



BRACKNELL FOREST

**HIGHWAY NETWORK
MANAGEMENT ACTION PLAN
(2012)**

July 2012

1. INTRODUCTION

- 1.1 The purpose of the highway network is to enable all citizens to pass and re-pass along as often and whenever they wish without hindrance and without charge. Since the invention of the motor vehicle this common law right has created challenges as a consequence of the rapid increase in motor vehicle ownership. It is also important to acknowledge that the highway is also a lawful conduit for essential utility infrastructure.
- 1.2 The building of new roads is not often an appropriate solution, economically or environmentally, to deal with capacity issues. Therefore, managing the effective operation, and thereby utilising the capacity of the existing infrastructure, is essential. The Government acknowledged this when it enacted the Traffic Management Act 2004 (TMA).
- 1.3 The Council has a duty to secure the expeditious movement of traffic (all modes) on its own highway network and to facilitate the same on the highway network for which another authority is the traffic authority. This duty is to be achieved by using all available powers whether or not they are conferred on them as a traffic authority.
- 1.4 This document provides a clear strategy for the delivery of the Council's Network Management Duty. It is designed to achieve the following:
 - Show how activities are currently managed on the highway network;
 - Show plans to improve the way we manage the highway network;
 - Demonstrate plans to deal with identified future challenges;
 - Confirm how the successful delivery of the network management duty will be ensured.
- 1.5 This action plan will be updated in line with changes to legislation, new initiatives and fundamental changes in satisfaction or importance levels. In default of any triggers for change the action plan will be revisited a minimum of every two years.

2. TRAFFIC MANAGEMENT ACT 2004

- 2.1 The Traffic Management Act (TMA) received Royal assent in July 2004. The provisions of the TMA aim to provide Councils with a stronger focus on tackling congestion, and greater powers to pursue that aim. The Act will, as secondary legislation evolves, provide Local Transport Authorities (LTA) with much greater powers to minimise unnecessary disruption caused by poorly planned works.
- 2.2 Part 2 of the TMA places a Network Management Duty (NMD) on Bracknell Forest Council which requires it to secure the expeditious movement of traffic on their network and to facilitate the same on the networks of other authorities.
- 2.3 Whilst vehicular traffic may cause the greatest challenges in managing the highway network, the Act is specific in stating that traffic includes pedestrians and cyclists: the duty must consider the movements of all road users. It is for the Council to develop this duty alongside its existing strategies and policies and not to supersede them. Indeed the NMD is to be applied to the Council's duties not only as LTA, but also as:
- local highway authority (s1(b), (Highways Act 1980); and,
 - street authority (s49(1), (New Roads and Street Works Act 1991).
- 2.4 The Council, in all its functions, must consider how its policies and procedures affect the management of the highway network.

3 **STREET & ROAD WORKS MANAGEMENT**

3.1 The New Roads & Street Works Act 1991 (NRSWA) as amended by the TMA, Transport Act 2000 and the Local Transport Act 2008, gives street authorities powers and obligations in relation to street and road works. The specific obligations are to co-ordinate all works in a street:

- (a) in the interests of safety;
- (b) to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability); and
- (c) to protect the structure of the street and the integrity of apparatus in it.

3.2 Statutory undertakers also have a similar duty to co-operate with the street authority in order to achieve the same purposes.

3.3 In order to achieve effective co-ordination, the noticing of street works and registration of works for roads purposes has been developed. Although the legal terms noticing and registration are different, they are, in real terms, the same functions and they are from hereon referred to as noticing.

Traffic Sensitivity

3.4 Under section 64 of the NRSWA a street authority may designate certain streets as traffic sensitive if they meet certain criteria. This designation highlights that activities in these streets are likely to be particularly disruptive during the times allocated to the designation.

3.5 Once a designation is made no street or road works should take place in that street at the traffic sensitive times unless there is no alternative.

3.6 The Council will ensure periodic reviews of the street designations in accordance with the criteria set out in the associated regulations and Code of Practice.

Parity

3.7 The Network Management Duty Guidance issued by the Department for Transport under powers conveyed by section 18 of the TMA states that “Parity is an important principle in exercising the duty. Authorities must lead by example applying the same standards and approaches to their own activities as to those of others”.

3.8 The Highway Network Management team are separated from those highway authority functions responsible for promoting works to ensure parity of treatment of all works promoters. All works promoters are expected to comply fully with the requirements of the New Roads and Street Works Act 1991 (NRSWA), TMA and all relevant associated regulations and codes of practice.

4. HIGHWAY NETWORK MANAGEMENT OBJECTIVES

4.1 The Highway Network Action Plan has been developed in line with the Council's Local Transport Plan and helps to deliver the Council's Medium Term Objectives.

4.2 The objectives of the Council with regards to Highway Network Management are:

- **To ensure safety of the highway and all of its users:**
 - The HNM team will ensure compliance with the Safety at Street Works & Road Works Code of Practice (Safety Code) through monitoring a sample of highway authority and utility works in progress.
- **To protect the structural integrity of the highway and the apparatus placed within it:**
 - The Highway Asset Management (HAM) team will routinely inspect the highway for signs of wear and tear and react accordingly;
 - The HNM team will monitor a sample of utility reinstatements to ensure compliance with the Specification for the Reinstatement of Openings in the Highway (SROH).
- **To influence the reduced occupation of the highway by works and minimise disruption.**
 - The HNM team will challenge unreasonable work durations and use powers to direct the timing of works to minimise disruption. Other non works activities on the highway will be licensed with appropriate safeguards to protect access.

5.0 NETWORK MANAGEMENT DUTY IMPLEMENTATION

- 5.1 To deliver the Council's Network Management Duty, a set of Key Actions have been developed as part of this strategy. Together these actions should be read as our overall commitment to effectively and efficiently managing the Highway Network.

Traffic Manager at Bracknell Forest Council

- 5.2 In the delivery of the NMD, the Act requires that all authorities appoint a person or persons to undertake the role of Traffic Manager. The Traffic Manager works closely with the Transport Development Manager and the Highways Assets Manager to ensure responsibility overlaps are understood and gaps identified. In this regard, the Council created a new team in 2008, Highway Network Management (HNM), headed by the Traffic Manager to monitor the following functions:

- Street & Road Works Co-ordination;
- Licensing of activities on the highway network;
- Monitoring the safety of street and road works¹;
- Monitoring the reinstatement of street works²;
- Co-ordinating the response to congestion issues;
- Co-ordinating the development of Intelligent Transport Systems;
- Influencing the actions of all stakeholders to ensure NMD is achieved;
- Pro-actively communicating highway network issues;
- Regularly reviewing the Network Management Plans performance and outcomes;
- Contributing to the Councils Emergency Planning functions; and
- Any other functions associated with the management of the highway network.

- 5.3 The Highway Network management team reports to the Chief Officer: Planning and Transport in the Environment, Culture and Communities Department. The team is made up of two Highway Network Co-ordinator's and a Highway Network Inspector who support the Traffic Manager in delivering the NMD. The team will work closely with both the Councils Integrated Transport team and Highway Asset team to effectively manage the transport network in the Borough.

¹ Road works are defined as works completed by the highway authority for roads purposes.

² Street works are defined as works carried out by statutory undertakers (utilities).

Key Action NM1: Network Management Structure

The Council will ensure the delivery and demonstration of parity of treatment and will consistently monitor all works promoters in terms of;

- Accurate noticing;
- Safety of works; and
- Reasonable duration of occupation of the highway.

Implementation

The Council will ensure it applies the principles of the Highway Network Management Action Plan equally to all works promoters including Bracknell Forest Council.

Monitoring

The performance scores shall be reported quarterly via the BFC Performance Monitoring Report internally and the annual assessment shall be published by 1 June each year.

Noticing

- 5.4 Noticing of works is governed by the rules laid down in the Code of Practice for the Co-ordination of Street Works and Works for Roads Purposes and Related Matters (Co-ordination Code). These rules and the methods for achieving these are further clarified by the Electronic Transfer of Notice Technical Specification (EToN Tech Spec). Since 1st April 2009 notices of street works by Highway Authorities and Statutory Undertakers must be in an electronic form as laid down in the EToN Tech Spec.
- 5.5 The powers available to the street authority are in relation to the following;
- Safety measures – NRSWA section 65
 - Avoidance of unnecessary delay or obstruction - NRSWA section 66
 - Inspection of reinstatement – NRSWA section 72
 - Unreasonable occupation of the highway – NRSWA section 74
 - Charge determined by reference to duration of works – NRSWA section 74A
 - Maintenance of apparatus – NRSWA section 81
 - Fixed Penalties for certain offences – NRSWA section 95A and Schedule 4A
- 5.6 Some of these powers generate income through inspection fees, statutory charges and recoverable costs of intervention.

Enforcement of Street & Road Works

- 5.7 Noticing offences committed under the NRSWA will be dealt with firstly by the issue of warnings, then by the giving of Fixed Penalty Notices and finally where after a prolonged lack of improvement, prosecution may occur.
- 5.8 Offences committed in relation to safety measures at street or road works will be subject to defect notifications as detailed in the Inspections Code of Practice.

Serious breaches of health and safety statutory legislation may be subject to legal proceedings.

- 5.9 Where the structural integrity of the highway is compromised by sub standard reinstatement the defect notification process will be followed as detailed in the Inspections code of practice. Any serious or persistent breaches may result in prosecution.
- 5.10 Where street or road works are unreasonably prolonged a charge will be levied under section 74 of the NRSWA. The street authority shall record the overruns incurred by the highway authority and report on them annually.

Managing Obstruction

- 5.11 Obstructions on or over the highway prevent the legitimate use of the highway and are a potential safety hazard for road users. Such obstructions may be removed in accordance with the relevant section of the Highways Act.

Key Action NM2: Noticing and Enforcement

The Council will use all available powers when noticing of works, in a fair and consistent manner to ensure the aims of the TMA are achieved.

Income received through fixed penalty notices (FPN's) ,charges relating to unreasonable occupation of the highway (s74 Charges) or other related revenue will firstly be used to support the costs of administering and improving the efficiency of the street works function. Any surplus will be used for the purpose of developing or implementing policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within the area.

Implementation

Income generated from FPN's, s74 Overstay charges will be banked into discreet cost centres and will be used to supplement the costs of service delivery. Any surplus will be used to develop policies in line with the associated regulations.

Monitoring

The assessment of effective cost centre control will be conducted through regular budget management meetings and via indeterminate audits.

Co-ordination of Works

- 5.12 Co-ordination of street and road works is carried out in numerous ways depending on the nature of the works. Previously Major works and projects have been co-ordinated by submissions of spreadsheets listing known major projects on a quarterly basis. There is now however, the capability for all works promoters to submit forward planning notices in advance of formal notification via the EToN system. This enables all information about advanced works to be held in one place which assists in the early identification of conflicts and opportunities.
- 5.13 The HNM team acknowledge that there is no formal requirement for work promoters to use EToN for this purpose despite strong encouragement in the statutory code of

practice. The HNM team will therefore work with promoters to assist in the placing of forward planning information into the street register.

- 5.14 Co-ordination across borders is in the large carried out by using a web based portal <http://bracknell-forest.roadworks.org/> which mirrors the contents of the street register of Bracknell Forest Council as well as its neighbouring authorities Wokingham Borough Council, Royal Borough of Windsor & Maidenhead, Hampshire County Council and Surrey County Council.

Key Action NM3: Coordination of Works

The Council will develop a scheme of co-ordinating all works as far in advance and as cost effectively as possible. Statutory undertakers will be encouraged to co-operate with the ultimate aim of ensuring risks and opportunities are identified at an early stage.

Permit Scheme

- 5.15 The TMA introduced a new way of co-ordinating and managing street and road works by the creation of a permit scheme. The fundamental difference between noticing and permitting is that all works need a permit to be issued by the authority prior to those works commencing. This offers greater control over street and road works and offers the ability to counter some legal obstacles to effectively managing the highway network using noticing.
- 5.16 There are a number of schemes in their infancy that are all designed to meet local circumstances. The Minister of State for Transport acknowledged the value of permit schemes when he wrote to all English authorities in 2011 requesting Councils consider operating such a scheme.

Key Action NM4: Permit Scheme

The Council will review the conclusions of other established permit schemes and consider the appropriateness of a potential scheme for the local area. The implementation of a permit scheme will be subject to wide consultation.

Implementation

Should local circumstances conclude that the current co-ordination functions are not working efficiently and an alternative permit scheme appears to be more beneficial then a permit scheme will be proposed. The first in depth evaluation will commence in Summer 2012 with initial findings available by April 2013.

Monitoring

The draft scheme will include provisions for monitoring effectiveness.

Lane Rental

- 5.17 The NRSWA contains provision for highway authorities to apply to the Department for Transport (DfT) to operate schemes that involve charging street works undertakers for the time their works occupy the highway (referred to in this document as a lane rental scheme). The DfT are developing new guidance which will allow new schemes to operate a more targeted approach, focused on the key strategic locations on a network.

Key Action NM5: Development of Lane Rental Scheme

The Council will review the appropriateness of a potential scheme for the local area designed to assist in the delivery of the NMD. Any implementation of a lane rental scheme will be subject to wide consultation.

Implementation

Should local circumstances conclude that the current co-ordination functions are not efficiently dealing with strategic network hotspots then a lane rental scheme will be proposed. The first in depth evaluation will commence in Autumn 2012 with initial findings available by April 2013.

Monitoring

The final scheme will include provisions for future monitoring.

Licensing

- 5.18 The Council licences any activity on the highway that causes, or has the potential to cause an obstruction, congestion or disruption to the public. The powers to licence such activities are laid down in primary legislation.

Skips

- 5.19 Placing builders skips on the highway has a potential to obstruct the flow of traffic, impede available on street parking and disrupt residents. Whilst it is ideal to place builders skips on private land this is not always feasible when works to, or clearance from, a property is taking place. Indeed much of the estates in Bracknell developed in the 1970's and 80's rely on communal parking areas and placing skips on private property is simply not possible. Builder's skips can be authorised under section 139 of the Highways Act 1980 and can be removed under section 140 for failure to comply with conditions.

Key Action NM6: Skip Licensing

The Council will keep a register of authorised skip company's and licence skips on a weekly basis in order to promote prompt removal. The fee structure will be based on initial application fee inclusive of the first calendar week plus a fee per additional week or part thereof. Skips will be required to comply with the Builders Skips (Markings) Regulations 1984 and to the signing requirements of the Traffic Signs Manual Chapter 8. Skips will not normally be authorised for placement on footways or verges unless no alternative is available and a minimum pedestrian width of 1.5m is maintained. In all circumstances the skip company will be liable for damage caused to the highway by the placing, occupation or removal of the skip. The skip company must indemnify the Council with public liability insurance with a minimum level of cover of £5,000,000 (Five Million Pounds Sterling). Skips reported or discovered without a valid licence will be liable to a retrospective application fee or to prosecution.

Implementation

Fees and charges will be set on an annual basis in line with this policy. Skip licence online application forms will be improved to use the latest Council technology by July 2012.

Monitoring

Income will be monitored through regular budget monitoring meetings and performance in relation to occupation will be monitored by frequent inspections.

Street Works Licensing

- 5.20 Street works licences are issued under section 50 of the NRSWA and afford a private company the same rights and responsibilities as that of a statutory undertaker. They are only issued for the placing of apparatus in or under the street and cannot be used for works for roads purposes. Set conditions apply to every application; additional conditions may be placed by the street authority at their discretion. Street works licensees are liable to charges for unreasonable occupation of the highway and for fixed penalty notices which discharge liability for any offence committed under schedule 4A of NRSWA. With the further deregulation of Gas and Water industries comes greater reliance on street works noticing by non statutory undertakers who tender for gas and water connection works. Ensuring street works licences are successfully and promptly processed ensures economic sustainability of smaller businesses and greater competition which benefits consumers.

Key Action NM7: Street Works Licences

The Council will monitor the number of Street Works Licence applications and ensure resources are available to efficiently administer the application process.

Implementation

Fees and charges will be set on an annual basis in line with this policy. Street Works licence online application forms will be improved to use the latest Council technology by 2012.

Monitoring

Income will be monitored through regular budget monitoring meetings and performance in relation to occupation and quality of workmanship will be by inspections funded by the applicant.

Other Miscellaneous Licences

- 5.21 The Council is able to permit a large variety of activities on, in, over or in connection with the public highway under licence provisions enabled by various acts of parliament. Often a decision of the council not to permit an activity is challengeable through the courts. It is therefore essential to have processes in place to ensure the robust consideration of applications.

Key Action NM8: Other Licences

The Council will monitor all other miscellaneous highways licence applications and ensure resources are available to efficiently administer the application process. The regular licences are listed in Other miscellaneous licences(appendix A).

Implementation

Administrative processes will be reviewed quarterly to ensure procedures are robust and efficient. Fees & charges will be reviewed annually to ensure the Council's costs are adequately compensated.

Monitoring

Income will be monitored through regular budget monitoring meetings and performance, with regards to compliance, by the relevant means.

- 5.22 The Council will control Street Trading through the use of Street Trading Consents for all highways within the Borough. No Street Trading consent will be granted without a consultation process being undertaken which includes contact with staff from Highways, Development Control and Environmental Health and also includes local Ward Members and Thames Valley Police. When consent is first issued it will only be permitted for a period of one month to establish the impact. Compliance with conditions attached to the consent will be conducted by inspections and intelligence gained from complaints.

Enforcement Action

- 5.23 The Council's constitution sets out the Council's Scheme of Delegation. Delegated authority has been given to authorised officers to act in varying capacity according to their professional background and seniority. Delegated authority is exercised within a decision making process that is managed to ensure that the most appropriate enforcement action is taken, based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government.
- 5.24 Where appropriate, decisions about enforcement will involve consultation between or approval from:
- Investigating officer(s)
 - Heads of Service
 - Chief Officer: Planning & Transportation
 - Council solicitor(s)

6 CONTINGENCY PLANNING

BFBC 's definition of an emergency is: -*“Any event (happening with or without warning) causing or threatening, death or injury, damage to property or the environment, or serious disruption to the community which because of the scale of its effects cannot be dealt with by the emergency services and local authorities as part of their day-to-day activities.”*

- 6.1 The Authority recognises that dealing with an unplanned event or incident has a significant contributing factor to congestion. Setting up a tactical diversion route is difficult for an authority at short notice because of the nature of its network. The key to avoiding congestion is to provide an assessment of the situation and a diversion plan(if necessary) in a timely manner.

Out of Hours

- 6.2 The authority has various contracts to provide support out of hours. If an incident is received after office hours, the initial call will be logged with Forestcare. The emergency response officers will make an informed decision in how to best respond. This may include calling a contractor to attend site, notifying the Traffic Manager and alerting the communication team.

During Office hours

- 6.3 At present a report of an incident during office hours is directed to the Highway Network Management Team who will assess the impact based on the facts known. If the incident is likely to be effective for a long duration then diversion routes will be configured and operated by the term maintenance contractor within one hour. Information will be supplied to the Authorities communications who will relay the details to the local media.

Traffic signals

- 6.4 Bracknell Forest along with the other Berkshire authorities has a joint agreement with Reading Borough Council to manage Traffic signals. During office hours and after hours faulty traffic signals are reported to Reading Borough Council who are contracted to respond within a specified time frame. The provision of cover will be altered over time in line with the Intelligent Transport Systems (ITS) Strategy.

7.0 COMMUNICATIONS STRATEGY

- 7.1 Communicating the current and likely status of traffic conditions is key to the successful planning of journeys. There is a large variety of means to accommodate effective communication from, static signs to variable message signs and newspaper press releases to email alerts. The Council will work towards improving all available means and ensuring the robust selection to meet the objective of mass communication.
- 7.2 Currently all planned works are published in advance and urgent/emergency works are published within 2 hours of commencement on the ELGIN website <http://bracknell-forest.roadworks.org/>. The publication of works information is relatively easy as there is already a statutory process of electronic notification. Other activities on the highway which are not works are often more difficult to capture and promote.
- 7.3 The Council will make efforts to streamline the dissemination of all information to the wider community in order to inform decisions on journey plans. The Councils Communications and Marketing section will be co-ordinating the release of information to ensure consistency and accuracy.
- 7.4 The use of social media will be exploited for the purposes of widening the dissemination of key information.

Consultation

- 7.5 The Council may from time to time consult with the public about its roles and responsibilities in relation to its Network Management Duty and about transport matters in general, to help establish local priorities wherever possible.
- 7.6 Bracknell Forest Council joined the National Highway and Transport Public Satisfaction survey in 2011*. The survey conducted by Ipsos MORI enables the Council to understand what residents of the borough think about the importance and satisfaction of highway and transport services. The results will be used to target responses to managing all activities on the highway based on importance and satisfaction results.

* <http://www.nhtsurvey.org.uk>

Crane Oversail

Where a fixed crane is to oversail the public highway the Highway Network Management team will require a method statement as well as proof of appropriate risk assessment and public liability insurance. The applicant will pay an application fee to cover the costs of administering the assessment process. Licences will be considered under section 171 of the Highways Act 1980.

Mobile Crane or Machinery

Where a mobile crane or other piece of machinery or plant are being placed and used on the highway not in relation with a statutory right then a licence is required. Licences will be considered under section 171 of the Highways Act 1980.

Street Cafés

The placing of tables and chairs in the highway will only be licensed by the highway authority where it is safe to do so, allows sufficient remaining space for movement of traffic and does not interfere with the rights of neighbours. Licences will be considered under section 115E of the Highways Act 1980.

Advertising Signs and Merchandise

The placing of advertising sign boards and merchandise will only be licensed by the highway authority where it is safe to do so, does not cause an obstruction, is kept in good condition and does not detract from the image of the street scene. Licences will be considered under section 115E of the Highways Act 1980.

Placing Materials

Placing materials on the highway consequential to building or other works(including HIPPO bags) will only be licensed by the highway authority where safe to do so, does not cause an obstruction and complies with the safety at road and street works code of practice. Licenses will be considered under section 171 of the Highways Act 1980.

Making Excavations

Excavations consequential to building developments should be completed under a Highways Act section 278 agreement. Other excavations not including the placing of apparatus or modifying or improving the Highway may be considered under s171 of the Highways Act 1980.

Scaffolding

Where scaffolding is to be placed on the highway the company responsible for the structure must apply for a licence. The application will give the authority an opportunity to ensure the structure is placed in a safe manner and conforms to any relevant regulations. The application will be assessed by the Councils building control section in consultation with the Highway Network Management team. When regulations are made for the noticing of scaffolding & hoardings these will be placed in the street works register to ensure full and proper co-ordination of street activities. Licences will be considered under section 169 of the Highways Act 1980.

Planting Licence

Planting on Publicly maintainable Highway requires a planting licence which will be issued under section 142 of the Highways Act 1980. The fee is set each year via fees and charges. The duration of the licence will depend on individual circumstances.