

## Good Practice Advice Note

# RESTRICTIONS FOLLOWING SUBSTANTIAL WORKS



Date 11 April 2008  
Version AN4 v1  
Source National Street Works  
Highway Group  
Endorsed JAG(UK)  
Aligned with national regulations  
✓ England  
✓ Northern Ireland  
Scotland  
Wales

This Advice Note has been endorsed by the chairs of the following JAG(UK) member groups:

- Anglian
- East Midlands
- London
- ✓ North of England
- ✓ North West
- South East
- ✓ South West
- West Midlands
- Yorkshire

## Introduction

One of the most annoying occurrences in the eyes of both the public and the engineer is to see a newly surfaced or reconstructed road being dug up again within a short period of the original works being completed. The same response occurs when a road is being dug up repeatedly by different organisations with no apparent thought having been given to carrying out the works at the same time in order to mitigate disruption and inconvenience to road users and residents. However, it is possible to mitigate against such things happening.

The New Roads and Street Works Act 1991 (NRSWA) includes a provision for the serving of notices to restrict the implementation of further works following the completion of substantial road works for a period of 12 months. There are exemptions to these restrictions, eg in the case of emergencies, and permission for new customer connections should not be withheld unreasonably. Nevertheless, the process itself is restrictive with fairly tight deadlines imposed with regard to start dates etc, and therefore, few highway authorities take advantage of NRSWA's provisions except in the case of the highest priority roads.

The Traffic Management Act 2004 (TMA) has now extended the scope of the original NRSWA.

This gives the highway authority additional powers to authorise restrictions to prevent future road or street works being carried out following substantial works.

These amendments to the original Act also extend the time period over which the restrictions are effective and these now range from six months to five years depending on the nature of the work, its impact on the travelling public and neighbourhood and the category of the road. Exemptions to the restrictions remain, although no customer service connections can be made for a period of 20 days following the completion of the works. The deadlines set in NRSWA are now more relaxed and allow the works to commence up to six months after the date stated in the notice, as opposed to the original one month.

## Background

- The highway authority may impose restrictions on the undertaking of further road or street works on all categories of road following substantial road or street works in accordance with Sections 58 and 58A of NRSWA.
- The highway authority may take formal action against any statutory undertaker or other party undertaking unauthorised works in contravention to a notice issued under Section 58 or 58A of NRSWA.

## Officer/works promoter guidance

- Maximum durations of restrictions:

Works type	Category of carriageway	
	Traffic-sensitive or reinstatement category 0, 1 and 2	Reinstatement category 3 and 4
Reconstructed	5 years	5 years
Resurfaced with or without level change	3 years	3 years
Other substantial road or street works	1 year	1 year
Combination of 1 or 2 plus 3	Higher of figures	Higher of figures
Customer connections	20 days	

- Definitions:

**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 are 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.

**Substantial street works** means major works.

**Reconstructed** is the removal and replacement of some or all of the various layers that make up a road pavement. It is used to strengthen the road pavement.

**Resurfacing** is the removal of the running surface and its replacement to restore surface integrity and skid resistance.

**Other substantial road or street works** refers to the effects of substantial street works and substantial road works, such as drainage provisions, which leave reinstatements to those after undertakers' works.

- Certain works may still be carried out on a road subject to a restriction notice and are as detailed in the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 and include:
  - i) Customer connections following the 20 days embargo.
  - ii) A proven need for safety related activities, (supported by specific HSE legislation or directives) to prevent future emergencies or hazards occurring.
  - iii) Activities required to expose equipment covers and manhole covers buried during the substantial road or street works.
- A notice under Section 58(1) relating to a proposed restriction following substantial road works shall be issued by the works promoter three months in advance of the proposed start date of the works.

This is in accordance with the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

- Where a restriction is to be imposed following substantial street works, the authority shall publish a notice in accordance with the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
- An example of the notice format is appended to this policy.
- In addition to those to whom a copy of the notice must be given, a copy shall also be given to the owner of any premises which have a frontage onto part of the highway to which the proposed restriction relates, and any other person who has made a written request asking for a copy of any such notice. This will be accompanied by a covering letter, (the text of which is appended to this policy), and delivered by the works promoter in the case of substantial road works or the authority in the case of substantial street works.
- Where the road works referred to in the Section 58 notice are not commenced within six months of the date given in the notice, then the notice will cease to be effective.

- Where unauthorised works are carried out in a street subject to a Section 58 or 58A notice, the authority will carry out investigations to determine if an offence has been committed and if formal action should be taken.

### Standards

- The New Roads and Street Works 1991
- The Traffic Management Act 2004
- The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
- The Technical Specification for the Electronic Transfer of Notices (EToN)

## Annex A: Sample form for the publication of Section 58/58A notice of substantial road/street works

### NEW ROADS AND STREET WORKS ACT 1991 SECTION 58/58A\* NOTICE OF SUBSTANTIAL ROAD/STREET\* WORKS

1. Three months advance notice is hereby given that ..... (highway authority/statutory undertaker) intends to carry out substantial road/street\* works.
2. The street in which these works will take place is: (describe street and indicate carriageway/footway/footpath/verge).
3. The work is expected to affect the carriageway/footway/footpath/verge between: (identify section by reference to road junctions, house numbers, etc.).
4. Work is expected to commence on:...../...../..... (work should begin within six months of this date).
5. The works notified will include the following:
  - (a) (detail area of work)
  - (b) (detail extent of work)
6. Subject to the exemptions in the Act and Regulations under it, no road or street works may be executed for a period of..... ( enter relevant period in accordance with the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007) from completion of the works described in paragraph 5 without the consent of the said highway authority, which is not to be reasonably withheld.

Contact point:

Name.....

Title.....

Telephone.....

Signed..... Date.....

(\* delete as necessary)

**Annex B: Text of covering letter to frontagers and others to whom a copy of the Section 58 or 58A notice is to be provided**

*Highway authority or works promoter headed paper to be used as appropriate*

**PROPOSED SUBSTANTIAL ROAD/STREET\* WORKS AT:**

.....

I enclose a copy of a notice issued under Section 58/58A\* of the New Roads and Street Works Act concerning substantial road/street\* works affecting all or part of the above street which are due to commence on the date shown on the notice.

The effect of the notice will be to restrict any road or street works being carried out in the street for the period stated in the notice, although there are exemptions such as for emergencies. In view of the impending restriction on future works, you may wish to consider if there are any works that you may intend to undertake in respect of your premises in the future as they would need to be completed before the restriction comes into effect. Such works may include the supply of new utility services or a vehicular crossing and if you decide to proceed with these works then you should reply to this letter and make the necessary arrangements as soon as possible.

In the event that the works referred to in the notice do not commence within six months of the date shown then the notice will cease to be effective.

Should you wish to discuss this matter or require any further information then please contact the following:

Name.....

Telephone.....

\*Delete as appropriate