can be effected by granting a permit application if, as is strongly recommended, authorities provide confirmation to undertakers through Street Manager, when granting the permit, that the authority agrees that the “reasonable period” under section 74(1)(b) NRSWA is the same as the period of time specified in the permit as the period during which specified works may be carried out in a specified street.

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 therefore (so long as the confirmation referred to in the previous paragraph and set out in more detail in paragraphs 9.13-9.19 of the [permit scheme guidance](#) has been given when granting the permit), the reasonable and permit period will be the same. If there is a change to the permit duration after the original application is granted, the reasonable period should also be changed in Street Manager to the same permit duration as part of the change request, if the authority agrees. There may be circumstances where the authority only agrees to extend the permit period and not the reasonable period. This is done by issuing a ‘grant with duration



challenge' in response to the change request. The authority should provide an explanation to justify this decision as section 74 charges may apply for the extended occupation.

An undertaker is able to use a 'duration challenge non-acceptance' process in Street Manager to further explain or justify why the requested duration is required. The authority can agree to amend the reasonable period end date during this process.

Following any 'duration challenge non-acceptance' process in Street Manager, there is no requirement for a change request to be sent to amend the permit end date to match the reasonable period end date. Undertakers should ensure that all involved with the work are aware of the reasonable period end date.

Further detail regarding permit durations and the reasonable period is set out in appendix B – HAUC(England).

Chapter 9 of the permit scheme statutory [guidance](#) includes more information. .

## 10.7 Duration of works

All permit applications should include proposed start and end dates so that the estimated duration can be calculated for section 74 purposes. The authority and the undertaker should use the estimated duration as the basis for agreeing 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 10.8). It is important to seek agreement 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.

Allowing charges under section 74 at weekends and on public holidays recognises that works remain disruptive to road users regardless of the day. The intent is to incentivise undertakers to minimise the overall duration of works and restore the highway as quickly as possible, even outside normal working days.. It is not to be used to unreasonably reduce works durations using weekends and public holidays as working days unless as agreed on permit conditions.

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 SROH, should be indicated by using the appropriate phase type, such as "interim reinstatement". This includes circumstances where other materials in the highway are permanent.

Where the highway has been restored to use but the works cannot be fully completed in accordance with the SROH (that is, permanent markings or high friction surfacing or similar

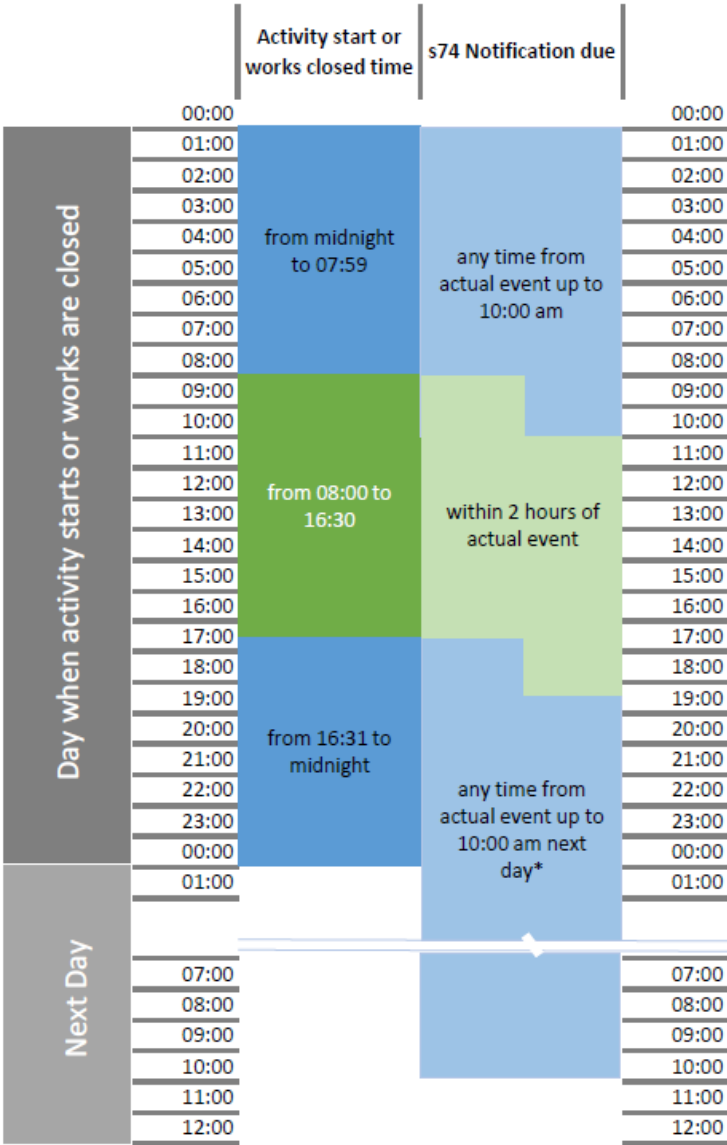
that require a delay before application), suitable warning signs should be in place. These signs are not subject to section 74 charges.

It is not appropriate or reasonable to duration challenge all works. It is not possible to duration challenge a works to less than two working days (that is, the prescribed period) for charging purposes. However, in exceptional circumstances, it may be necessary for an authority to reduce the duration of the permit below this period. Where such works are already in progress, the authority should telephone the promoter to discuss the options available to expedite the works including agreement for extensions to permits in the area to allow workforce resources to focus on the works that need to be completed in a shorter than usual timeframe.

## **10.8 Notification timescales for actual start and works closed**

This section explains the timescales for issuing notifications to update the status of works. These notifications must be given via Street Manager. A diagram is provided below to illustrate the requirements for both notifications explained in this section. These requirements apply equally to all promoters (that is, undertakers and authorities' own works).

FPNs can be issued to undertakers for late submission of these notices (see Chapter 11).



10.8.1 Actual starts

Under regulation 6 of the 2009 charging regulations, the undertaker must notify the authority that works have begun on the highway. This is known as a “start” notice. The point at which works have begun is when the occupation of the highway has started, such as the setting out of the traffic management, but does not include the legitimate parking of vehicles prior to that. From this point, the timescales for notification being received by the authority are

Works start within the period 00:00am through to 7:59am	Start notice received by 10:00am on the same day
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Works start within the period 8:00am through to 4:30pm	Start notice received within 2 hours  This means two consecutive hours, for example, work starts at 3:25pm = start notice received by 5:25pm on the same day
Works start within the period 4:31pm through to 11:59pm	Start notice received by 10:00am on the next day

### 10.8.2 Works closed

Under regulation 6 of the 2009 charging regulations, the promoter must give the authority notification that works have completed on the highway. This is known as a “works stop” notice. For works to be complete, the promoter must have

- completed the interim or permanent reinstatement of the highway
- removed
  - all signing, lighting and guarding and
  - all remaining spoil, unused material and other plant; and
- returned the highway fully to public use

From the point at which the highway is fully returned to public use, the timescales for notification being received by the authority are

Within the period 00:00am through to 7:59am	Works stop notice received by 10:00am on the same day
Within the period 8:00am through to 4:30pm	Works Stop notice received within 2 hours  This means two consecutive hours, for example, site cleared at 4:10pm = works stop notice received by 6:10pm same day
Within the period 4:31pm through to 11:59pm	Works stop notice received by 10:00am on the next day

## 10.9 Formal warning

An overrun warning (or intent to charge an overrun) must be given within 2 working days following receipt of a works stop notice via Street Manager (regulation 11 of the 2009 charging regulations, as amended), where the authority becomes aware that the works are exceeding the longer of the prescribed period or a reasonable period. A formal overrun warning must be issued for the section 74 charging process to progress (see also 10.13).

Not later than three months after receipt of a works closed notice, the authority also must give the statutory undertaker an account (or invoice) setting out the charges payable.

## 10.10 Charging regime

A daily charge is applicable for each day that the works exceed the longer of the prescribed or reasonable periods (see also 10.3). The maximum daily charge varies according to

- the road category,
- if the street is traffic-sensitive and
- whether or not the works occupy the carriageway during the period of overrun

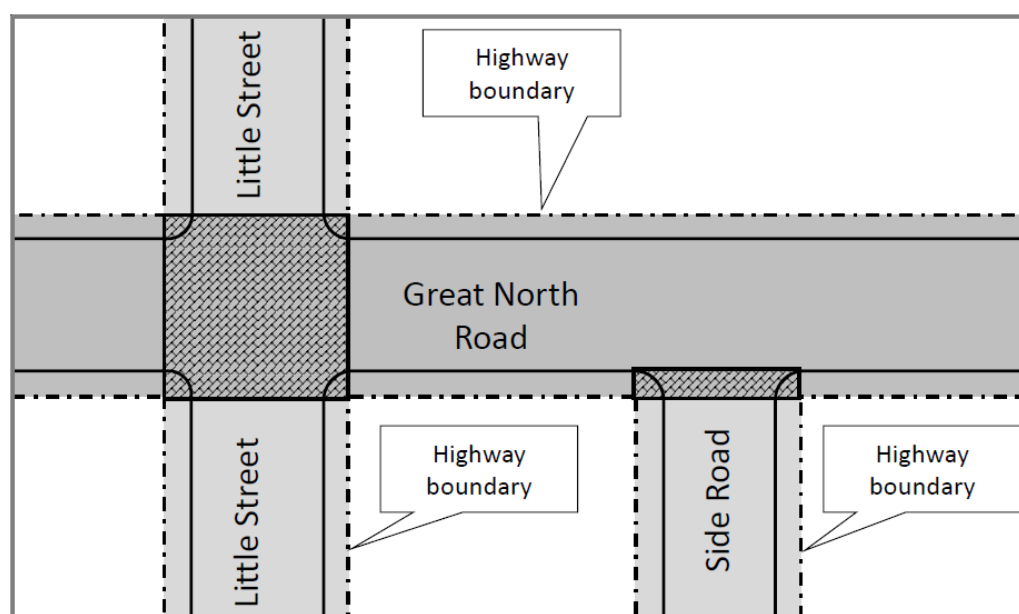
The reinstatement road category is an indication of the importance of the street – 0 being the highest and 4 the lowest. Information about determining a road's category can be found in the SROH.

The road category, as given in the additional street data, should be treated as definitive. If road categories have not been entered in the national street gazetteer (NSG), they will be treated as category 4 for purposes of overrun charges. Authorities should ensure that street information on the NSG is up to date.

For works in an area that could be regarded as belonging to more than one street, charges should apply to the street with the highest road category. This is of particular significance for works at a junction.

In the plan below, Little Street and Side Road are category 4 roads and the main road, Great North Road, is a category 2 road. If a promoter proposes works in an area marked in a herringbone pattern a permit should be given against Great North Road.

If the intersecting roads are covered by different authorities, the permit should be given against Great North Road but copied to the authority responsible for the minor road.



### 10.10.1 Maximum daily charges

The applicable charges are set out in tables 10.1 and 10.2 below (and in regulation 4 of the 2009 charging regulations). These are maximum charges, as the authority has an explicit power in the regulations to reduce or waive charges as it sees fit and should exercise these powers of discretion reasonably.

Undertakers should plan and manage their works effectively in line with their statutory duty to avoid unnecessary delay or obstruction on the highway. However, such circumstances may arise where undertakers can demonstrate that they have made genuine errors (and not repeated errors of the same type) and authorities should consider each situation on its own merit. The conclusions reached need to be based on all of the specific circumstances.

Authorities must act reasonably when applying their powers, as their decisions may be liable to challenge. Authorities are strongly recommended to develop procedures that will stand up to audit where discretion or mitigation has been applied. It is recommended that consideration of the level of disruption and resultant impact on the highway network is taken into account when considering the reasonableness of charges applied.

<b>Table 10.1 Maximum charges in relation to works occupying the carriageway during period of overrun</b>			
<b>Item</b>	<b>Description of street</b>	<b>Amount (£) (each of first three days)</b>	<b>Amount (£) (each subsequent day)</b>
1	Traffic-sensitive or protected street not in road categories 2, 3 or 4	5,000	10,000
2	Other street not in road categories 2, 3 or 4	2,500	2,500
3	Traffic-sensitive or protected street in road category 2	3,000	8,000
4	Other street in road category 2	2,000	2,000
5	Traffic-sensitive or protected street in road category 3 or 4	750	750
6	Other street in road category 3 or 4	250	250

<b>Table 10.2 Maximum charges in relation to works outside the carriageway during period of overrun</b>		
<b>Item</b>	<b>Description of street</b>	<b>Amount (£) (each day)</b>
1	Street not in road category 2, 3 or 4	2,500
2	Street in road category 2	2,000
3	Street in road category 3 or 4	250

For the purposes of determining what charges are due, works are treated as being complete when

- the interim or permanent reinstatement has been completed
- all road markings have been replaced to at least a temporary standard
- all signing, lighting, guarding, spoil, materials and plant have been removed and
- the highway has been returned fully to public use

For traffic-sensitive streets, the applicable maximum daily charge depends on whether or not the works affect the carriageway during the period of overrun. For these purposes, the authority may treat the overrun as affecting the carriageway if, at any time during the overrun period

- there is any excavation of the carriageway where interim or permanent reinstatement has not been completed
- any signing, lighting, guarding, spoil, materials or plant remain in the carriageway
- some other aspect of the works prevents the normal free passage of traffic (including pedestrians) along the full width of the carriageway

Where there has been a reasonable attempt to complete or replace

- reinstatement and/or
- markings and/or
- special surfaces

to a temporary, interim or permanent standard, but on inspection these do not meet the performance specification in the SROH, then section 74 does not apply. Instead, the procedure in the code of practice for inspections for non-compliance with the SROH should be followed. That is to say, no part of the highway is obstructed or otherwise unavailable for the normal passage of traffic (including pedestrians) for any reason connected with the works, with the exception of legitimately parked vehicles.

## **10.11 Mitigated charges**

In most circumstances

- if the prescribed and agreed reasonable periods have ended and
- the reinstatement (either interim or permanent) has been completed and notified
- but the site has not been fully returned to public use and prevents normal use of the highway (for example, if spoil, excess materials, stores, plant and equipment, signs, lighting or guarding have not been removed (see 10.7))

the undertaker will be liable for overrun charges.

The 2009 charging regulations provide for a mitigated charge of £100 to be charged in certain circumstances. This will be the case where the works are notified as complete, but the authority finds not more than five items of signing, lighting or guarding remaining on the highway and informs the promoter of this (see regulation 9(7) to (9) of the 2009 charging

regulations). If the undertaker removes these by the end of the next working day following the date the request was received, then the charge must be £100.

If the undertaker fails to clear the site by the end of the next working day following notification by the authority, then the authority may choose to apply the usual daily overrun charges. However, those charges should be applied only from the date the authority informed the undertaker of the remaining items.

Authorities and undertakers should exercise common sense in determining what constitutes an “item” for these purposes.

Each situation must be considered on its merits, but the following scenarios are illustrative examples of where the use of discretion, or even the mitigated charge, might be appropriate

- a promoter can show that an overrun on a traffic-sensitive street was mostly confined to the footway and only briefly affected the carriageway. In this case, it might be reasonable to reduce the charge to less than the maximum daily “carriageway” rate
- although most signing, lighting and guarding was properly removed from the highway, more than five items were left behind in genuine error and left neatly in a location that had no significant impact on traffic (including pedestrians). In this case, it might be reasonable to reduce the charge, bearing in mind that the charge would have been only £100 if up to five items had been left
- a promoter has mostly completed the reinstatement and has cleared the site, but has failed to complete some aspect of the reinstatement, for example, has made no attempt to replace road markings. If the promoter can show that the absence of the road markings would have had no significant impact on users of the highway, a reduction in the charge might be appropriate
- following completion of works, a small amount of spoil remains or causes staining to the highway, without impacting on the safe operation of the highway

## **10.12 Remedial works and subsequent phases**

Where a reinstatement is found to be defective, the subsequent remedial works shall be dealt with as new works, with their own duration estimate. Any overrun on remedial works will be charged at the appropriate rate. The period between the completion of the original works and the remedial works is not a section 74 matter.

In all cases, each phase will reset the prescribed period (see 10.5).

## **10.13 Charging process**

A promoter is liable for section 74 charges only if



- (a) an overrun warning (intent to charge) has been issued within 2 working days, beginning with the date on which the authority became aware that the works were exceeding the longer of the prescribed period or a reasonable period\*

and

- (b) the authority sends an account setting out the charges payable within three months of receipt of a works closed notice (see 10.8.2). The account should state clearly the amount of the charge(s) which the authority has decided to apply, and should identify the works to which each charge relates. It is recommended that these are sent via Street Manager. The issuing of an account does not prevent further negotiation about the level of charge before the invoice is issued

\* Note that requirement (a) does not apply in a situation where the authority only becomes aware that the works are exceeding the prescribed period or a reasonable period more than two months after receipt of a works closed notice (see regulation 9(12) of the 2009 charging regulations). This means, in practice, that, if the authority identifies an overrun two months after they have received the works closed notice, they do not need to send an intent to charge notice. They must still send an account of the charge within three months of receiving the works closed notice.

Both authorities and promoters should take care to ensure that the facts used for proposing or disputing charges are accurate and evidence-based, together with the category of road. Where there is evidence that the dates or location of occupation within the highway given in notifications were incorrect, the charges should be based on the evidence discovered on site. If incorrect information has been given in a notification and, if the authority considers an offence has been committed, then it may issue a fixed penalty notice. See chapter 11 for full guidance on the purpose and process of issuing fixed penalty notices.

Promoters may query either an overrun charge being levied or the level of an overrun charge. Therefore, it is recommended that authorities and promoters discuss overrun charges before the account is issued.

If an overrun charge is disputed, the dispute resolution procedure in chapter 13 should be followed.

Once the charge is agreed the invoice should be issued and paid promptly.

The authority has to keep accounts (regulation 12) of the charges that it levies. Money obtained through levying charges can be used to pay for the cost of running the overrun charging scheme. Any excess must be used to develop and implement safe, integrated, efficient and economic transport facilities and services.

# Chapter 11 - Fixed penalty notices

## 11.1 Introduction

Section 95A and schedules 4A and 4B of NRSWA allow for certain legislative offences under part 3 of NRSWA to become fixed penalty offences, for which fixed penalty notices (FPNs) can be issued.

An FPN gives a promoter the opportunity to discharge any criminal liability for an offence by paying a penalty. This allows for resolution of minor infringements, without resorting to taking the matter to the Magistrates' Court, which can be both timely and costly to all parties involved. It is crucial that FPNs are served appropriately (that is, in the situations where they are of most benefit) and any issues are resolved swiftly.

The objectives of FPNs are to

- encourage accurate and timely permit information
- improve the co-ordination of works
- ensure compliance with permit conditions
- improve data quality for all promoters
- contribute to the wider aims of the TMA, including minimising disruption arising from road and street works, by providing accurate and timely data to facilitate the co-ordination of works

It is important to note that FPNs

- apply to all undertakers, whether statutory undertakers or licensees under section 50 of NRSWA
- may be given only for the street, or section of street, in which the works take place
- cannot be given for authority works for road purposes, unless additional authority agreements exist to allow for contractual FPNs outside of NRSWA. Even if this is not the case, it is strongly recommended that an authority monitors the accuracy and timeliness of all permits for works for road purposes to ensure parity to all promoters as required under the TMA
- cannot be given for any 'optional permits' raised in Street Manager (see chapter 7.3.3 of this code)

## 11.2 Fixed penalty offences

### 11.2.1 Offence types

There are currently five relevant offences which can be dealt with through FPNs (see the table below) as set out in the [Street Works \(Fixed Penalty\) \(England\) Regulations 2007](#) (the 2007 FPN regulations) as amended.

It is important that accurate information is provided in notices given under section 70, section 74A (for lane rental schemes only) and sections 74(7B) of NRSWA. Each set of works requires multiple notification types, so it is possible for more than one FPN to be issued for each set of works. However, typically, only one FPN should be issued per notification type, regardless of the number of errors, unless the authority has strong cause to issue more than one.

These offences mainly refer to notification failures. Issue or payment of an FPN does not exempt an offender from other prosecutions or charges under NRSWA (for example, section 74 overruns).

For permit schemes, the offences are set out in regulation 19 of the 2007 permit regulations (working without a permit) and regulation 20 (breach of permit conditions). Again, typically only one FPN should be issued per condition breach, regardless of the number of errors, unless the authority has strong cause to issue more than one.

Permit scheme offences typically arise from site activity failures in relation to agreed permit conditions. Again, issue/payment of an FPN does not exempt an offender from other prosecutions or charges under NRSWA (for example, section 74 overruns).

Authority permit schemes cannot create any additional FPN offences.

All these offences can be prosecuted in Magistrates' Court. It is for the relevant authority to act on offences as they see fit. The authority retains the power to take an alleged offender to the Magistrates' Courts, instead of offering a FPN.

All parties are strongly recommended to communicate openly and consult relevant legislation for further information.

Any offences should be notified and any FPNs issued under the correct code for permit scheme offences.

FPNs must be issued via Street Manager.

A FPN is a legal transaction. Every effort should be taken to ensure the accuracy of information given when served.

The table below, summarises the duties and obligations to which the FPN offences relate.

<b>Offence</b>	<b>Offence Level*</b>	<b>Brief description</b>	<b>Duties and obligations</b>
An offence under s70(6) consisting of a failure to comply with subsection (3) or (4A)	4	Failure to comply with requirements to give notice of completion of reinstatement	Section 70(1) imposes a general duty on the promoter to reinstate the street. The promoter must, within ten working days from the date on which the reinstatement is completed give notice, containing the prescribed information, to the authority of that completion. The reinstatement registration in Street Manager should be assessed as whole for compliance, resulting in a single offence regardless of the number of individual reinstatements on a works.
An offence created by regulations made under s.74(7B)	4	Failure to give a notice required by regulations under s.74 (charge for occupation of the highway where works unreasonably delayed)	The promoter must provide the appropriate notifications, under S74, as per the prescribed regulations.  Further information can be found in chapter 10 of this code.
An offence created by regulations made under s74A (11)	4	Failure to give a notice required by regulations under s.74 (charge determined by reference to duration of works)	A promoter executing street works in a highway, to which these regulations apply (that is, lane rental schemes), must, not later than the end of the day following the day on which the works begin, give the approved authority an "actual start of works notice".  This should confirm the start date (and/or time) and specify by reference to the nationally consistent street gazetteer, the street or streets in which the works are to be carried out.
An offence under regulation 19 of the 2007 permit regulations	5	Working without a required permit on a street covered by a permit scheme	It is an offence for a statutory undertaker or a person contracted to act on its behalf to undertake specified works in a specified street without a permit, except to the extent that a permit scheme provides that this requirement does not apply.

An offence under regulation 20 of the 2007 permit regulations	4	Breach of permit conditions	It is an offence for a statutory undertaker or a person contracted to act on his behalf to breach any permit condition agreed with the authority during the permit approval process.
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\* offence level on the [standard scale](#)

The decision as to whether a case justifies the giving of a FPN, or prosecution in the Magistrates' Court, is for the relevant authority to decide upon. This is based on the facts of the case, their own legal advice, and any internal enforcement policy.

Authorities should act responsibly before issuing FPNs that discourage submission of accurate information. For instance, following a FPN being given for working without a permit, giving further FPNs for retrospective works start and works stop (when the time to serve them correctly has passed) is not encouraged.

Following identification of a FPN offence, it is important that, in addition to payment of any fixed penalty to discharge liability, the issue creating the offence is resolved by the promoter within a reasonable time period.

### 11.2.1 Continuous versus repeat offences

Where an issue, or similar issues, arise spanning more than a single day and which could result in a FPN, there is a clear distinction between the two routes of action

- **continuous** – a single, ongoing FPN offence that has not been substantially resolved, existing for more than a single day (for example, clearance of spoil where this is a permit condition)
- where an identified offence is not being resolved to the point that operational safety is compromised, it is recommended that further action be taken by the authority to resolve the situation at the earliest possible time
- **repeat** – an offence or similar that is found to have been committed on more than one day and is distinct from continuous (the same offence).
- where the initial offence is corrected but then repeated on other days, a FPN should be issued for the first offence and for additional similar offences where the authority has noted that the offence has been additionally committed on subsequent days

## 11.3 Penalty charges and time periods

FPNs should be issued as soon as reasonably practicable following identification of an offence. A FPN cannot be given more than 91 calendar days after the date of offence, beginning on the day of offence, unless otherwise agreed between both parties.

The penalty charges payable for FPN offences are

<b>Offence</b>	<b>Full Charge</b>
NRSWA sections 70, 74 or 74A	£240
Regulation 19 (working without a permit)	£1000
Regulation 20 (breach of permit conditions)	£240

The period for payment is 36 calendar days, beginning with the day on which the FPN is given. The authority may extend this period at its discretion in any case.

A discounted charge will apply if payment is made within 29 calendar days, beginning with the day on which the FPN is given. The discounted period cannot be extended, unless the last day of the discounted period does not fall on a working day. The discounted payment period is then extended until the end of the next working day.

Discounted charges are as follows

<b>Offence</b>	<b>Discounted Charge</b>
NRSWA sections 70,74 or 74A	£160
Regulation 19 (working without a permit)	£600
Regulation 20 (breach of permit conditions)	£160

If the undertaker pays either the full penalty, or the discounted charge (if applicable), within the required 36 calendar day period, no further proceedings can be taken for that offence.

If the authority chooses to issue a FPN for an offence, any legal proceedings for that offence cannot commence until after the end of the 36 calendar day payment period, unless otherwise agreed by both parties.

If the undertaker does not pay the proposed penalty within the 36 calendar days permitted, the authority may choose to bring proceedings in the Magistrates' Court for the offence.

Authorities should be aware of the deadline under section 127 of the Magistrates' Courts Act 1980 to bring cases before Magistrates' Court within 6 months from the time at which the offence was committed.

Due to this 6-month time limit, it is strongly recommended that undertakers engage in open dialogue to resolve fixed penalty offences within the 36 day payment period wherever possible.

## 11.4 Guidance for authorities

### 11.4.1 Basic principles

Open communication between authorities and undertakers is essential for timely resolution of matters related to FPNs.

Authorities are strongly recommended to issue FPNs at the earliest possible time following discovery of the offence, and in instances where they have the most benefit in assisting with fulfilment of their network management duty. The same due process should be applied when giving an FPN that an authority would normally follow in taking the promoters to Magistrates' Court for the offence. This should include sharing of evidence to support or defend the offence where requested.

An agent may deal with FPNs on behalf of the authority. The authority remains responsible for ensuring that the powers under section 95A of NRSWA are used correctly and responsibly.

It is important to stress that issuing FPNs should not be used as the primary method of communicating safety issues to undertakers to avoid delays in fundamentally resolving issues.

### 11.4.2 Serving the fixed penalty notice

The FPN must be served via Street Manager and the manner prescribed in the 2007 FPN regulations or the 2007 permit regulations, as applicable.

A FPN is deemed to have been given on the date and time recorded in Street Manager.

It is important that the issuing authority collects and provides enough evidence to accompany the FPN (for example, a works inspection report) demonstrating any offence to avoid delays in resolution and support any Magistrates' Court decision.

Photographs are not a requirement, but strongly recommended to visually demonstrate any issues that have arisen on site.

### 11.4.3 Withdrawing a fixed penalty notice

If an authority considers that an FPN offence has not been committed at any point following issue, the FPN should be withdrawn and any amount that has been paid by way of penalty should be repaid. Proceedings shall not be commenced or continued for that offence.

In any other circumstances, where an FPN is to be withdrawn, it should be done so in accordance with the 2007 FPN regulations or the 2007 permit regulations, as applicable.

## 11.5 Guidance for promoters

### 11.5.1 Basic principles

Open communication between authority and promoters is essential for timely resolution of matters related to FPNs.

Any FPN will be given to the promoter executing the works and not to any contractor carrying them out.

It is important to note that, under permitting offences (regulation 19 and regulation 20 of the 2007 permit regulations), it is possible for a contractor to be prosecuted for an offence as well as the statutory undertaker.

The undertaker should inform the authority if it wishes FPNs to be handled by any third-party agent. The undertaker remains responsible for any FPNs given to them, along with responsibility for managing the process of resolving any FPN and ultimately complying with its statutory duties and obligations under NRSWA.

Undertakers can download information from Street Manager to monitor levels of FPNs issued, and can analyse this data to see how performance differs between regions and contractors. Undertakers should regularly monitor levels of FPNs and take action to reduce non-compliance.

### 11.5.2 Payment of the fixed penalty notice

The undertaker should set up payment facilities, give contact details, and agree methods of payment with the authorities' finance department and/or whoever is dealing with payments and representations.

Electronic payment methods are strongly encouraged. However, it is an authorities' responsibility to establish the preferred payment method.

Regardless of the form of payment used, all payments should be accompanied by a list detailing the relevant FPN offence references (or numbers) and values being paid against each charge (that is, discounted or full). In the case of BACS payment, such a list should be provided separately to the authority finance department and/or nominated authority contact at the time of payment.

## 11.6 Representations

Under schedule 4B and the 2007 permit regulations, a FPN must state the person to whom payment may be made. It is also recommended that authorities should have a nominated official to consider any FPN representations and should ensure that a fair and open system is in place to consider them.



There is no set response time for making representation to a FPN. However, it is strongly recommended that promoters make representation within four weeks of receipt of a FPN to accommodate the 36 day full payment period, and the six month timescale to bring matters to Magistrate's Court.

Before making any official representation, the promoter is advised to try to resolve the issue informally by contacting the authority officer who served the FPN to attempt resolution. If this is not successful, the promoter should make a formal written representation to the nominated official, as stated on the FPN as responsible for considering representations.

The authority may extend the full payment period while representations are being considered, up to a maximum of 6 months.

Whilst it is not possible to extend the discounted payment period, this may be agreed in exceptional circumstances at the discretion of the relevant authority.

## **11.7 General guidance**

### **11.7.1 Use of FPN proceeds by authorities**

The FPN scheme is not intended as an additional source of income for authorities who should not expect overall net proceeds.

The authority may deduct, from the fixed penalty payments received under schedule 4B to NRSWA and the 2007 permit regulations, reasonable costs incurred in operating the FPN scheme. The authority shall then utilise any net proceeds to develop policies to promote and encourage safe, integrated, efficient and economic transport facilities and services, to, from and within its area.

Authorities should be able to demonstrate that the costs of running the FPN scheme are reasonable, and that any net proceeds, are being correctly applied. Although separate accounts are not required for an FPN scheme, there should be a clear audit trail demonstrating authority income and expenditure in relation to FPNs.

# Chapter 12 - Related matters

## 12.1 Introduction

This chapter covers a number of different subjects of which it is important to be aware when planning, co-ordinating or carrying out works on the highway. Within this chapter, there is guidance on

- road closures and traffic restrictions
- duty to maintain apparatus
- works near rail tracks and tramways
- vehicle parking at street and road works
- traffic signals
- storage of materials
- apparatus belonging to others

## 12.2 Road closures and traffic restrictions

Provisions governing temporary road closures and traffic restrictions for street works are found in sections 14-16 of the Road Traffic Regulation [Act](#) 1984 as amended and the Road Traffic (Temporary Restrictions) Procedure [Regulations](#) 1992 as amended.

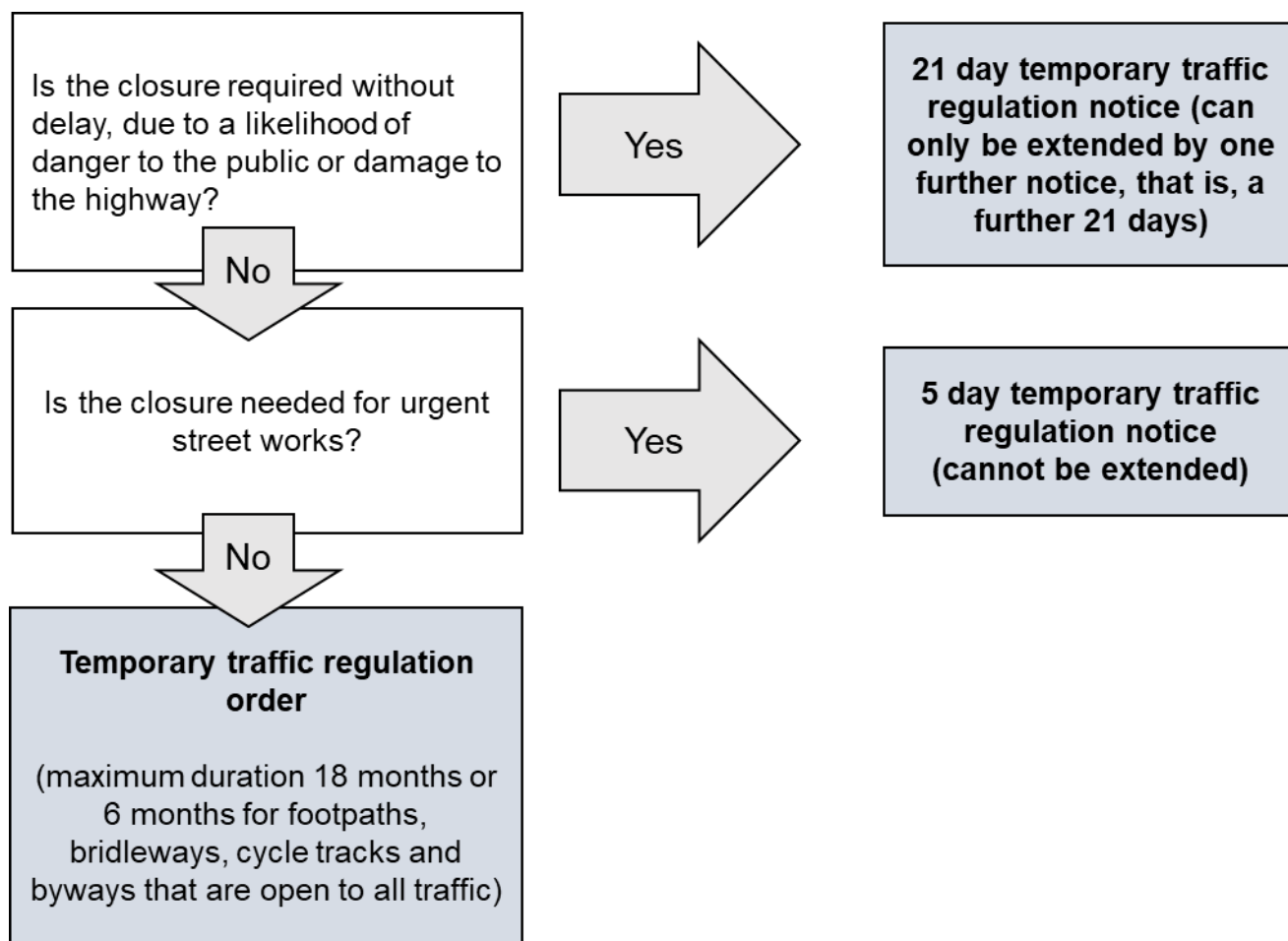
Under this legislation, restrictions can be introduced to temporarily stop or limit vehicular and/or pedestrian traffic along a highway. This may include road closures, waiting restrictions, weight restrictions, banned turns, one-way restriction (or suspension of an existing one-way), speed limit or prohibition of entry.

Please note for the purposes of this section, the processes described below only relate to street works, works for rail purposes, works for road purposes and highway works. For all other circumstances where a traffic regulation order (TRO) is required, please refer to the relevant legislation and associated procedures.

There are two procedures.

Where urgent action is needed, the traffic authority may issue a temporary traffic regulation notice (TTRN) imposing a short-term closure or restriction. Prior notice is not necessary. There are two types of TTRN

- if there is a danger to the public or risk of serious damage to the road, independent of street works. For example, a leaking gas or water main, a TTRN can be made with a duration of up to 21 days and can only be extended by one further notice, that is, a further 21 days
- if there is no risk of danger or damage, a TTRN is restricted to 5 days duration and cannot be extended



In non-urgent cases, the traffic authority may make a temporary traffic regulation order (TTRO), which may remain in force for up to 18 months. A TTRO is limited to six months for footpaths, bridleways, cycle tracks and byways that are open to all traffic.

Both a TTRN and a TTRO may provide that restrictions have effect only when traffic signs are lawfully in place. This will help limit traffic disruption where activities progress along a length of road.

An application for a road closure should only be made after careful consideration of all other alternatives. The authority has a statutory duty under the TMA to secure the expeditious movement of traffic on its road network.

### 12.2.1 Procedure

These notes are intended as a general guide, authorities processing legal orders should refer the Road Traffic Regulation Act (as amended) and the relevant procedure regulations.

Additional advice can be found [here](#).

### 12.2.2 Temporary traffic regulation notice (TTRN)

These apply to works that need to take place without delay.

The promoter will inform the authority as soon as they are aware of the need for a closure or restriction, even if the work requiring the closure will not start immediately.

As set out in the Road Traffic (Temporary Restrictions) Procedure [Regulations](#) 1992, the following information must be provided to apply for a TTRN

- the reason for issue
- its effect
- alternative routes (where applicable)
- the date and duration of the notice

When the need for a TTRN is communicated to an authority in advance of the date on which work will start, this assists the authority to effectively co-ordinate and manage road space.

Upon the issue of a TTRN, the authority must notify all relevant stakeholders including the emergency services. It is important to ensure that any other traffic authority with roads that may be affected are also notified.

In certain circumstances, an authority may authorise the use of a TTRN, for example, for new customer connections. A promoter may request this. However, the decision if a TTRN can be used lies solely with the authority.

### 12.2.3 Temporary traffic regulation order (TTRO)

These are for planned works. The TTRO will have a maximum duration of 18 months or six months for footpaths, bridleways, cycle tracks and byways that are open to all traffic.

When a TTRO is required for a planned work, at least 3 months' notice to the authority is required.

The promoter must submit all the information needed to justify the need for a road closure with the application.

This will allow the authority time to consult, to obtain approvals and to publicise the order (there is a 7-day notice period for TTROs). It will also permit the authority to inform the appropriate public transport providers such that they may inform the Traffic Commissioner of any service alterations.

The promoter must ensure they have a valid TTRO before commencing works. This is a separate process to the granting of a permit.

The authority must

- publish, in 'a newspaper with a circulation in which the road relates', a notice of intention to make a TTRO at least seven calendar days in advance. The TTRO can come into effect at the end of this 7-day period.
- within 14 calendar days after making the TTRO, publish, in 'a newspaper with a circulation in which the road relates', a notice to confirm that the order has been made
- notify all relevant stakeholders including the emergency services. It is important to ensure that any other traffic authority with roads that may be affected are also notified

#### **12.2.4 Continuation of closures and restrictions**

##### **TTRN**

A 5-day TTRN cannot be extended.

A 21-day TTRN can be extended by one further notice giving up to 21 days more.

A 21-day notice may be followed immediately by a TTRO. This may be made without the 7-day notice period normally needed for such orders.

There will be cases where works will unavoidably take longer than the TTRN period. As soon as this is apparent, promoters must inform the authority. Where possible, the authority will take the necessary action.

After work has started, if it becomes apparent that this will not be complete within the TTRN period, direct contact should be made with the authority as soon as possible to ensure that any requested closure duration extension can be agreed (in line with the above limitations).

Where it is not possible to make a follow-up TTRO or TTRN before expiry, the works may have to be suspended. The promoter and authority will then need to agree the way forward to complete the works.

##### **TTRO**

The 18-month time limit for TTROs may be extended subject to Secretary of State consent, but the DfT will only consider this in specific circumstances. If this is required, the promoter should notify the authority immediately, giving, wherever possible, at least one month's notice. If one month's notice cannot be given, then it may not be possible to extend the order.

Alterations to the duration of the TTRO or TTRN agreed with the authority are separate to the process for agreeing alterations to the duration of a permit. Where agreement is given to extend a TTRO or TTRN, then the promoter must also vary the permit to include the revised works duration using Street Manager.

### 12.2.5 Charges

Section 76 of NRSWA allows authorities to recover the reasonable costs of issuing TTRNs or making TTROs. These may include the following

- cost of order
- publicity
- administration

Authorities should be prepared to provide a breakdown of reasonable costs, on request.

### 12.2.6 Events on the highway

Sections 16A to 16C of the Road Traffic Regulation Act 1984 allows traffic authorities to make special event orders to impose temporary restrictions on the highway for sporting events, social events or entertainment. More information can be found [here](#).

## 12.3 Duty to maintain apparatus

### 12.3.1 Guidance

Promoters ('undertakers') that have apparatus in the street have a duty under section 81 of NRSWA to maintain it.

Where an authority identifies apparatus that requires action by the asset owner to

- make the apparatus safe (in relation to the surrounding street)
- to ensure that the apparatus does not create an inconvenience (for example, a noisy cover)
- affect the structure of the street

the asset owner has a duty to act reasonably in order to communicate and facilitate the required actions to resolve the situation to the satisfaction of the authority.

All street authorities and owners of assets in or on the public highway have a shared duty and interest in safeguarding the public whilst they are using the highway.

Asset owners should have an established risk-based approach for their assets that are located in or on the public highway. Details of a recommended risk-based approach is set out in the [Well Managed Highway Infrastructure: A Code of Practice](#) (WMHI) which should be referred to in addition to the specific legislative requirements for asset protection and maintenance.

All defective assets in or on the public highway should be assessed and remediated using the risk-based approach described in the WMHI.

### 12.3.2 Legislative framework

Section 81 of NRSWA sets out the duty of asset owners (undertakers) to ensure that their apparatus in the street is maintained to the reasonable satisfaction of

(a) the street authority, as regards the safety and convenience of persons using the street (having regard, in particular, to the needs of people with a disability), the structure of the street and the integrity of apparatus of the authority in the street; and

(b) any other relevant authority, as regards any land, structure or apparatus of theirs

and he shall afford reasonable facilities to each such authority for ascertaining whether it is so maintained.

Section 81 gives the authority powers to execute works if the asset owner fails

- to give a relevant authority the facilities required by this section
- to secure that apparatus is maintained to the reasonable satisfaction of a relevant authority

Section 105 of NRSWA defines apparatus as "“apparatus” includes any structure for the lodging therein of apparatus or for gaining access to apparatus”.

To note, the Street Works (Maintenance) Regulations 1992 uses a narrower definition of relevant apparatus, but this is in relation to the circumstances in which the street authority can execute rectification works.

The [SROH](#) should be consulted about any defective fillets or surrounding reinstatements.

Where damage is caused to the highway or other utility apparatus this is known as ‘consequential damage’ and is covered by section 82 of NRSWA and does not fall under section 81. An example of ‘consequential damage’ would be subsidence of the carriageway following a burst water main.

In summary, the section 81 process in 12.3.3 and 12.3.4 should only be used where an asset owner's ‘apparatus’ is causing subsidence or disturbance to the road surface and action is needed to rectify this.

The purpose of section 81 is to maintain a safe highway surface. Authorities and asset owners must therefore have a shared interest in the safety and welfare of the public whilst ensuring the integrity of the highway and the apparatus within it.

### 12.3.3 Recommended process

This code makes the following recommendations regarding a consistent process for the notification of action needed to maintain relevant apparatus that is affecting the integrity of the structure of the street.

Any formal notifications must be made using Street Manager.

When an authority becomes aware of defective apparatus, it should notify the relevant asset owner, providing sufficient information to enable that asset owner to identify whether or not the apparatus in question is their asset. Asset owners should ensure that assets that have failed, which need attention or that have been interfered with by third parties should be reported using Street Manager.

Those assets that have failed are typically of the following types

- pits, chambers frames, valves, boxes, covers, grates and drainage equipment
- cabinets, pillars, vent pipes and poles

Where an authority has carried out an assessment and identified that immediate action is needed (that is, the inspection should be in line with the authority's own policy and risk assessed against intervention criteria), then, in advance of notification through Street Manager, a telephone call to the relevant asset owner providing sufficient information for identification of the apparatus should be made. It is recommended that a reference number is given to enable further communications to be related back to this initial contact.

If the apparatus presents a hazard that could result in danger to the public, then the authority's representative should take appropriate action (for example, remain on site until either the asset owner attends or ensure suitable provisions to make the site safe are carried out). Where the issue presents a danger to life (for example, explosion, overhead electricity line down, naked flames) these should be reported to the utility using an emergency call centre to ensure prompt action.

In any event, asset owners should respond to notifications about high risk defective apparatus within two hours.

In the event of the authority incurring reasonable costs (for example, placement of traffic management or temporary repair material), then these costs are recoverable from the asset owner.

Where the apparatus does not present an immediate hazard and is assessed as low risk, but there is a need for maintenance or remedial works, the notified asset owner should confirm or deny ownership. If ownership is denied, then the authority should endeavour to establish the correct owner. Once ownership is confirmed, then the authority and the asset owner should agree a suitable timeframe for completion of the required works.

The target timeline for completion of low risk defective apparatus works should be communicated by the asset owner to the authority and recorded on Street Manager. Any changes should be communicated by the asset owner to the authority and subsequently updated on Street Manager.

HAUC operational guidance includes examples of works that should be repaired within a quicker timeline versus others that can remain a lower priority or monitored only, for example, a noisy manhole cover in busy residential versus a cracked cover in a rural location.

Asset owners are responsible for ensuring that defective apparatus notified to them is assessed and monitored such that it does not deteriorate and create a danger before it is repaired.



Note the following

- An authority may have a special defence in action for claims against them for damages for non-repair of highway by virtue of section 58 of the Highways Act 1980 provided they can demonstrate that the authority has taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which in this case the defective apparatus relates was not dangerous for traffic.
- If the defective apparatus is not repaired, and to preserve the section 58 defence, at the next scheduled routine highway safety inspection or shorter period should the authority assess the risk as higher, the highway authority should further notify the asset owner of this and reassess whether the asset has now failed or whether to send a reminder of the duty to monitor and ultimately repair the asset.
- There may be other situations encountered that are associated with highway assets but that do not impact the public in travelling along the highway, usually as a result of third-party interference. These scenarios may still be reported via Street Manager, as this is a convenient, already established method of communication between owners of assets in the highway and those responsible for maintaining the highway.

## 12.4 Working near to rail tracks and tramways

Please see appendix C of this code.

Promoters planning works near to, adjacent or across the lines of street-running tramways must contact the authority responsible for that tramway as early in their planning cycle as possible. The promoter's requirements can be incorporated into the contract documents.

## 12.5 Vehicle parking at street and road works

This code is not safety advice. The [safety code](#) should always be consulted.

### 12.5.1 Vehicle within works' site

A works' vehicle may be parked in a works' site, provided that it is necessary for carrying out those works. Basic site layouts are shown in the safety code. A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.

### 12.5.2 Vehicle outside works' site

A vehicle may be parked outside a works' site provided that it obeys the parking rules that apply to any other vehicle in that street. Outside the works' site, the vehicle has no special status and no exemption from parking enforcement.

### 12.5.3 Implications

When assessing the impact of works, the parking of works' vehicles must be taken into account.

This is a particular problem for works which, but for the presence of a works' vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the works, in a place which vehicles could not normally use, then it must be part of the works' site. It must be signed and guarded appropriately. The works are then not wholly confined to the footway but encroach onto the carriageway.

#### **12.5.4 Parking restrictions**

The permanent or temporary TRO imposing parking restrictions on a particular street should already contain an exemption allowing works to take place in a parking bay. Promoters should check whether any further dispensation is required well before the works are due to start.

The imposition of additional temporary parking controls will require an application to the authority for a TTRO or TTRN dependent on the urgency of the works (see 12.2 of this chapter).

### **12.6 Traffic signals**

#### **12.6.1 Portable traffic signals (PTS)**

Formal authorisation is required for any promoter wishing to use PTS on the highway. It is an offence to place and operate portable traffic signals on the highway without permission from the relevant authority as given in Traffic Signs [Regulations](#) and General Directions 2016

Placement of portable traffic signals for immediate works (emergency, urgent, dangerous remedial) still requires permission. This may be by a fast-track process, retrospective or assumed dependent on the circumstances and the authority's procedure.

It is important to contact the authority as soon as possible regarding the immediate placement of PTS as they may be in a position to implement signalling strategies within the wider area to mitigate the impact of the works.

For a permit authority, the granting of the permit for any works includes the assessment and the giving of permission for the use of PTS. However, for immediate permits, the application for the use of PTS may be sent as a variation if not known about at the time of initial application. The grant of the variation provides the permission.

#### **12.6.2 Switch-off of permanent traffic signals**

Where works with positive traffic control are in the immediate vicinity of permanent traffic signals (for example, within 100 metres), promoters may need to contact the relevant authority to discuss the potential for a switch-off application of the permanent signals so as not to cause conflict with the indications of the permanent traffic signals for drivers passing through the works. If it is determined that the permanent signals need to be switched off, an application will need to be submitted in sufficient time to enable the authority's authorised operatives to carry out the switch-off.

Permanent signals should not be switched off, hooded over or otherwise interfered with by the promoter or their contractors without the express approval of the relevant authority.

The promoter will be responsible for the supply, erection, maintenance and removal of signing, lighting and guarding in accordance with the safety code.

Where pedestrian and/or cyclist facilities are incorporated in the permanent signals, the promoter will need to consider and include provision for these within the scope of their works.

The application in this section to request the authority to switch-off permanent signals does not form part of a permit application and promoters should ensure this is provided in accordance with the authority's procedure.

## **12.7 Storage of materials and other equipment**

Promoters and authorities should take care to place materials and welfare facilities so that they do not cause an obstruction to road users. This is especially important if the materials are stored away from the works' site but still within the highway boundaries. Storage in a different street from the works' site must be covered by a permit, supplementary information on ancillary activities (see 7.3.2 above) or a licence as appropriate and if applicable.

Promoters should be aware of the national permit condition, NCT03 - activities ancillary to those permitted - supplementary information. This condition states that, if there are changes to ancillary activities related to the works permitted that become known about within the duration of the permit, the authority must be notified via Street Manager.

Examples of the types of ancillary activities, either in the street to which the application relates or in an adjacent street, that should be notified to the authority include

- placement of portable traffic signals or other traffic control
- placement of site welfare facilities
- placement of site compound or material storage
- placement of spoil compound for the works

## **12.8 Apparatus belonging to others**

There may be other apparatus where works are planned. Under section 69 of NRSWA, those carrying out works must ensure that the owners of that apparatus are able to monitor the works and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is a criminal offence under section 69(2).

# Chapter 13 - Dispute resolution

## 13.1 Introduction

This code is intended to provide sufficiently detailed guidance to enable agreement on its operation and implementation to be reached at local level. Authorities and promoters should always try to resolve disputes without having to refer them to a formal appeals procedure. This could, for instance, be achieved by referring the issue to management.

## 13.2 Dispute review

If agreement cannot be reached locally on any matter arising under any part of this code, the dispute should be referred for review on the following basis.

### **Straightforward issues**

Where the two parties consider that the issues are relatively straightforward, the matter should be referred to the chairs of a regional HAUC (highways authority and utilities committee) for mediation. The chairs may appoint impartial members of the regional HAUC to review evidence for the case. Impartial members are those not representing parties directly involved in the dispute.

Each party must make available all financial, technical and other information relevant to the matter in dispute.

The review should take place within ten working days of referral or other agreed time. It is recommended both parties accept the result as binding.

Should the regional HAUC be unable to provide advice for both parties, the matter should be referred to HAUC (England) for mediation (see below).

### **Complex issues**

Where the parties consider that the issues are particularly complex, they should apply to HAUC (England) for mediation, which will comprise a review panel of at least two persons

(one utility and one authority). The findings will be reported to the HAUC (England) joint chairs.

Each party must make available all financial, technical and other information relevant to the matter in dispute.

The review should normally take place within ten working days or other agreed time from the date of referral to HAUC (England). It is recommended each party accept the advice given by the review panel as binding.

Should HAUC (England) be unable to provide advice for both parties, the matter should be referred to HAUC (UK) for mediation following a similar process to that for HAUC (England), with the exception of the panel being of four persons one of whom will be the appointed chair.

The advice given may with the agreement of both parties be shared in anonymised form to further understanding.

### **13.3 Adjudication**

If agreement cannot be reached by any of the procedures in 13.2 above, the dispute should be referred to independent adjudication. The decision of the adjudicator is deemed to be final. The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where the adjudication route is to be followed, the parties should apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

### **13.4 Arbitration**

Disputes relating to matters covered by the following sections of NRSWA may be settled by arbitration, as provided for in section 99

- section 58(7A) – restriction on works following substantial road works
- section 58A – restriction on works following substantial street works
- section 61(6) – consent to placing apparatus in protected streets
- section 62(5) – directions relating to protected streets
- section 74(2) – charges for occupation of the highway where works are unreasonably prolonged
- section 74A(12) – charges determined by reference to duration of works
- section 75(5) – inspection fees
- section 84(3) – apparatus affected by major works
- section 96 (3) – recovery of costs or expenses

If an important point of principle, or a particularly expensive scheme, is involved, either party may refer the matter to arbitration, as if it were a matter to be settled by arbitration under section 99 of NRSWA.

## Appendices

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## Appendix A: Glossary

Term	Definition	Comments/Legislation/Source
Additional Street Data (ASD)	ASD. Additional information about the type and nature of a street to be found in a local street gazetteer (LSG) and the national street gazetteer (NSG).	Several different types of additional street data can be recorded against any street in the NSG; the different types are detailed in section 4.3. All ASD is submitted to the NSG concessionaire (Geoplace) for validation and inclusion in the published NSG.
Apparatus	Apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus	Section 105(1) of NRSWA
Arbitration	Any matter which is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers	Section 99 of NRSWA
Authority	See street authority, transport authority, highway authority, permit authority, bridge authority	
Bank holiday	Bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated	Section 98(3) of NRSWA
Bar Hole	Bar holes are small diameter holes made in the ground along the route of a gas pipe in a bar test survey to determine the location of any leakage.	
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)	
Bridge	References to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street	Section 88(1)(a) of NRSWA
Bridge authority	The authority, body or person in whom a bridge is vested	Section 88(1)(b) of NRSWA
Bridleway	A highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway. "horse" includes a pony, ass and mule, and "horseback" shall be construed accordingly	Section 66 of the Wildlife and Countryside Act 1981
BS7666	BS 7666:2006 Parts 0, 1 and 2. British Standard used for the compilation and implementation of a local land and property gazetteer (LLPG) or local street gazetteer (LSG)	
Carriageway	The part of a road intended for vehicles rather than pedestrians	
Category of works	A collective term for the four different types of works defined by regulation; comprised of immediate, minor, standard and major works	
	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by	

Gyratory or roundabout system	more than 20 seconds	
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal	
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road	
DNO	Distribution network operator (electricity network)	
Duration of works	The duration of works is calculated in working days	
Emergency works	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	Section 52 of NRSWA
Excavation	Breaking up the street	
Footpath	A highway over which the public have a right of way on foot only, other than such a highway at the side of a public road. Excludes footway	Section 66 of the Wildlife and Countryside Act 1981
Footway	A way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only	Section 329 of HA 1980
FPN	Fixed penalty notice. A notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty	Schedule 4B to NRSWA and the 2007 FPN regulations. Section 37(6) of TMA 2004 and regulations 21 to 28 of the 2007 permit regulations
GDPR	General Data Protection Regulation. To give control to individuals over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU	General Data Protection Regulation (EU) 2016/679.
Highway	"the whole or part of a highway other than a ferry or waterway"	Section 328 of HA 1980
Highway authority	Any authority responsible for a highway maintainable at public expense	Sections 1, 2 and 3 of HA 1980
Immediate works	Immediate works are either emergency works as defined in section 52 of NRSWA, or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007	
Local street gazetteer (LSG)	LSG. The local highway authority street dataset	Each local highway authority creates, and maintains, detailed information of all streets within their area. The LSG is submitted to the NSG Concessionaire (Geoplace) on a regular basis.



Maintainable highway	A highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense	Section 329 of HA 1980
Major works	Street works, other than immediate works, where the street authority has indicated to an undertaker, or the undertaker considers, that a temporary prohibition or restriction on roads is required; or street works, other than immediate works, the planned duration of which exceeds ten working days	
Minor works	Minor works are street works, other than immediate or major works, where the planned duration is 3 days or less.	
National street gazetteer (NSG)	NSG. The compilation of a list of street information maintained in highway authorities	The NSG holds detailed information on all streets and is published on a monthly basis.
Network management duty	The duty imposed on authorities to manage their road network	Section 16 of TMA 2004
NSG Concessionaire	The NSG concessionaire receives, validates and combines the individual LSGs, TRSG and any individual ASD records into the NSG which is then published on a monthly basis	
NRSWA	New Roads and Street Works Act 1991	
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street	
Passenger transport authority	One of several geographical authorities made up of representatives from local authorities in the area, responsible for public transport in their area	
Permit authority	An authority who is operating a permit scheme in their area	
Prescribed	Prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases	Section 104 of NRSWA
Prescribed period	The period during which no overrun charges can be levied. It has been set in regulations at two working days, starting on the date works begin	Section 74(1)(a) of NRSWA and regulation 7 of the 2009 charging regulations
Promoter	The organisation promoting the works and is used to cover <ul style="list-style-type: none"> <li>- undertaker</li> <li>- utility company</li> <li>- highway authority carrying out road works</li> <li>- utility company</li> <li>- highway authority carrying out road works</li> </ul>	
Protected street	Protected streets are any highway or proposed highway which is a special road (under section 16 HA), and any street designated as a protected street by the street authority	Section 61 of NRSWA

Public rights of way (PRoW)	<p>PRoW. One of the following: A synonym for a highway, that is, any way over which there is a public right of passage including those ways for which there is no statutory method for recording their existence. One of the four rights recordable on the definitive map: Public footpath Public bridleway Restricted byway Byway open to all traffic</p>	<p>Section 66 of the Wildlife and Countryside Act 1981. Section 48(4) of the Countryside and Rights of Way Act 2000.</p>
Reasonable period	A reasonable period means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question	Section 74(2) of NRSWA
Reconstruction	The removal of some or all of the various layers that make up a road pavement and their replacement	
Reinstatement category	A classification of reinstatement based upon volumes of traffic utilising the street.	S1.3 of The Specification of Reinstatements of the Highway (SROH)
Resurfacing	The removal of the running surface of a carriageway and its replacement to restore surface integrity and skid resistance.	
Road works	<p>Road works are "works for road purposes" defined in section 86(2) of NRSWA as:</p> <p>Works of any of the following descriptions executed in relation to a highways-- (a) works for the maintenance of the highway (b) any works under powers conferred by Part 5 of the HA (improvement) (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway, or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation 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.</p>	S86(2) of NRSWA
Special designation	A special designation record provides details of any special attributes of a particular street. It forms part of additional street data (ASD).	
Special engineering difficulty (SED)	A special engineering difficulty is defined in section 63 of NRSWA. The term relates to streets or parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure.	Section 63 of NRSWA
Standard works	Standard works are those works other than immediate or major works where the planned duration exceeds 3 days but does not exceed 10 days	

Statutory undertaker	A legal term used to describe those organisations that have certain legal rights and obligations when carrying out particular development and infrastructure work. Typically they are utilities, communications companies and Network Rail: those who deal with water, gas, electricity, communications and railways etc. The statutory right is enabled in primary legislation such as the Electricity Act, the Water Act, the Gas Act, the Communications Act.	Section 48(4) of NRSWA
Strategic route	A network of strategic routes across England, using criteria set out by the DfT. Such routes are aligned to regional and national transport policies and strategies. Most strategic routes, which include motorways and trunk roads are managed and maintained by National Highways and Transport for London. Some strategic routes, more likely to be termed primary route network are managed and maintained by highway authorities.	
Street authority	The authority, body or person liable to maintain a street. If the street is publicly maintainable, then it is a highway authority. Also known as street works authority.	Section 49(1) of NRSWA
Street managers	An authority, body or person liable to the public to maintain or repair a street which is not a maintainable highway or, if there is none, an authority, body or person having the management or control of the street	Section 49(4) of NRSWA
Street Manager	The digital service - plan and manage roadworks - operated by the DfT and in use by every highway authority and statutory undertaker in England	
Street works	<p>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--</p> <p>(a) placing apparatus, or</p> <p>(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,</p> <p>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).</p> <p>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--</p> <p>(a) reinstatement of the street, and</p> <p>(b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.</p>	Section 48(3) and (3A) of NRSWA.
Substantial road works	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	Section 58 of NRSWA and regulation 11 of the 2007 noticing regulations

Substantial street works	Major street works	Section 58A of and Schedule 3A to NRSWA and regulation 12 of 2007 noticing regulations
Traffic-sensitive	A street which is designated as critical to the flow of traffic in the area.	Section 64 of NRSWA. The criteria for designating a street as traffic-sensitive are prescribed in regulation 16 of the 2007 noticing regulations and, in a case where a limited designation is made pursuant to regulation 16(3), any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation (see section 64(3) of NRSWA).
Transport authority	The authority, body or person having the control or management of a transport undertaking	Section 91(1)(a) of NRSWA
Trunk road street gazetteer (TRSG)	TRSG. A gazetteer produced by National Highways, parallel to the NSG.	
Undertaker	As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be"	Section 48(4) of NRSWA
Unique Street Reference Number (USRN)	USRN. A unique identifier assigned to each street within an LLPG and LSG	DTF current version. See also BS 7666-1:2006, page 7, section 6.2 for description
Validity window	The validity window is a period of time that applies to works on some roads at non-traffic sensitive times/where national condition NCT01b applies (see chapter 9).	
Working day	A day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday	Section 98(2) of NRSWA
Works for road purposes	See road works	

## Appendix B: HAUC (England) permit guidance

This can be found [here](#)

## **Appendix C: Works at or near level crossings**

Advice on this is available from Network Rail.

## **Appendix D: Forward planning and co-ordination**

The co-ordination of works over longer periods is aided by the exchange of forward planning information. Promoters can send forward planning information about works via Street Manager.

## Appendix E: Collaboration framework

HAUC England's collaboration toolkit can be found [here](#).





## Appendix F: Current list of special designations

This table shows the current list of special designations. It is copied from the data entry conventions for streets

Special designations		
Special designation	Description	Example
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.
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 chapter 5 set out the criteria for creating these designations.	See chapter 5 of this code for examples and more information.
Special engineering difficulty (SED)	Statutory designation that requires the 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
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 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.	SSSI Specially cultivated area Ancient monument AONB Invasive plant species SNCI (Sites of Nature Conservation Interest) Listed buildings/statues Contaminated land Tree preservation orders

	Where this is mandatory, this should be made clear in the text.	
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, promoters should regard it as a reminder that under Section 88, NRSWA they must consult the bridge authority prior to applying for permits	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 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  Special events cont'd	Conditional designation that provides early awareness of special events to promoters to enable them to consider any actions that they may 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.	Carnival Street market 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 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 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 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; such routes are aligned to regional and national transport policies and strategies. This designation is used to alert 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 highway authority.	Local highway authority primary route network TfL strategic route network National Highways strategic route network Region/area combined transport authority
Street lighting	Conditional designation that helps 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 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 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 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 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 an 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 promoter that wide vehicles are commonplace.	Abnormal load route
Emergency services routes	Conditional designation that alerts the promoter if there is a need to keep the emergency services informed of proposed works and progress.	