

SCHEDULE

Regulations 14, 15 and 16

PROCEDURES FOR DESIGNATIONS UNDER SECTIONS 61, 63 AND 64 AND WITHDRAWAL OF SUCH DESIGNATIONS

PART 1

Designation of streets as protected

1. Before designating a street as protected under section 61, the street authority must publish a notice of their intention to make the designation on any website maintained by the authority for the purpose of providing information to the public.

2. The notice must specify a period, being not less than one month from the date on which the notice is published, within which objections may be made.

3. The street authority must, not later than the date on which the notice is published, give a copy of that notice to —

- (a) every undertaker whom the authority know to be working in their area, or who has given notice under either section 54 or section 55 of its intention to execute street works in their area;
- (b) every local authority (other than the street authority) in whose area any street to which the proposed designation relates is situated;
- (c) the occupiers or reputed occupiers of any land which is adjacent to the street;
- (d) any Passenger Transport Executive or other transport authority in whose area the street is located;
- (e) the Chief Officer of Police, the Chief Fire Officer and the Chief Executive of the Welsh Ambulance Service Trust in whose respective areas the street is located; and
- (f) any person who has made a written request to the street authority asking to be given notice of any proposed designation under section 61.

4. If within the specified period no objection is received by the street authority, or if all objections have been withdrawn, that authority may make the designation.

5. If within that period an objection is received by the street authority from any person to whom a copy of the notice is required to be given under paragraph 3 or from any other person appearing to the street authority to be affected by the proposed designation and the objection is not withdrawn, the street authority must, before making the designation, cause a local inquiry to be held.

6. Where a local inquiry has been held the street authority must consider the objections and the report of the person who held the inquiry and may make the designation with or without modifications, or may decide not to make it.

PART 2

Designation of streets as having special engineering difficulties or as being traffic-sensitive

7. Before designating a street as having special engineering difficulties under section 63 or as being traffic-sensitive in accordance with regulation 16(1), the street authority must give notice of their intention to make the designation to —

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- (a) every undertaker whom the authority know to be working in their area, or who has given notice under section 54 or section 55 of its intention to execute street works in their area;
 - (b) every local authority (other than the street authority) in whose area any street to which the proposed designation relates is situated;
 - (c) any Passenger Transport Executive or other transport authority in whose area the street is located;
 - (d) the Chief Officer of Police, the Chief Fire Officer and the Chief Executive of the Welsh Ambulance Service Trust in whose respective areas the street is located; and
 - (e) any person who has made a written request to the street authority asking to be given notice of any such proposed designation.
8. The notice must specify —
- (a) a period, being not less than one month from the date on which the notice is given, within which objections can be made; and
 - (b) in the case of a notice given for the purposes of regulation 16(1), which of the criteria set out in regulation 16(2) are met in relation to the street.
9. If within the specified period no objection is received by the street authority, or if all objections have been withdrawn, that authority may make the designation.
10. If within that period an objection is received by the street authority from any person to whom notice is required to be given under paragraph 7 or from any other person appearing to the street authority to be affected by the proposed designation and the objection is not withdrawn, the street authority must before making the designation consider the objection and may make the designation with or without modifications or may decide not to make it.

PART 3

Notice of designation

11. A street authority must give written notice of their decision to designate a street as protected, as having special engineering difficulties or as traffic-sensitive to any undertaker to whom they gave a copy of a notice under paragraph 3(a), or, as the case may be, a notice under paragraph 7(a).

PART 4

Withdrawal of designation and recording of decisions

12. After consultation with every person entitled to notice or a copy of a notice under the relevant designation procedure, a street authority may at any time withdraw the designation of a street as protected, as traffic-sensitive or, subject to section 63(4), as having special engineering difficulties.
13. Any person entitled to notice or a copy of a notice under the relevant designation procedure or any other person whom the street authority consider to have sufficient interest may make representations to the street authority requesting the withdrawal of a designation. The authority must carefully consider any such representations before deciding whether or not to withdraw it.
14. If a street authority withdraw a designation they must publish notice of the withdrawal on any website maintained by the authority for the purpose of providing information to the public.

15. When a street manager makes or withdraws a designation he or she must notify the highway authority.

16. When a highway authority make or withdraw a designation, or receive notification from a street manager in accordance with paragraph 15, the authority must —

- (a) notify the concessionaire for the time being responsible for maintaining the National Street Gazetteer; and
- (b) record such decisions on the street works register,

as soon as reasonably practicable and in any event within one month.

PART 5

Interpretation

17. In this Schedule —

“local authority” has the meaning given by section 270(1) of the Local Government Act 1972⁽¹⁾;

“the National Street Gazetteer” means the national computer database of streets which is maintained by the concessionaire for the time being appointed by the Local Government Information House Limited; and

“Passenger Transport Executive” shall be construed in accordance with section 9 of the Transport Act 1968⁽²⁾

(1) 1972 c. 70. Section 270(1) was amended by the Local Government Act 1985 (c. 51), section 102(2) and Schedule 17. There are other amendments which are not relevant to these Regulations.

(2) 1968 c. 73. Section 9(1) and (2) were substituted and amended by the Transport Act 1985 (c. 67), sections 57(1) and 58(2). There are other amendments not relevant to these Regulations