

# North Yorkshire Permit Scheme



**NYoPS**

**2017**

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## 1 Introduction

### 1.1 Background

- 1.1.1 The North Yorkshire Permit Scheme (hereafter referred to as 'NYoPS' or 'The Scheme') has been developed and is in accordance with the powers provided in Part 3 of the Traffic Management Act 2004 ("TMA") and the Traffic Management Permit Scheme (England) Regulations 2007 ("the 2007 Regulations"), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 ("the Amendment Regulations").
- 1.1.2 In preparing this permit scheme, North Yorkshire County Council (hereafter referred to as 'the Authority') have had regard to the guidance issued by the Secretary of State and the Department for Transport contained in the Statutory Guidance for Highway Authority Permit Schemes (October 2015) and the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015)

### 1.2 Relationship to NRSWA 1991

- 1.2.1 The NYoPS replaces the current 'noticing' system under the New Roads and Street Works Act 1991 ("NRSWA") and will operate in a manner that demonstrates parity between applicants at all times and those departments dealing with permits and coordination will be separated from other highways activities.
- 1.3 Provisions of NRSWA that have been dis-applied and modified are set out in Appendix B. Activities licensed under Section 50 of NRSWA do not require permits and such activities will continue to be subject to those requirements of NRSWA as set out in *The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007* and the *Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters*, and as subsequently amended.

### 1.4 The Permit Scheme

- 1.4.1 The Authority having prepared this scheme and prior to giving effect to this scheme have ensured that a full consultation in relation to the scheme was carried out which includes those stakeholders that are set out in Regulation 3.
- 1.4.2 The NYoPS will come into effect from **October 4th 2017** will be reviewed annually in accordance with Regulation 16A.

## 2 Key Scheme Objectives

2.1 The scheme's primary objectives are:

- Increase the efficient running of the highway network through proactive management of activities on the highway
- Improve the quality and timeliness of information received from all activity promoters
- Encourage a proactive approach to planning and undertaking of works on the highway
- Protect the structure of the street and the integrity of apparatus in it
- Ensure the safety of those using the street and those working on activities that fall under the scheme, with particular emphasis on people with disabilities
- Ensure parity of treatment for all activity promoters

2.2 As required by regulations the Authority will provide metrics to show how the scheme is being operated and to measure whether the objectives are being met.

2.3 The performance metrics will be based upon statutory Traffic Performance Indicators that will enable The Authority to monitor their own performance.

2.4 All the Authority and statutory undertaker activities will be included to show operational parity.

### 2.5 Measuring the objectives

2.5.1 Regulation 4(d) requires the Authority to describe how they will evaluate the scheme.

2.5.2 The metrics that will be used to measure how the scheme is performing will be based upon Traffic Performance Indicators (TPI's) developed by HAUC (see APPENDIX E)

2.5.3 TPI's will be published monthly by the Authority and will be made available in a raw format (without additional analysis) on their website and at performance and coordination meetings.

2.5.4 An annual report will be produced by the Authority, where the TPIs will be analysed more fully to evaluate the scheme. As a minimum, the NYoPS will be evaluated every 12 months of operation for the first 3 years and then every three years thereafter as required by Regulation 16A.

2.5.5 The outcome of the evaluation shall be made available to the persons referred to in Regulation 3(1) within 3 months of the relevant anniversary.

### **3 Scope of Permit Scheme**

#### **3.1 Streets covered in the NYoPS**

- 3.1.1 As required by Regulation 7, the “specified area” will be the geographical area encompassed by the Authority’s boundary.
- 3.1.2 All streets maintained by, or on behalf of, the Authority are included within this scheme as set out in Regulation 8. These are available on request and are identified within the authority’s Additional Street Data (ASD).
- 3.1.3 Trunk roads and motorways for which the Highways England is the highway authority are not included in the scheme.
- 3.1.4 Privately maintained streets are not included in this scheme but will be added if they are subsequently adopted by the Authority and will be shown as such within the local street gazetteer.
- 3.1.5 Activities on privately maintained streets will be recorded on the authority’s Street Works Register as notices under Section 53 of NRSWA.

#### **3.2 Street Gazetteer**

- 3.2.1 For the purposes of the NYoPS the term “street” refers to a length of highway associated with a Unique Street Reference Number (USRN).
- 3.2.2 The Authority will maintain and publish a gazetteer of all streets operating under the permit scheme to level 3 standard (as defined under BS7666) including the USRN and additional street data (ASD) which will contain the information required by, and defined in, the Technical Specification for EToN.

#### **3.3 Reinstatement designation**

- 3.3.1 Reinstatement categories are defined in Section 1.3 of the statutory Specification for the Reinstatement of Openings in Highways (SROH) and are the same as those used under NRSWA. Designations for each street in the local street gazetteer will be provided in the authority’s ASD.

#### **3.4 Traffic-sensitive streets**

- 3.4.1 Traffic-sensitive streets are defined under Regulation 16 of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

#### **3.5 Other designations**

- 3.5.1 Where a street or section of street requires the consultation with another organisation, for instance areas of archaeological or environmental importance or sensitivity, sites affecting the Ministry of Defence etc., this will also be recorded in the authority’s ASD.

## 4 The Register

4.1 In accordance with Section 7 of The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, The Authority will maintain a register of each street covered in their scheme, as well as a register under Section 53 of NRSWA for other street information that are not part of the NYoPS.

4.2 The permit register must record:

- copies of all Provisional Advance Authorisation, permit and permit variation applications submitted to the permit authority relating to registerable activities in any street
- copies of all permits and Provisional Advance Authorisations given by the authority, including conditions attached as well as all variations to permits and conditions including any permits "deemed" granted
- copies of all revoked permits, refused Provisional Advance Authorisations and refused permits, together with the reasons for such refusals;
- copies of all notices, consents and directions served by a street authority under section 58 or 58A of NRSWA;
- copies of all notices served by a promoter under sections 58 and 58A of NRSWA
- copies of all notices given under section 74 of NRSWA
- description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties)
- particulars of notices given by any relevant authority under Schedule 4 of NRSWA
- particulars of street works licences under section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- information under section 70(3) and (4A) of NRSWA as to completion of reinstatements;
- particulars of apparatus notified to the street authority under section 80(2) of NRSWA;
- every notice of works pursuant to section 85(2) of NRSWA;
- details of every street for which the local highway authority are the street authority;
- details of every street which is a prospectively maintainable highway over which a permit scheme would operate;
- details of every street over which a permit scheme would operate, of which the local authority is aware, which is a highway but for which it is not the highway authority;
- details of every street which is a) a protected street; b) a street with special engineering difficulties; c) a traffic-sensitive street.

The Authority should ensure that the register also includes the following items, which are contained within the ASD:

- the road category of each street;
- details of every street where early notification of immediate activities is required.

4.3 Access to the register will comply with regulation 34, Part 7 of the Regulations.

## 5 Activities Covered by the Permit Scheme

- 5.1.1 For the purposes of the NYoPS, Specified Works are any activities falling within the definition of “registerable activities” as defined in The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007 and any subsequent amendments. This applies equally to streets works as defined by Section 48(3) of NRSWA and works for road purposes as defined by Section 86(2) of NRSWA.
- 5.1.2 The term “specified works” is used generically in the permit regulations therefore, the term “activity” is used in this scheme to encompass any registerable activity that requires a permit.
- 5.1.3 The term “activity” also anticipates subsequent sets of regulations which may extend the scope of permit schemes to other activities on the street.

### 5.2 Registerable activities

5.2.1 The following works are registerable and therefore Specified Works for all promoters and information related to them has to be recorded on the register and may only take place with a valid permit.

- all activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation)
- all activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times
- all activities that require the use of any form of temporary traffic management as defined in the Code of Practice for Safety at Street Works and Road Works
- all activities that reduce the number of lanes available on a carriageway of three or more lanes
- all activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities
- all activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time

#### 5.2.2 Registerable works also include:

- Bar Holes which are used to detect and monitor gas leaks. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under Section 70 (3) of NRSWA should be sent within 10 days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration for registration purposes.
  - An application for a Permit in respect of a bar hole must be made within two hours of the commencement of any other registerable activity (i.e. excavation, or any other activity defined above) associated with the bar holes. In this latter case, these bar holes will not count as further excavations and reinstatements for the purpose of registrations but will be incorporated with the registerable activity. All bar holes must be reinstated and registered when work on site is complete.
- Works for Road Purposes. All works carried out by the Authority are works for road purposes and require a permit if they fall under the definition of registerable
- Other Highways Activities. Works and repairs for District and Parish Councils acting on their own account and not on behalf of the Authority, including works on street

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lighting etc, are considered as street works and thus will attract the same charges and penalties as any other statutory undertaker.

- 5.2.3 Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of the rules above relating to traffic management impact apply.

### 5.3 Non registerable activities

- 5.3.1 The following works are not classed as registerable and therefore are not Specified Works:

- 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 flow;
- Pole testing which does not involve excavation does not require a permit;
- Road marking works that are not part of other works do not require a Permit and are not required to be registered when the above criteria does not apply; and
- Testing of water hydrants, provided the work is done outside traffic-sensitive periods.

- 5.3.2 Section 50 licences do not require a permit as defined in the regulations, however a licence will be issued in line with the permitting requirements of the NYoPS and the activity will be entered onto the Street Works Register to aid coordination.

### 5.4 Criminal Offence

- 5.4.1 All registerable activities for which a Permit is required and has not been sought and granted cannot be carried out without committing an offence (see Chapter 16).

## 6 Permit Application Types

### 6.1 Permit application types

6.1.1 NYoPS allows two types of application:

- Provisional Advance Authorisation (PAA). These are used only for major activities (as defined in regulations) which are likely to be large and/or more disruptive and provide advance notice but not necessarily with full details of the final activity. PAAs are similar to Section 54 notices under NRSWA.
- Permit Application (PA). These will contain fully accurate and timely details as prescribed and will be required for all registerable activities (a PA must also be submitted once a PAA has been applied for). These are similar to Section 55 notices under NRSWA.

### 6.2 Provisional advance authorisations (PAAs)

6.2.1 The PAA must be applied for not less than three months in advance of the proposed commencement date of those works or as agreed with the Authority.

6.2.2 The Authority must respond to an application for a PAA within one calendar month from the date the application is received by the Authority. The response may either grant the PAA or refuse it, giving reasons.

6.2.3 A PAA may only contain one street or USRN.

6.2.4 All PAAs must comply with the definitive format and content of both paper and electronic permit applications given in the ETON technical specification or subsequent amendments. This includes the requirement that a copy PAA is sent to any interested parties or organisations as detailed within the authority's ASD.

6.2.5 The information required in support of an application for a PAA is set out below. It is recognised that comprehensive information may not be known at this early stage and likely to change, however as much detail should be provided as possible to enable the Authority to adequately assess the submission.

- location of activity
- proposed start and end dates
- an outline description
- times of working, including hours of the day and any weekend provisions
- the road space occupancy
- method of working
- traffic management

6.2.6 A PAA may only contain one street or USRN. A PAA cannot be varied, only resubmitted. The Authority may therefore decide that a new PAA is required if the changes are significant. Alternatively, if the Authority feels the changes are less significant then these changes can be made as part of the full permit application.

6.2.7 In accordance with Regulation 11(5), the granting of the PAA does not guarantee that a Permit will be subsequently issued, particularly if the Authority feels that the activity promoter has not provided suitable detail or where dates have changed so significantly they clash with another activity.

## 7 Permit Activity Categories

### 7.1 Activity Categories

7.1.1 The NYoPS applies to the following works categories, as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. Application periods are set out in table 1, section 8.

### 7.2 Major activities

7.2.1 Major activities are those that:

- have been identified in an activity promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity; or,
- require a Temporary Traffic Regulation Order (not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other registerable activities other than immediate activities; or,
- have a duration of 11 days or more, other than immediate activities

### 7.3 Standard activities

7.3.1 Standard activities are those activities, other than immediate or major activities, that have a planned duration of between four and ten days inclusive.

### 7.4 Minor activities

7.4.1 Minor activities are those activities, other than immediate or major activities, where the planned duration is three days or less.

### 7.5 Immediate activities

7.5.1 Immediate Activities are either emergency works or urgent works:

7.5.2 Emergency works, which are defined in Section 52 of NRSWA, are works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property.

7.5.3 Urgent activities are defined in the regulations as activities:

- (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):
- to prevent or put an end to an unplanned interruption of any supply or service provided by the activity promoter;
- to avoid substantial loss to the activity promoter in relation to an existing service; or,
- to reconnect supplies or services where the activity promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,
- includes works that cannot reasonably be severed from such works

## 8 Issuing a Permit and Other Responses

### 8.1 Permit responses

8.1.1 In accordance with Regulation 16 the Authority will respond to all permit applications within the timescale set out in table 1 below. A response corresponds to an EToN notification of Grant Permit or Refuse Permit or Permit Modification Request, or any other required future EToN notification.

8.1.2 The Authority must act reasonably in reaching decisions with respect to applications for a permit. In particular they will consider whether issuing the permit will accord with their statutory duties to co-ordinate and to manage the network and the objectives of the NYoPS.

ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response time for issuing a permit or seeking further information or discussion		Response time for responding to applications for permit variations
	PAA	PA		PAA	PA	
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	2 days
Minor	N/A	3 days		N/A	2 days	2 days
Immediate	N/A	2 hours after		N/A	2 days	2 days
Notes: "days" in the above table refer to working days as defined in NRSWA and the permit regulations. These timescales may be subject to amendment by legislation.						

Table 1.

8.1.3 Table 1 provides minimum application timescales for PAAs and permit applications. Larger activities or those on traffic sensitive streets will have the potential to be more disruptive and therefore require a longer notice period to enable planning and coordination to take place.

### 8.2 EToN system failures

8.2.1 Where there is a failure of the Authority or a promoter EToN system, the Authority will implement an interim alternative strategy for managing permit applications, variations, responses and other notifications to ensure that workflows are not unduly interrupted. This may be via email, fax or post but must first be agreed with the Authority.

8.2.2 All applications and notifications must be resubmitted through EToN following recovery of service. Promoters must ensure that all resent notices are sequenced correctly as detailed in the EToN technical specification.

## 9 Applying for a Permit

### 9.1 Method of making permit applications

- 9.1.1 All permit notifications, including PAAs, permit applications and variations, must be made electronically and must comply with the EToN technical specification.
- 9.1.2 The Authority may accept non-EToN applications from activity promoters who are unable to meet the requirements for EToN transactions, for instance when their electronic systems are unavailable, or for one-off promoters. In these cases, the contents of the applications and notices must comply with the EToN technical specification and may be submitted by email, fax or post on agreement with the Authority.
- 9.1.3 Applications and notifications may be given by email, fax or post to those recipients who expect copies of such notifications but do not have access to EToN, e.g. transport authorities, emergency services or frontagers.
- 9.1.4 Where there is an EToN system failure by either the activity promoter or the Authority, an alternative strategy must be implemented as noted in section 8.2.1.

### 9.2 Content of a Permit Application and Provisional Advance Authorisation

- 9.2.1 The EToN specification provides detail on the required fields to be submitted as part of a permit application. Additional information or constraints will be provided as part of the condition text.

#### 9.2.2 The Street

- 9.2.2.1 An application shall relate to proposed activities in only one Street.

#### 9.2.3 Reference number

- 9.2.3.1 Each application must include a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.

#### 9.2.4 Detailed description of activity

- 9.2.4.1 This should be a comprehensive description of what the activity is and its purpose to allow the Authority to assess the likely impact. This must include
- Detail on the works being undertaken
  - Description of methodologies employed
  - Estimate of the excavation depth
  - A description of the layout and impact of the activity (for example traffic management)
  - Details of any collaborative working; such as details of the other promoters and brief descriptions of the activities being undertaken
  - Any other information pertinent to that activity
- 9.2.4.2 To ensure that information made publicly available can be understood by the public the description of activities and other information should be, within reason, in plain English with minimal industry specific jargon.

#### 9.2.5 Location of activity

- 9.2.5.1 An accurate location must be provided based on Ordnance Survey National Grid References (NGRs). For a small excavation or opening then a point NGR should be provided. Where a trench is longer than 10m then a polyline or a polygon feature must be provided as described in the EToN technical specification.
- 9.2.5.2 The location must have a textual description that should match the NGR provided.

9.2.5.3 Where the activity is likely to cause significant disruption a description of the space taken up by the activity should be provided. The Authority may request additional information such as a traffic management plan or schematic to show the site footprint.

9.2.5.4 Promoters applying for Immediate activities should do so within two hours of starting work (see section 7.5 & 8.1.2). The location should reflect where the activity is actually taking place. If the location then changes a permit variation must be obtained (see Section 13)

## 9.2.6 **Timing and duration**

9.2.6.1 The proposed permit start and end dates (in calendar days) will clearly define the time period an activity will take up road space.

9.2.6.2 Where the street is category 0, 1, 2, and traffic-sensitive, details of the times of day the activity is to be carried out must be provided, including any proposal to work at night. 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.

9.2.6.3 Where the street is category 3 and 4 streets that are not traffic-sensitive, the permit start and end dates will allow for flexibility in the start of the activity, but once the activity is started it must be completed within the activity duration period specified in the permit. The starting window will be 5 working days for Major and Standard activities and 2 working days for minor activities.

9.2.6.4 Details must be provided where the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity or reduce disruption.

9.2.6.5 These constraints on the activity will be submitted as conditions and will be taken into consideration by the Authority.

## 9.2.7 **Illustration**

9.2.7.1 An illustration may be required for any activity where the Authority considers that the disruption caused by the activity may be significant.

9.2.7.2 An illustration must include details of the activity and location of utility apparatus and the extent of the highway occupancy.

9.2.7.3 The illustration must cover the entire area of the activity including areas used for storage of materials, parking of vehicles, coned areas and so on. In combination, all of this material will be referred to as the traffic management plan.

9.2.7.4 Activities on those streets, or parts of a street, subject to a Special Engineering Difficulty designation will require a plan and section.

9.2.7.5 The illustration should be submitted to the Authority in whatever form specified by the Authority or the current EToN technical specification.

## 9.2.8 **Methodology**

9.2.8.1 Details of the proposed techniques, such as open cut, trench share, minimum dig etc. should be included where possible as part of the works description, or as requested by the Authority on a case-by-case basis.

### 9.2.9 **Traffic management and Temporary Traffic Regulation Orders**

9.2.9.1 The EToN specification requires certain types of traffic management or traffic control to be indicated on the permit application. Certain traffic management proposals will also require suitable conditions detailing the constraints on these proposals.

9.2.9.2 The activity promoter must supply details of traffic management proposals together with any requirement for action by the authority or others such as

- A need for a Temporary Traffic Regulation Order (TTRO)
- Lifting of parking restrictions
- Approval for temporary traffic signals (TTS)
- Suspension of bus stops

9.2.9.3 Section 17 details the processes for applying for a TTRO, and provides further information on other traffic management requirements and related matters, including agreements on the use of temporary traffic signals.

9.2.9.4 The extra time required for gaining these approvals need to be taken into account by the activity promoter. They must be referred to when submitting a PAA or included in the permit application.

9.2.9.5 Additional costs associated with these are not included within the scope of this permit scheme.

### 9.2.10 **Reinstatement type**

9.2.10.1 The EToN technical specification details the use of the 'number of phases' data element which is used to describe this.

### 9.2.11 **Inspection units**

9.2.11.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004. Where there is trench sharing, only the primary promoter is required to give the inspection units.

### 9.2.12 **Contact person**

9.2.12.1 The application must include the name and contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made by the activity promoter for out-of-hours contact.

9.2.12.2 On permit applications (and on PAAs if the information is known at the time) the application should include the name of the main contractor carrying out the activity. This will help with the Authority's consideration of the application and with any discussions that need to take place before the permit can be issued.

### 9.2.13 **Proposed conditions**

9.2.13.1 Where there are constraints in the permit application, it must include conditions that specify in detail the activity and support the application. These conditions are set out in the Statutory Guidance for Highway Authority Permit Schemes – Permit scheme conditions (March 2015). This guidance provides a set of condition texts that are referred to as Conditions in this document. See also chapter 10.

### 9.2.14 Phasing and multiple activities

9.2.14.1 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.

9.2.14.2 One permit can only contain one phase and the dates given in a permit application 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.

9.2.14.3 The promoter must clarify that an activity is to be carried out in more than one phase on the application and phased activities must relate to the same works. These could be single or multiple-but-linked excavations, or a trench dug progressively along the street as part of a continuous operation, or where a permanent reinstatement or remedial works are undertaken at a later date.

9.2.14.4 Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. However, unconnected activities carried out by the same promoter in one street should not be treated as parts, or phases, of a single set of works.

9.2.14.5 Each phase will require a permit and the same activity reference must be used for all phases, or cross-referenced to the other phases. If the works are classed as Major they will also require a Provisional Advance Authorisation, except in the case of remedial works. Each phase will be classed as a separate activity or works, for the purposes of NRSWA (for instance Section 74, guarantee periods etc.).

### 9.2.15 Cross Boundary activities

9.2.15.1 Where an activity or project crosses the boundary between authorities the works promoter must submit the relevant notices or permit applications to each authority. Early discussion with both authorities will help avoid conflicting requirements.

9.2.15.2 Where it is anticipated that an activity may impact the network of a neighbouring authority then the activity promoter should take this into consideration when planning the activity and ensure that this authority is also engaged early on in the planning process. Early discussion with both authorities will help avoid conflicting requirements.

### 9.2.16 Interim to Permanent Reinstatements

9.2.16.1 When an activity is completed with an interim reinstatement then the activity will be regarded as having more than one phase and a new permit must be obtained for the permanent reinstatement phase. The same works reference number must be used ("cross referenced" to the original activity).

### 9.2.17 Remedial Works

9.2.17.1 Remedial works will require a new permit to be obtained for the remedial phase. The same works reference number must be used as the original activity ("cross referenced" to the original activity).

9.2.17.2 Where remedial works fall within the definition of Major works, a Provisional Advance Authorisation will not be required. Where remedial works fall within the definition of 'immediate' or are required to remedy dangerous defects, the activity will be categorised as Immediate.

### 9.2.18 **Section 58 restrictions on further activities**

9.2.18.1 The Authority will exercise its powers to restrict further works in all or part of a street following substantial road or street works (NRSWA Section 58 and 58a respectively) covered by the NYoPS.

### 9.2.19 **Apparatus belonging to others**

9.2.19.1 There may be other apparatus where activities are planned and under NRSWA Section 69, those carrying out activities must ensure that the owners of that apparatus are able to monitor the activity and that requirements to take reasonable steps to protect the apparatus are followed. Failure to do so is a criminal offence.

## 9.3 **Early Starts**

9.3.1 The Authority will consider a promoter's request for an early start (a reduction to the minimum notice period as set out in table 1, section 7.1) and such a request will not be unreasonably refused. An early start must be applied for in the manner requested by the Authority. This may be via an initial phone call or email, or directly via EToN.

9.3.2 The Authority may allow early starts to a permit providing that

- it does not conflict with other activities
- there is a legitimate reason for the request and not a result of poor works planning by the activity promoter
- activity promoters do not use early starts regularly to conceal poor works management

9.3.3 An activity must not start before the expiry of the application period except where an early start has been agreed with the Authority.

## 9.4 **Collaborative Working**

9.4.1 The Authority will proactively seek to encourage collaborative working opportunities between any activity promoters. It is accepted that there are often issues with such arrangements, particularly contractual complications and CDM or site management. Nevertheless, every opportunity will be sought to minimise the disruption to users of the highway.

9.4.2 Collaborative working may include

- trench sharing
- activities that share traffic management or road space
- multi-agency activities that limit the number of days an area of road space is occupied

9.4.3 In the event of collaborative working the primary promoter should take overall responsibility as the agreed point of contact with the Authority. The secondary promoter(s) retain the same responsibility for submitting permit applications for work to be carried out by them or on their behalf.

9.4.4 A discount of 50% is available for those promoters that are able to deliver work in a proactive way to lessen the impact of their activities through collaboration, details of which can be included in the permit application.

## 10 Conditions

### 10.1 General Principles

- 10.1.1 The NYoPS uses standardised conditions as developed by the National Permit Forum (and issued as Statutory Guidance March 2015, (see Appendix C) to assist promoters to identify and use these to best effect through a common and consistent approach.
- 10.1.2 Permit conditions might be applicable to any activity and it is for the activity promoter to supply the required conditions as part of their permit application or permit variation.
- 10.1.3 Where the Authority considers it necessary and appropriate to apply conditions that differ from the proposals in the application then the Authority will either refuse the permit or request a modification stating the reasons for this.

### 10.2 Mandatory conditions

- 10.2.1 Certain conditions apply to all permits, or permits for certain kinds of activity in all cases. The NYoPS does not require these conditions to be formally attached to individual permit applications or granted permits as they are taken as being contained in either form on all permits or applications.
- 10.2.2 The following conditions apply to all permits:
- NCT 11a: It is a requirement of the NYoPS that the unique works reference number will be displayed on the site at all times. The works reference number is as described in the EToN technical specification and, for the purposes of being displayed on site, does not need to include the suffixes that relate to the permit application or permit reference (the application and notification sequencing).
  - NCT 1a and 1b (covering traffic sensitive and non-traffic sensitive streets). It is a requirement of the NYoPS that the permit will specify the start and end dates of the permit, which may include weekends or bank holidays.

### 10.3 Conditions placed on Immediate activities

- 10.3.1 Immediate activities are by definition emergency or urgent and therefore may commence without a permit being in place.
- 10.3.2 Regulation 13 provides for the Authority to impose conditions on an activity that is not yet the subject of a permit. Conditions can be discussed and agreed with the promoter within the two hour period of time between an Immediate activity starting on site and the issuing of the Immediate permit application.
- 10.3.3 Failure to comply with conditions may leave the activity promoter liable to criminal prosecution.

## 11 Granting a Permit

### 11.1 Issuing a permit

11.1.1 If the Authority is content that all the information contained in the application meets an acceptable standard of detail to enable it to consider fully the impact of the activity and the suitability of the timing and methodology and any conditions attached to the application, it will issue a permit by way of a Grant Permit EToN notification.

11.1.2 Each permit issued will be given a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.

### 11.2 Deemed Permits

11.2.1 When the Authority fails to respond within the required timescales, or where for technical reasons the response does not reach the activity promoter within the required timescales, that permit is considered to be deemed to be granted.

11.2.2 In these situations, the activity promoter is at liberty to continue to undertake their activity in line with their original permit application. However, the activity should not take place in a manner different to that intended by the original application and indicated by the permit content and proposed conditions.

11.2.3 When it becomes apparent to the Authority that a permit has deemed, then it is good practice for the Authority to consider the permit as it stands and contact the relevant activity promoter if it becomes clear that the activity should not proceed as detailed. This might be because the conditions or the contents of the application itself are insufficient, or where a conflict between activities is likely, or where the activity is likely to cause considerable disruption that could be mitigated through discussion and changes.

11.2.4 In these cases, the activity promoter should discuss and agree any changes required by the Authority. The fee for the variation, or cancellation and resubmission, to that original deemed permit should be waived by the Authority.

## 12 Modifications to Permits and Permit Refusals

### 12.1 Amending a permit application

- 12.1.1 If it is necessary to seek further clarification of the information contained in the application then the Authority will endeavour to resolve this within the mandatory response times so that the estimated start date and duration of the original application remains.
- 12.1.2 Where possible the Authority should submit a Modification Request EToN notification with clear instructions of actions required to allow the activity promoter the opportunity to make amendments to their application and resubmit this within the required timeframe.
- 12.1.3 As long as the timeframes are met, the original start and end dates of the first application can be kept and no early start agreements are required.
- 12.1.4 If the matter cannot be resolved satisfactorily within the timeframes or the response period then the Authority will refuse the application.
- 12.1.5 If the Modification Application is not subsequently submitted within the required timeframes then in accordance with Regulation 16(3) the Authority will consider the application refused.
- 12.1.6 The EToN technical specification sets out the requirements and timelines in more detail.

### 12.2 Refusing a permit

- 12.2.1 The Authority cannot refuse legitimate activities. However if the application does not contain the required information to the satisfaction of the Authority then the Authority will refuse the permit by way of a Refuse Permit EToN notification and must clearly detail the reasons for refusal so that the activity promoter is able to amend their subsequent application.
- 12.2.2 Where an application has been refused and the activity promoter is able to submit a suitably amended application that requires an 'early start' (see also section 9) to maintain the original requested time slot, the Authority will endeavour to agree the same start date. However, this is at the discretion of the Authority being confident in the amended application and that there is no subsequent conflict with another activity.
- 12.2.3 Where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity at the same time, the Authority may refuse a permit for the period requested but propose to grant it for different times. The refusal should clearly state a suitable timeframe, or invite the activity promoter to contact the Authority to discuss acceptable options before applying for a new permit.

## 13 Permit Variations

### 13.1 Variations to permits

13.1.1 Regulation 15 provides for the NYoPS to allow permit variations. Variations to a permit need to be made before the permit expires or passes its end date. The method and content of applying for a Variation notification are detailed in the EToN technical specification.

13.1.2 A PAA cannot be varied. In circumstances where the details of a PAA have changed but a full Permit has not yet been issued, the activity promoter must inform the Authority of the proposed changes and the Authority will indicate whether a new PAA is required or a Permit Application containing the new information must be made.

### 13.2 Variations initiated by the activity promoter

13.2.1 From time to time an activity promoter will need to apply for a justifiable variation to a permit and/or its conditions. Some situations where a variation may be needed are:

- because the proposal in the original application was inaccurate or unrealistic
- because the location or the method of working has changed in some way
- where the activity promoter requires an extension to the agreed duration

13.2.2 The Authority recognises that it should not prevent necessary activity, so the variation is likely to be granted, although the Authority may require the conditions attached to the original permit to be varied or new conditions added if the changes to the permit warrant it.

### 13.3 Applying for a variation

13.3.1 The activity promoter should make a request to vary the permit as soon as it becomes clear that the activity might require a change or may overrun so that the Authority can investigate the request to satisfy itself that the proposed variation is appropriate and reasonable.

13.3.2 Regulation 15 (2) provides the following ways of applying for a permit variation:

- where the existing permit has more than 20% of its duration or more than two days to run, whichever is the longer, the activity promoter must apply for a variation electronically. This is to ensure that the variation is captured within the Authority mandatory response time.
- in any other case the activity promoter should first telephone the Authority to ascertain whether the Authority is prepared to grant the variation. If the Authority agrees then the variation must be applied for electronically.

13.3.3 It must be noted that a permit cannot be varied after it has expired (passed the permit end date). In these cases a new permit must be applied for. The activity promoter may be working illegally during this period.

### 13.4 Fees for promoter initiated variations

13.4.1 Applications for permit variations initiated by the activity promoter may be subject to a fee if not submitted before a permit has been issued.

13.4.2 Where a variation to extend a permit takes that permit into a higher works category, the activity promoter will be required to pay the difference between the permit fees for the two categories as well as the permit variation fees.

13.4.3 Permit fees for the Authority are given in Appendix D

### **13.5 Variations initiated by the Authority**

13.5.1 Once a permit is issued, the activity promoter should have reasonable confidence that the road space will be available to them. Nevertheless, there may be circumstances beyond the Authority's control that necessitate a change in either the permit or its conditions.

### **13.6 Fee for authority initiated variations**

13.6.1 No fee is payable for permit variations initiated by the Authority, unless at the same time, the activity promoter seeks variations which are not the result of the circumstances causing the Authority action. In such a case a variation fee would be payable.

### **13.7 Extensions**

13.7.1 To extend a permit, a permit application must be made by the Promoter a minimum of two days before the permit expires or at a point when the existing permit has more than 20% of its duration to run, whichever is the longer.

13.7.2 The Authority is under no obligation to allow an activity to run beyond its permitted period. An activity that continues past its end date without a valid permit in place may constitute a criminal offence.

13.7.3 Where the Authority considers the proposed extension to be reasonable and the activity does not conflict with other planned activities then the Authority will not unreasonably withhold the extension.

13.7.4 There may be occasions where the Authority does not consider the proposed extension to be reasonable. For instance, this might be due to poor works management by the activity promoter or an issue on site that the Authority considers should have been dealt with more expediently. In these cases, the Authority will grant a variation to the permit so that the activity promoter is operating with a valid permit in place. However, the Authority will use its powers under Section 74 of NRSWA to charge the activity promoter for an overrun of the 'reasonable period'.

13.7.5 Although in many cases the Authority will grant the permit extension to minimise the disruption of a return visit, it may be necessary for the activity promoter to vacate the street to allow another activity to take place or to open up space for traffic. In these situations the activity promoter must submit a new application to complete the activity at a later date.

### **13.8 Suspension or revoking a permit**

13.8.1 Regulation 10(4) allows the Authority to revoke a permit where it considers that an activity promoter is failing to comply with the terms of that permit and its conditions.

13.8.2 The Authority will consider whether other sanctions are more suitable than, or necessary in addition to, the revoking of a permit such as issuing fixed penalty notices or taking remedial action (see Chapter 15).

13.8.3 Where a new permit or permit variation is required to resume an activity, a fee will be payable in line with the permit charges set by the Authority, unless the Authority has to revoke a permit through no fault of the activity promoter in which case there will be no charge for a replacement application.

13.8.4 A promoter who no longer requires a permit for an activity can also request the Authority to revoke or cancel a permit that has already been issued

### 13.9 **Cancelling a permit**

- 13.9.1 If a promoter wishes to cancel a permit or withdraw a permit application for which they have no further use, they should submit a cancellation notice for that permit, as detailed in the EToN technical specification.
- 13.9.2 There is no fee for cancelling a permit although the charge for issuing the permit originally will remain payable.
- 13.9.3 Any activity that takes place after a permit is cancelled may constitute a criminal offence.
- 13.9.4 A permit that is 'in progress', or one for Immediate activities, should not be cancelled unless that works status has been submitted in error. The EToN technical specification details how these situations should be dealt with.

### 13.10 **Multiple excavations**

- 13.10.1 Immediate activities may require the activity promoter to make several registerable openings in a street, for instance to locate a fault or a leak. As such the activity promoter must submit the first permit application detailing the location of the initial excavation within two hours of starting work.
- 13.10.2 The activity promoter must telephone the Authority within two hours and give the location for further excavations on the same street within 50metres of this initial excavation. No permit variation will be required and therefore no charge will be applied.
- 13.10.3 Where the additional excavations are more than 50metres from the first, a permit variation will be required. A standard permit variation charge will apply. The Authority may opt to waive this charge if it feels the activity and notifications are being well managed.
- 13.10.4 Further excavations will be dealt with in the same way as these two examples, in 50-metre bands.
- 13.10.5 It should be noted that all excavations must be accurately recorded upon registration of the works in line with s.70 of NRSWA 1991
- 13.10.6 If additional excavations are carried out in different streets (different USRN), or at a location that is substantially separate from the previous excavations then a separate permit application must be applied for.
- 13.10.7 If the activity promoter has made all reasonable efforts to contact the Authority by telephone and cannot, they should record that and send the message electronically.
- 13.10.8 Although the above examples relate to Immediate works, there may be scenarios where such a process may be followed for other activity types. The activity promoter should contact the Authority first to gain approval before initiating this process.

## 14 Activities Requiring Traffic Restriction Orders

### 14.1 Road closures and Traffic Restrictions

14.1.1 Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14 to 16 of the Road Traffic Regulation Act 1984, as amended by the Road Traffic (Temporary Restrictions) Act 1991, and regulations made under the 1984 Act and subsequent amendments.

14.1.2 There are two procedures:

- Where urgent action is needed the Authority may issue a 'temporary notice' imposing a short-term closure or restriction. Prior notice is not necessary. The notice is limited to 21 days if there is a danger to the public or risk of serious damage to the road, independent of street works or a leaking gas main, for example. It can be extended by one further notice. The notice is limited to five days if there is no risk of danger or damage.
- In less urgent cases the Authority may make a 'temporary order', which may remain in force for up to 18 months. This is limited to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.

14.1.3 A temporary notice and temporary order may provide that restrictions have effect only when traffic signs are lawfully in place. This will help limit traffic disruption where activities progress along a length of road.

14.1.4 In extraordinary circumstances, the Road Traffic Act 1991 Section 49 (4A), allows the police to suspend designated street parking places temporarily to prevent or mitigate traffic disruption, or danger to traffic. This could prove useful to promoters carrying out emergency works.

### 14.2 Temporary notices

14.2.1 This procedure will only apply to immediate activities.

14.2.2 The promoter will inform the Authority as soon as practicable if a closure or traffic restriction is needed, or in any case with the Immediate permit application.

14.2.3 The Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether a notice will be made.

14.2.4 The Authority must state in the notice:

- the reason for issue;
- its effect;
- alternative routes (where applicable); and,
- the date and duration of the notice.

14.2.5 The Authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be done on, or before, the day the notice is issued.

### 14.3 Temporary Orders

- 14.3.1 The Authority must publish notice of intention to make a temporary order at least seven days in advance. If the order is expected to last for more than 18 months because activities are to be executed on or near the road, it is advisable to make application for a Permanent Traffic Regulation Order.
- 14.3.2 Any order should be revoked as soon as the activity is completed.
- 14.3.3 The Authority must also notify the emergency services and any other traffic authority with roads that may be affected. This should be consulted, as well as notified, if the closures are expected to last for more than 18 months.
- 14.3.4 A temporary traffic order is generally needed for planned activities in the street (except where the order follows a closure notice). If a closure order is needed, the promoter should notify the Authority at least three months in advance. This will allow the Authority time to consult, and obtain approvals and advertise the order.
- 14.3.5 Activities that require a temporary traffic order are automatically classed as major and require at least three months' notice for applying for a PAA, initially, and a temporary traffic order.
- 14.3.6 The promoter must submit all the information needed to justify a road closure with the application for an order.
- 14.3.7 It will be a condition of a Permit where a temporary traffic order is required that the order will be in place before the activity, or the relevant part of the activity, starts on site.

### 14.4 Continuation of Closures and Restrictions

- 14.4.1 A five-day temporary traffic closure or restriction notice cannot be extended.
- 14.4.2 A 21-day notice may be extended by one further notice for a maximum of 21 days. Both five-day and 21-day notices may be followed immediately by an Order. The Order may be made without the 'Notice of Intention'. The 'Notice of Making' must still be published in a local newspaper prior to the Order coming into force.
- 14.4.3 If the original estimate of the duration of the activity changes, a request for a permit variation will be necessary.

### 14.5 Policy

- 14.5.1 When a notice or order has been made, the activity promoter must comply with the requirements of the Authority and the police for the closure of the road.

### 14.6 Charges

- 14.6.1 Section 76 of NRSWA allows traffic authorities to recover the costs of issuing temporary notices or making TTROs. Upon receipt of an application for a TTRO, the Authority can provide utilities with the estimated cost. These costs are not part of the NYoPS. Invoices will be itemised, for example:
- cost of the order;
  - advertising in local papers;
  - administration fees.
- 14.6.2 There may also be charges made for erecting and maintaining the on-site notices that are required.

## 15 Fees and Charges

### 15.1 Permit charges

15.1.1 Under Regulation 30 the NYoPS is able to charge statutory undertakers a fee in the following circumstances

- The application of a provisional advance authorisation
- The issue of a permit
- The variation of a permit or the conditions of a permit
- The difference between fees for an activity when it moves from one works category to another

### 15.2 Fee levels

15.2.1 Fee levels have been developed by the Authority that are considered proportionate to the significance of the street and the likely amount of work required to effectively coordinate and manage activities on that street.

15.2.2 In accordance with the statutory guidance, major activity permit fees are split into 3 bands depending on duration of works. These are provided in Appendix D

### 15.3 Waiving permit fees

15.3.1 Regulation 30 also provides a mechanism for discounting or waiving the normal permit fee. Under the NYoPS a promoter will not be charged a fee:

- if the activity promoter is a highway authority or is carrying out Works For Road Purposes
- if a permit is deemed to be granted because the Authority had failed to respond to an application in the time required
- if a permit variation is initiated by the Authority
- where the Authority has to revoke a permit through no fault of the activity promoter there will be no charge for a replacement permit
- where the works are Diversionary Works as a result of a Major Highway or Bridge works, initiated by the Highway Authority, as described in Section 86 of NRSWA

### 15.4 Reduced permit fees

15.4.1 A minimum discount of 50% will be applied in the following situations:

#### 15.4.2 Collaborative works

15.4.2.1 Regulation 31(4) provides for a permit fee discount where activity promoters are collaborating, either in timing or extent of the programmed activity, to reduce the impact of their works. This includes where statutory undertakers are collaborating with highway authority works.

#### 15.4.3 Multiple applications for single activity

15.4.3.1 The Statutory Guidance requires the Authority to apply a discount where an activity promoter submits multiple permit applications where an activity is part of a project that involves working on more than one adjacent streets. For example if repairs on a pipe go round a corner from one street into another. It is not intended to cover whole area wide projects in a single permit.

#### 15.4.4 Working only outside traffic-sensitive times

15.4.4.1 A discount will be applied where an activity promoter is able to undertake their works wholly outside of traffic-sensitive times on a traffic sensitive street.

15.4.4.2 In general, this is only applicable on works that are less than one-day duration since these can fall between or after peak periods. However, this discount may also be applied to works where carriageway impact is minimised for peak or traffic-sensitive periods, for instance opening up the carriageway by using plating, or a change of traffic management/control etc. when operatives are not working on site.

15.4.4.3 Suitable permit conditions would need to be attached (Chapter 12), and it would be necessary to gather evidence from site (for instance photos or inspection records) to show that this condition was being maintained for the duration of the activity or as agreed. Suitable evidence provided by the activity promoter or contractor should be acceptable as long as it meets the requirements of the Authority to ascertain compliance.

#### 15.4.5 **Fee review**

15.4.5.1 In accordance with Regulation 16A, the Authority will review its level of fees to ensure that the overall fee income does not exceed the allowable costs. The outcome of the fee reviews will be published and open to public scrutiny.

15.4.5.2 If a sustained surplus or deficit occurs over a number of years the fee levels will be adjusted accordingly.

#### 15.5 **Charging for overrunning activities**

15.5.1 The Authority will operate an overrun charging scheme under Section 74 of NRSWA, alongside this permit scheme.

15.5.2 The scheme will apply as set out in the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (as amended) and any future amendments as detailed in regulations or the relevant code of practice.

15.5.3 Permit scheme Regulation 37(4) modifies Section 74 of NRSWA to allow the duration of the activity to be set or modified through the permit application and variation process.

15.5.4 Where the Authority has reason to believe that overrun charges are being avoided through the misuse of permit phases, it will treat a subsequent permit application as an illegitimate use of phases.

#### 15.6 **Illegitimate phasing of activities**

15.6.1 Where the Authority can establish to its reasonable satisfaction that a subsequent permit application has been made at any given location as a result of:

- The closure of works following a refusal by the Authority to grant an extension to the duration of a previous permit, or
- The premature closure of the works by the activity promoter, before all those works specified in the works description given by the activity
- promoter works are completed, to avoid an overrun under Section 74 occurring

15.6.2 The Authority may grant a subsequent permit with start and finish dates to allow the initial activity to be completed. The duration for this subsequent permit will reflect the illegitimate phasing of activities for these works and overrun charges will be applied in accordance with the current Section 74 regulations.

## 16 Permit Offences and Sanctions

### 16.1 Permit offences

16.1.1 The permit regulations create two offences for statutory undertakers

- Carrying out activities on the street without a permit, or in the case of immediate works not applying for a permit within two hours of the works starting
- Carrying out activities on the street or highway in a way that contravenes the conditions attached to a permit, or the conditions that are applied to an immediate activity before a permit is issued for those activities.

16.1.2 Permit offences do not apply to the Authority activities; however the Authority will monitor these activities in the same way it does statutory undertakers to ensure a consistent approach.

### 16.2 Sanctions

16.2.1 Where possible the Authority will seek to resolve problems informally to achieve compliance with the permit scheme. Where this fails, or where an activity promoter persistently offends, or the Authority considers that an informal resolution is not appropriate, then the Authority has three sanctions it may use

- Issue a notice to take remedial action
- Issue a Fixed Penalty Notices
- Prosecution

### 16.3 Remedial action

16.3.1 Regulation 18 allows the Authority to issue a notice requiring remedial action within a timeframe where a promoter is working without a permit or in breach of a permit condition.

16.3.2 Where a promoter does not take the remedial action within the timeframe, the Authority will take such steps as it considers appropriate to achieve the outcome in the notice, and may recover any costs from the undertaker.

### 16.4 Fixed Penalty Notice

16.4.1 Regulations 21 to 28 (and the Schedules set out in the regulations) allow the Authority to issue Fixed Penalty Notices in respect of the criminal offences.

16.4.2 Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty and Regulation 25 provides for a discount for early payment. The penalty amount is £500 for working without a permit, but a discounted amount of £300 is available if payment is made within 29 days. For working in breach of a condition the penalty is £120 and the discounted amount £80.

### 16.5 Prosecution

16.5.1 Where a Fixed Penalty Notice has been issued for an offence, but the Authority forms the view that it would be more appropriate to prosecute the offender the Authority must withdraw the Notice under Regulation 27 before bringing the proceedings. Once the Fixed Penalty Notice has been paid, however, no prosecution in relation to the offence can be brought.

16.5.2 The Authority may prosecute the offence through the courts following the usual processes. Normally this option will be invoked where an undertaker is persistently offending on an issue that the Authority considers serious.

## 16.6 **Dispute procedures**

16.6.1 The Authority and activity promoters must use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. However it is recognised that occasionally this may not be possible.

16.6.2 If agreement cannot be reached locally on any matter arising under this permit scheme or the associated Code of Practice for Permits or regulations then the dispute should be referred on the following basis.

### 16.6.3 **Straightforward issues**

16.6.3.1 Where the Authority and the activity promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a regional HAUC for review. That review should take place within five working days from the date of referral. The Authority will accept the result as binding.

### 16.6.4 **Complex issues**

16.6.4.1 If the Authority and the activity 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.

16.6.4.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (England). The Authority will accept the conclusions of the review panel as binding.

### 16.6.5 **Adjudication**

16.6.5.1 If agreement cannot be reached by the procedures described, for instance if one or more of the parties does not accept the ruling of the Regional HAUC or HAUC (UK) review as binding, the dispute should be referred to independent adjudication provided that the parties agree that the decision of the adjudicator is deemed to be final. 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. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (England), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

### 16.6.6 **Arbitration**

16.6.6.1 Disputes relating to matters covered by the following Sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA;

- Section 61 (6) - consent to placing apparatus in protected streets
- Section 62 (5) - directions relating to protected streets
- Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged
- Section 74A (12) - charges determined by reference to duration of works
- Section 84 (3) - apparatus affected by major works
- Section 96 (3) – recovery of costs or expenses

## 17 Transitional Arrangements

- 17.1 The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.
- 17.2 The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.
- The permit regime will apply to all activities where the administrative processes, such as application for a Permit or Provisional Advance Authorisation, start after the commencement date
  - Activities which are planned to start on site more than one month after the changeover date (for all activity categories including Major) shall operate under the permit scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the activity promoter will have to cancel these and re-apply for a permit or PAA
  - Any other activities which started under the notices regime will continue under that regime until completion
- 17.3 The Authority have an order to bring the scheme into effect from **Wednesday 4<sup>th</sup> October 2017** at which point permit fee charges and FPN's will be applicable.
- 17.4 As required in Regulation 3, the Authority will give a minimum of four weeks' notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme.

## APPENDIX A – Glossary of terms

Activity, activity promoter	Covers both utilities' street works and highway authorities' own works. See Promoter.
Above ground works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it
Additional street data ("ASD")	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	Where there is an unresolved disagreement between the activity promoter and the Authority on a Permit Authority's decision or actions the promoter may appeal using the procedure in 19.6 of NYoPS.
Arbitration	As defined in section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers"
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 hole	A bar hole is used to detect and monitor gas leaks as described in the code of practice for permits.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	As it says 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"
Bridleway	As defined in section 329 of the HA 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway"
BS7666	British Standard number 7666 relating to gazetteers.
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"
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan area
Code of Practice for Permits	As published by Department for Transport March 2008
Conditions Permit Conditions	Conditions applied by the authority as standard conditions or specific conditions to an individual permit. Contained in the EToN activity conditions field
Contravention	As defined in section 329 of HA 1980, "contravention in relation to a condition, restriction or requirement, includes failure to comply with that
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities roads
Council	As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local authority"
Critical gyratory or roundabout system	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road
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	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise
DfT	Department for Transport
Disability	As defined in section 105(5) of NRSWA, "section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act"
Disability Equality Duty	Means the duty under Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that "(1) Every public authority shall in carrying out its functions have due regard to— (a) the need to eliminate discrimination that is unlawful under this Act; (b) the need to eliminate harassment of

	disabled persons that is related to their disabilities; (c) the need to promote equality of opportunity between disabled persons and other persons; (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons; (e) the need to promote positive attitudes towards disabled persons; and (f) the need to encourage participation by disabled persons in public life. (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act
Distribution Network Operator (DNO)	Operator of an electricity distribution network
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers
Emergency works	As defined in section 52 of NRSWA
EToN	Electronic Transfer of Notifications, the system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between promoters and the Authority
Excavation	"Breaking up" (as defined above)
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs - Request for Comments) are the standard documents that define the operation of the internet)
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"
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway"
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"
Frontager(s)	A person or body occupying premises abutting the street
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
HAUC(England)	The Highway Authorities and Utilities Committee for England

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Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes"
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"
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 (h) tunnelling or boring under the highway"
Immediate activities	immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
KPI (Key Performance Indicator)	One of the DFT performance indicators used to show parity as defined in Regulation 40, and provided in the Code of Practice for Permits. See Appendix E
Land	As defined in section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land"
Local authority	As defined in section 270(1) of the Local Government Act 1972 and includes the Common Council of the City of London
Local planning authority	Local planning authority has the same meaning as in the Town and Country Planning Act 1990
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility
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	As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 major activities are activities which have been identified in a promoter'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 date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more"
Major bridge works	As defined in section 88(2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge"
Major highway works	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 - (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 (h) tunnelling or boring under the highway"
Major transport works	As defined in section 91(2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking"
Minor activities	Are minor works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as 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
Model Condition	One of the standardised condition texts used by the scheme and provided by HAUC (UK) National Conditions guidance document. Prefixed by "NCT".

National Grid Reference	Location reference using nationally defined eastings and northings The format in which it is presented must in all cases match that required by the Technical Specification for EToN
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data 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 the BS7666 standard
National Street Gazetteer (NSG) – also referred to as Nationally Consistent Street Gazetteer	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard
Network management duty	As stated in Part 2 of TMA
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information
NRSWA	New Roads and Street Works Act 1991
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities
ODD	operational district data
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
Order	A document signed by a person authorised by the Authority to give effect to or vary or revoke a permit scheme
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey
OSGR	Ordnance Survey Grid Reference
Passenger Transport Authority	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area
Passenger Transport Executive	The executive arm of a Passenger Transport Authority
Pedestrian Planning Order	This refers to an order made under section 249(2) or (2A) of the Town and Country Planning Act 1990(6)
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions
Permit application	The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the

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	notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime
Permit Authority	Concerning a Permit Scheme, a local highway authority or other strategic highways company which has prepared a permit scheme under section 33(1) or (2) of the TMA
Permit Management System	A computer based system to record permit applications and consents. A Street Works Register
Permit Scheme	A scheme approved by the Secretary of State or by the Authority (under the amended regulations) under which permits for activities are sought and given
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases"
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority
Protected street	are defined in NRSWA s61 (1)
Provisional Advance Authorisation (PAA)	The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSW
Provisional street	A provisional street is a street that does not yet have an entry in the NSG. Typically these will be newly created and/ or private streets
Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991
Railway	As defined in section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway"
Reasonable period	As defined in section 74(2) of NRSWA
Reasonable times	Reasonable times may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)
REC	Regional electricity company
Registerable activities	Registerable activities correspond to "specified works" in the Traffic Management Permit Schemes (England) Regulations 2007
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good"
Relevant authority	As defined in section 49(6) of NRSWA
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations
Road	"Highway"

Road category	This means one of the road categories specified in Chapter S.1 of the code of practice entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002, as revised or re-issued from time to time
Road works	Works for road purposes
Schema	(XML) Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents
Sewer	Sewer as defined in the Water Industry Act 1991 " includes all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings"
Sewer authority	As defined in section 89(1)(b) of NRSWA
Small Openings and Small Excavations	All openings with a surface area of two square metres or less
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 or 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
Standard activities	Are standard works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. These are activities, other than Immediate activities, that have a duration of between 4 and 10 days inclusive
Standard Condition	A condition that applies to all permits or all permits of a certain activity type. Standard conditions do not need to be included on a permit application or permit as they are taken as being included. See Chapter 10
Strategically significant streets (SSS)	Definition given in the 'Statutory Guidance for Highway Authority Permit Schemes (October 2015)': "Strategically significant streets (SSS) are defined as including streets which have been designated as traffic sensitive in accordance with the criteria set out in regulation 16 of <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i> , as well as streets which fall into reinstatement categories 0, 1 or 2 as defined in section S1.3 of the <i>Specification for the Reinstatement of Openings in Highways (A Code of Practice -April 2010)</i> "
Street	As defined in section 48(1) of NRSWA
Street authority	As defined in section 49(1) of NRSWA
Street works	As defined in section 48(3) of NRSWA

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Street works licence	As stated in section 50(1) of NRSWA
Temporary Traffic Regulation Order	This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984
Terms, Permit terms	The works promoter specified activity at the specified location at specified times executed in a specified way etc. as defined in a granted, deemed or varied permit.
The Regulations	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 337
TMA	The Traffic Management Act 2004
Traffic	As defined in section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic authority	As defined in section 121A of the Road Traffic Regulation Act 1984
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines
Traffic Management	Traffic management is dictated by road space/occupation. Permit Regulations note that: "traffic management arrangements" includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)
Traffic order	This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984
Traffic sensitive street	This means a street designated by a street 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
Traffic sign	As defined in section 105(1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984"
Tramway	As defined in section 105(1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street"
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"
Transport undertaking	As defined in section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities,

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	or some of the activities, are carried on under statutory authority"
Trunk road	As defined in section 329 of the HA 1980
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666
Undertaker	As defined in section 48(4) of NRSWA,
Unique street reference number (USRN)	As defined in the British Standard BS7666
Urgent activities	Are urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007
Working day	As defined in section 98(2) of NRSWA
Works	Street works or works for road purposes
Works clear	A notice under NRSWA s74(5C) following interim reinstatement
Works closed	A under NRSWA s74(5C) following permanent reinstatement
Works for road purpose	As defined in section 86(2) of NRSWA
XML	Extensible Mark-up Language

**APPENDIX B – Modifications and disapplications of NRSWA****B1 Disapplication of NRSWA**

B1.1 Regulation 36 of the 2007 Regulations shall apply in its entirety to disapply certain sections of NRSWA as set out in Table 2. In permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations.

<i>NRSWA section</i>		<i>Change</i>	<i>Permit regulations – Revised arrangements</i>
<i>S53</i>	<i>The street works register</i>	<i>Disapplied</i>	<i>Permit regulations prescribe similar provisions for permit registers</i>
<i>S54</i>	<i>Advance notice of certain works</i>	<i>Disapplied</i>	<i>Replaced by applications for provisional advance authorisation</i>
<i>S55</i>	<i>Notice of starting works</i>	<i>Disapplied</i>	<i>Replaced by applications for permits</i>
<i>S56</i>	<i>Power to direct timing of street works</i>	<i>Disapplied</i>	<i>Replaced by permit conditions and variations, including those initiated by the Authority</i>
<i>S57</i>	<i>Notice of emergency works</i>	<i>Disapplied</i>	<i>Replaced by applications for immediate activities</i>
<i>S66</i>	<i>Avoidance of unnecessary delay or obstruction</i>	<i>Disapplied</i>	Replaced by equivalent provisions for permit authorities to require promoters in breach of the permit requirements to take remedial action and failing that for the authority to act. <i>24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances</i>

Table 2: Promoter's Duties – disapplied sections of NRSWA

**B2 Modifications of NRSWA**

B2.1 Regulation 37 of the Regulations shall apply to the extent specified in Table 3 to modify certain sections of NRSWA

<i>NRSWA section</i>		<i>Change</i>	<i>Permit regulations – Revised arrangements</i>
S58	<i>Restriction on works following substantial road works</i>	<i>Modified</i>	The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58(5) to (78). <i>The regulations provide the equivalent of S 58A powers by allowing authorities to take into account whether promoters responded to the S 58 notice by submitting an application for their planned activities</i>
S58A	<i>Restriction on works following substantial street works</i>	<i>Modified</i>	<i>Schedule 3A is modified to work in conjunction with permits</i>
S64	Traffic-sensitive streets	<i>Modified</i>	<i>Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets</i>
S69	<i>Works likely to affect other apparatus in the street</i>	<i>Effectively extended</i>	<i>Permit regulations create an equivalent requirement on highway authority promoters</i>
S74	<i>Charge for occupation of the highway where works are unreasonably prolonged</i>	<i>Modified</i>	<i>Permit regulations make provision to operate in parallel with permits</i>
S88	<i>Bridge, bridge authorities and related matters</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits</i>
S89	<i>Public sewers, sewer authorities and related matters</i>	<i>Modified</i>	<i>Modified to work in conjunction with permits</i>
S90	Provisions as to reinstatement of sewers, drains or tunnels	<i>Modified</i>	Modified to work in conjunction with permits
S93	Works affecting level crossings or tramways	<i>Modified</i>	Modified to work in conjunction with permits
S 105	<i>Minor Definitions</i>	<i>Modified</i>	Modified to work in conjunction with permits

Table 3 Promoter's duties – modifications to NRSWA

## **APPENDIX C – Permit Conditions**

C1 Where there are constraints in the permit application, it must include conditions that specify in detail the activity and support the application.

C2 These conditions are set out in Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015)

**APPENDIX D – Table of fees**

North Yorkshire County Council		
Reinstatement category of street	Road Category 0-2 or Traffic-sensitive	Road Category 3-4 and non-traffic-sensitive
Provisional Advance Authorisation	£98	£31
Major Activity greater than 10 days duration or requiring a TRO	£200	£54
Major Activity between 4 & 10 day duration or requiring a TRO	£130	£54
Major Activity up to 3 day duration or requiring a TRO	£65	£45
Standard activity	£117	£37
Minor Activity	£65	£23
Immediate activity	£54	£22
Permit Variation	£45	£35

## **APPENDIX E – Performance Indicators**

### **E1 Traffic Performance Indicators**

E1.1 Regulation 40 requires the scheme to show parity of treatments for all types of activity promoters.

E1.1.2 A set of Key Performance Indicators has been developed by the HAUC (England) Permit Forum to demonstrate the effectiveness of the scheme in meeting the stated objectives. Such TPIs may be redeveloped by the DfT and/or HAUC (England) and may be subject to change from time to time. The NYoPS will always follow the latest TPI requirements.

- TPI-1 - Work Phases Started (Base Data)
- TPI-2 - Works Phases Completed (Base Data)
- TPI-3 - Days of Occupancy Phases Completed
- TPI-4 - Average Duration of Works
- TPI-5 - Phases Completed involving Overrun
- TPI-6 - Number of Deemed Permit Applications
- TPI-7 - Number of Phase One Permanent Registrations

\*These measures, with the exception of deemed permits are all currently available in existing noticing/permit systems, meaning notice and permit authorities can be directly compared.