

**Appendix 1 to Highway Maintenance Management Plan Report to the
Environment and Transportation Select Committee, 5th November 2013**

Economy Transport and Environment Department

Highway Maintenance Management Plan (HMMP)

Contents

Part 1- Introduction to the HMMP

Summary
Background and Scope
Legislation and the Legal Framework
Other Document Influencing Highway Maintenance
The Highway Maintenance Strategy
Service Standards
Policies and supporting Information
List of Policies

Part 2 – HMMP Policies

Policy Number HW1 – Enforcement and Prosecution
Policy Number HW2 – Licensing and Consents
Policy Number HW3 – Highway Status
Policy Number HW4 – Routine and Reactive Maintenance
Policy Number HW5 – Structural Maintenance
Policy Number HW6 – New Infrastructure
Policy Number HW7 – Weather Emergencies
Policy Number HW8 – Network Management & Streetworks

Part 3 - Supporting information

Introduction
Enforcement and Prosecution
Licensing and Consents
Highway Status
Routine and Reactive Maintenance
Structural Maintenance
New Infrastructure
Weather Emergencies
Network Management & Streetworks

Part 1- Introduction to the HMMP

Summary

This document provides information on Hampshire's approach to highway maintenance. It is an integral part of, and enables the delivery of Hampshire's [Highway Asset Management Policy and Strategy](#). The document aligns with the suite of National Codes of Practice (CoP's) for Highway Maintenance, in particular those for Highways, Structures and Lighting. This information can be found on the following external link <http://www.ukroadsliaisongroup.org/en/guidance/codes-of-practice.cfm>

The CoP for Highway Maintenance – Well Maintained Highways defines the purpose of highway maintenance as:

The main purpose of highway maintenance is to maintain the highway network for the safe and convenient movement of people and goods. The core objectives of highway maintenance are to deliver a safe, serviceable and sustainable network, taking into account the need to contribute to the wider objectives of asset management, integrated transport, corporate policy and continuous improvement.

This document identifies the legal obligations of Hampshire County Council as the Highway Authority and the corresponding legislative framework within which it operates, combining policy statements, service levels and access to standard forms with general guidance and advice.

Background and Scope

Hampshire's highway maintenance activity is based upon statutory powers and duties contained in legislation and precedents developed over time, as a result of claims and legal proceedings. However, even in the absence of specific duties and powers, Highway Authorities have a general duty of care to users and the community to maintain the highway in a condition fit for its purpose.

The duties of the Highway Authority set out in this document refer to the entire highway infrastructure asset, for a comprehensive summary of highway assets and their components, please use the Highway Asset link.

The document is intended to provide advice and information regarding the maintenance and management of Hampshire's highway network defining our policies and service standards .

It will:-

- Provide advice on consents and licences for activities on the highway, i.e. what is allowed on the highway network.
- Identify constraints and enforcement measures, i.e. what is not allowed on the highway network.
- Provide general information to illustrate Hampshire County Council's role in managing the Highway network.
- Explain our maintenance and management strategies

- Provide general information on minimum service standards, i.e. when and where they apply.
- List our maintenance and management policies and provide access to supporting information.

Legislation and the Legal Framework

Hampshire County Council as the Highway Authority (HA) is responsible for the maintenance and management of all highways, maintainable at public expense, within the County, with the exception of; roads in Southampton and Portsmouth, both of which are Unitary Authorities, motorways and trunk roads for which the Secretary of State for Transport is the Highway Authority **and Hampshire's public Rights of Way as described in the [Countryside Access Plan](#)**

There are a number of pieces of legislation which enable Highway Authorities to manage and maintain the highway, the more important of these are listed below. In addition to the legislation there is a general duty of care placed on a Highway Authority to maintain the highway in a condition fit for purpose and in some cases precedents in case law have informed the development and adoption of policies, procedures and service standards.

The legislation affecting highway policy and decision making are covered in a number of separate Acts and although the list below is not exhaustive it is comprehensive.

- Highways Act 1980
 - This act covers all aspects regarding the responsibilities of a Highway Authority to manage and maintain Highways maintainable at public expense, including its duties, what it can allow and what it cannot allow.
- The New Roads and Street Works Act 1991
 - This act covers the powers of the HA with respect to the management of street works on the highway and the activities of statutory undertakers (e.g. gas, electricity, communication companies etc).
- The Traffic Management Act 2004
 - Imposes a duty on the HA to manage the network and to maintain the expeditious movement of traffic by minimising traffic disruption.
- The Road Traffic Act 1988
 - Imposes a duty to promote road safety; to carry out accident studies and safety audits for new works etc., in order to minimise accidents.
- The Flood and Water Management Act 2010

- Places a responsibility on all Authorities including the HA's to coordinate their duties, to find sustainable drainage solutions and to identify and plan mitigation measures in high risk areas.
- Noxious weeds Act 1959, including the Ragwort Control Act 2003
 - Places a responsibility on the HA to minimise and inhibit the growth and spread of injurious weeds growing on the highway.
- The Local Authorities (Transport Charges) Regulations 1998
 - This provides powers for HA's to charge for regulatory activities such as the provision of licences for scaffolding, skips etc., where these impact on the highway.
- Wildlife and Countryside Act 1981
 - This Act contains legislation which can limit the scope and timing of highway maintenance operations and to which HA's must comply.
- The National Park Act 1947 & the National Park and Access to Countryside Act 1949
 - Which ensure the conservation and enhancement, and promote understanding and enjoyment of these special areas.
- Environmental Protection Act 1990
 - Imposes environmental requirements on many activities including the Highway Authorities' maintenance operations by placing controls on items such as noise and pollution.
- Health and Safety Act 1974 and associated regulations
 - For the purposes of highway maintenance the Act requires that all works and new construction are designed, managed and implemented in a safe manner.
- The Equality Act 2010
 - Ensuring that consideration is given to all groups or individuals without discrimination. Further information on Hampshire's approach can be found on <http://www3.hants.gov.uk/equality.htm>
- The Transport Act 2000
 - This enables Highway Authorities to designate quiet lanes and home zones.

Other Influences on Highway Maintenance

In addition to the legislative requirements placed on the Authority there are a number of internal and external documents which direct and inform highway maintenance, management and policy, including:-

- The Department for Transport's - Design Manual for Roads and Bridges (DMRB) and the Specifications for Highway Works (SHW).
- Whole of Government Accounting and the Transport Infrastructure Assets Code of Practice.
- Other Codes of Practice including: Well Maintained Highways
Management of Highway Structures
Well Lit Highways
Highway Risk and Liability Claims
- National Guidance concerning Highway Asset Management and Industry Best Practice (various). Which can be found on an external link at <http://www.ukroadsliaisongroup.org/en/guidance/codes-of-practice.cfm>
- And other Hampshire County Council documents, including:
Highway Asset Management Policy & Strategy
Local Transport Plans
Network Management Plan
Surfacing Guidance Document
Hampshire County Council companion document to The Manual for Streets
Catalogue of Standard Construction Details

All of which clarify or supplement the implementation of national standards.

Hampshire has two National Park Authorities operating within the County; the South Downs National Park Authority and the New Forest National Park Authority. To ensure that the highway network is managed and maintained appropriately in these areas and that suitable maintenance solutions are implemented, close liaison between the Authorities is a high priority.

The Highway Maintenance Strategy

Hampshire's Economy, Transport and Environment Department, are responsible for the maintenance and management of the highway network in Hampshire and have set out clear objectives in the Department's delivery plan, of which two refer to management and maintenance of the highway network, these are:

- Well maintained and resilient highways in Hampshire.
- Safe and well managed highways in Hampshire.

To achieve these objectives our maintenance strategy is summarised as follows:

- To provide a clear statement of highway policies which deliver the statutory obligations of the Authority;
- To be responsive to the needs of users and the community;

- To contribute to effective highway asset management and maintain the asset value, by providing a uniform and consistent approach to maintenance need and resource allocation;
- To support effective delivery of the statutory network management duty;
- To support and add value to local transport objectives;
- To support and add value to wider corporate policy objectives.
- To regularly review policies and procedures and monitor the effectiveness of the maintenance strategy.

The delivery of the highway service is carried out by Hampshire County Council Highways which is supported with staff resources and maintenance budgets allocated in the following way:

- **Revenue funding**

Provides the staff resources to manage the service and a budget to carry out routine and reactive repairs. Keeping the network safe and accessible. This type of funding supports the following activities.

Regulation; this covers staff costs associated with the day to day management of the highway. It provides particular resources for enforcement, dealing with; complaints and enquiries, notices, licences and other general administration, including legal advice and regular highway safety inspections.

Routine maintenance; these activities are usually cyclic in nature and are carried out on a regular consistent schedule, work would typically include, cleaning and landscaping maintenance activities.

Reactive maintenance; these activities are usually carried out in response to a particular issue or event, they are not planned far in advance and sometimes are a response to an emergency. Reactive maintenance could include; pothole repairs, emergency responses to inspections, reports from the public, weather events, or road traffic accidents.

- **Capital funding**

Provides funding for the design and implementation of structural repairs, refurbishment, replacements and improvements, on the network. This type of maintenance work is invariably planned, usually a year or two in advance of

the works being completed. Capital maintenance funding can therefore be prioritised and it can be used to meet specific corporate targets and outcomes, these are available at <http://www3.hants.gov.uk> .

Service standards

In many areas of highway maintenance the level of service delivered is dependent upon the resources and funding available.

However some revenue funded service activities, usually core services such as regulation activities, repairs to dangerous defects, grass cutting, drainage cleansing etc., have specific service standards. These standards may be in the form of; a set of actions that Hampshire are committed to, specific response times or an operational frequency and they are appended to the HMMP policies. Budgets to fund these service standards are protected and not meeting these standards will only occur in extreme circumstances or through a process where the Policy is formally changed.

With respect to capital budgets and structural maintenance, minimum service standards are not applied. Highway budgets do vary and because most legislation is based on keeping the highway safe, routine operations are protected in the first instance whilst structural improvements/refurbishment have performance type targets applied. These are usually based on network condition and public satisfaction which are measured at regular frequencies and benchmarked against those of other Authorities. These targets are reviewed regularly, they are not tied to a policy and can be amended as circumstances change i.e. changes to budgets or resources.

Policies and Supporting Information

This is Hampshire County Council's list of highway maintenance related policies. Each policy provides a statement of intent and links to the available supporting documentation. In addition the policies will identify any minimum service standards that apply and provide links to standard forms and guidance as appropriate.

List of Policies

Regulation - [Enforcement and Prosecution](#)

This policy describes how the Council deal with illegal activities on the Highway and for which Hampshire as the Highway Authority has a duty to control and manage.

Regulation - [Licensing and Consents](#)

This policy covers activities on the Highway that are allowed but require management and control. It will provide direction and guidance and links to standard forms.

Regulation - [Highway Status](#)

This policy covers the adoption and the extinguishment of highways maintainable at public expense.

Maintenance Activities - [Routine and Reactive Maintenance](#)

This policy covers routine and reactive maintenance activities on the network and describes any adopted service standards.

Maintenance Activities - [Structural Maintenance](#)

This policy covers planned, structural maintenance activities on the network.

Application of Standards – [New Infrastructure](#)

This policy covers the requirements (specifications, standards and standard details) for new construction.

Maintenance Activities – [Weather Emergencies](#)

This policy covers the routine and reactive activities that will be implemented during periods of severe weather.

Network Management – [Network Management and Streetworks](#)

The policy covers the management of utility companies, the responsibilities of the traffic manager and the movement of traffic.

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Part 2 – HMMP Policies

Policies: [HW1: Enforcement and Prosecution](#)
[HW2: Licensing and Consents](#)
[HW3: Highway Status](#)
[HW4: Routine and Reactive Maintenance](#)
[HW5: Structural Maintenance](#)
[HW6: New Infrastructure](#)
[HW7: Weather Emergencies](#)
[HW8: Network Management & Streetworks](#)

Policy Number HW1 - Enforcement and Prosecution

Introduction

Certain activities on the highway are not permitted and some are only permitted by consent or license from the Highway Authority. This policy supports and enables the regulatory duties placed upon a Highways Authority by relevant legislation, keeping the Highway safe and available for free passage.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall fulfil its responsibility to keep the highway free from any unlicensed or illegal activity on the highway using its powers, where practicable, to prevent, enforce and if necessary prosecute offenders.

Scope of the Policy

The policy is intended to cover all legal responsibilities of landowners adjacent to the public highway and illegal or unauthorised activities on the highway, including:

- Encroachments
- Obstructions
- Deposits on the highway
- Damage to the highway infrastructure
- Trading
- Unauthorised signs or structures
- Trespass and Encampment
- Any other interference as defined in the legislation which affects highway safety or causes danger.

This list is not comprehensive and reference to the Highway Act 1980, The Traffic Management Act 2004 and the New Roads and Street Works Act 1991 should be made for the definitive list of activities that are illegal or require authorisation either by agreement, consent or license.

Additional Information

For further information including the actions the Highway Authority can take and any service standards that apply go to the Supporting Information section of Policy HW1. In some instances, if legislation allows some of the activities listed above can be approved by the Highway Authority. For information regarding Licenses and Consents refer to Policy Number HW2.

Policy Number HW2 - Licensing and Consents

Introduction

This policy identifies the activities permitted on the highway, normally through the application and issue of licences and consents. Certain requirements will be placed on the applicant and failure to meet these may result in enforcement action or prosecution.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall, where Legislation exists, require all third party activities on, or affecting the highway to be controlled by licence or consent.

Scope of the Policy

This policy covers all third party activities on or affecting the highway where licence or consent is required.

The following sections in the Highways Act define the various activities for which a licence or consent would be applicable:

Highways Act 1980

Section 96(4) Planting schemes (e.g. sponsorship of roundabouts)

Section 115E Tables and chairs, advertising boards (A boards)

Section 139 Builders skips on the highway.

Section 142 Planting/cultivation on the highway.

Section 169 Scaffolding or structures on the highway.

Section 171 Temporary excavations in the highway.

Section 171 Temporary deposition of materials on the highway.

Section 172 Hoardings on the highway.

Section 178 Banners over the highway.

Section 178 Cables over the highway.

Section 178 Decorative lights over the highway.

Section 179 Vaults or cellars in the highway.

Section 180 Openings or windows to vaults or cellars in the highway.

New Roads and Street Works Act 1991

Section 50 Licence to excavate or place apparatus in the highway

Additional Information

For further information including consents for:

- the provision of vehicle accesses to private properties.
- The erection of monuments and statues
- Trading on designated streets
- Neighbourhood watch signs

the list of licences and consents available, standard forms, costs that apply and how to make an application go to the Supporting Information section for Policy HW2

Policy number HW3 - Highway Status

Introduction

The Highway Authority has a responsibility to manage the processes required for the creation of publicly maintainable highway, the recording of its extent and the extinguishment (stopping-up) of highway rights.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire will adopt new roads and associated land, manage the status of those roads, and extinguish highway rights in line with appropriate legislation and Hampshire County Council standards.

Scope of the Policy

The following legislation defines the relevant issues pertinent to the creation of adopted highway, status enquiries and to the extinguishment of highway rights;

Highways Act 1980

- Section 24 Creation of a new road by the Highway Authority.
- Section 31 Creation of a public highway through 20 years of uninterrupted public use.
- Section 36(2) Adoption of highways pursuant to Part V of the Housing Act 1957.
- Section 36(6) Requirement to keep a register of highways maintainable at public expense.
- Section 37 Offer to dedicate a highway by a landowner.
- Section 38 Agreement to adopt highway between the landowner and the Highway Authority.
- Section 116 Powers for the Highway Authority to seek an extinguishment of highway rights.
- Section 228 Adoption by the Highway Authority where there is no known landowner.
- Section 239 Powers for the Highway Authority to acquire land for highway purposes.
- Section 258 Exchange of land for highway improvement purposes.
- Section 278 Agreement to adopt highway works constructed by a third party.

Town & Country Planning Act 1990

- Section 247 Extinguishment of highway rights in conjunction with building development.

Additional Information

Hampshire County Council maintain a 'List of Streets' maintainable at public expense, <http://www3.hants.gov.uk/adoptedroadsearch.htm> and are also able to provide information regarding highway status and its extent. Answering status and search enquiries incurs costs and the County Council are permitted to recoup these. For more information regarding fees and charges go to the Supporting Information

section of Policy HW3 for this policy. For further information regarding adoptions see also Policy HW6 concerning [New Infrastructure](#) and the application of standards.

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Policy Number HW4 - Routine and Reactive Maintenance

Introduction

This policy supports and enables the Highway Authority to fulfil its responsibility to maintain the network in a safe condition. The policy is supported by minimum service standards, relevant legislation and the Codes of Practice.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall manage a service which provides a comprehensive highway inspections process, emergency response regime and range of maintenance activities which meet the requirements of the relevant legislation to maintain safe passage on the network.

Scope of the Policy

This policy should be applied to all constituent parts of the highway asset i.e. carriageways, footways, structures, drainage, street lighting, traffic management systems, signs, the green environment etc. The policy covers all inspections, routine and reactive maintenance activities, including:

Emergency response (hazards on the highway including clinical waste)

Emergency repairs (see highway inspections and defect categories)

Routine activities including; inspections, weed control, verge maintenance, cleansing (signs/gully's).

Additional Information

A number of minimum service standards apply to routine and reactive maintenance activities. For details of these standards and other supporting information go to the Supporting Information section for HW4.

For winter and weather emergency operations refer to Policy HW7 and its supporting information.

Policy Number HW5 - Structural Maintenance

Introduction

This policy supports and enables the Highway Authority to fulfil its responsibility to maintain the network in a safe condition and ensures within available budgets that the structural (long term) needs of highway assets are maintained efficiently and effectively.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall identify and prioritise structural maintenance treatments on any part of the network using a system of regular highway inspections, mechanical or visual condition surveys and other asset information as appropriate.

Scope of the Policy

This policy covers all maintenance work that is not of a routine or reactive nature and is deemed to increase or retrieve the structural life of that asset.

The list of treatments and improvements is extensive but would include:

- Resurfacing, patching and reconstruction of roads and footways.
- Bridge strengthening and replacements
- Renewal and upgrades of existing equipment, such as traffic control and information systems.

Additional Information

Many of these assets have expected lives measured in decades and exceed any long term investment plans. Service standards are therefore replaced by Corporate targets. For Highways the present targets relate to achieving a specified condition of the network and maintaining a good customer perception of the service. These targets can be adjusted to reflect changing budgets. For information regarding these targets and structural treatment options go to the supporting information section for this policy HW5

Policy Number HW6 - New Infrastructure

Introduction

In order to comply with its obligations Highway Authorities must ensure that appropriate standards are applied to the design and construction of new infrastructure. These standards will support future maintenance operations, ensure that the expected life of any new construction is achieved and that all aspects concerning safety are properly considered.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall make available or provide guidance on how to access all standard details and specifications related to the design and construction of highways in Hampshire and ensure that these standards are applied appropriately.

Scope of the Policy

The policy covers all new infrastructure on the highway, including renewals, replacements and new additions to the network.

These standards should be used for:

- Routine, reactive and structural maintenance works.
- All new highway related improvement schemes.
- All externally funded works on, or affecting the network
- All new developments which will be adopted as Public Highway

This policy does not apply to utility reinstatements, these are covered in national guidance and legislation for street works.

Additional Information

Hampshire County Council manages and maintains a set of standard drawings and specifications which provide specific information regarding construction details. See also link to Hampshire's companion document to the Manual for Streets.

<http://www3.hants.gov.uk/hampshire-manual-for-streets.htm>

In addition to this all third parties that are considering highway works as described above should be aware of current Department for Transport guidance (Technical notes, Design Guides and Highway Specifications).

Policy Number HW7 - Weather Emergencies

Introduction

This policy is related to policy number HW4, for routine and reactive maintenance but is specific to severe weather events. In these instances large parts of the network may be adversely affected at any one time and special arrangements to keep the highway network functioning, need to be implemented.

Policy Statement

Hampshire County Council as the Highway Authority in Hampshire shall manage a service which provides a comprehensive highway weather emergency response and meets the requirements of the relevant legislation to maintain safe passage on the network, and as far as reasonably possible, keep the network free from obstructions and the effects of ice and snow.

Scope of the Policy

This policy covers Hampshire's response to all winter and extreme weather emergencies, including:

- flooding
- wind damage (falling trees and other debris)
- winter ice and snow events. (salting and snow clearance)
- Heat damage (shrinkage cracking and 'melting' road surfaces)

Additional Information

In the event of severe weather Hampshire will operate their Winter Maintenance and Severe Weather Emergency Response Plan. This document sets out the preparation and response, outlines the service that can be expected and how the resources will be deployed with due regard to the scale of the event.

Further details can be found in the supporting information for HW7 which identifies how responses are prioritised and the service standards that can be expected.

For flood related events additional information regarding the responsibilities of Local Authorities and National Agencies, refer to the Flood and Water Management Act 2010.

Policy Number HW8 – Network Management & Streetworks

Introduction

The New Roads & Street Works Act 1991 (NRSWA) gives utility companies powers and duties to work in the highway to install and maintain apparatus. The same legislation gives the County Council, as the street Authority, a duty to protect the highway asset, minimise inconvenience to highway users and reduce risks to safety arising from utility works (street works). The Traffic Management Act 2004 (TMA) gives the County Council, as the Traffic Authority, the duty to facilitate the expeditious movement of traffic on its network and neighbouring networks.

Policy Statement

Hampshire County Council as the Street and Traffic Authority in Hampshire shall fulfil its duties under the NRSWA & TMA by regulating County Council works (road works) and street works and coordinating road & street works and other activities on or affecting the highway network.

Scope of Policy

The policy covers the regulation and coordination of all road & street works on the highway ensuring that all licensed works, road works and street works are programmed, coordinated and notified in accordance with the appropriate legislation. In addition, appropriate inspections shall be carried out on street works in order to determine compliance with National specifications concerning reinstatement quality and site signing & guarding. The policy also covers the coordination of any other activities and events on, or affecting the highway ensuring that disruption to traffic flow is minimised.

Additional Information

The County Council recognises the important services supplied by utility companies to residents and businesses in Hampshire and the Country. Accordingly, when executing its duties under the NRSWA and TMA the County Council will seek to work in collaboration with the utility companies in order to facilitate its own duties and to ensure that such vital services are maintained.

In order to undertake the duties conferred within the TMA the Highway Authority is also required to appoint a Traffic Manager. It is the duty of the Traffic Manager to ensure that the requirements of the TMA are executed. In order to demonstrate this the County Council are developing a series of objectives which will be set down in its [Network Management Plan](#).

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Part 3 - Supporting information

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Introduction

Supporting information

The policies in the main document are a formal, approved set of statements with which Hampshire County Council as the Highway Authority will comply. It is realised that these statements are brief and provide limited information to the public. The section on supporting information is designed to answer your questions and provide a better illustration of what the policy covers.

Service standards

Apply to some of the HMMP policies and the individual activities within those policies. These standards may be in the form of; a set of actions that Hampshire are committed to, specific response times or an operational frequency and they represent the minimum standard that the Highway Authority will expect to achieve in normal circumstances. In some circumstances, such as adverse weather conditions or emergencies on the network these standards may be waived for a short period. Where this happens the County Council will make every attempt to inform those directly affected, of any temporary arrangements.

Policy HW1: Enforcement and Prosecution

Supporting Information

The Highway Authority will take measures to remove or prevent any unauthorised obstruction, encroachment, activity or interference on or using the Highway. There are a number of situations that could constitute an obstruction or an encroachment and these are listed below. The Highway authority can also issue notices under sections 154,165, 167 and 168 of the Highways Act to deal with significant hazards which could affect safe passage on the highway. For more detailed advice reference should be made to the Highways Act 1980 and the links provided below.

Obstructions and Encroachments

Items which are included in the definition of encroachments, obstructions and interference include:

- Unauthorised signs and structures.
- Erection of buildings, fences or other structures
- Storage of materials and other deposits
- Trading booths
- Deposits on the highway
- Damage to the highway or its infrastructure
- Projections from buildings
- Overhanging trees and shrubs*
- Trespass and Encampment

* for information, in most cases hedges and trees on boundaries between the highway and adjoining land are the property and responsibility of the adjoining landowners who are responsible for preventing their hedges and trees from overgrowing and causing obstruction or danger.

Parking on footways and verges

It should be noted that the public has no legal right to park vehicles on the highway and the County Council does not have any responsibility to provide parking spaces. Therefore the primary responsibility for finding acceptable parking spaces rests with vehicle owners/keepers and care should be taken to ensure that parking does not damage or obstruct the highway. Where parking does obstruct or cause damage e.g. [parking on verges or footways](#), then the County Council may take preventative action. It may carry out physical alteration to the street layout or promote traffic regulation orders to control or prevent parking.

Trading on the Highway

Hampshire County Council does not allow trading on the highway unless the location has been specifically designated as a 'Licensed Street' under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. A street may also be

designated a 'Prohibited Street' in which street trading is prohibited. Should trading on the principal road network be taking place without approval and the highway has not been designated then the County Council shall take action under the powers of the Highways Act 1980 Section 147A to remove the offender in appropriate situations relating to the principal road network.

Unauthorised Signs

As the Highway Authority, the County Council has statutory powers to approve the placement of some types of sign on the highway. The signs that the HA can authorise, provide information and direction to road users in the interests of road safety and mobility. For these signs, Department for Transport regulations exist to regulate their type and positioning. The Highway Authority has no power to authorise any other signs placed on the highway and can invoke powers under section 132, 137 and 143 of the Highways Act 1980 to remove them.

District Councils as the Planning Authority do have powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to permit and control the placement of advertising signs or the placing of other advertising boards in accordance with section 115e of the Highways Act.

Service Standards

If Hampshire find that the law has been broken, in most cases we try and resolve the matter without recourse to formal action by reporting the breach to the person responsible and requesting that they take remedial action.

However in more serious cases we can take a variety of actions, including:

- The serving of notices requiring remedial action
- Taking relevant action should the notice fail to be complied with
- Verbal or written warning
- Formal caution
- Prosecution
- Referral to the Police for issues requiring immediate action

In deciding which action to take, a number of factors will be taken into consideration including:

- The seriousness of any alleged offence and the impact on the highway network
- The affect of the alleged offence on the public safety and the environment
- The previous history of the offender
- Action taken to prevent any recurrence
- Any explanation offered and the circumstances and attitude of the offender
- What course of action will best serve the public interest

Prosecution is normally the last resort and only taken in cases that involve repeated or serious offences relating to safety, accessibility and preservation of the highway network.

The decision to prosecute is taken:

- In accordance with the Code for Crown Prosecutors
- Without any unnecessary delay, and
- In accordance with statutory requirements.

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Policy HW2: Licensing and Consents

Supporting Information

General

Groups or individuals may have a requirement to place items, or carry out activities, on the highway. Without the presence of special powers or authorisation these persons shall require the consent of the Highway Authority. This would be granted in the form of a licence or a consent for which a fee shall be payable.

The Highway Authority are not obliged to grant licenses or consents and a decision to do so could depend on a number of circumstances, these include consideration for:

- Highway safety.
- Whether they cause an obstruction or nuisance on the highway.
- Following any necessary consultation with emergency services etc.
- The needs of disabled or other potentially vulnerable groups.
- The need to limit the proliferation of street furniture and/or other activities.
- Adherence to any required national standards.
- Obstructing access to statutory undertaker's plant.

When granting a licence the Highway Authority will require proof that the appropriate Public Liability insurance is held. The current standard insurance required is £10 million in certain circumstances this sum may be amended. This insurance protects the licensee in respect of a third party claim that may arise.

List of licences and consents

This is the current list of items and activities on, or affecting the highway that require a licence or consent. Links are provided at <http://www3.hants.gov.uk/roads.htm> .

- Builders Skips
- Planting and cultivation
- Scaffolding or other similar structures
- Hoardings
- Temporary excavations in the highway
- Temporary deposition of materials
- Cables, banners and decorative lights over the highway
- Placing apparatus in the highway
- Excavating for apparatus place in the highway
- Vaults or cellars under the highway and openings to vaults and cellars
- Temporary traffic signals

In addition to this list there are licences and consents required for other activities on the highway which are controlled by District Councils, these include:

- Trading
- Tables and chairs

- Sponsorship of roundabouts
- Neighbourhood watch signs
- Advertising boards (A boards)

The District Council will manage the process for these consents but may, as part of that process, need to consult with the Highway Authority, to check certain aspects of the application. This may result in a refusal to consent.

For advertising boards, where a District Council has no licensing scheme they will not be permitted and will be dealt with under Policy Number HW1 Enforcement and Prosecution, as unauthorised signs and structures.

In the case of temporary direction signs, authorisation to place these on the Highway is usually limited to a few organisations that are known to carry the required Public Liability insurance, such as the AA or RAC. Consent to place these signs is usually given directly by the local Highway Office or the District Council.

Requests to provide vehicle crossovers to private residences should be made to the appropriate [Local Highway Office](#). Follow the Local Highway Office link for their contact details of use this link ([vehicle crossovers](#)) to find out more information on how to apply, the process and the costs involved,

Standard Forms and Costs

For further information and access to the standard licences and consents forms referred to above use the link <http://www3.hants.gov.uk/roads.htm>. In most circumstances the issue of a licence or consent will incur costs and the Hampshire County Council will require payment to cover these. For information regarding all charges relating to highway services use the following link [Cost of Highway Services](#).

Service Standards

The Highway Authority shall consider any request received to place street furniture or carry out activities on the highway. If the request is approved a form of consent or licence shall be issued to the request originator. The Highway Authority shall not refuse or unduly withhold consent or licence without good reason.

The Highway Authority shall consult all relevant legal Acts and Regulations when considering consents or licences in order to determine any specific procedures or requirements.

Wherever possible, the cost incurred by the Highway Authority shall be recovered. In all cases the applicant is the person responsible for payment of the costs and at the discretion of the Highway Authority the charge may be waived for charitable events or other similar circumstances.

Records of all licences issued shall be maintained by the issuing office and shall be held for a period of not less than seven years.

Policy HW3: Highway Status

Supporting Information

General

The Highway Authority has a responsibility to manage the processes required for the creation of publicly maintainable highway, the recording of its extent and the extinguishment (stopping-up) of highway rights. Publicly maintainable highway can be created in a number of ways;

- By historic precedent if it was highway prior to 1835.
- By formal dedication or conveyance to the Highway Authority for highway purposes.
- By formal adoption as public highway.
- By acquisition, if usage by the public for a period of at least 20 years can be demonstrated.

Status Enquiries

Hampshire County Council, as the Highway Authority, is obliged to keep and maintain a register of roads maintainable at public expense – the List of Streets. To find whether a section of road is adopted as highway the following link should be used at <http://maintainedhighways.hants.gov.uk>. Alternatively, if more in depth information is required the Status and Searches team can be contacted to arrange a consultation at Hampshire County Council's Offices. The List of Streets does not record the limits of the highway, nor does it include roads which are not highways maintainable at public expense, for example private roads or military roads.

When an individual requires more detailed information such as the establishment of a boundary or limit of the highway, then a full status enquiry needs to be undertaken and a charge will be made. Further information and contacts can be found at <http://www3.hants.gov.uk/roads/status-enquiries.htm>.

Extinguishment of Highway Rights

Where areas of public highway are considered by the Highway Authority to be surplus to highway requirements, the public rights of way can be extinguished by an Order made by Magistrates. An application has to be made to the Magistrates' Court by the Highway Authority on behalf of an applicant.

When considering requests for the extinguishment of highway rights the Council consider the following criteria in determining whether the land is surplus to highway requirements, these include:

- Is the land required for sight line purposes, forward visibility splays for all traffic including pedestrians, equestrians and cyclists?
- Is the land required for any future highway improvement scheme?
- Could the extinguishment and disposal of the land result in a change to the character of the street scene?
- Could the extinguishment and disposal of the land result in a perceived loss of amenity value if transferred from public to private ownership, including environmental considerations?
- Could the extinguishment and disposal of the land result in perceived gain to the applicant but to the detriment of local residents: for example, to secure private parking on land which previously enjoyed and demonstrated general access or utility? Local residents are consulted in the course of all applications.
- If the land is owned by Hampshire County Council does it need to be retained for other purposes?

Adoptions

In general, any road, footway, footpath, cycle track or verge, can be designated as public highway and adopted as such. To achieve an 'adopted' status the area in question would have to fulfill a number of conditions, these being:

- That it has been constructed in accordance to the Highway Authority's standards. See [Policy HW6 - New Infrastructure](#).
- That it is to be used on a regular basis by the general public.
- That the area under consideration will serve a useful highway function by having the status of 'Highway'.

Meeting these criteria does not automatically mean that the section of land in question would be adopted as public highway. Areas of soft landscaping, parking areas and remote footpaths or driveways that provide access to only a small number of properties would in most cases not be adopted.

Service Standards

Highway status and search enquiries, applications for extinguishment of highway rights and adoptions will incur costs. For information regarding these costs use link [Cost of Highway Services](#).

For status and search enquiries standard charges to recover staff time apply. In some more complex cases the Authority may need to charge an hourly rate.

Applications to extinguish highway rights will incur substantial costs which the applicant will be required to pay. This is a complex process which incurs legal consultation and search costs and a successful outcome for the applicant is not

guaranteed. The applicant should be aware that an 'up-front' payment is required to allow the Highway Authority to initiate the process and that a proportion of this payment is non-refundable even in respect of an unsuccessful outcome for the applicant.

For adoptions the Highway Authority have to ensure that design standards and specifications have been applied appropriately. The costs of these design checks and the administration of the process will be charged to the applicant/developer.

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Policy HW4: Routine and Reactive Maintenance

Supporting Information

The policy identifies the need to apply a process of inspection and response, which is coordinated with a reactive and routine suite of maintenance activities to keep the highway in a safe condition.

To operate effectively and to achieve the core objectives to keep the highway safe, well maintained and well managed, Hampshire has adopted the principles set down in <http://www.ukroadsliaisongroup.org/en/guidance/codes-of-practice.cfm> .

Inspections General

Highway Inspections are necessary to identify any defects, safety issues, unlawful obstructions/interference on the highway and to determine corrective actions and maintenance needs. There are formal systems, processes and frequencies for most types of inspections and these are set down in accordance with the relevant Codes of Practice.

Inspections fall into three main categories:

- Safety Inspections are carried out to identify highway defects or instances of obstruction or interference that are deemed to be a danger to highway users and thus require some form of action to protect the highway user and keep the highway safe. The frequency of these inspections is based on the Code of Practice Hierarchy and inspection frequency guidelines..
- Condition Inspections are carried out to assess the condition of individual assets on the network and can identify the need for planned structural maintenance. Condition inspections are relatively expensive to carry out and different assets require different levels of assessment. Both the frequency and the level of detail of the survey vary dependent on the importance of the asset in terms of value and safety. The service standards below set out Hampshire's condition inspection frequencies.
- Specific Inspections are undertaken following a particular request, need or possibly in response to a claim being made against the Highway Authority. There are no set standards as these are in response to an individual issue.

Routine and Cyclic Maintenance General

Routine and cyclic maintenance includes all work of a routine nature where the work activities are regular and relatively constant. Work covered in this area includes trees, shrubs and grass maintenance, weed control, specific cleansing operations for drainage items and signs, and performance specifications with the main contractor (some patching operations, routine maintenance on cattle grids, safety fences, and some sign cleaning and line painting)

Reactive Maintenance and Emergency Response General

Reactive and emergency response maintenance activities are usually required in response to safety related issues identified from a inspection or an unforeseen event on the network, such as a traffic accident or a weather event. For response times to inspection defects see service standards below.

Service Standards

Inspection Frequencies

The frequencies of safety inspections are based on the Code of Practice Well Maintained Highways. Hampshire County Council's frequencies are set down and can be found on the web or click on these links [Table 1](#) and [Table 2](#) .

The frequency of condition surveys varies dependent on the asset. The condition of some assets is not assessed with a separate, formal condition inspection. The condition of items such as road markings, signs and other street furniture would be picked up during safety inspections or during the daily functions that Highways Authorities undertake. The larger more significant assets such as carriageways, footways and structures, condition surveys are scheduled and the entire asset will be assessed and recorded to inform structural maintenance programmes. The frequency of these inspections varies but is usually dependent on the deterioration rate of the asset.

Grass General

The County Council cuts highway verges to prevent obstruction of sight lines ensuring that the visibility of traffic signs and oncoming traffic at junctions is adequate. It also ensures that the amenity and the street scene is kept tidy, helps prevent the growth of weeds and prevents encroachment onto footways and carriageways.

Hampshire manages grass cutting either directly with the main Highway Maintenance Contractor or indirectly using individual agreements with District Councils. The District managed grass cutting is usually undertaken in towns and villages or within individual Borough boundaries. All other more rural areas are maintained by the Main Highway Contractor.

Trees, Shrubs and Hedges

The County Council will carry out proactive arboricultural inspections of a proportion of the network annually. The frequency and type of survey will be carried out in accordance with the current codes of practice and reviewed in line with current industry and risk management guidelines.

Remedial action will be taken for any trees, hedges and shrubs on the highway which are regarded as a statutory nuisance, represent a hazard or require remedial work to make good damage or decay or deformed growth. Other work such as pruning to reduce shade or to remove branches overhanging adjacent properties will only be carried out in exceptional circumstances.

Weed control

Weeds present on grassed verges shall be controlled as part of the regular programme of verge grass cutting. Weeds present on hardened surfaces shall be controlled by a specific programme of weed control where regular programmes may be supplemented with spot treatments as required. Weed control operations, including those for noxious weeds and ragwort are designed to control the spread and not to eradicate them.

Biodiversity

The County Council recognises that highway verges, hedges etc. can support habitats and species of conservation value and some areas are specially designated for their biodiversity. Hampshire have identified a number of areas within the County where special conditions apply in order to protect the natural habitat and maintenance operations have been modified to accommodate these requirements. In addition, advice will be sought from the County Ecologist when any of the following sites are likely to be affected by maintenance works.

- Sites of Special Scientific Interest (SSSIs)
- Sites of Importance for Nature Conservation (SINCs) and
- Road Verges of Ecological Importance (RVEIs).

Consent from English Nature will be obtained before undertaking any works which are likely to damage the special interest feature of an SSSI and specific agreements between English Nature and the County Council for maintenance works within particularly sensitive sites such as the New Forest shall be followed.

Reactive and emergency response times

All defects identified from highway scheduled and specific inspections are categorised in accordance with the CoP – Well Maintained Highways and prioritised for repair according to an assessment of risk. Some defects not representing a safety hazard and not requiring any remedial action and will be monitored for deterioration.

Drainage

The regular scheduled inspections regime combined with knowledge regarding flood risk will identify the routine maintenance requirement. Cyclic maintenance (inspection and/or cleansing) will be carried out at minimum frequencies based on risk, knowledge of the local area and the funding available.

Policy HW5: Structural Maintenance

Supporting Information

Structural maintenance is an essential element of good Asset Management; it prolongs the useful life of an asset adding resilience, improving the performance of the asset by reducing disruption and reducing the need for relatively expensive reactive maintenance treatments.

Hampshire's knowledge of the highway asset in terms of condition, age and construction allow it to allocate a balanced budget that meets the day to day operational needs of the network and provides for its longer term structural needs. Essentially, structural maintenance has to provide for two distinctly different types of asset: those that have determinate life spans and at the end of their life need to be replaced, for example;

- Structures such as bridges
- Cattle Grids
- Traffic signals
- Street lights
- Signs and markings etc

and those that have indeterminate lives which can be extended indefinitely with continued structural refurbishment, for example;

- Carriageways and footways
- Drainage systems.

The more information that a Highway Authority has about its asset, its condition etc., and the better it is able to predict, prioritise and plan when structural repairs are needed. Hampshire's structural maintenance policy supports this process.

Service Standards

Hampshire County Council have identified corporate targets for carriageway condition, the largest and most valuable part of the highway asset, and targets to improve the perception of the public by measuring their response to highway maintenance in general and the condition of the network. These targets and others relating to maintaining and improving and updating the many varied assets are dependent on Government spending and grants to Local Authorities and will therefore change with time. For further information concerning current targets and commitments to a resilient network got to <http://www3.hants.gov.uk/transport> and http://www3.hants.gov.uk/corporatestrategy/performance/report/enhancing_our_quality_of_place.htm

Policy HW6: New Infrastructure

Supporting Information

All new infrastructure on the highway including replacements of existing assets and those assets to be adopted as highway must be constructed to an approved set of standards. These standards include:

- National designs standards and technical guidance notes. For further information go to the DfT website <http://www.dft.gov.uk/>
- National specifications for materials and workmanship. For further information go to the DfT website <http://www.dft.gov.uk/>
- Hampshire's own standard details, and its companion document to the Manual for Streets
<http://www3.hants.gov.uk/hampshire-manual-for-streets.htm>

To maximise the value of new infrastructure in terms of performance, long life and maintaining safety, it is essential that the Highway Authority apply these standards. To achieve this Hampshire; refers developers and internal providers to these standards, manages processes for approving the design of new infrastructure and controls handover and document exchange processes. When these tasks have been completed appropriately new assets such as, new housing estates or sections of road can be adopted as highway maintainable at public expense. See also [Policy HW3 - Highway Status](#)

Service Standards

When adopting new infrastructure or controlling developer funded improvements to the existing highway the Highway Authority have to ensure that design standards and specifications have been applied appropriately and will incur costs. The cost of these design checks, any commuted sums that are applicable and the administration of the process will be charged to the applicant/developer. The details of any agreements including; payments, commuted sums and timescales will be dealt with a on an individual project basis.

For a schedule of commuted sums go to

<http://www3.hants.gov.uk/roads/highways-policy/environment-roads-commuted-sums-policy.htm> .

Policy HW7 Weather Emergencies

Supporting Information

Hampshire have categorised weather emergencies in three related areas of response:

A Routine Weather Emergency, - is considered when:

- freezing conditions,
- light snow,
- localised heavy rain,
- localised strong winds

have been forecast. In these instances the response can be managed within normal operational procedures.

A Specific Winter Weather Emergency, for example,

- freezing rain leading to the formation of widespread ice
- localised heavy snowfall.

These conditions can be managed with a minor escalation to the normal operational procedures by prioritising staff and resources accordingly.

A Severe Weather Emergency. This requires greater highways' resources, a possible multi-agency response and the activation of other emergency procedures. Such incidents include

- widespread flooding,
- severe winds
- and very heavy widespread snowfall.

The response to these events will include initiating multi-agency coordination arrangements ie the police, other Local Authorities and Agencies
Normal routine highway maintenance operations will in most circumstances be affected. Depending on the severity of the event they may be interrupted for a short while or suspended for a longer period in order to provide resources to deal with the event.

Hampshire maintains contractual arrangement with national forecast providers, who can provide frequent and detailed forecasts on all potential weather events. These forecasts are analysed carefully and responses are formed. Depending on the type and scale of the weather event responses could include readying specific maintenance personnel and planning emergency shifts, making ready specific equipment (pumps, salt spreaders, snow ploughs etc) and distributing materials to the areas at greatest risk. In most cases this preparation has been planned and completed in advance however weather events and specifically the damage they cause can be localised and therefore arrangements must be flexible.

Service Standards

As mentioned the Highways Act 1980 places a responsibility to keep the network safe and available for free passage. It is however realised that in certain circumstances, such as severe widespread weather events, this may be impossible to achieve. Hampshire like all Authorities therefore prioritises their maintenance response.

Ice and snow has the potential to disrupt large parts of the network for the longest period of time and Hampshire therefore prioritise the network for salting and snow clearance.

Carriageways

The Priority 1

- main traffic routes ("A" class roads)
- main access routes to important industrial and large educational establishments (500+ pupils)
- main access routes to major accident and emergency hospitals, and to important emergency service locations
- roads used as major bus routes (50 per day urban, 25 per day rural)
- roads passing through major shopping centres
- other routes busy during peak traffic periods
- during a declared weather emergency, routes to Prepared Rest Centres
- Routes to major critical infrastructure (as defined by HCC Emergency Planning)

Priority Two

- single access routes to villages
- roads near other schools
- roads used as other bus routes
- roads to other hospitals
- roads to minor fire and ambulance establishments
- roads passing through other shopping centres
- roads with gradients that make driving hazardous

Priority Three

- all other public highways not covered by the above

Community Salt Routes

- Routes to all other schools and community facilities such as health centres, not included above.

Time Of Treatment For Frost, Ice And Snow

Priority One: to be treated, as routine pre-salting, **in advance** of any forecast frost, ice, or snow.

Priority Two: to be treated only when there is prolonged and persistent frost, ice or snow which is expected to continue, or following snow, **but** only once Priority 1 routes have been cleared and there is a sufficient time window to facilitate their treatment without compromising any Priority 1 routes.

Priority Three: to be treated following significant snowfall but only once Priority 1 and Priority 2 routes have been cleared.

Community Routes : to be treated only when there is prolonged and persistent frost, ice or snow which is expected to continue.

Footways and Cycleways

All footways and cycle ways shall be allocated to one of the three groupings according to the following criteria;

Priority One - All footways & Cycle ways designated essentially as Class 1 or Class 1A in accordance with the County's inspection procedure

Priority Two - All footways & Cycle ways designated as Class 2 in accordance with the County's inspection procedure

Priority Three - All other footways & Cycle ways

Time Of Treatment For Frost, Ice And Snow

Priority One: to be treated only when there is prolonged and persistent frost, ice or snow which is expected to continue, or following snow.

Priority Two: to be treated following significant snowfall but only once Priority 1 footways and cycle ways have been cleared.

Priority Three: to be treated following significant snowfall but only once Priority 1 and Priority 2 footways and cycle ways have been cleared.

Policy Number HW8 – Network Management & Streetworks

Supporting Information

The TMA places duties on a Traffic Authority to secure the expeditious movement of traffic on its own network and neighbouring networks wherever possible. The NRSWA provides duties and powers relating to the regulation and coordination of street works. The two pieces of legislation are therefore related, i.e. the duty to maintain movement of traffic on the network maybe affected by badly managed or coordinated works on the highway

The [Traffic Management Act 2004](#) and associated Codes of Practice set out the duties and responsibilities by which a Traffic Authority should minimise traffic disruption on its own and neighbouring networks. The key elements of this legislation are as follows:

- Coordination of ALL works not just utility works
- Parity in measurement of performance, regulation and coordination of all organisations permitted to work on the highway.
- Coordination of non works events, incidents and activities.
- The requirement to appoint a Traffic Manager.
- The ability to set up a permit scheme for all authorised works.
- Regulation regarding parking and other traffic offences.

The [New Roads and Streetworks Act 1991](#) and associated Codes of Practice sets out the responsibilities that the Street Authority and the Utility companies have in respect of working on and in the highway.

The key areas of the act cover:

- Recording of apparatus location and diversionary works that may be required.
- A utility companies duty to notify the Street authority of works.
- A utility companies duties with regard to the quality of reinstatements.
- A Street Authorities requirement to maintain a register of works and gazetteer of streets.
- A Street Authorities duty to coordinate and regulate street works.
- A Street Authorities powers with regard to inspection of utility works and apparatus.
- A utility companies duties to cooperate with a Street Authority.
- A utility companies duties and powers to maintain and install apparatus in the highway.
- Penalties / charges for overrunning works durations and failing to supply works notices in accordance with requirements.

Coordination of Works

All works on the highway are coordinated through a system of noticing determined by a National Code of Practice, regional inter-authority / organisation meetings and sharing of works programmes. This ensures programmes of work and road space requirements are managed efficiently whilst minimising disruption to traffic, residents and businesses. Where works promoters notices fail to comply with Nationally

agreed specifications the County Council may prosecute the offending utility company or it may serve a Fixed Penalty Notice (FPN) to penalise the offender and encourage future noticing to comply with requirements. The County Council also makes use of legislation to determine agreed works durations and timings. Where a utility company fails to comply with agreed durations or timings the Street Authority levy an overrun charge or take other legal action.

Coordination of Events and Activities

The County Council sits on Safety Advisory Groups facilitated by District Councils (where a DC facilitates a SAG) to provide advice to events organisers. The County Council uses such meetings and information on its own website to disseminate traffic advice to event organisers in order to maximise traffic safety and minimise traffic disruption. Where the DC does not facilitate a SAG then the Street Authority may provide advice directly to event organisers. The County Council also maintains a register of significant events that may have an impact on traffic and considers such events and other activities / factors when coordinating works on the highway.

Inspections

The Street Authority is empowered to undertake inspections on street works to ensure that the reinstatement and the signing and guarding complies with the relevant, Nationally agreed, Codes of Practice and specifications are adhered to. Where signing and guarding or reinstatements do not comply the County Council takes appropriate action to ensure that remedial actions are undertaken, usually at cost to the offender.

Gazetteer of Streets and Special Designations

The Street Authority has a duty to maintain a gazetteer of all streets in accordance with Nationally agreed requirements. The gazetteer is essential to facilitate the notification of works and is used to provide additional information to works planners to help them plan works to minimise inconvenience to other road users. Where streets have special needs, for instance where enhanced material have been used or where an unusual or special feature is present then these streets are identified on the gazetteer. Where streets require special engineering designations, where they are traffic sensitive or where new streets require protection, then such streets are given appropriate 'special designations' on the gazetteer.

Performance Data, Penalties / Charges and Prosecution

Performance data in relation to the Nationally agreed Codes of Practice and Specifications is collated and distributed by the County Council. Performance data for the County Council own works and those of external organisations is measured in a similar fashion and used to correct existing faults and improve future performance. Failure to comply with the legislation or the requirements of the Codes of Practice associated with the NRSWA and the TMA may incur penalty charges, charges or, in extreme cases, prosecution by the Street / Traffic Authority. No legislative process exists to specify that the Street Authority should apply penalty charges or other charges on for its own works failing to comply with NRSWA requirements. However, performance is measured in a similar way to utility companies and is reported to the Traffic Manager and the engineer responsible for the works. County Council highway contracts are encouraged to replicate NRSWA penalties for failings and the decision

as to whether to apply such penalties is left with the engineer responsible for the works.

Service Standards

The Street / Traffic Authority cannot guarantee that works / activities will be undertaken on the highway without any disruption to traffic, residents or businesses. However, it has a robust [Network Management Plan](#) in operation which complies with national good practice, the relevant legislation and codes of practice and is used to minimise the traffic disruption that any works / activities on the highway will generate.

Policy Number HW8 – Network Management & Streetworks

Supporting Information

The TMA places duties on a Traffic Authority to secure the expeditious movement of traffic on its own network and neighbouring networks wherever possible. The NRSWA provides duties and powers relating to the regulation and coordination of street works. The two pieces of legislation are therefore related, i.e. the duty to maintain movement of traffic on the network maybe affected by badly managed or coordinated works on the highway

The [Traffic Management Act 2004](#) and associated Codes of Practice set out the duties and responsibilities by which a Traffic Authority should minimise traffic disruption on its own and neighbouring networks. The key elements of this legislation are as follows:

- Coordination of ALL works not just utility works
- Parity in measurement of performance, regulation and coordination of all organisations permitted to work on the highway.
- Coordination of non works events, incidents and activities.
- The requirement to appoint a Traffic Manager.
- The ability to set up a permit scheme for all authorised works.
- Regulation regarding parking and other traffic offences.

The [New Roads and Streetworks Act 1991](#) and associated Codes of Practice sets out the responsibilities that the Street Authority and the Utility companies have in respect of working on and in the highway.

The key areas of the act cover:

- Recording of apparatus location and diversionary works that may be required.
- A utility companies duty to notify the Street authority of works.
- A utility companies duties with regard to the quality of reinstatements.
- A Street Authorities requirement to maintain a register of works and gazetteer of streets.
- A Street Authorities duty to coordinate and regulate street works.
- A Street Authorities powers with regard to inspection of utility works and apparatus.

- A utility companies duties to cooperate with a Street Authority.
- A utility companies duties and powers to maintain and install apparatus in the highway.
- Penalties / charges for overrunning works durations and failing to supply works notices in accordance with requirements.

Coordination of Works

All works on the highway are coordinated through a system of noticing determined by a National Code of Practice, regional inter-authority / organisation meetings and sharing of works programmes. This ensures programmes of work and road space requirements are managed efficiently whilst minimising disruption to traffic, residents and businesses. Where works promoters notices fail to comply with nationally agreed specifications the Street Authority may serve a Fixed Penalty Notice (FPN) to penalise the offender and encourage future noticing to comply with requirements.

Coordination of Events and Activities

The County Council sits on Safety Advisory Groups facilitated by District Councils to provide advice to events organisers. The County Council uses such meetings and information on its own website to disseminate traffic advice to event organisers in order to maximise traffic safety and minimise traffic disruption. The County Council also maintains a register of significant events that may have an impact on traffic and considers such events and other activities / factors when coordinating works on the highway.

Inspections

The Street Authority is empowered to undertake inspections on street works to ensure that the reinstatement and the signing and guarding complies with the relevant, Nationally agreed, Codes of Practice are adhered to. Where signing and guarding or reinstatements do not comply with the required Codes of Practice the Street Authority takes appropriate action to ensure that remedial actions are undertaken, usually at cost to the offender.

Gazetteer of Streets and Special Designations

The Street Authority has a duty to maintain a gazetteer of all streets in accordance with nationally agreed requirements. The gazetteer is essential to facilitate the notification of works and is used to provide additional information to works planners to help them plan works to minimise inconvenience to other road users. Where streets have special needs, for instance where enhanced materials have been used or where an unusual or special feature is present then these streets are identified on the gazetteer. Where streets require special engineering designations, where they are traffic sensitive or where new streets require protection, then such streets are given appropriate 'special designations' on the gazetteer.

Penalties / Charges and Prosecution

Failure to comply with the legislation or the requirements of the Codes of Practice associated with the NRSWA and the TMA may incur penalty charges, charges or, in extreme cases, prosecution by the Street / Traffic Authority.

Service Standards

The Street / Traffic Authority cannot guarantee that works / activities will be undertaken on the highway without any disruption to traffic, residents or businesses. However, it has a robust [Network Management Plan](#) in operation which complies with national good practice, the relevant legislation and codes of practice and is used to minimise the traffic disruption that any works / activities on the highway will generate.

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