



## **Rochester Bridge Trust Street works guidance and consultation procedure**

### **1. Introduction**

The Rochester Bridge Trust ("the Trust") statutorily owns and maintains the bridges which carry the A2 over the River Medway linking Rochester and Strood. The 'Old Bridge' was constructed in the early 1900s. The 'New Bridge' and the 'Service Bridge' (required for carrying utilities) were constructed in 1970s. The Trust also owns and maintains Strood Forecourt and part of Rochester Esplanade.

Importantly, any works on or affecting the above, must be carried out in strict accordance with the requirements of the Trust as part of the statutory requirements for street works under Part III of the New Roads and Street Works Act 1991 ("the 1991 Act") and the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters ("the Code of Practice").

The purpose of this guide is therefore to set out the legal position of the Trust and its requirements for utility companies (i.e. statutory undertakers) wishing to carry out works on or affecting the Trust's land.

### **2. Legal responsibilities for street works in private streets**

The two road bridges and part of Rochester Esplanade carry '**highways maintainable at private expense**' maintained by the Rochester Bridge Trust. They are provided for public use but they are not highways maintainable at public expense. They have not been adopted by Medway Council. Strood Forecourt is also maintained by the Trust.

The bridges and the extent of the Trust's land boundary are shown in the plan included as a download alongside this guidance note. The land which is shown shaded green on the plan is highway maintainable at private expense.

The Trust is the street authority for the streets it owns. Section 49(1) of the 1991 Act specifies that the relevant street authority will be either: (a) the highway authority if the street is a publicly maintainable highway; or (b) in the case of the Trust, the street manager being the body liable to manage, maintain and repair the street.

As the street authority for the streets owned by the Trust, it has similar status and statutory powers under Part III of the 1991 Act as other neighbouring street authorities in the local area, such as Medway Council and National Highways for publicly maintainable highways.

The street works permit scheme by Medway Council importantly does not apply to street works in highways maintainable at private expense by virtue of Section 32 of the Traffic Management Act 2004. The permit scheme only applies to street works within highways maintainable at public expense.

Accordingly, utility companies planning works that might affect the Trust's streets MUST comply with the obligations to the Trust as the relevant street authority set out in Part III of the 1991 Act and the Code of Practice. Failure to comply is an offence. This includes a duty of co-operation with the Trust which requires consultation and engagement on the planned works. This consultation and engagement must happen at the same time as any consultation with Medway Council and/or National Highways.



### 3. Special controls of street works on Rochester Bridge

There are additional special controls for parts of the streets within the Trust's ownership.

Firstly, both road bridges are designated as '**protected streets**' in accordance with Section 61 of the 1991 Act. The Trust will generally not permit any street works on the bridges. Any applications for consent for street works on the bridges will be refused unless there are special circumstances. Section 88 of the 1991 Act also applies to street works in road bridges.

Utility companies are required by the Trust to place their apparatus in the Service Bridge which is located between the two road bridges. The Service Bridge was authorised by Parliament for such purpose in accordance with the Rochester Bridge Act 1965. The maintenance obligations and liabilities of statutory undertakers occupying the Service Bridge are governed by the said Act and, where applicable, separate deeds of grant.

Secondly, Rochester Esplanade is designated as a '**street of special engineering difficulty**' in accordance with Section 63 of the 1991 Act. This contains a variety of features where extra care and attention is required. Works must be carefully planned and executed in order to avoid damage to, or failure of, the road structure with associated danger to persons or properties.

If it is necessary to carry out work on the Trust's streets, it must be carried out at night unless otherwise agreed by the Trust. No lane restrictions will be permitted during the day. Closure of its streets is not permitted under any circumstances unless in an emergency.

### 4. Trust's consultation and coordination requirements

Utility Companies must comply with the legal requirements and obligations upon them under the 1991 Act and the Code of Practice. This includes Sections 59 and 60 of the 1991 Act which imposes a legal duty upon street authorities and utility companies (i.e. statutory undertakers) to consult and co-ordinate works.

In order to fulfil such legal duty it is essential that the Trust is consulted and engaged with on any works within, or nearby and likely to affect its streets at the planning stage of any scheme. This will ensure works are properly coordinated and managed. This includes the requirement for the Trust to approve any equipment and traffic signs that a third party may want to install on the Trust's land. Merely informing the Trust in advance of any planned works is neither acceptable nor appropriate. The Trust **MUST** be given the opportunity to understand and comment on the works being planned, and notified of the durations and timings etc.

Furthermore, the Trust will require the following information for approval:

- Details of any equipment to be placed on the Trust's land.
- Details of temporary signs to be placed on the Trust's land including size, location, wording, clearances, branding, etc.
- Emergency 24-hour contact details of the Works Promoter and Traffic Management specialists engaged for the works.
- 2-hour maximum response time, day and night, for the resolution of site issues (e.g. displaced traffic signs and equipment).



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- Confirmation that any signs not in use will be removed from site (covering of signs when not in use or the storage of signs and equipment on the Trust's property, is not permitted).
- Depending on the nature of the works, provide a full set of RAMS if required for the Trust's review and comment.
- Confirmation that nothing will be attached to the Trust's assets such as its bridges, lighting columns, bollards, parapets, sign posts, etc.
- Nothing will be painted or marked up on the Trust's footways and carriageways.

Any third-party works may also need to be assessed in terms of the CDM Regulations, particularly if it needs to be coordinated with any works planned by the Trust. The Trust may request details of the Principal Contractor and Designer on such occasions.

### **5. Unauthorised works to Rochester Bridge**

It is a criminal offence should utility companies (i.e. statutory undertakers) fail to comply with their duties and obligations under the 1991 Act and the Code of Practice. The Trust may prosecute any offending companies.

Utility companies are also liable to the Trust under Section 82 of the 1991 Act for any damages or losses suffered relating to the execution of their street works.

Any work or placement of plant, equipment, materials, traffic signs, etc. on the Trust's streets and land without the express permission/approval of the Trust, will be regarded as unlawful. Such items may be removed without notice, the costs of which will be charged to the relevant owner. This may cause delays to the coordination and carrying out of approved street works.

### **6. Contacting the Trust**

Any third-party wishing to discuss planned works which may affect the Trust's area of responsibility should contact:

*The Director of Bridges  
Rochester Bridge Trust  
St Andrew's House  
The Precinct  
Rochester  
ME1 1SU*

*Or email: [enquiries@rbt.org.uk](mailto:enquiries@rbt.org.uk)*