

NORTH SOMERSET COUNCIL DECISION

DECISION OF: COUNCILLOR JAMES TONKIN. THE EXECUTIVE MEMBER FOR PLANNING, BUILDING CONTROL, HIGHWAYS AND TRANSPORT



WITH ADVICE FROM: THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT.

DECISION NO: 19/20 DE 316

SUBJECT: APPROVAL AND IMPLEMENTATION OF NORTH SOMERSET COUNCILS (STREETWORKS) PERMIT SCHEME

KEY DECISION: NO

REASON:

The support required is not anticipated to exceed or make savings in excess of £500,000, and is not significant in terms of its effects on communities.

BACKGROUND:

Further to the Executive Committee report of the 25th June 2019 (EXE 6), in relation to the development and implementation of permit scheme, the scheme (APPENDIX A) is now ready to be implemented from April 2020.

The permit scheme is proposed to increase the powers available to the Council and further manage works across its highway network. It also follows on from a letter received from the Secretary of State for Transport in 2018 requesting that Local Authorities introduce the scheme.

DECISION:

In accordance with the Executive Committee of the 25th June 2019 (EXE 6). Approval is sought from the Executive Member of for Planning, Building Control, Highways and Transport to;

- a) Proceed with the introduction of the permit scheme by creating and issuing the necessary legal order.
- b) Introduce new fees & charges relating to North Somerset Permit Scheme as proposed in table 1, along with fixed penalty charges associated with permitting.

REASONS:

To ensure North Somerset Council adopts a permit scheme in accordance with the request received from the Secretary of State.

To ensure North Somerset Council is in-line with other English authorities in adopting a permit scheme, which includes all South West Authorities who are now in the process of (if not having done so already) implementing a permit scheme.

To ensure North Somerset Council continues to meet its statutory Network Management duties.

OPTIONS CONSIDERED:

Given that the Council needs to move to a permit scheme, the Council retains the ability (subject to consultation and evidence) to vary its permit scheme

FINANCIAL IMPLICATIONS:

Costs

It is proposed to set fees for our permit scheme at the maximum level currently prescribed by the Department for Transport (DfT) to ensure the service is cost-neutral. This will be reviewed over time and in accordance with the requirements of a permit scheme.

Table 1

Maximum Fee Levels per Provisional Advance Authorisation, Permit and Permit Variation		
	Road Category 0-2 or Traffic Sensitive	Road Category 3-4 and non-Traffic Sensitive
Provisional Advance Authorisation	£105	£75
Major Activity	£240	£150
Standard Activity	£130	£75
Minor Activity	£65	£45
Immediate Activity	£60	£40
Permit Variation	£45	£35

Funding

The permit scheme will operate on a self-funding basis with any additional costs incurred by the Council such as ICT system(s) software/hardware, training, resource/recruitment, annual reports etc to be offset by the new income stream generated from permits.

Any costs that cannot be recovered by fees charged, such as monitoring/permitting the council's own highways works, would still need to be recouped over time through existing revenue budgets or generated income (as they currently are).

It should be noted that permit schemes cannot run at a profit and they cannot be used to fund any other local authority transport function.

LEGAL POWERS AND IMPLICATIONS

Part 3 of the Traffic Management Act 2004 provides the legal basis for the preparation of a permit scheme under which statutory authorities and highway authorities would have to apply for a permit to carry out works, complying with any conditions attached.

Part 4 of the Traffic Management Act 2004 introduced increased powers for local authorities in the co-ordination of street works being able to direct when works are carried out and introduce fixed penalty notices in respect of certain contraventions.

Under section 3(2) of the Traffic Management Act 2004 the Secretary of State has the power to direct an authority to introduce a scheme. They also have the power to vary or

revoke a Permit Scheme under Section 36 of the Traffic Management Act and can use this power to make any changes to the scheme considered appropriate (following consultation).

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

It is anticipated that the new ways of working should reduce queues and delays caused by works on the highway, in turn reducing carbon emissions.

CONSULTATION

A consultation (APPENDIX B) was carried out over an eight-week period between August and September 2019. The consultation was sent to a wide range of key stakeholders, including utility companies, emergency services, public transport providers, surrounding local authorities, town and parish councils etc

It should be noted that from the consultation, where specific requests for changes have been raised, these have been reviewed and where considered appropriate, the necessary amendments have been made, and are reflected in the final permit scheme proposals.

RISK MANAGEMENT

If a permit scheme is not approved/progressed, then there is a real risk (at cost to the Authority) that a national scheme could be imposed.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? No, the permit scheme will not have an adverse effect on any sections of the community.

CORPORATE IMPLICATIONS

North Somerset Council will be in a position to be able better manage and co-ordinate activities on the public highway and improve the Council's ability to minimise disruption to highway users from highway works.

North Somerset's plans for growth and development will inevitably result in a greater demand on the road network and those services provided by utility companies. With limited funding to increase the existing road network, the council needs to look toward alternative, proactive methods to ensure we can fully utilise and control the existing network.

APPENDICES

APPENDIX A – North Somerset Permit Scheme

APPENDIX B – Consultation

BACKGROUND PAPERS

Highways Act 1980

Traffic Management Act 2004

New Roads & Street Works Act 1991


Letter from the Secretary of State

DfT evaluation of street works permit schemes June 2018

Traffic Management Permit Scheme (England) (Amendment) Regulations 2015


SIGNATORIES:

DECISION MAKER(S):

Signed:  Executive Member for Planning, Building Control, Highways and Transport

Date: 13/08/2020

WITH ADVICE FROM:

Signed:  Director of Development and Environment

Date: 10/03/20

North Somerset Permit Scheme

Document information:

Date: 8 January 2020

Service Area: Highways and Transport

Directorate: Development and Environment

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1 FORWARD

The North Somerset Permit Scheme is a Single Permit Scheme for the purposes of the Traffic Management Permit Scheme (England) Regulations 2015 (the Permit Regulations).

2 INTRODUCTION TO THE PERMIT SCHEME

- 2.1.1 A Permit Scheme is an important development for North Somerset Council and the surrounding area. The development of the scheme shows how the council, working together with communities and stakeholders, expects to support and deliver the wider aims and priorities that the area has, by investing in the management of its transport network.
- 2.1.2 This includes coordinating essential works, supporting businesses, economic growth, getting people into work, getting children safely to school, improving air quality and protecting and enhancing our unique natural and built local environments.
- 2.1.3 We must maintain, manage, protect and improve the transport network because it is such a valuable asset. By making sure the network works safely and efficiently for everybody, we can also enable people to make the right transport and route choices and we want those choices to be, first and foremost, efficient, sustainable, healthy and convenient.

2.2 BACKGROUND

The scheme will operate in accordance with the HAUC (England) Guidance. Operation of Permit Schemes (Feb 2017) and the Statutory Guidance for Highways Permit Schemes (Oct 2015).

2.3 THE PERMIT SCHEME

- 2.3.1 This Permit Scheme, to be known as the North Somerset Permit Scheme (NSPS), and hereinafter referred to as the 'Permit Scheme', is made under the Traffic Management Permit Scheme (England) Regulations 2007, (the Regulations), and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations.
- 2.3.2 The Permit Scheme will be operated solely by North Somerset Council as a Single Permit Scheme.
- 2.3.3 North Somerset Council are committed to ensuring that the commencement of the North Somerset Permit Scheme will not have a detrimental impact on the implementation of nationally significant infrastructure projects (such as superfast broadband or similar) within or adjacent to the permit scheme area.
- 2.3.4 All current New Roads and Street Works Act (NRSWA) legislation, codes of practice, etc. and any future amendments to that legislation, apply to this Permit Scheme.

2.3.5 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is anticipated to commence operation on 1 April 2020.

2.4 THE PERMIT AUTHORITY

The Permit Scheme will be operated as a Single Permit Scheme by North Somerset Council, as the Highway Authority for North Somerset, hereinafter referred to as the 'Permit Authority'.

2.5 ACTIVITIES

2.5.1 For consistency, the generic term 'activities' has been used rather than "works" to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations.

2.5.2 The term 'Promoters' will be used for both Statutory Undertakers (including Utility companies) and North Somerset Highway Authority. The present 2007 Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (this excludes street works licensed under s50 of NRSWA), and highway works, defined in s83 of NRSWA as works for road purposes. Although the term "works" is used generically in the Regulations, "activities" is used in this guidance to encompass both types of works and anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.

2.5.3 Authorities preparing permit schemes must include both highway and statutory undertakers' works. All works comprising "registerable works" in terms of the 2007 Notices Regulations under NRSWA (or any future amendments) should be included.

2.5.4 A glossary of the main terms contained within this document is provided in Appendix A.

2.6 RELATIONSHIP TO NRSWA

2.6.1 Permit Schemes provide an alternative to Sections of the existing notification system of the New Roads and Street Works Act 1991 (NRSWA), whereby, instead of informing a Highway Authority about its intention to carry out works in its area, a Statutory Undertaker has to book time on the highway by obtaining a Permit from the Permit Authority.

2.6.2 Under a Permit Scheme, the activities undertaken by the Highway Authority, its partners or agents are treated in the same way as a Statutory Undertaker.

2.6.3 The Permit Authority may apply conditions, attached to Permits, which impose constraints on the dates and times of activities and the way that work is carried out.

2.6.4 The Permit Authority's control over variations to Permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

2.6.5 A Highway Authority may choose to implement a Permit Scheme on all or some of the roads under its control.

2.6.6 North Somerset Council has decided to implement a Permit Scheme on all of the streets under its control.

3 OBJECTIVES OF NORTH SOMERSET PERMIT SCHEME

- 3.1.1 All activities on highways have the potential to reduce the width of the street available to traffic, pedestrians and other users and have the potential to also inconvenience businesses and local residents.
- 3.1.2 The scale of disruption caused is relative to the type of activities being undertaken and the capacity of the street. Activities where the traffic flow is close to, or exceeds, the physical capacity of the street will have the potential to cause congestion, disruption and delays. Duration and time of day will also be considered.
- 3.1.3 The objective of North Somerset Permit Scheme is to improve the strategic and operational management of the highway network through improved planning, scheduling and management of activities to minimise disruption to any road or pavement user.
- 3.1.4 North Somerset Permit Scheme will enable better coordination of activities throughout the highway network.
- 3.1.5 The objectives and benefits of North Somerset Permit Scheme are:
- To further reduce disruption on the highway network
 - Further reduction in costs to business/the local economy caused by delays
 - Reduction in carbon emissions and improve air quality
 - Improve overall management of the highway network through greater control and co-ordination capabilities
 - Promotion and encouragement of collaborative working
 - Enhance reliability of journey times/journey experience
 - Enhanced programming of activities and better forward planning by all works promoters
 - Demonstrates parity for works promoters
 - Contributes to a safer environment for road users
 - Increased dialogue regarding the way activities are carried out
- 3.1.6 The Permit Scheme objectives will be facilitated by improving performance in line with the Authorities' Network Management Duty in relation to the following key factors:
- Enhanced coordination and cooperation
 - Encouragement of partnership working between the Permit Authority, all Promoters and key stakeholders
 - Provision of more accurate and timely information to be communicated between all stakeholders including members of the public
 - Promotion and encouragement of collaborative working
 - Improvement in timing and duration of activities particularly in relation to the busiest streets within the network
 - Promotion of dialogue with regard to the way activities are to be carried out

- Enhanced programming of activities and better forward planning by all Promoters

3.2 ALIGNED OBJECTIVES

The Permit Scheme objectives align with the strategic objectives contained within the West of England Joint Local Transport Plan 4:

- Support sustainable and inclusive economic growth
- Enable equality and improve accessibility
- Address poor air quality and take action against climate change
- Contribute to better health, wellbeing, safety and security
- Create better places

4 SCOPE OF THE PERMIT SCHEME

4.1 AREA COVERED BY THE PERMIT SCHEME

The Permit Scheme applies within the boundaries of North Somerset Council.

4.2 DEFINITION OF THE TERM “STREET”

For the purposes of the Permit Scheme, the term “street” refers to that length of road associated with a single Unique Street Reference Number (USRN). Where a single street on the ground has more than one USRN, separate Permits will be required for each USRN to which an activity relates.

4.3 STREETS COVERED BY THE PERMIT SCHEME

- 4.3.1 The Permit Scheme will apply to adopted and publicly maintainable streets identified on the National Street Gazetteer (NSG).
- 4.3.2 The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.
- 4.3.3 The Street Gazetteer will be maintained and updated with relevant information. The Street Gazetteer will be available to all Promoters via the National Street Gazetteer Concessionaire’s website.

4.4 STREETS NOT COVERED BY THE PERMIT SCHEME

Streets that are not highways maintainable at public expense or private streets are not included in the Permit Scheme.

4.5 MOTORWAYS AND TRUNK ROADS

Motorways and trunk roads for which Highways England is the Highway Authority are excluded from the Permit Scheme.

4.6 STREETS TO BE ADOPTED AS A MAINTAINABLE HIGHWAY

Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway.

5 ACTIVITIES COVERED BY THE PERMIT SCHEME

5.1 ACTIVITIES REQUIRING A PERMIT

5.1.1 The Permit Scheme controls the following activities undertaken on the public highway:

- i. Street works as in Part 3 of NRSWA, as defined by s48, except for works by licensees under Section 50 of NRSWA
- ii. Works for road purposes as defined by Section 86 of NRSWA – maintenance and improvement works to the road itself, carried out by, or on behalf of, the Highways Authority
- iii. Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980)
- iv. Other activities that may be introduced under future regulations

5.1.2 The following activities defined in the Regulations as specified works are Registerable for all Promoters and information related to them has to be recorded on the register:

- a. Involve the breaking up or resurfacing any street
- b. Involve opening the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times.
- c. Reduces the lanes available on a carriageway of three or more lanes.
- d. Require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities.
- e. Require a reduction in the width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time

5.2 WORKS FOR ROAD PURPOSES

5.2.1 The requirements of the Permit Scheme apply equally to both works undertaken by the Highway Authority and Statutory Undertakers with the one exception, that fees will not be charged for Permits issued for the Highway Authority's own works for road purposes.

5.2.2 To demonstrate parity of treatment for all Promoters, particularly between the Highway Authority and Statutory Undertakers, Key Performance Indicators will be used.

5.2.3 Highway Authorities and Promoters of works for road purposes must ensure that they have followed the equivalent Provisional Advance Authorisation (PAA) and Permit application processes for activities.

5.3 STREET LIGHTING

The definition of works for road purposes may include some works carried out by Undertakers, such as street lighting. It is for Promoters to ensure that Permit applications for such activities are made and that the activity is registered, as appropriate.

6 EXEMPT ACTIVITIES

Certain types of activities are exempt from requiring a Permit.

6.2 NON-REGISTERABLE ACTIVITIES

6.2.1 The following activities are non-Registerable and do not require a Permit:

1. **Traffic Census Surveys**

Traffic census surveys have deliberately not been included as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows.

2. **Pole testing**

3. **Fire service vehicles**

Fire service vehicles occasionally need to be parked adjacent to fire hydrants when these are being tested. These operations are exempt from the requirement to obtain a Permit, provided the work is done outside traffic-sensitive periods.

6.2.2 Other activities that do not require a Permit:

- Replacing manhole or chamber covers - that do not involve breaking up the street
- Replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street
- Bar holes
- Road markings that are not part other registerable activity and unless activity infringes on any rules in 5.1.2 B-F (in this document)
- Core holes not exceeding 150mm diameter do not require registration in advance, unless one or more of rules in 5.2.1 B-F apply
- Lifting chamber lids to enable cable pulling/ surveying.

6.3 ACTIVITIES NOT REQUIRING A PERMIT BEFORE THEY START

6.3.1 Immediate activities do require a Permit but as such works are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided, they apply for a Permit within 2 hours of the works commencing.

6.3.2 If the work commences out of working hours, then a Permit must be applied for by 10am the next working day.

6.4 ACTIVITIES FOR WHICH NO PERMIT IS REQUIRED

Activities executed in a street pursuant to a street works licence issued under Section 50 of the NRSWA are not included in the Permit Scheme but will have to follow the normal NRSWA procedures.

7 PERMITS - GENERAL

7.1 REQUIREMENT TO OBTAIN A PERMIT

7.1.1 Any Promoter of specified activities who wishes to carry out such an activity on a specified street must obtain a Permit from the Permit Authority. The Permit will allow the Promoter to:

- Carry out the specified activity
- At the specified location
- Between the dates shown and for the duration shown
- Subject to any conditions that may be attached or required

7.2 ACTIVITIES COVERING SEVERAL STREETS

7.2.1 An application can only be for one street as per HAUC guidance.

7.2.2 Where the specified activity involves a number of specified streets, a separate PAA or Permit will be required for each street.

7.2.3 Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

7.2.4 Fees for specified activities which involve several Permits will be discounted where the applications are submitted together.

7.3 PHASING OF ACTIVITIES

7.3.1 One Permit can only relate to one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works, for example a separate Permit would be required for interim, permanent and remedial reinstatements.

7.3.2 The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site and the highway is returned to full use.

7.3.3 A Promoter should clarify when an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a major activity involving asset activity also a PAA, which will be cross referenced to the other Permits

7.4.4 Phased activities must relate to the same works, with applications submitted using the same works reference.

7.4 LINKED ACTIVITIES

7.4.1 Linked activities carried out at separate locations in the same street must be treated as belonging to the same set of works.

7.4.2 If an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street.

7.4.3 Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of a single street. If an activity relating to the installation of customer connections is undertaken at a later date then the Promoter shall apply for a separate Permit.

7.5 INTERRUPTED ACTIVITIES

7.5.1 In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is acquired. It is the responsibility of the Promoter to contact the Permit Authority to agree what action should be taken.

7.5.2 Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required and an extension to the Permit will be granted.

7.5.3 However, where the Permit Authority considers that the opening should be reinstated and the road returned to full traffic use then the Promoter will need to apply for a further Permit to complete the work at a later date. A Permit fee may be charged for the new Permit.

7.6 CROSS BOUNDARY ACTIVITIES

7.6.1 Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Permit Authority, separate Permit applications, including any PAA, should be submitted to both Authorities.

7.6.2 If a cross boundary project involves activities on a street of a Street Authority operating a notice system under NRSWA, then the Permit application to the Permit Authority should identify the activity in the other Authority area so that the Permit Authority can liaise with them.

7.6.3 A single project reference should be included on applications and all notices so that both Authorities can consider the impact and coordinate the activities together.

7.7 COLLABORATIVE WORKING

- 7.7.1 The Permit Authority encourages collaborative working between Promoters for both street works and works for road purposes. It is accepted that there are often issues in such arrangements, particularly contractual complications. Nevertheless, every opportunity should be sought to minimise the disruption to users of the highway.
- 7.7.2 Where two or more Promoters decide to enter into such arrangements, one should take on the role of the Primary Promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the Secondary Promoter(s) will be required to make a Permit application for the activity for which they are responsible, only the Permit application made by the Primary Promoter will need to show the number of estimated inspection units.
- 7.7.3 The Primary Promoter's Permit application should give details of the other Promoter(s) involved and the extent of the collaborative working.
- 7.7.4 The Primary Promoter should also ensure that the estimates of works duration are agreed and confirmed with the Secondary Promoter(s) when submitting the PAA and/or Permit applications. This is necessary in order to comply with the overrun charging requirements in the Permit and NRSWA Regulations.
- 7.7.5 While the Permit Authority will issue Permits to all the Promoters involved, not just the Primary Promoter, the fees will be discounted to reflect the collaborative approach.

7.8 REMEDIAL WORKS

In the event of remedial works being required after the expiry of a Permit, an application must be made for a new Permit. This Permit must be cross referenced to the Permit using the Works Reference Number for the original activity. Refer to section 7.4.1.

7.9 START AND END DATES

- 7.9.1 In relation to road category 0, 1, 2, and traffic-sensitive streets, the planned commencement date and finishing date for the activity are the start date and end dates respectively on the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is granted.
- 7.9.2 In category 3 and 4 streets that are not traffic-sensitive, the Permit will be issued with a start and end date and duration for the activity which is set as a condition. The start date of the Permit will be the proposed start date of the activity. However, because both competition for space and the expected level of disruption is likely to be lower on less busy streets, there will be flexibility on the start of the activity - a "starting window" - equivalent to the validity period on a NRSWA notice. The starting windows are:
- 5 days for major and standard activities
 - 2 days for minor activities

The Permit end date will therefore allow for the set duration to be completed if the activity starts on the last day of the starting window.

7.10 EARLY START

- 7.10.1 The Permit Authority will consider a Promoter's request for an early start before or after applying for a Provisional Advance Authorisation or a Permit application.
- 7.10.2 Where this is agreed, the Promoter shall submit a variation to a Permit, or in the case of a Provisional Advance Authorisation, include the revised dates on the application for the Permit. If the Permit has already been granted or deemed, a variation charge will apply.
- 7.10.3 A reference number will be issued by the Permit Authority and should be quoted on the Permit application or Permit variation application.
- 7.10.4 Requests for early starts may or may not be agreed by the Permit Authority at their discretion but will not be unreasonably refused, and it is the responsibility of the Promoter to satisfy the Permit Authority as to the necessity for any proposed early start.

7.11 CHARGES FOR OVER RUNNING STREET WORKS

- 7.11.1 Charges for over running street works, under Section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate the process of setting and modifying the duration of the activity through the Permit application, approval and variation processes.

7.12 WORKING WITHOUT A PERMIT

- 7.12.1 It is an offence for a Statutory Undertaker or a person contracted to act on its behalf to undertake activities without a Permit, except to the extent that the Permit Scheme provides that this requirement does not apply.
- 7.12.2 Where it is believed that such an offence is being committed, the Permit Authority may issue a fixed penalty notice and require the party concerned to remove the works and return the street to full use.

8 PERMITS - TYPES

8.1 TYPES COVERED BY THE PERMIT SCHEME

- 8.1.1 There are two types of Permit covered by the Permit Scheme:

- Provisional Advance Authorisation (PAA)
- Permit

8.2 PROVISIONAL ADVANCE AUTHORISATION (PAA)

- 8.2.1 A PAA replaces the Advance Notice under Section 54 of NRSWA.
- 8.2.2 PAAs are a means of enabling Major activities to be identified, coordinated and programmed in advance by allowing activities to be provisionally reserved by the Permit Authority pending the Authority's subsequent decision on whether, and with what conditions, to grant a Permit for the activities.
- 8.2.3 A Promoter who wishes to undertake Major activities, on a specified street must apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority.
- 8.2.4 Subsequent applications for Permits for Major activities that have not been preceded by a PAA, will not, except in exceptional circumstances, be accepted by the Permit Authority.
- 8.2.5 Each application for a PAA will be limited to one street.
- 8.2.6 An application for a PAA should include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final Permit.
- 8.2.7 A fee will be charged for the granting of a PAA in addition to the fee which is charged for the granting of the Permit.
- 8.2.8 The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a Permit to which the PAA relates. If circumstances change drastically an explanation will be provided.
- 8.2.9 A copy of each application for a PAA is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.

8.3 PERMITS

- 8.3.1 These are full Permits with complete details of the Registerable activities on a specified street.
- 8.3.2 The information required to support an application for a PAA should be equivalent to, but should not exceed, that required in support of an application for a Permit.
- 8.3.3 The timing of Permit applications to the Permit Authority will depend on the proposed activity.
- 8.3.4 A copy of each application for a Permit is to be provided by the applicant upon request by a relevant Authority.

9 PERMITS - CLASSES

9.1 CLASSES COVERED BY THE PERMIT SCHEME

There are four classes of Permit covered by the Permit Scheme:

- Major
- Standard
- Minor
- Immediate

9.2 PERMITS FOR MAJOR ACTIVITIES

9.2.1 Major activities are those which:

- Have been identified in an organisation's annual operating programme, or if not identified in that programme, are part of a scheme which is planned or known about at least 6 months in advance of the proposed start date, but only includes activities on the affected streets and locations within that scheme that have been identified at least 6 months advance stage as likely to require Permits; or
- Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities

9.2.2 Major activities are split into 3 sub-categories:

- Over 10 days and all major works requiring a traffic regulation order
- Works 4 to 10 days and meeting the requirement detailed in 9.2.1 above
- Up to 3 days and meeting the requirement detailed in 9.2.1 above

9.2.3 Major Activity Permits are required for the most significant activities on the Highway and require the Promoter to obtain a Provisional Advance Authorisation as part of the application process for a Major Activity Permit.

9.2.4 An application for a Major Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity. Where these differ from those given in the PAA application, the applicant must explain the reasons for any variation.

9.2.5 Major activities will be subject to conditions.

9.3 PERMITS FOR STANDARD ACTIVITIES

9.3.1 Standard Activities are those activities that have a planned duration of between 4 and 10 days inclusive. Activities lasting less than 10 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 9.2 above.

9.3.2 An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity.

9.3.3 Standard activities will be subject to conditions.

9.4 PERMITS FOR MINOR ACTIVITIES

9.4.1 Minor Activities are those activities, where the planned working is 3 days or less. Activities lasting less than 3 days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 9.2 above.

9.4.2 An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and should include a description of the proposed activity together with the proposed start and end dates of the activity.

9.4.3 Minor activities will be subject to conditions.

9.5 PERMITS FOR IMMEDIATE ACTIVITIES

9.5.1 Immediate Activities are either:

- Emergency works as defined in Section 52 of NRSWA; or
- Urgent Activities,
 - a) (not being emergency works), whose execution at the time they are executed is required, (or which the person responsible for the works believes on reasonable grounds to be required):
 - i. To prevent or put an end to an unplanned interruption of any supply or service provided by the Promoter
 - ii. To avoid substantial loss to the Promoter in relation to an existing service
 - iii. To reconnect supplies or services where the Promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period
 - b) Including works that cannot reasonably be separated or severed from such works.

9.5.2 Given the nature of immediate activities, work may commence without a Permit. However, where it is necessary to carry out excavation in the Highway, Promoters of such activities should contact the Permit Authority by telephone immediately if identified on the NSG.

9.5.3 Where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), a Permit application must be made as soon as reasonably practicable and, in any event, within two hours of the activity starting.

9.5.4 If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.

9.5.5 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the Promoter must demonstrate conclusively that it is.

9.5.6 Immediate activities will be subject to conditions.

10 PERMIT APPLICATIONS

10.1 APPLICATION TIMING AND RESPONSE TIMES

10.1.1 The timing of applications for Permits and PAAs and the Permit Authority's response will vary according to the proposed activity. The minimum times are given in Table 1 Section 10.7 and Promoters should give as much notice as possible to ensure that the coordination process can be facilitated effectively.

10.1.2 Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval, or the suspension of parking regulations, the relevant timescales should be taken into account by the Promoter, and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.

10.1.3 The application process will begin at the time of receipt of the application by the Permit Authority. The electronic permit application system will provide an auditable record of when an application was received.

10.1.4 The Permit Scheme sets down the application and response times for dealing with Permit applications and variation applications in Table 1 below.

10.1.5 In all cases given in Table 1, the time period is measured from the time of receipt of the application by the Permit Authority.

A "response" means a decision to grant, refuse or request a Permit Application Modification Request.

10.2 SUBMITTING AN APPLICATION

10.2.1 Permit and PAA applications should be made electronically on the current permit system in use at the time of the application, unless there is a failure in the electronic system in which case a paper application will be acceptable and is available from the Council.

10.3 SYSTEM FAILURE

10.3.1 In the event of an electronic system failure, Promoters shall adopt the following procedure:

- Other applications or notices may be given by other electronic means, (e.g. e-mail), or may be sent by post or delivered by any other method agreed with the Permit Authority
- Following recovery of the service a copy of the application or notice should be sent through electronically to ensure information on the works is correctly recorded in the register

- Where applications or notices are sent by post or delivered by any other method agree with the Permit Authority, Promoters should take into account that there is no guarantee that they will be delivered to the Permit Authority the next day
- A delivery mechanism that includes a delivery receipt is recommended

10.3.2 In regards to variations during a system failure, Promoters should also make contact with the Permit Authority by telephone.

10.3.3 The Permit Authority can issue a reference number. This number should be displayed on an electronic application following recovery of service for cross-referencing purposes.

10.4 COMPLIANCE WITH TECHNICAL SPECIFICATION

10.4.1 All applications must comply with the definitive format and content given in the current Technical Specification at the time of application.

10.5 NOTIFICATION TO INTERESTED PARTIES

10.5.1 Where the NSG indicates there are other interested parties Works Promoters are required to copy their applications to any authority, statutory undertaker or other relevant body that has requested to see notices or permit applications on certain streets.

10.5.2 Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

10.6 CONSULTATION REQUIREMENTS

10.6.1 Promoters must carry out the necessary consultations as set down in Sections 88, 89 and 93 (as amended) and Sections 90 and 91 of the NRSWA.

10.7 TABLE 1 – APPLICATION TIMINGS

Activity Type	Minimum application periods ahead of proposed start date		Minimum period before Permit expires for application for variation (including extension)	Response times for issuing a Permit or seeking further information or discussion		Response times for responding to applications for Permit variations
	Provisional Advance Authorisation	Application		Provisional Advance Authorisation	Application	
Major	3 months	10 days	2 days or 20% of the original duration whichever is the longer	1 calendar month	5 days	2 days
Standard	N/A	10 days		N/A	5 days	
Minor	N/A	3 days		N/A	2 days	
Immediate	N/A	2 hours after		N/A	2 days	

Unless stated otherwise, reference to “day” means working day, commonly accepted as 08:00 to 16:30 hours. Calculation of dates in relation to notice periods therefore excludes weekends and public and bank holidays.

Reference to “month” means calendar month. If a notice is given on a day for which there is no corresponding day in the relevant month, the earliest start date becomes the first day of the following month, e.g. PAA sent on 31 March, the earliest start date becomes 01 July.

10.8 REFUSAL OF APPLICATION

10.8.1 The Permit Authority reserves the right to refuse or request a Permit Application Modification Request for a Permit or PAA where it considers that elements of the application (e.g. timing, location or conditions) are not acceptable.

10.8.2 If the Permit Authority decides to refuse the application or request a Permit Application Modification Request, it will contact the Promoter within the response time given in Table 1 to explain why the application is not satisfactory and what amendments are needed in order to achieve a successful application.

10.9 RESTRICTIONS ON FURTHER ACTIVITIES

Where a Promoter wishes to apply for a Permit to carry out specified activities on a specified street where a Section 58 or 58A Notice under NRSWA is in force, and the activities are not covered by the specific exemptions of that notice, the Promoter must make an application for the Permit Authority's consent specifying the grounds on which the consent is sought.

10.10 ERROR CORRECTION

10.10.1 Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the Permit register, it will contact the Promoter to discuss and agree the corrections to be made.

10.10.2 Where the Promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the Promoter shall submit a Modified Application by the end of the next working day following the agreement of the correction.

10.10.3 This Modified Application should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made.

10.10.4 The error correction process must follow the process as set out in the electronic system in use at the time of the application.

11 INFORMATION REQUIRED IN A PERMIT APPLICATION

The information required to make a permit application is described in the HAUC (England) Guidance, Operation of permit schemes (February 2017). This will be superseded by any future updated advice.

12 USRN

12.1 TECHNIQUE TO BE USED FOR ACTIVITIES

Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig should be provided.

12.2 TRAFFIC MANAGEMENT AND TRAFFIC REGULATION ORDERS

- 12.2.1 The Promoter must supply full details of their traffic management proposals including any requirement for action by the Highway Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. Evidence of application/agreement for a TTRO must be provided with the PAA/Permit application.
- 12.2.2 In the case of the suspension of a parking bay being required, an application by the Promoter must be made to the Highway or Permit Authority as Parking Authority. This must be separate from any Permit application and evidence of the agreement by the relevant Parking Authority must be included in the Permit application.
- 12.2.3 Applicants should be aware that such action by the Highway Authority may involve additional costs and Promoters should familiarise themselves with the timescales relating to TTRO and parking applications.

12.3 DEPTH

Promoters must provide their best estimate of the excavation depth of the activity. This may be expressed as a range where appropriate.

12.4 REINSTATEMENT TYPE

- 12.4.1 Permit applications must indicate wherever possible, whether the proposed activity is intended to be completed with interim or permanent reinstatement or a mixture of both.
- 12.4.2 Where the activity is completed with an interim reinstatement, a separate Permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the Permit.

12.5 INSPECTION UNITS

- 12.5.1 The Promoter is required to indicate the provisional number of inspection units appropriate to the activity in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees)(England)(Amendment) Regulations 2004.
- 12.5.2 Where there is trench sharing, only the Primary Promoter is required to give the inspection units.

13 PERMIT CONDITIONS

13.1 APPLYING CONDITIONS

13.1.1 The Permit Scheme allows for the attaching of conditions to Permits. These will be specified in detail on the Permit and will reflect any constraints on the original application.

13.1.2 Not all types of conditions will necessarily be applied to all Permits or PAA's.

13.1.3 In general, conditions will be varied for each Permit, as each set of circumstances will be different. The detailed 'Standard' wording of all conditions will be made available to all Promoters as a separate document.

13.1.4 The Promoter should endeavour to have a copy, either electronic or hard copy, of the current Permit on site for inspection.

13.2 CONDITIONS APPLIED TO ALL PERMITS

North Somerset Council will adopt solely the nationally agreed conditions text as set out in the amended 2017 statutory guidance. North Somerset Council will adopt any government approved change to the condition text.

13.3 REQUIREMENTS FOR IMMEDIATE ACTIVITIES

13.3.1 Promoters of such activities should contact the Permit Authority by telephone immediately if identified in the NSG.

13.3.2 The Promoter shall submit an application for a Permit within two hours of beginning work. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.

13.3.3 The Permit Authority may impose further conditions prior to the granting of a Permit where this is required. Imposing such conditions will be in discussion with the Promoter of the activity and will be included in the subsequent Permit.

13.3.4 Once granted, the full permit reference number must be prominently displayed on the site information board for each set of works.

13.4 BREACH OF CONDITIONS

13.4.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit. Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.

13.4.2 Where it appears to the Permit Authority that a condition has been breached and that the Promoter or a person contracted to act on its behalf has therefore committed an offence it will take action as described in Section 18.

13.5 AVOIDANCE OF CONFLICT WITH OTHER LEGISLATION

13.5.1 The Promoter should bring such conflicts to the attention of the Permit Authority who will then be responsible for resolving the issue with the other legislative bodies or groups that may be involved and amending the Permit conditions accordingly.

13.5.2 If the Promoter has safety concerns about conditions set by the Permit Authority it should raise these concerns with the Permit Authority and if necessary challenge the condition.

13.5.3 It is a criminal offence for a Statutory Undertaker or a person contracted to act on its behalf to breach a Permit Condition.

13.5.4 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

14 GRANTING OF PERMITS

14.1 TIMING OF PERMIT ISSUE

Where the Permit Authority is content with the proposal, it will Grant a Permit within the response times detailed in Table 1 Section 10.7, via the electronic permit application system.

14.2 ISSUING OF PERMITS

14.2.1 A Granted Permit will be issued electronically in accordance with the formats given in the Technical Specification of the permit application system with the details placed on the Permit register and copies supplied to any Promoter, Authority or other relevant body that has asked to be informed about activities on a particular street.

14.2.2 The Permit will specify in detail the activity it allows and its duration. The start and end dates will be in calendar days to prevent any ambiguity over the duration of the Permit.

14.3 PERMIT REFUSAL

If, after careful consideration, the Permit Authority decides to refuse the PAA or Permit application, the refusal will be issued electronically and where possible using sector agreed refusal codes as approved by HAUC England. An explanation of refusal will be given and discussions with the Promoter may be held regarding amendment to the application.

14.4 RIGHT OF APPEAL

14.4.1 The Promoter has a right of appeal, in accordance with the Dispute Resolution process set down in Section 19 if it is unable to reach agreement with the Permit Authority over the terms it requested or the conditions attached.

14.4.2 In the case of immediate activities it may be that the Permit Authority may direct the work to stop, subject to safety and legal considerations, such as Health and Safety legislation, until the issues are resolved.

14.5 PERMIT APPLICATION DEEMED TO BE APPROVED

14.5.1 If the Permit Authority fails to reply to an application for a Permit or PAA within the designated response times, the Permit or PAA is deemed to be granted under the terms of the application.

14.5.2 The proposed start and end dates, description, location, duration, traffic management, etc, will be included in the Permit and associated conditions for the activity. This detail will then be binding on the Promoter as it would have had the Permit been issued within the timescale. Breaching the conditions will constitute an offence.

14.5.3 No fee will be applied to deemed Permits.

15 REVIEW, VARIATION AND REVOCATION OF PERMITS AND CONDITIONS

15.1.1 Once a Permit has been granted, the Promoter should have reasonable confidence that the road space will be available for them. However, circumstances beyond the Permit Authority's control may occur which may cause the Authority to review the Permit and as a result, may lead to the conclusion that the Permit or its conditions need to be changed or revoked.

15.1.2 The Permit Authority's policy is to avoid making such changes other than in exceptional circumstances which could not reasonably have been predicted or where the impact is significant. Such events may include floods and other adverse weather conditions, burst mains, dangerous buildings, etc. which may result in traffic being diverted onto the road where the activity was underway or about to start.

15.1.3 As soon as the Permit Authority is aware that it may be necessary to vary or revoke a Permit, it will contact the Promoter to discuss the best way of dealing with the situation.

15.2 PERMIT AUTHORITY POWERS

15.2.1 Within the Permit Scheme, the Permit Authority has the power, under Regulation 15 of the Traffic Management Permit Scheme (England) Regulations 2015, to review, vary or revoke Permits and Permit conditions on its own or a Promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the Permitted period.

15.2.2 Any activities that exceed the Permitted duration will be committing an offence and could be subject to New Roads and Street Works Act 1991 Section 74 overrun charges.

15.3 PROMOTER REVOCATION

If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use or seeks a revocation of a Permit condition, they should use the cancellation process in the electronic permit application system.

15.4 CHANGES TO A PROVISIONAL ADVANCE AUTHORISATION

15.4.1 A PAA cannot be varied once granted.

15.4.2 Where a PAA has been given but a Permit has not been granted and the proposals change, the Promoter should inform the Permit Authority immediately of the proposed changes and a revised application for a PAA or Permit should be made.

15.5 CHANGES TO PERMITS

15.5.1 If the Permit Authority considers a variation necessary then it should contact the Promoter to discuss the best way of dealing with the situation whilst meeting the coordination duties and other Statutory Requirements of those involved. Good coordination and cooperation between Promoter and the Permit Authority will minimise the time that the Authority needs to vary Permits or their conditions. This will be in the interests of all parties.

15.5.2 This discussion may lead to an agreement on the variation required. In that case, the Permit Authority will then grant a revised Permit on those terms when, the Promoter applies for a Variation.

15.6 AVOIDANCE OF CRIMINAL OFFENCE

Variations should be sought as soon as changes are identified to avoid a criminal offence being committed by work being undertaken in breach of the conditions associated with that Permit.

15.7 SUSPENDING OR POSTPONING AN ACTIVITY

If a Promoter would like to start an activity at a later date after a Permit has been issued, a Permit Variation will need to be applied for. There is no option to suspend or postpone an activity.

15.8 REVIEW OF PERMIT BY PERMIT AUTHORITY DUE TO CIRCUMSTANCES OUTSIDE ITS CONTROL

15.8.1 The Permit Authority may review the Permit and associated conditions in the event of circumstances beyond its control having a significant disruptive effect at the location of the activity.

15.8.2 No fee will apply for Permit Variations initiated by the Permit Authority unless, at the same time, the Promoter applies for variations which are not the result of the circumstances causing the Permit Authority's action.

15.9 TIMING OF VARIATIONS

15.9.1 Permit Variations may be made at any time after a Permit has been issued up until the end date of the Permit. Once this date has passed, applications for variations cannot be made.

15.9.2 If a variation is required, the Promoter is encouraged to telephone the Permit Authority to discuss, prior to submitting a Duration Variation Application electronically, to improve coordination.

15.10 VARIATIONS FOR IMMEDIATE ACTIVITIES

15.10.1 In the event of immediate activities requiring a series of fault-finding excavations or openings, for example locating a gas leak, the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application.

15.10.2 As they are immediate works, the Promoter will submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:

- i. For any further excavations or openings on the same street within 50 metres of the original hole, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed and no variation charge will apply
- ii. The Promoter should apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres, etc. Standard variation charges will apply, however the Permit Authority may use their discretion to waive these charges.
- iii. For additional excavations within each band, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed and no variation charge will apply
- iv. If the search carries into a different street or a new USRN, (including if the street changes to a different Permit Authority), then a separate Permit application will be needed

15.10.3 Conditions for these activities may be varied to take into account the fact that a new location, even within the permissive bands, can be more disruptive

15.11 IF AN AGREEMENT CANNOT BE MADE

If agreement cannot be reached regarding a variation, the Permit Authority may issue an Authority imposed variation on the terms it considers reasonable. If the Promoter disagrees with the decision, it will have the option to invoke the dispute resolution procedure (See Section 19)

15.12 REVIEW OF PERMIT DUE TO NON-COMPLIANCE BY THE PROMOTER

15.12.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit or issue a Fixed Penalty Notice (FPN).

15.12.2 Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.

15.13 WORKING AFTER A PERMIT HAS BEEN REVOKED

A Promoter will be committing an offence if it continues to work after a Permit has been revoked.

16 CANCELLATION OF A PERMIT

If a Promoter wishes to cancel a Permit it should use the cancellation process as set out in the electronic permit application system. There is no fee payable for this process; however Permits already granted will still be charged.

17 FEES

17.1 PERMIT AUTHORITY POWER TO CHARGE FEES

To meet the additional costs of introducing and operating the Scheme, Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:

- i. The application for a PAA in respect of Major activities
- ii. The issuing of a Permit
- iii. Each occasion where there is a variation of a Permit or the conditions attached
- iv. Where a Permit variation would move an activity into a higher category, the Promoter will be required to pay the difference between the Permit fee for the two categories as well as the Permit variation fee

17.2 FEE POLICY

17.2.1 The Permit Authority will charge Statutory Undertakers for the actions detailed in Section 17.1

17.2.2 Fees will not be payable in the following circumstances:

- i. By the Highway Authority in respect of its own works for road purposes, however a record of the Permit and fee will be used for reporting purposes and fee reviews.
- ii. Any work undertaken on a fire hydrant.
- iii. Where a Permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Section 10.7 above
- iv. If a Permit variation is initiated by the Permit Authority or the Authority has to revoke a Permit through no fault of the Promoter
- v. Where a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not yet been granted

17.2.3 Lower fees or discounted fees will be given in the following circumstances:

- i. Where several Permit applications for works that are of part of the same project but which are carried out on more than one street, but on a scale comparative to one street, are submitted at the same time.
- ii. Where several Promoters are working within the same site submit applications at the same time. Where the Highway Authority Promoter is collaborating with Statutory Undertakers, those Undertakers will be eligible for the discount.
- iii. Where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets.
- iv. A discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance, supplies for a new development, or where it is demonstrated that a network investment program is being undertaken to meet customer demand.

17.3 RATE OF DISCOUNT

A discount of 30% will be applied in the above circumstances.

17.4 OPTION TO WAIVE OR REDUCE FEES

The Highway/Permit Authority retains the option to waive or reduce fees at its discretion.

17.5 REVIEW OF FEES

17.5.1 The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs.

17.5.2 The outcome of the annual fee reviews will be published and open to public scrutiny.

17.5.3 As far as possible the fees and costs should be matched over a financial year. However, it is recognised that estimating the fee levels will involve incorporating the effect of various factors that will inevitably have a degree of uncertainty around them. In the event that fees and costs do not match the actual outturn for the year in question, adjustments may be made to fee levels for the subsequent years so that across a number of years fees do not exceed the allowable costs.

17.6 APPROVED SCALE OF FEES

The current approved scale of fees is included in the local order for the Permit Authority to operate the Permit Scheme.

17.7 PROCESSING OF FEES

Monthly invoices will be issued to each Promoter with all Permits referenced.

18 SANCTIONS

18.1 UNDERTAKING ACTIVITIES WITHOUT A PERMIT

18.1.1 It is a criminal offence for a Statutory Undertaker, or a person contracted to act on its behalf, to undertake specified activities in a specified street in the absence of a Permit, except as set down in Section 6 of this document.

18.1.2 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine on the standard scale.

18.2 ACTION BY PERMIT AUTHORITY

18.2.1 Where a Statutory Undertaker or a person contracted to act on its behalf undertakes without a Permit, works for which a Permit is required, or breaches a Permit condition, the Permit Authority may take one or more of the following courses of action depending on the seriousness and persistence of the offences:

- i. Serve a notice requiring that Statutory Undertaker to take such reasonable steps as detailed in the notice to remedy the situation within a specified timescale
- ii. Where a Statutory Undertaker fails to comply with the requirements of such a notice within the timescale the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from the Statutory Undertaker
- iii. Issue a Fixed Penalty Notice (FPN), against the Statutory Undertaker
- iv. Prosecute the Statutory Undertaker

18.2.2 Remedial action could include the removal of the activity; rectify the breach of conditions or discontinuing any obstruction.

18.2.3 In the event that the Permit Authority subsequently considers that an FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN.

18.2.4 Any offences which run alongside to the Permit Scheme under NRSWA will still apply and action will be taken.

19 DISPUTE RESOLUTION

19.1 INTRODUCTION

19.1.1 North Somerset Council welcomes the opportunity to informally resolve disputes before resorting to formal resolution processes

19.1.2 If disputes are not resolved informally within 14 days, they will be referred to SWHAUC or HAUC England as appropriate.

19.2 DISPUTE RESOLUTION PROCEDURE

19.2.1 If agreement cannot be reached informally on any matter arising in relation to the North Somerset Permit Scheme, the dispute will be referred for review on the following basis:

19.2.2 Straightforward issues

Where North Somerset Council and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of the regional SWHAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within ten days from the date of referral by either party. Both parties will accept the result as binding.

19.2.3 Complex issues

If by North Somerset Council or the Promoter(s) involved in the dispute think the issues are particularly complex, HAUC England will be asked to set up a review panel of four members - two Utilities and two Street Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC England joint chairs.

19.2.4 Each party must make all relevant financial, technical and other information available to the review panel.

19.2.5 The review would normally take place within ten working days from the date on which the issue is referred to HAUC England by either party. Both parties will accept the conclusions of the review panel as binding.

19.3 INDEPENDENT ADJUDICATION

19.3.1 If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication.

19.3.2 Adjudication within North Somerset Permit Scheme will only be used by North Somerset Council and the Promoter(s) if they agree in relation to the matter under dispute, that: -

- The decision of the adjudicator will be deemed to be final; and
- The costs of adjudication will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them.

19.3.3 Where the adjudication route is followed, North Somerset Council and the Promoter(s) will apply to the joint chairs of HAUC England, who will select and appoint the independent adjudicator from a suitable recognised professional body.

20 REGISTERS

20.1 REGISTER OF PERMITS

- 20.1.1 The Permit Authority will maintain a register of all works in connection with the Permit Scheme and in accordance with regulation 33 and 34, Part 7 of the Regulations.
- 20.1.2 The register will contain information about current and planned activities and will be available electronically to Promoters to assist them in planning and coordinating their own works at the earliest possible stage

20.2 REFERENCING OF INFORMATION

All information held in the register of Permits will be referenced to the USRN and the Permit register will be Geographic Information System (GIS) based.

21 TRANSITIONAL PHASE

- 21.1 Once an Order has been made, the Authority will provide at least four weeks' notice of its intention to operate a Permit Scheme from a given date.
- 21.2 The Permit Authority will liaise closely with all Promoters during the transition period so that any issues are identified early and appropriate action taken to resolve them.
- 21.3 The Permit Scheme will apply to all activities where the administrative processes, such as an application for a Permit or Provisional Advance Authorisation, start after the commencement date of the Permit Scheme stated in the order.
- 21.4 Activities which are planned to start on site more than one month after the changeover date, (for standard, minor and immediate activities), or three months after the changeover date, (for major activities), shall operate under the Permit Scheme. This means that even if the relevant Section 54, 55 or 57 NRSWA notice has been sent before the changeover, the Promoter will have to apply for a Permit.
- 21.5 If the Promoter has not substantially begun the activity (or phase of activity) one month after the changeover date (for standard, minor and immediate activities) or three months after the changeover date (for major activities), then the Promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a Permit.
- 21.6 Any Phase which started under the notices regime will continue under that regime until completed.
- 21.7 The issue of Fixed Penalty Notices (FPNs) will be suspended for the first month of operation of the Scheme to allow a settling in period.

- 21.8 This period is sufficient as much of the Permit Scheme operation is run alongside NRSWA and extensive testing of systems between the Permit Authority and Promoters will have taken place and will continue on the run up to the implementation of the Scheme

22 PERMIT SCHEME MONITORING

22.1 USE OF KEY PERFORMANCE INDICATORS

Parity will be measured through Key Performance Indicators (KPIs). The following KPIs are mandatory and in addition, the Permit Authority will produce an annual set of KPIs identifying the treatment of individual Promoters.

22.2 MANDATORY KPIS

KPI 1
<i>The number of Permit and Permit variation applications received, the number granted and the number refused</i>
This will be measured by Promoter and shown as: <ul style="list-style-type: none"> • the total number of Permit and Permit variation applications received, excluding any applications that are subsequently withdrawn • the number granted as a percentage of the total applications made • the number refused as a percentage of the total applications made.
KPI 2
<i>The number of conditions applied by condition type</i>
This will be measured by Promoter and shown as: <ul style="list-style-type: none"> • the number of Permits issued • the number of conditions applied, broken down into condition types. The number of each type being shown as a percentage of the total Permits issued.

22.3 ADDITIONAL KPIS

KPI 3
<i>The Number of approved extensions</i>
This will be measured by promoter and shown as: <ul style="list-style-type: none"> •the total number of permits issued •the number of requests for extensions shown as a percentage of permits issued •the number of agreed extensions as a percentage of extensions applied for.

KPI 4***Number of inspections carried out to monitor conditions***

This will be broken down by promoter and shown as:

- the number of sample permit condition checks carried out as a percentage of the number of permits issued
- the percentage of sample inspections by promoter should also be shown.

22.4 PRESENTATION OF KPIS TO COORDINATION MEETINGS

The KPIs will be discussed at the local coordination meetings and at other meetings with Promoters.

23 APPENDIX A: DEFINITION OF TERMS

Activity	Any works undertaken by Statutory Undertakers and the Highway Authority (or their agents/contractors) and any other works that maybe covered in future regulations.
Additional Street Data	Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG
Apparatus	As defined in Section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Appeal	If there is an unresolved disagreement between the Promoter and the Permit Authority about the terms and conditions of the Permit or PAA, the Promoter may appeal against the Permit Authority's decision to either SWHAUC or HAUC England.
Bank Holiday	As defined in Section 98(3) of NRSWA, "Bank Holiday means a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Bar holes	Bar holes are used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Bridge	As provided in Section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge Authority	As defined in Section 88(1)(b) of NRSWA, "Bridge Authority means the Authority, body or person in whom a bridge is vested"

Carriageway	As defined in Section 329 of HA 1980, "carriageway means a way constituting or comprised in a Highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
Collaborative working	Includes trench sharing, multi-utility working, utility/works for road purposes situations and compliance testing.
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a Highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot"
Day	A calendar day, unless explicitly stated otherwise
DfT	Department for Transport
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
Excavation	"Breaking up" (as defined above)
Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
Geographical Information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface
HA 1980	The Highways Act 1980
Highway	As defined in Section 328 of the HA 1980, "Highway means the whole or part of a highway other than a ferry or waterway"
Highway Authority	As defined in Sections 1 and 329 of the HA 1980
Highway works	"Works for road purposes" or "major highway works"
Immediate activities	Immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i>
In	As defined in Section 105(1) of NRSWA, "in, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it"
Local Authority	As defined in Section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.

Local Highway Authority	As defined in Section 329 of HA 1980, "Local Highway Authority means a Highway Authority other than the Minister"
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time
Maintainable Highway	As defined in Section 329 of HA 1980, a "Highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	<p>As stated in Section 9.2, Major activities are those which:</p> <ul style="list-style-type: none"> • Have been identified in an organisation's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the proposed date of the activity <p>Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities</p>
Major Highway works	<p>As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway –</p> <ol style="list-style-type: none"> a) a reconstruction or widening of the highway; b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); c) substantial alteration of the level of the highway; d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the Highway; e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); g) provision of a cattle-grid in the highway or works ancillary thereto; or <ul style="list-style-type: none"> • tunnelling or boring under the highway"
Minor activities	As stated in Section 9.4, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National grid reference	Location reference using nationally defined eastings and northings.

Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their geographical locations created and maintained by the local Highway Authorities" based on BS 7666 standard.
NRSWA	New Roads and Street Works Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Authorities.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Permit	The approval of a Permit Authority for a Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 10. The application that is made by a Promoter to the Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Coordination regime.
Permit Authority	A local Authority or other "Highway Authority" which has been given approval by the Secretary of State to operate a Permit Scheme on all or some of its road network.
Permit Scheme	A Scheme approved by the Secretary of State under which Permits for activities are sought and given.
Pole testing	An inspection/healthcheck/testing of wooden poles to ensure they meet required safety standards
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the Permit Scheme. The Promoter will usually be a Statutory Undertaker or the Highway or Traffic Authority.
Protected Street	A street that has been designated as a protected street. It serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which Statutory Undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 8.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable activities	See Section 5.1. Registerable activities are as listed in Chapter 9 of The Code of Practice for Permits.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".

Relevant Authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant Authorities in relation to any works in a street are to the Highway Authority and also: a) where the works include the breaking up or opening of a public sewer in the street, the Sewer Authority; b) where the street is carried or crossed by a bridge vested in a Transport Authority, or crosses or is crossed by any other property held or used for the purposes of a Transport Authority, that Authority; and where in any other case the street is carried or crossed by a bridge, the Bridge Authority"
Remedial work	Remedial works are those required to put right defects identified and in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	See "Street".
Road Categories: • Type 0 • Type 1 • Type 2 • Type 3 • Type 4	Roads carrying over: • 30 to 125 msa* • 10 to 30 msa • 2.5 to 10 msa • 0.5 to 2.5 msa • Up to 0.5 msa *millions of standard axles
Road works	See "Works for road purposes" definition below.
Special Engineering Difficulties (SED)	By virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified Area	That geographical area to which the Permit Scheme applies.
Specified Street	Those streets to which the Permit Scheme applies.
SROH	New Roads and Street Works Act 1991 Specification for the Reinstatement of Openings in Highways.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".

Street	As defined in Section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare: a) any highway, road, lane, footway, alley or passage; b) any square or court; any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in Section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions: a) if the street is a maintainable highway, the Highway Authority, and c) if the street is not a maintainable highway, the street managers".
Street works	As defined in Section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: a) placing apparatus; or b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	As stated in Section 50(1) of NRSWA, "the Highway Authority may grant a licence (a "street works licence") Permitting a person: a) to place, or to retain, maintain, adjust, repair, alter or b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic regulation order	This means an order made under Section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	A street designated by a Highway Authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.

Transport Authority	As defined in Section 91(1)(a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Temporary Traffic Regulation Order (TTRO)	This means an order made under Section 14 of the Road Traffic Regulation Act 1984 and amendments.
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or Section 19 of the above or by virtue of an order or direction under Section 10 of the above or under any other enactment".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	<p>Urgent activities are:</p> <p>a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required)</p> <p>(i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker;</p> <p>(ii) to avoid substantial loss to the undertaker in relation to an existing service; or</p> <p>(iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and</p> <p>Includes activity that cannot reasonably be separated or severed from such activities.</p>
Working day	b) As defined in Section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	Street works or Works for road purposes.
Works for road purposes	<p>As defined in Section 86(2) of NRSWA, "works for road purposes" means works of any of the following descriptions executed in relation to a highway:</p> <p>a) works for the maintenance of the highway;</p> <p>b) any works under powers conferred by Part V of the Highways Act 1980 (improvement);</p> <p>c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or</p> <p>d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles.</p>

NORTH SOMERSET PERMIT SCHEME FORMAL CONSULTATION REPORT

Document Information	
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CONSULTATION VERSION

1 INTRODUCTION

The formal consultation regarding the proposed North Somerset Permit Scheme (NSPS) ran for a period of eight weeks beginning on Monday 5 August 2019. The deadline for receipt of responses on Monday 30 September 2019.

It was stated in the consultation covering letter that all responses received by Monday 30 September 2019 would be taken into consideration and, if North Somerset Council consider it to be appropriate, amendments will be made to the draft North Somerset Permit Scheme.

The draft scheme document and accompanying covering letter was issued to over 200 key stakeholder organisations and individuals, including local neighbouring highway authorities, utilities, road user representative groups, current suppliers and non-government organisations. A full list of consultees is included in this document.

A total of 15 individual comments on the proposed Permit Scheme were received by the deadline. A list of comments received, and potential response or amendments are provided in this document.

1.1 LIST OF CONSULTEES WHO RESPONDED BY THE DEADLINE

Organisation
Geo Place (GP)
Department of Transport (DFT)
North Somerset Council - Highways (NSC-H)
Avon and Somerset Fire (ASF)
Network Rail (NR)
North Somerset Council - Transport (NSC-T)
Bristol Water PLC (BW)
Portishead Town Council (PTC)
Backwell Parish Council (BPC)
Banwell Parish Council (BaPC)
North Somerset Council - Highway Maintenance (NSC-HM)
Virgin Media (VM)
Western Power Distribution (WPD)
Openreach - South West (O-SW)
Skanska (Sk)

1.2 LIST OF CONSULTEES WHO RESPONDED AFTER THE DEADLINE

CentreGreat (CG).

2 CONSULTATION DISTRIBUTION LIST

For data protection reasons we have only listed the overall organisations contacted regarding the consultation. Within each organisation multiple people were contacted and asked to further share the documents within any colleagues wishing to comment.

The consultation was also hosted on North Somerset Council's E-Consult website portal for the duration of the 8 weeks.

Consultees
Openreach
Bristol Water
Environment Agency
Gigaclear
Gas Transportation Company (GTC)
Highways England
National Grid
Joint Authorities Group (JAG) UK
Network Rail
Royal Mail
Western Power Distribution
Truespeed
Virgin Media
Wales & West Utilities
Ambulance
Wessex Water
Road haulage association
Avon & Somerset Police
RAC
AA
Avon Fire & Rescue
Bristol Airport
Freight Transport Association
National Farmers Union
Department for Transport
Kier
Fulcrum Electrical/ Pipelines Limited
NHS
Fisher German Utilities
Dorset Council
South Gloucestershire Council
Gloucestershire Council
Wiltshire Council
Somerset Council
BANES
Barden Networks
Bristol City Council
West Sussex Council
Cornwall Council
Devon Council
Swindon Council
Westernpower
Plymouth Council
Torbay Council
Poole Council

Bournemouth Council
Hutchison 3G
Interoute
CM Utilities
Orange PCS Group
MM Contractors
Energetics Gas Limited
Energy Assets Networks Ltd
British Gas Connections
CityFibre
EUNETWORKS FIBER UK LTD
INSTALCOM on behalf of Gamma Telecom
ES Pipelines Ltd /CMU Infrastructure
GTC
Vodafone
Hibernia Atlantic UK Ltd
ESP Electricity Ltd/UK Power Solutions
ELGIN
Highways and transport group email
Parking Services
Waste and Recycling team
Skanska
Centregreat
Dynniq
Glendale
Biffa
All North Somerset Town and Parish Councils

3 GENERAL COMMENTS

Organisati on (initials)	Suggested amendment/ clarification/ comment/ question	Response/ action/ recommendation
BW	2.8 – Is this section relevant?	Removed.
BW	3.1 – Your annual permit evaluation will reflect that the scheme has provided benefits over noticing?	Noted. Thanks for your response.
O-SW	3.1 The objectives and benefits set out here will need to be reflected in the annual permit evaluation reports to demonstrate that the permit scheme has provided these benefits over and above the existing noticing regime.	Noted. Thanks for your response.
WPD	5.3 WPD would like confirmation that no permit fee will be charged when we are undertaking street lighting connections that fall into the 'Works for Road Purposes' classification. As per the High Court judgment, we would not accept any street works related penalties on any 'WFRP' activity.	Agreed.

7.11 – Early start. The North Somerset permit scheme needs to provide more detail in relation to the early start process. We suggest the process in the national guidance for the operation of permit schemes paragraph 7 – Early start process is utilised here (see extract below).

When it is known an early start is required before an application has been submitted. An application is submitted containing the dates the promoter proposes to work including notification comments explaining the reason behind the early start request. It is highly recommended that the promoter should telephone the authority to make them aware of the request, especially where the authority response period is after the requested start date.

O-SW

The Permit Authority can then Grant the permit if they accept the early start or Refuse the permit if the justification is not valid, or road space is not available.

When an application has already been submitted and then an early start is required. A permit variation should be submitted requesting the new dates for the proposed work including notification comments explaining the reason behind the early start request. It is highly recommended that the promoter should telephone the authority to make them aware of the request, especially where the authority response period is after the requested start date. The Permit Authority can then Grant the permit if they accept the early start or Refuse the permit if the justification is not valid, or if road space is not available.

Noted. Thanks for your feedback.

WPD	7.6 WPD would hope that North Somerset Council will act reasonably and grant permit extensions and extend reasonable periods when awaiting third party action. Some damage to other apparatus (e.g. ducts) is difficult to avoid when it is preventing access to our apparatus, especially in fault situations where we must restore the electricity supply to our customers in the shortest time possible.	Agreed.
O-SW	7.8 – Collaborative working. Openreach question the appropriateness of using “must” throughout this section and suggest ‘should’ is the correct legal term.	Agreed.
WPD	7.8 We welcome the focus on collaborative working; however, we will hope that North Somerset Council will be mindful of the practical challenges around this type of activity, and work with all activity promoters to encourage collaboration. The co-ordination meetings are key to the success of this. We question the appropriateness of “must” throughout this section and suggest “should” is the correct legal term.	Agreed.
BW	10.3 – EToN System Failure? How about Street Manager?	Noted.
VM	10.3 Virgin Media would like reference to Street Manager System placed in this section.	Noted.
WPD	10.3 Please reword this section to clarify this is for an EToN system failure and explain the protocol to be followed in the event of Street Manager system failure.	Noted.

NORTH SOMERSET COUNCIL

WPD	<p>10.9 In order to ensure this process works correctly, it will be important for North Somerset Council to follow the Section 58 & 58A process and ensure that the required notifications are served to all promoters so we are aware of the proposed restriction, when the restriction comes into force and when the restriction ends and the extent of the restriction (e.g. carriageway only). We are aware of the significant investment made all highway authorities and would not unnecessarily work on these streets unless there is no feasible or reasonable alternative. We would also like to remind North Somerset Council that under existing legislation there is no requirement to carry out any additional reinstatement outside the area excavated and do not expect this requirement to be imposed as this would be outside the scope of their powers.</p>	Noted. Thanks for your response.
DFT	<p>In 13.2 you refer to the conditions as set out by HAUC (England). This is not correct the conditions are a requirement set out in regulations (the amendment permit scheme regulations of 2015) and detailed in statutory guidance issued March 2015. This needs to be corrected.</p>	Amended.
WPD	<p>13.4 We would hope that North Somerset Council will act reasonably when considering whether to revoke a permit. Our view is that this action should be reserved for significant issues only.</p>	Noted and agreed. Thanks for your response.
WPD	<p>15.10 In our experience Permit Authorities have informally modified the application of this section. The references to "must" are taken from the withdrawn Code of Practice for Permits and do not appear in legislation; please clarify where the legal support for the use of "must" appears.</p>	Amended.
WPD	<p>15.13 We would hope that North Somerset Council will act reasonably when considering whether to revoke a permit. Our view is that this action should be reserved for significant issues only.</p>	Agreed.
WPD	<p>15.4 Typo – "Authorization" instead of "Authorisation".</p>	Amended.

WPD	<p>15.5-11 Permits encourage greater communication between Promoters and Authorities. Generally, we would be expecting to phone into the permit team to discuss extensions, early starts, Section 58 agreements, variations, conditions and collaborative works before we apply for permits on the system. Please ensure that your permit team is sufficiently resourced in order to be able to answer these calls and deal with the requests. Our permit fees are paying for a service, and we will expect to be able to communicate with you in order to work successfully within the permit scheme.</p>	Noted. Thanks for your response.
WPD	16.1 Needs rewording to be clearer.	Agreed and amended.
WPD	<p>23 Appendix A Reference to the 'Code of Practice for Permits' needs altering. This document has been withdrawn by the Department for Transport and has been partially replaced by both Statutory Guidance and the HAUC England Guidance on the Operation of a Permit Scheme. The 'Code of Practice for Permits' should not be referred to within this document as it is no longer available.</p>	Agreed and amended.

11 As per the 'Statutory Guidance for Highway Authority Permit Schemes' issued in October 2015 by the DfT the wording for information required in a permit is 'should' and not 'must'.

Please also review the HAUC England Guidance on the Operation of Permit Schemes document. Below is the relevant section in the Statutory Guidance to cross reference against.

11.2 Contact Person – see SG 3.36

12.10 Inspection Units – see SG 3.35

12.2 Description of Activity – see SG 3.28. Please be mindful of the 500-character limit.

12.3 Location – see SG 3.28.

12.4 Timing and Duration – see SG 3.29.

12.5 Illustration – see SG 3.30.

12.6 Techniques to be used for Underground Activities – see SG 3.31

12.7 Traffic Management and Traffic Regulation Orders – see SG 3.32. Please also note that for traffic management the granting of the permit includes giving of permission for placing of traffic management on the highway; therefore, the permit application is used to facilitate this. Ensure that the traffic management approval process and timelines are reviewed to ensure that this process falls into the permit application and grant process and is not separate.

12.8 Depth – see SG 3.33

12.9 Reinstatement Type – see SG 3.34. We can only give details of where we are planning to carry out interim reinstatement. Should unforeseen circumstances arise, this may be subject to change. It is not clear how this will be facilitated within Street Manager.

Agreed and amended.

1.1.1 – Permit Regs were amended in 2015 (not 2007)

Amended.

WPD

BW

VM	1.1.1 Virgin Media notes that you have not referred to the current Permit Regulations 2015 that superseded 2007 Regulations.	Amended.
BW	10.1.6 – Does not read well – should you mention a ref to grounds for refusal and codes?	Amended.
WPD	10.1.6 Needs rewording to be clearer.	Amended.
VM	10.10.1 Virgin Media would like it confirming on how the Permit Authority will contact Virgin Media if an error has occurred in the data of the Permit Register, (Phone call/ mail)	Electronically.
WPD	10.10.5 & 6 These sections may not encourage self-reporting of errors, to the detriment of the Register.	Paragraph removed.
VM	10.10.6 Virgin Media states that a variation fee cannot be paid by the Promoter unless the Permit has been granted.	Paragraph removed.
VM	10.2.1 Virgin Media would like to know how if the electronic systems/ internet has failed how would Virgin Media access a paper copy from the Highways and send.	See 10.3 System Failure for advice
BW	10.3.3 – MUST again, is this right?	Wording amended.
WPD	10.3.3 Please clarify that the use of “must” is legally correct and confirm where the number should be displayed.	Wording amended.
VM	12.5.2 Virgin Media believes that an illustration is not required on all Permits under this item.	Please refer to HAUC England guidance - permit document amended.
O-SW	12.6.1 – Technique to be used for activities. Openreach request that ‘must’ is removed and replaced with ‘should’, the technique used may not be known prior to the works starting so in some instances we may not be able to share that information.	Wording amended. An indication of the technique planned must be known to offer a reasonable duration on the permit. Emergency works are of course a matter for discussion.

WPD	<p>13.1.4 If there are any specific conditions that will always be required for works on specific streets it would be helpful if an indication could be given on the ASD, or through other means to support our planners and technicians in being able to plan in these requirements. This would help in both planning the works from a duration and a cost perspective, which is important when quoting customers, and will also help achieve the permit scheme's requirements without relying on Authority imposed Variations and the additional administrative burden that creates.</p>	Paragraph removed.
WPD	<p>13.1.5 Please note that whilst it may be helpful to have permit documentation on site, this is not an enforceable requirement and should not form part of an inspection. Compliance with the granted permit should be checked against the Permit Authority's own records. This section should be removed.</p>	Noted. Thank you for your comment
VM	<p>13.2.1 Virgin Media acknowledges that North Somerset will adopt Nationally Agreed Conditions Text.</p>	Noted. Thank you for your comment
WPD	<p>13.3.1 Regarding the warning for immediate activity on designated streets, please can you provide further details as to the way this will be presented on the ASD, and how the contact should take place? We will endeavour to support this request, however please note that this is not enforceable through penalties as again "must" is not correct.</p>	<p>Agreed and amended. The permit authority should be contacted immediately by telephone.</p>
WPD	<p>13.3.3 Please provide further information to substantiate this section, including where in legislation it is a requirement that "must justify why the activity has been categorised as immediate activities". There is a difference whether the works are emergency or urgent. We would generally use "immediate Urgent" and the works description provides the justification for this works category and should be adequate, as it has been under noticing.</p>	Paragraph removed.

WPD	13.3.5 In this section there is reference to the permit reference number; "The Permit reference number must be prominently displayed on the site information board for each set of works." In our experience, different Permit Authorities expect differing levels of detail in the number. Our permit reference numbers can be as long as 25 characters, where the unique element is 7. Please can you confirm what you expect to see on the site information board?	Amended - the full permit number is required to be displayed.
VM	13.5.1 Virgin Media believes this is the duty of the Permit Authority to alert the Utility of any conflicts of any other legislative bodies.	Noted. Thanks for your response.
WPD	13.5.2 We note that the scheme suggests that if we have safety concerns about conditions set by the Authority we should challenge these. Please can you provide assurances that these challenges will be considered and learnt from; conditions should not be unreasonably imposed and should be relevant and necessary for those specific works.	Noted and agreed. Thanks for your response. .
WPD	15.11.1 This information will be provided only if needed, and only in the format allowed in EToN or Street Manager, and as per previous comments is a "should" and not a "must".	Paragraph removed.
WPD	15.2.2 Please clarify the offence referred to in this section.	Section 74 overrun charges. Clarified
WPD	15.4.2 The term "must inform...immediately" needs revising, as "must" is only for legally enforceable actions, and "immediately" means without delay. Sometimes the changes will be made at the permit application stage, which can be months later – significant changes to location or dates should be discussed with the PA at the earliest opportunity.	Agreed and amended.

WPD	<p>17.1.1.i Please note, as per Regulations, as PAA is chargeable when the Permit Application is made. Furthermore, the DfT 'Statutory Guidance for Highway Authority Permit' also states on page 29 adjacent to the fee structure for PAAs: "It is suggested this fee applies only where value has been added in processing the works". Therefore, we would not expect to be charged for a PAA, only for the subsequent Permit Application to be rejected or require significant alterations – this includes any traffic management provision.</p>	Agreed.
VM	<p>17.2.3.i. Virgin Media would like the clarification of the term but on a scale comparative to one street, are submitted at the same time.</p>	Where works are being carried out in an area less than 200m long and are applicable to multiple URNS a discount will apply.
VM	<p>17.2.3.iv. Virgin Media welcomes the purposed discount if demonstrated that a network investment program is being undertaken to meet customer demand.</p>	Noted. Thanks for your response.
WPD	<p>17.2.3.i Please clarify what is meant by "but on a scale comparative to one street"? Please also confirm the arrangements for collaborative works. This section reads that a discount will only be given if all permits (including those applied for by North Somerset Council) are submitted on the same day. In practice this is not always possible, and if this is the only approach to get a discount for collaboration it will be counterproductive. Please consider other scenarios such as SU1 carrying out long term major works, and SU2 needs to collaborate to carry out minor works in the same work space. Please also elaborate on the discount for economic benefit, to cover what types of activities this would actually cover and how this would be administered.</p>	Where works are being carried out in an area less than 200m long and are applicable to multiple URNS a discount will apply.

WPD	17.2.3.iii The Traffic Management Permit Scheme (England) Regulations 2015 (amended from 2007) includes Regulation 30(3A) so there should be a discount for Category 0, 1 or 2 streets when working wholly outside traffic-sensitive times. If the traffic-sensitive designation on all Category 0, 1 or 2 streets is completely covering 24 hours a day, 365 days a year then the designations will need to be reviewed.	Noted - Streets with 24 hours a day restriction will be amended accordingly.
VM	18.2.4 Virgin Media would like clarification of what offences which run alongside the Permit Scheme under NRSWA will still apply and action will be taken.	North Somerset will refer to current legislation with regard to potential offences.
VM	19.1.2 Virgin Media disagrees with this item , as our works are customer led of which we have timescales to meet but agree with item 19.1.1 for issues to be resolved locally	Noted. Thanks for your response.
BW	2.2.1 -- TMA reference? Superseded by Permit Guidance	Amended.
VM	2.2.1 Virgin Media disagree with this as Traffic Management Act 2004; (TMA) has been replaced by The Permit Guidance Document.	Amended.
BW	2.3.3 – CofP for Permits withdrawn in 2015	Removed.
O-SW	2.3.3 – The Permit Scheme. The Code of Practice for Permits was withdrawn on 17th May 2016 and as such should not be referred to in the North Somerset permit scheme document.	Removed.
VM	2.3.3. Virgin Media would like to point out that the Code Of Practice for Permits was withdrawn in 2015.This needs to be taken out of the final document.	Removed.
WPD	2.3.3 Reference to the “Code of Practice for Permits” needs removing, as this Code was withdrawn by the DfT in 2015. Where the scheme has not covered an element of permit administration WPD will work in accordance with the relevant Regulations, the DfT Statutory Guidance and the HAUC will work in accordance with the relevant Regulations, the DfT Statutory Guidance and the HAUC England Guidance on the Operation of Permit Schemes issued in February 2017 and endorsed by the DfT	Removed.

VM	2.3.5 Virgin Media acknowledges the proposed start date of implementation of the New Permit Scheme of 1 st April 2020.	Noted. Thanks for your response.
WPD	2.3.5 We are pleased to see a confirmed start date of 1st April 2020; this will help our business planning given that Street Manager may also go live on that date.	Noted. Thanks for your response.
BW	2.6.3 – Sector agreed conditions only?	Noted. Thanks for your response.
BW	2.6.6 – Streets not Roads	Amended.
VM	2.6.6 Virgin Media are disappointed that the North Somerset Permit Scheme and associated fees will apply to all classification of roads. If the council chooses to apply permits to 100% of streets, contrary to advice from Ministers, Virgin Media requests that North Somerset Council grant permits for category 3 and 4 roads by default and for those permits to be at zero fee levels.	Noted. Thanks for your response. .
WPD	2.6.6 Regulation 8 refers to “streets” and not roads.	Amended.
BW	2.7.1 – Not relevant here?	Paragraph removed.
WPD	2.7.1 Reference to “Associated Street Data (ASD)” should be corrected to “Additional Street Data ASD)”. Reference to “NRSWA Reinstatement Specification” also needs altering to the correct document title.	Paragraph removed.
WPD	2.8.4 Frequency of reports is not stated.	Paragraph removed.

WPD	20.1.2 Please provide further details as to how the register will be made available electronically to Promoters?	By means in use at the time (e.g. One Network is the system available to view current and future works)
WPD	21.1.1 The Authority "must" provide at least four weeks' notice as per Regulation 17 of the Permit Scheme regulations.	Noted. Thanks for your response.
VM	21.1.7 Virgin Media acknowledges that any FPN'S will be suspended for the first month of North Somerset Council commencement of their new Permit Scheme when it comes into force.	Noted. Thanks for your response.
WPD	21.1.7 We welcome the suspension of Fixed Penalty Notices for the first month of the scheme operations. In our experience all parties need time to settle in to the new way of working.	Noted. Thanks for your response.
WPD	21.1.8 Please provide details of the "extensive testing of systems" that has happened or is planned to happen in advance of the scheme commencement. As the new Street Manager system may go live on 31st March 2020 this needs considering to ensure a smooth transition not only to permits but also between systems.	North Somerset Council will seek partners for testing of all systems including electronic communications. .
VM	3.13, 3.1.4 Virgin Media agrees with the key factors highlighted regarding better planning, scheduling and management of activities to minimise disruption to any road user or pavement user. Virgin Media agrees that an overall drive to further improve the timing and duration of works to minimise disruption, where safe and practical to do so is a good thing however believe the current co-ordination process allows for this without the need for a permit scheme. Virgin Media already promote improvements to timing and duration of works and there are many examples of innovation in working practices that have resulted in reduced occupation of the highway – advanced planning, use of minimum-dig technology and shared or sequential occupation of the carriageway etc.	Noted. Thanks for your response.

VM	3.1.5 Virgin Media disagrees that a Permit Scheme will ultimately reduce congestion on the road network. How will a safer environment be promoted as a Permit Scheme does not relate to Section 65 NRSWA?	Please refer to the DfT Street Works Permit Scheme Evaluation of Effectiveness Report >> https://www.gov.uk/government/publications/street-works-permit-schemes-evaluation-of-effectiveness
BW	4.2.1 – Can you clarify this sentence please?	See definition of terms in appendix A.
BW	5.1.1 – CofP permits need removing	Amended.
VM	5.1.1 Virgin Media believe that The Code Of Permits should be replaced by the correct wording of Regulations and the HAUC England Guidance on the Operation of Permit Schemes issued in February 2017.	Amended.
WPD	5.1.1 Reference to the “Code of Practice for Permits” needs removing.	Amended.
BW	5.1.2 – part c – please remove – TTC is not a registerable activity (HAUC UK Advice Note 2017/03)	Amended.
O-SW	5.1.2 – Activities requiring a permit. Openreach request that section (c) is removed, HAUC UK Advice Note 2017/03 explains that provision of temporary traffic control is not in itself a registerable activity, as it is not included in the 2007 Regulations (SI 1951).	Amended.
VM	5.1.2. Virgin Media would like item (C) taken out 5.1.2 due to HAUC UK Advice Note 2017/03 explains that provision of temporary traffic control is not in itself a registerable activity, as it is not included in the 2007 Regulations.	Amended.
WPD	5.1.2 HAUC UK Advice Note 2017/03 explains that provision of temporary traffic control is not in itself a registerable activity, as it is not included in the 2007 Regulations (SI 1951). WPD would work to the guidance in this advice note and the HAUC England Guidance on the Operation of Permit Schemes document.	Amended.

VM	6.2.2 Virgin Media would like to add lifting chamber lids to enable cable pulling/surveying as per the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.	Amended.
WPD	7.10.1 Please ensure this section aligns with the National Condition 01A.	Noted - thanks for your response.
WPD	7.10.2 We understand the validity rules for category 3 & 4 streets; however the administration of these (as covered in the 'Statutory Guidance for Highway Authority Permit Schemes 3.12 and the withdrawn 'Code of Practice for Permits') is not straightforward. There may be some disconnect between systems, the guidance and practical ways of working. Please ensure this section aligns with National Condition 01B.	Noted - thanks for your response.
BW	7.11.3 – MUST again? Also is this mandatory?	Amended.
WPD	7.11.3 The use of "must" is not correct.	Amended.
VM	7.13.2 Virgin Media would like more information on how the Permit Authority would serve a FPN as there is no Permit in place. Virgin Media would require photos etc. as back up evidence of the works taking place before FPN sent.	Supporting evidence would be sent with the FPN.
BW	7.2.1 – should it say MUST? Also suggest moving Section 11 to this point?	Paragraph removed.
VM	7.2.1 Virgin Media views that these comments are incorrect as not all Permit Applications will be applicable to Section 11 on each individual	Paragraph removed.
WPD	7.2.1 As per the 'Statutory Guidance for Highway Authority Permit Schemes' issued in October 2015 by the DfT the wording for information required in a permit is 'should' and not 'must'. Please also review the HAUC England Guidance on the Operation of Permit Schemes document. Please the scheme to reflect the correct wording in the Statutory Guidance ensuring that all "must", "should" and "may" references are used as defined in Regulation.	Paragraph removed.

BW	7.3.1 - Major works maybe more than one street?	One permit can only cover works on one street USRN - Para 1.2 https://www.jaguk.org/documents/48947/409754/National+guidance+for+Permit+Scheme/e9e157e2-223e-4ece-990f-36f1a8d54a3d
VM	7.3.1 Virgin Media states that there can be more than one street in one application especially for any major works.	One permit can only cover works on one street USRN - Para 1.2 https://www.jaguk.org/documents/48947/409754/National+guidance+for+Permit+Scheme/e9e157e2-223e-4ece-990f-36f1a8d54a3d
VM	7.3.4 Virgin Media acknowledges that specified activities which involve several Permits will be discounted when the applications are submitted together.	Noted. Thanks for your feedback.
BW	7.4.3 – How about immediate works – is this always possible?	It is possible as an update to a permit.
WPD	7.4.3 Use of “must” where “should” is appropriate.	Amended.
VM	7.6.3 Virgin Media disagrees that if a permit is revoked by the HA due to an incident beyond the control of a utility then the utility would not expect to pay for the current or future permit for these works.	This will be reviewed on a case-by-case basis.
WPD	7.6.3 Only where this is feasible to do and complies with the electricity industry standards around works on electricity cables.	Noted.
WPD	7.7.2 This paragraph does not read particularly clearly and perhaps could be reworded. The use of must in the part of the sentence “then the Permit Application to the Permit Authority must identify the activity in the other Authority area so that the Permit Authority can liaise with them.” is not a legislative requirement, and the scheme document does not explain how in practice this can be provided via the system.	Agreed and amended. Streetworks systems are being developed. Highway work with promoters and neighbouring authorities to manage this.
VM	7.8.5 Virgin Media acknowledges the reduced fees when collaborative working with other Promoters can be done.	Noted. Thanks for your response.
WPD	7.9.1 If read in isolation, this appears to require a new permit (with a cross reference) rather than a new phase as required in 7.4.1.	Agreed and amended.
WPD	8.2.6 The use of “must” is not correct.	Agreed and amended.

BW	8.3.4 – Only persons of Interest listed on the NSG will receive it?	Amended.
WPD	9.2.4 The use of “must” is not correct.	Agreed and amended.
WPD	9.3.2 The use of “must” is not correct.	Agreed and amended.
WPD	9.4.2 The use of “must” is not correct.	Agreed and amended.
BW	9.5.2 – MUST again? – if all details are on the NSG then best endeavours	Agreed and amended.
WPD	9.5.2 Regarding the warning for immediate activity on designated streets, please can you provide further details as to the way this will be presented on the ASD, and how the contact should take place? We will endeavour to support this request, however please note that the use of “must” is not correct and this is not enforceable through penalties.	Agreed and amended. The street will be identified on the Gazettear with a contact number.
WPD	9.5.5 Please provide further information to substantiate this section, including where in legislation it is a requirement that “the Promoter must demonstrate conclusively that it is”. There is a whether the works are emergency or urgent. We would generally use “Immediate Urgent” and the works description provides the justification for this works category and should be adequate, as it has been under noticing.	This request will be dealt with on a site-by-site basis.
ASF	I would just like to confirm that the process for notification of roadworks occurring will remain the same? Either through email or Elgin Roadworks.org	Information relating to road works for statutory consultees will be via email or through the current working system (One. Network - which has replaced roadworks.org)
BaPC	At their meeting on the 16 th September 2019, Banwell Parish Council voted to support your draft permit scheme for road works and street works. It was felt this would enable our parishioners to have more information about when work is planned and can plan accordingly.	Noted. Thanks for your response.
BPC	BPC feel that there are sensible fees charged when other bodies other than NSC wish to carry out roadworks of any description.	Noted. Thanks for your response.
BPC	Page 1 fee policy 111. Where it says ‘failed to respond within the time limit’ it should not be free, but a reduced fee charged instead	Noted. Thanks for your response.

BPC	BPC assumes that the draft document covers sufficient notice of those works and the time line required to complete them, and that NSC make every effort to condense those works where multi organisations are working on the same stretch of motorway work together to minimise disruption to pedestrians and general traffic.	NSC will do for the road network, however we are not responsible for motorways that's a Highways England agent role and they use notices
BPC	In order to keep traffic moving, especially at peak rush hour times, on specific roads like the A38 and the A370, any temporary traffic lights or lane reductions because of those roadworks should be minimised just for those peak rush hour times.	Noted. Thanks for your feedback.
BW	Should there be the Cost Benefit (and cost to benefit ratio) as part of the consultation to everyone?	This was covered in the Executive Summary.
BW	And finally disappointed in use of the max fees here, especially when looking at other HA's permit consultations.	North Somerset Council have used the DfT fees matrix to develop the fee structure.
DFT	Your document refers to the technical specification but it does not say of what – it might be helpful to use the wording provided by HAUC (England) concerning the move from EToN to Street Manager for receiving and issuing permits.	This has been amended to reflect HAUC advice.
DFT	You might wish to double check your document to ensure it is future proofed in relation to the updating of the Co-Ordination Code of Practice and likely changes to the March & October 2015 Statutory Guidance etc.	Noted. Thanks for your response
DFT	Wednesday as the middle of the week is a good start time for a scheme. Good luck for 1 st April.	Noted. Thanks for your response.
GP	Before I read the whole document a quick question, have you an executive summary of the CBA which accompanies this. Normally this is part of the consultation information and would give stakeholders some view on costs and how you have reached the fee levels.	Executive summary has been shared

NR	As Network Rail's highways interface Manager for Western Route I have read your Traffic Sensitive Review document and have no objection or revision requests to submit.	Noted. Thanks for your response.
NR	I note the proposed commencement date for your permit scheme is April 2020. I have read your North Somerset permit Scheme and have no objection or revision request to submit.	Noted. Thanks for your response.
O-SW	Permit Fees. Openreach strongly oppose the fee levels set for category 3 and 4 streets; Para 3.3 of the DfT Advice Note for local highway authorities developing new or varying existing permit schemes states "unless there is a very strong benefit case otherwise; it is strongly recommended that permit fees are only applied to the more strategically significant roads: Category 1, 2 roads and Traffic Sensitive Street roads. This will mean that although permits would still be required for works on non-strategic routes, it should be very unlikely that these works would attract a permit fee. These permit applications would receive only 'notice' equivalent treatment by the authority." By setting the fees at the proposed levels Openreach would have to seriously consider future projects for G-Fast and Superfast Broadband rollout in North Somerset to be not commercially viable. An alternative is for consumer prices to be increased to cover the cost of permit fees. As a balanced view Openreach would support the higher levels of fees on strategically significant streets i.e. cat 0 -2 and traffic sensitive streets if this will help the authority cover the costs of running a permit scheme.	Fees will be reviewed as per the HAUC guidance. Thanks for your comments.
O-SW	Marchfields Way – 47817150 – Propose 7am-7pm designation	Agreed.
O-SW	Winterstoke Road – 47830183 – Propose 7am-7pm designation	Agreed.
O-SW	Alfred Street – 47806152 – Agree with the proposed designation	Noted. Thanks for your response.
O-SW	High Street (Worle) – 47806121 – Propose 7am-7pm designation	Agreed.

O-SW	Wolvershill Road – 47818007 – Agree with the proposed designation	Noted. Thanks for your response.
O-SW	Churchland Way – 47850288 – Agree with the proposed designation	Noted. Thanks for your response.
O-SW	(B3129) Beggar Bush Lane – 47830014 - Agree with the proposed designation	Noted. Thanks for your response.
O-SW	Elton Road – 47805722 – Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	Bellevue Road – 47817347 - Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	Hill Road – 47830201 – Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	Marine Hill - 47830107 – Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	Marine Parade - 47822182 – Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	The Beach - 47805655 – Do not agree with the proposed designation.	Noted. Removed from proposals.
O-SW	(A369) Martcombe Road – 47830109 - Propose 7am-7pm designation	Agreed.
O-SW	(A369) Haberfield Hill – 47816883 - Propose 7am-7pm designation	Agreed.
O-SW	(A369) Pill Road – 47830131 - Propose 7am-7pm designation	Agreed.
O-SW	(A369) Abbotts Leigh Road – 47830001 - Propose 7am-7pm designation	Agreed.
O-SW	(A369) Abbotts Leigh Road – 47850321 - Propose 7am-7pm designation	Agreed.
O-SW	(A369) Rownham Hill – 47817661 - Propose 7am-7pm designation	Agreed.

O-SW	West Dock Road – 47804589 – Agree with the proposed designation.	Noted. Thanks for your response.
O-SW	Royal Portbury Dock Road roundabout – 47821523 – Agree with the proposed designation.	Noted. Thanks for your response.
O-SW	Openreach do not support your decision to make Elton Road, Bellevue Road, Hill Road, Marine Hill, Marine Parade and The Beach traffic sensitive under criteria 1. It is not appropriate for streets to be classified as traffic sensitive with the only justification being that they contribute to the area covered by the summer embargo. The new permit scheme will allow more control over permission, approval and control on timings and locations of works and therefore it is unnecessary for these streets to be designated as traffic sensitive. Openreach will always endeavour to work with the Highway Authority to programme works in around such events.	Agreed.
O-SW	A traffic sensitive designation does not remove the ability for statutory undertakers to carry out works, it makes it more costly for them to do so. Openreach request that 24/7 designations are limited to only the busiest of streets as in these instances we have no opportunity to work outside of the traffic sensitive period, therefore there's little incentive for us to plan our works at the most convenient times for traffic flow thus resulting in limited benefit to the Highway Authority.	Noted - Streets with 24 hours a day restriction will be amended accordingly.
PTC	Portishead Town Council's Planning & Regulatory committee met on 04/09/19 and discussed the above scheme under Minute No. PL767 and responds: the consultation is noted.	Noted. Thanks for your response.
VM	Note Virgin Media are disappointed that North Somerset Council are charging maximum fees on all roads within their Proposed Permit Scheme.	North Somerset Council have used the DfT fees matrix to develop the fee structure.
VM	Note The words referred to as (must), should be replaced with the word (should) throughout the document as this is the legal term due to Statutory Guidance for Highway Authority Permit Schemes dated Oct 2015 by DfT.	Agreed and amended.

WPD	<p>We are pleased that the Permit Scheme document is of a reasonable length, without unnecessary duplication.</p>	<p>Noted. Thanks for your response.</p>
WPD	<p>Permit Fees WPD note that the permit fees are set at the maximum allowable level, with a discount for working wholly outside traffic sensitive times and/or locations on Category 3 & 4 streets. The discount for working on a Category 0, 1 or 2 street wholly outside traffic sensitive times (as required under Regulation 30(3A) of the Traffic Management Permit Scheme Regulations (2015)) is not shown in the fee matrix table. The permit fees are already set at the maximum allowable rate; therefore "inflationary rates" seems unnecessary.</p>	<p>Noted. Thanks for your response.</p>
WPD	<p>Only an Executive Summary was provided on 19th September, with no detailed cost benefit analysis included in the consultation sent out by North Somerset Council on 5th August 2019. The Executive Summary CBA seems to indicate that staff levels will increase from 1.9 FTE to 6 FTE in order "to deal with permit assessment, co-ordination and compliance/inspection, a total of 6 FTE officers will be required." Elsewhere in the document it refers to North Somerset's own works currently totalling 18% of registerable activity and this is expected to increase to 25%. Permit Fees can only recover the cost of the assessment and administration of permit applications, over and above the work currently undertaken for notices submitted by Statutory Undertakers, and cannot include inspection costs. Please provide evidence that the permit fees proposed are set at a level to recoup recoverable costs.</p>	<p>Noted. Additional information will be sent out with the consultation response.</p>
CG	<p>Having discussed the permit scheme in detail with Centregreat at last weeks contract meeting, they are happy with all elements and have no additional comments to make.</p>	<p>Noted. Thank you for your comment.</p>