

PLANNING & DEVELOPMENT

PLANNING INFRASTRUCTURE AND TRANSPORT POLICY HIGHWAYS DEVELOPMENT CONTROL



GUIDANCE NOTE FOR DEVELOPERS PROGRAMMING WORKS ON THE HIGHWAY

1.0 **BACKGROUND**

- 1.1 The Traffic Management Act 2004 ("TMA") received royal assent on 22 July 2004 and came into force on 1 April 2008. At the same time secondary legislation came into force setting out how the TMA varies and replaces parts of the New Roads and Street Works Act 1991 ("NRSWA").
- 1.2 The main objectives of the TMA are to reduce congestion and disruption on the road network and to actively encourage the forward planning and co-ordination of street works by undertakers (see definition of "undertaker" below).
- 1.3 The TMA affects utility companies, contractors and developers, as it increases the administration requirements when carrying out any works that affect public highways. **There are significant changes to the notification period requirements which will impact on the programming of any works in the highway.**
- 1.4 **The TMA refers to "undertakers" which includes all third parties who carry out street works from private individuals, developers to statutory undertakers,** such as those people that have statutory obligations and a legal right to carry out street works (mostly utility companies and telecommunications companies who are obliged to supply and maintain connections). The majority of statutory undertakers are granted a licence (under Section 50 of NRSWA which still applies) to carry out street works ("Section 50 Licensees").
- 1.5 Under the TMA the Secretary of State has devolved its powers to highway authorities ("HA"), who will be responsible for co-ordinating works on the public highway (including the HA's own works).

2.0 **NOTIFICATION REQUIREMENTS**

- 2.1 Under NRSWA a notice scheme operated, in which an undertaker would only have to notify the street works authority that it intended to carry out works. **Under the TMA an undertaker has to effectively book occupation of a street for a specified period and for specified purposes.** The TMA requires that a notice has to be served in respect of each street where works will be carried out.
- 2.2 Permit schemes replace the notice scheme, and have increased the amount of notices which have to be issued to the HA. Such notices include advance notice of works; notice that works have commenced; and notice of emergency works. **Any undertaker who wishes to carry out works which will impact on the highway must issue an advance notice to the HA before commencing works. The notice periods range from 3 working days to 3 months depending on the nature of the works** (see the table below).

Extent of works	How works are defined	Notice period required
Major works	Works that take 11 working days or more to complete or require road closure	Minimum of three months
Standard works	Works that take between 4 and 10 working days to complete	Minimum of 10 working days
Minor works	Works that take up to 3 working days to complete	Minimum of 3 working days