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Llywodraeth Cymru
Welsh Government

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Consultation Document

Road and Street Works Strategy for Wales

Date of issue: **07 December 2015**

Action required: Responses by **28 February 2016**



The Welsh Government is committed to deliver real and long lasting change for people in Wales. A key aim of the Programme for Government (PfG) is to strengthen the conditions that will enable business to create jobs and sustain economic growth.

The effective control and co-ordination of road and street works has a crucial part to play in achieving this. Such work is essential to maintain or improve services to communities or ensure the road network on which we all rely continues to function. However, if poorly planned road and street works can cause severe delay to road users and have a detrimental impact on the Welsh economy.

This Road and Street Works Strategy sets out an approach for significantly improving the way road and street works are managed, ensuring that while communities have the services and well managed infrastructure on which they rely, Wales remains open for business.

Please tell us your views The closing date for replies is 28 February 2016. You can reply in any of the following ways:

By Freepost to: Ben Beachell
Transport
Welsh Government
FREEPOST XX
Sarn Mynach
Llandudno Junction
LL31 9RZ

Telephone: 0300 062 5432

By email to: StreetWorksStrategy@Wales.gsi.gov.uk

Data protection How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be

important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Road and Street Works Strategy for Wales

The Welsh Government wants to improve the way road and street works are planned and implemented in Wales.

Such work is essential either to maintain or improve services to communities or ensure the road network on which they rely continue to function. However, if poorly planned, co-ordinated and implemented road and street works can cause severe delay to road users and have a detrimental impact on the Welsh economy.

“Road works” (or “works for road purposes”) are works usually carried out by highway authorities to repair, maintain or replace highways, which under highways law includes the footway or pavement. In Wales, the Welsh Government is highway authority for motorways and trunk roads. Local roads are the responsibility of the local authorities.

“Street works” are carried out by statutory undertakers, or licensees under section 50 of New Roads and Street Works Act 1991 (NRSWA), or their contractors, to install, inspect, maintain, repair or replace apparatus. Most utility companies (gas, electricity etc.) are statutory undertakers. Statutory undertakers have a statutory right or duty to install, inspect, maintain, repair, or replace apparatus in or under the street in primary legislation.

Road and street works are currently controlled in both England and Wales by the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act 2004.

NRSWA supported by Regulations and Codes of Practice, provides a legislative framework for street works by undertakers (including utilities) and works for road purposes – to the extent that these must be co-ordinated by highway authorities.

The Traffic Management Act (TMA) 2004 provides additional powers to reduce congestion: Part 1, makes provision for the designation of Traffic officers, Part 2, places a duty on local traffic authorities to manage their road network to make sure that traffic can move freely on their roads and on the roads of other traffic authorities; Part 3, allows for the introduction of permit schemes for road and street works; Part 4, Stronger powers for local highway authorities to direct when works are carried out or where new apparatus is placed and Part 6, allows for the civil enforcement of traffic contraventions.

We believe that significant improvements can be made within this existing legislative framework, by building on the excellent relationship and

collaboration that already exists between highway authorities and utility companies in Wales. With direct responsibility for the motorway and trunk roads the Welsh Government is uniquely placed to lead this work through the approach it takes to the planning and implementation of road and street works on its own network.

We know that there is already a lot of good work underway through the Welsh Highways Authorities and Utilities Committee (WHAUC). We want to build on this. This document sets out initiatives that we would like to take forward and we hope you will let us know what you think of them.

What are the main issues?

Since its introduction back in the 1990s legislation to control road and street works (NRSWA 1991 & TMA 2004) has greatly improved the performance of both undertakers and highway authorities. However, the incidence of congestion due to over running or conflicting works is still greater than we would like.

In its 2011 report on major transport projects, the Wales Audit Office highlighted the adverse impact that delays to the alteration or renewal of statutory undertakers' plant and services can have on disruption to the travelling public and out turn costs.

In addition the National Assembly for Wales Public Accounts Committee (PAC) inquiry into the "Value for Money of Motorway and Trunk Road Investment" which reported in June, having reviewed evidence from across the industry, highlighted the continuing poor management of road and street works and its adverse impact on both project cost and the road user as a key issue that needs to be addressed.

The full PAC report and the Welsh Government's response to it may be accessed via the following link:

<http://www.assembly.wales/laid%20documents/cr-ld10271/cr-ld10271-e.pdf>

What are we proposing?

We are not proposing changes to the legislation. We believe that by working in partnership with both statutory undertakers and highway authorities through WHAUC we can make significant improvements to the way road and street works are managed for the benefit of Wales within the existing legislative framework. In addition with direct responsibility for the trunk road network, which carries over a third of all traffic in Wales, we think that the Welsh Government itself has an important role to play in leading the adoption of best practice.

In order to deliver significant improvements both for the people and economy of Wales we believe we need action in five key areas:

- A. The planning, co-ordination and implementation of road and street works;
- B. The Delivery of Major Projects
- C. Communication with the Public and Business
- D. Skills and Training; and
- E. Culture

A. Improving the Planning, Co-ordination and Implementation of Works

Over the last decade the making of Regulations and the publishing and updating of Codes of Practice has been quicker in England than in Wales. Some of Regulations and Codes of Practice that have been introduced in England and Wales will have had a beneficial effect on the planning, co-ordination and implementation of work. We are therefore proposing that:

- *Welsh Government conducts a review of all the Regulations and Codes of Practice in force in England and develops a programme for the introduction of those that would be beneficial to Wales by April 2016.*

With so many statutory undertakers and highway authorities competing for road space the efficient and effective planning, co-ordination and implementation of works is fundamental to minimising disruption.

This can only be achieved if timely and accurate information is available on all work that is planned on the road network. The “noticing” of undertakers’ works is already a requirement of the legislation and some highway authorities also record their own works in order to effectively discharge their traffic management duty. However, practice varies across Wales and information is often incomplete or out of date. We are therefore proposing that:

- *Welsh Government ensures that all work (including its own) on the trunk road is “noticed” in accordance with guidance and regulations from summer 2016 and encourages other highway authorities in Wales to follow suit;*
- *Welsh Government updates the street gazetteer for the trunk road network (including Additional Street Data) on a monthly basis from*

June 2016 and encourages other highway authorities in Wales to also do this; and

- *Welsh Government encourages all undertakers working in Wales and highway authorities to perform monthly downloads from the national hub from June 2016.*

A number of different approaches have been adopted across the UK for improving the planning, co-ordination and implementation of road and street works. These range from informal codes of practice to formal permit schemes under the Traffic Management Act 2004. Permit schemes provide an alternative to the notification system (in accordance with the New Roads and Street Works Act 1991), whereby, rather than informing the highway authority about its intention to carry out works, a promoter will have to apply for a permit to occupy the highway. The Permit Scheme applies to all work including the highway authority's own.

There are a number of potential advantages to the introduction of a formal permit scheme including: enhanced co-ordination and co-operation; improved partnership working between stakeholders; improved communication; better timing and a reduction in the duration of works and enhanced forward planning. However, there are potential disadvantages including the increased cost to statutory undertakers and potentially their customers. There are fees for the issue of permits to cover increased administrative costs.

Amendments to the Traffic Management Permit Scheme (England) Regulations 2007 earlier this year mean that highway authorities in England wishing to introduce a permit scheme no longer need the Secretary of State's approval before a scheme can be operated. The requirement to obtain the approval of Welsh Ministers prior to the operation of such schemes in Wales has been retained. This has been done to ensure firstly that the business case for their introduction is robust and secondly if required a consistent approach is adopted across Wales so business does not have to contend with widely differing administrative processes. We are therefore proposing that:

- *Welsh Government works with stakeholders to establish whether there is a robust business case for the introduction of permit schemes in Wales by April 2016; and*
- *Welsh Government develops Welsh guidance on permit schemes in Wales by April 2017, if it is established that this is the best approach for improving the planning, co-ordination and implementation of road and street works.*

B. Improving the Delivery of Major Transport Projects

The alteration or renewal of statutory undertakers' plant and services often lies on the critical path in the programming of the delivery of major transport projects. Delay in carrying out this work not only prolongs disruption to the travelling public, but can significantly escalate costs. Despite current legislation delay and cost over runs still occur and more can be done. We are therefore proposing that:

- *Welsh Government works with WHAUC to develop a voluntary code of practice to improve collaborative working on major projects with the aim of all stakeholders signing up to it by September 2016*

C. Improving Communication with the Public and Business

The publication of accurate and timely information in advance of road and street works is essential for the public and business to make well informed decisions on their travel arrangements.

The Welsh Government already provides support to local authorities in Wales that allows them to publish summary street works information to a central website. In addition many local authorities themselves publish information on their own websites and the Welsh Government provides information on its own network via the Traffic Wales website. However more can be done to improve the quality of the information, its coverage and the ease with which it is accessed. We are therefore proposing that:

- *Welsh Government works with WHAUC to improve the quality of road and street works information available to the public and business by April 2017.*

D. Skills and Training

Anyone working on the highway should be adequately qualified and competent to ensure the safety of both the workforce and the travelling public. Under the New Roads and Street Works Act, the installation, renewal, maintenance and inspection of underground apparatus in any street or road must be undertaken by trained and competent personnel. Within England, there is a requirement for road workers to reapply for their accreditation every 5 years (introduced in 2009), which incurs administration costs. Currently this requirement does not apply in Wales. We are therefore proposing that:

- *Welsh Government carries out a consultation exercise during the course of 2016, to establish whether the existing training regime is effective in ensuring standards are maintained, or whether the introduction of a formal re-assessment process will drive up standards of safety and operational works compliance.*

E. Culture

We want to achieve a “step change” in our performance and a culture of continual change across the industry. To achieve this we need to be able to measure our progress, clearly identify what is working and what is not and contribution being made by each of the stakeholders. We are therefore proposing that:

- *Welsh Government develops a measure of availability for the trunk road network by April 2016 and encourages all other highway authorities in Wales to do the same; and*
- *Welsh Government works with WHAUC to develop a “balanced score card” approach to measuring organisational performance in Wales with the aim of all stakeholders signing up to it by April 2017.*

Consultation Response Form

Please note that the consultation ends on 28 February 2016

**Consultation
Response Form**

Your name:

Organisation (if applicable):

Email / telephone number:

Your address:

Please feel free to make any comment you wish on this document. However, we would particularly welcome comments on the following questions:

1. Do you agree with the proposals set out in this document (please tick)		
Agree with Most	Agree/ disagree with some	Disagree with most

2. If you disagreed with something, please tell us about it below	
Proposal	Your concerns

3. How effective do you think the following would be (please tick)?			
Proposal	Effective	Not Effective	Don't Know/ Unsure
<i>A. Improving the Planning, Co-ordination and Implementation of Works</i>			
Welsh Government conducts a review of all the Regulations and Codes of Practice in force in England and develops a programme for the introduction of those that would be beneficial to Wales by April 2016.			
Welsh Government ensures that all work (including its own) on the trunk road is "noticed" in			

accordance with guidance and regulations from June 2016 and encourages other highway authorities in Wales to follow suit			
Welsh Government updates the street gazetteer for the trunk road network (including Additional Street Data) on a monthly basis from June 2016 and encourages other highway authorities in Wales to also do this			
Welsh Government encourages all undertakers working in Wales and highway authorities to perform monthly downloads from the national hub from June 2016			
Welsh Government works with stakeholders to establish whether there is a robust business case for the introduction of permit schemes in Wales by April 2016			
Welsh Government develops Welsh guidance on permit schemes in Wales by April 2017, if it is established that this is the best approach for improving the planning, co-ordination and implementation of road and street			

works			
<i>B. Improving the Delivery of Major Transport Projects</i>			
Welsh Government works with WHAUC to develop a voluntary code of practice to improve collaborative working on major transport projects with the aim of all stakeholders signing up to it by September 2016			
<i>C. Improving Communication with the Public and Business</i>			
Welsh Government works with WHAUC to improve the quality of road and street works information available to the public and business by April 2017.			
<i>D. Improving the Standard of Skills & Training in the Sector</i>			
Welsh Government carries out a consultation exercise during the course of 2016, to establish whether the existing training regime is effective in ensuring standards are maintained, or whether the introduction of a formal re-assessment process will drive up standards of safety and operational works compliance			
<i>E. Promoting a Culture of Continual Improvement</i>			
Welsh Government develops a measure of availability for the trunk road network			

by April 2016 and encourages all other highway authorities in Wales to do the same			
Welsh Government works with WHAUC to develop a “balanced score card” approach to measuring organisational performance in Wales with the aim of all stakeholders signing up to it by April 2017			

4. Are there any other comments you would like to make?

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: