
WELSH STATUTORY INSTRUMENTS

2009 No. 1268

The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (Wales) Regulations 2009

Estimates of duration of works

9.—(1) Subject to paragraph (5), if an undertaker has reason to believe that the duration of the works will exceed the prescribed period, that undertaker must give the highway authority notice containing an estimate of their likely duration—

- (a) in the case of works in connection with the initial placing of apparatus in the street in pursuance of a street works licence, together with the application for the licence;
- (b) in the case of works (not being emergency works) together with—
 - (i) the notice under section 55 of the 1991 Act (notice of starting date), or
 - (ii) the notification under paragraph 2(1)(d) of Schedule 3A to that Act (notification of proposed works)(1); or
- (c) in the case of emergency works, as soon as reasonably practicable after the works are begun.

(2) The period of duration contained in a notice given under paragraph (1) will be taken to be agreed by the authority to be reasonable unless they give written notice to the undertaker, within the relevant period set out in paragraph (3), that they object to the estimate.

(3) The relevant period referred to in paragraph (2) is—

- (a) 5 days, in the case of major or standard works, and
- (b) 2 days, in the case of minor or immediate works,

beginning with the date on which the authority receives the notice containing the estimate.

(4) A notice of objection given by an authority under paragraph (2) must contain their own estimate of a reasonable period for the duration of the works.

(5) This regulation will not apply where an undertaker proposes to carry out street works in respect of which a permit must be obtained from a Permit Authority.