



**North East Lincolnshire  
Permit Scheme  
June 2020 - Version 2.0**

## Contents

**1. Introduction**

**2. Scope**

**3. Other Considerations**

**4. Activities**

**5. Register**

**6. National Street Gazetteer**

**7. Permit Application and Types**

**8. Permit Approval and Conditions**

**9. Variations to Permits**

**10. Fees**

**11. Permit Offence and Sanctions**

**12. FPN's**

**13. Related Matters**

**14. Parity and Performance Monitoring**

**15. Transitional Arrangements**

**16. Changes to Permit Scheme**

**17. Revocation of Permit Scheme**

**Appendix A Glossary**

**Appendix B Fees**

## **1.0 Introduction**

The North East Lincolnshire Permit Scheme is based on the joint work with North Lincolnshire previous, to enable North Lincolnshire Council & North East Lincolnshire Council in their capacity as a Local Highway Authority's to better manage activities on its highway network.

**1.1.** Permit Schemes provide a way to manage activities on the public highway and were introduced to improve authorities' ability to minimise disruption and inconvenience from street and road works.

**1.2.** The Permit Scheme is constructed in accordance with the following legislative framework. Highway Authority Permit Schemes were introduced by Part 3 (sections 32 to 39) of the Traffic Management Act 2004 (TMA) and are regulated in England by the Traffic Management Permit Scheme (England) Regulations 2007 (the 2007 regulations). The Deregulation Act 2015 (DA) removed in England the requirement for permit schemes to be approved by the Secretary of State. The DA amended the TMA enabling highway authorities in England to make their own schemes and to vary or revoke existing schemes. Amendments made by the DA and the Infrastructure Act 2015 also enable Highways England to make permit schemes in relation to highways for which it is responsible. The 2007 Regulations have been amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 (S.I. 2015/958) (available at: <http://www.legislation.gov.uk/uksi/2015/958/contents/made>) to reflect changes made by the Deregulation Act 2015 and other changes to the operation of permit schemes. The amended regulations applied to all new schemes from 30 June 2015 and will apply to all existing schemes from 1 October 2015. Under section 33(5) of the TMA highway authorities preparing a permit scheme are also required to have regard to Statutory Guidance issued by the Secretary of State. In this Statutory Guidance "must" has been used to refer to a statutory requirement. "Should" is used where the Department for Transport strongly recommends specific action is taken. Where "may" is used it refers to those things a highway authority will want to consider in the development of a scheme and as part of its own approval process. In developing and operating a permit scheme authorities must comply with the TMA and the 2007 Regulations, and must have regard to this guidance, which this Permit Scheme does.

## **1.3. General Principles**

**1.3.1.** The Permit Scheme (as a scheme defined within the TMA), is designed to control the carrying out of relevant activities on the public highway. It replaces the "notice system" under the New Roads and Street Works Act 1991 (NRSWA) whereby Statutory Undertakers inform highway authorities of their intentions to carry out works in their areas. It uses similar concepts to the notice system in several key areas, such as road categories and works categories. This is to ensure consistency and to facilitate better co-ordination.

**1.3.2.** The Permit Authority, whilst preparing the Permit Scheme, has taken into consideration the requirements of the Equality Act 2010.

**1.3.3.** The Permit Scheme is operated by the Permit Authority as the Highway Authority for North East Lincolnshire. The Permit Scheme will apply to the whole of the area encompassed by the Permit Authority's boundaries except for the Highways England Motorway and Trunk Roads.

**1.3.4.** The Permit Scheme applies to the road categories as set out in the relevant paragraph of the Specification for the Reinstatement of Openings in Highways. The Permit Scheme

shall not apply to roads not maintained at public expense. Within the Permit Authority's area permits will be required on all road categories.

#### **1.4. Objectives and Benefits of the Permit Scheme**

**1.4.1** Any activity undertaken in a street has the potential to cause disruption. Activities can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and residents. The scale of disruption caused is relative to the type of activities being undertaken, the capacity of the street, the duration and timing of the works and the methods employed to carry them out. Works on those streets where the traffic flow is close to, or exceeds, the physical capacity of the street will have greatest potential to cause congestion, disruption and delays.

**1.4.2.** The objective of the TMA is to enable the management of the traffic network to ensure expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users) as required under the TMA Network Management Duty. The Permit Scheme is intended to enable more effective co-ordination and to empower the Permit Authority to minimise disruption from both street and highway works.

#### **1.5 The Permit Scheme Objectives**

**1.5.1** The strategic objective for the Permit Scheme is to provide a capability to manage and maintain the local highway network for the safe and efficient use of road space, whilst allowing Promoters access to maintain their services and assets.

**1.5.2.** The principle of the Permit Scheme is to improve the planning, scheduling and management of activities so that they do not cause unnecessary traffic disruption to any road user. It will help the Permit Authority to meet their network management duty under the TMA. Co-ordination of activities through the Permit Scheme will enable differences between those competing for space or time in the street, including traffic, to be resolved in a positive and constructive way.

**1.5.3.** The sub-objectives of the Permit Scheme are to: -

- 1) manage proactively the local highway network to maximise the safe and efficient use of road space
- 2) improve the quality and timeliness of information and compliance with highway legislation from all Promoters
- 3) improve the information available to the public to help provide and inform reliable journey times
- 4) manage road works and street works to support public transport (including buses) reliability and punctuality
- 5) ensure the safety of those using the street and those working on activities that fall under the scheme
- 6) protect the structure of the street and the integrity of the apparatus in it
- 7) ensure parity of treatment for all Promoters particularly between Statutory Undertakers and Permit Authority Promoters works and activities

## **1.6. Aligned Objectives**

**1.6.1.** The Permit Scheme objectives align with the strategies and themes of the latest Local Transport Plan which include:

- Improve the maintenance and management of the existing transport network
- Reduce carbon emissions
- Support sustainable economic growth and regeneration
- Improve Road Safety

## **1.7 Benefits**

**1.7.1.** The benefits to be derived from the operation of the Permit Scheme have been identified as:

- Improvements to overall network management
- Reduced congestion on the road network
- Improved journey time reliability, in particular for public transport
- A reduction in duration of works
- A reduction in cost pressures to businesses caused by delays
- Promotion of sustainable communities and businesses
- Promotion of a safer environment
- Reduced carbon emissions

## **2. Scope**

### **2.1 Area and Streets**

The area covered by the permit scheme is the geographical boundary covered by the Permit Authority the North East Lincs Permit Scheme will cover all streets included in their adopted highway network.

### **2.2 Exclusions from the Scheme**

The North East Permit Scheme does not include the following:

- Trunk roads and motorways for which the Highways England is the highway authority;
- Privately maintained streets, but these will be added if they are subsequently adopted by the Permit Authority.

### **2.3 Activities Requiring a Permit**

Permits must be obtained from the Permit Authority by promoters for all registerable activities as defined in the Street Works (Registers notices Directions and Designations) (England) Regulations 2007 and any subsequent regulatory amendments. This applies to street works as defined by Section 48(3) of The New Roads and Street Works Act 1991 (NRSWA) and works for road purposes as defined by Section 86(2) of NRSWA. In addition, the RoPS will also adhere to the latest statutory guidance on registerable activities issued by the DfT.

Except for immediate activities, promoters must obtain a permit before starting their activities. In the case of immediate activities, promoters can commence work before applying for a permit provided that they apply to the Permit Authority for a permit within 2 hours of commencing, comply with conditions and statutory requirements for immediate works from the outset, and comply with any further conditions agreed with the Permit Authority as part of the permit subsequently granted.

The Permit Scheme does not apply to anyone who is not entitled by virtue of a statutory right to carry out street works or works for road purposes who seek to carry out such work. Such a person will require a Street Works Licence under Section 50 of NRSWA. Works to be undertaken under Section 50 of NRSWA on a street covered by this permit scheme will require appropriate permits which will be obtained by the street authority on behalf of the licence holder.

One permit can only cover one activity on one street.

### **2.4 Registerable Activities**

- Registerable activities include:
- Street works - work on assets in the street by undertakers;
- Works for road purposes - maintenance and improvement works to the road itself carried out by, or on behalf of, the highway authority; and,
- Major highway works.

The term “registerable activities” corresponds to what are “specified works” under the regulations. The following activities defined in the regulations as specified works are registerable for all activity promoters and information related to them has to be recorded on the register:

- 1) All activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation);
- 2) All activities that involve the opening of the carriageway or cycle way of traffic-sensitive streets at traffic-sensitive times;
- 3) All activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works;
- 4) All noticeable activities that reduce the number of lanes available on a carriageway of three or more lanes;
- 5) All activities that require a temporary traffic regulation Order or Notice, or the suspension of pedestrian crossing facilities;
- 6) All activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time.

## **2.5. Non-Registerable activities**

The following activities are non-registerable:

### **1) Traffic Census Surveys**

This permit scheme does not include traffic census surveys as disclosure of this information prior to a census taking place is likely to encourage a change to the normal pattern of traffic flows.

### **2) Pole testing**

Only pole testing which involves excavation needs a permit; as would be the case with other excavations, when one or more of rules 2 to 6 above apply. However, in all circumstances the work must be registered using Section 70 (3) of NRSWA, for the purpose of reinstatement inspections within 10 days of completion.

### **3) Fire service vehicles**

The Permit Authority recognises that fire service vehicles occasionally need to be parked adjacent to hydrants which are being tested. These operations are exempt from the permit scheme, provided the work is undertaken outside traffic-sensitive periods.

## **2.5.1. Bar Holes**

Bar holes 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 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 purposes.

An application for a permit should 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, the registration of any reinstated bar holes not covered by the further excavations and reinstatements will be incorporated as an additional site within the registration of the permitted activity.

## **2.5.2. Street Lighting**

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

Fault repairs and works carried out for any other authority, such as District or Parish Councils, are not works for road purposes. They should be treated as street works and must follow the normal procedures.

### **3. Other Considerations**

- 3.1. A glossary of terms is provided in Appendix A.
- 3.2. All electronic Permit notifications will comply with the Electronic System rules and regulations.
- 3.3. Should the electronic system fail then all Permit notification types must be emailed to the email address published on the Permit Authority Web site.
- 3.4. In the event of a dispute between the Permit Authority and the Promoter in connection with any matter related to the NNELPS, the dispute resolution procedure is
- 3.5. Fees and performance measures are detailed in the Supplementary Information document.

### **4. Activities**

- 4.1. Permits must be obtained from the Permit Authority by Promoters for:

- Street Works
- Works for Road Purposes
- Major Highway Works

This includes all Activities comprising Registerable Works in terms of The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007 and any subsequent amendments. These are the “specified works” as set out in the Regulations.

- 4.2. Further details of what is covered by Registerable Works and where there are exemptions is given in the NRSWA Co-ordination of Works Code of Practice: these exemptions are carried across into the NNELPS.
- 4.3. Permit Applications will be limited to one Permit per street where a street equates to a USRN. Where Activities involve a number of streets a separate Permit Application will be required for each street. All related Permit Applications will be cross referenced to assist with coordination. The Permit Application will also be cross referenced with any notices served for related work on neighbouring streets that are outside of the scope of the NNELPS.
- 4.4. A separate Permit Application will be required when the Promoter returns to make an interim reinstatement permanent. New Permit applications for a new phase of the same works must use the same activity reference. Where the permanent reinstatement of interim works fall into the Major Works category a Provisional Advance Authorisation (PAA) is not required.
- 4.5. If remedial works are required after the end date of the Permit, then a separate Permit Application will be required. The new permit application should use the same works reference as the original permit. Where Remedial Works fall into the Major Works category a PAA is not required.



## **5. Register**

### **5.1. Introduction**

The Permit Authority will keep a register of all streets covered by the Permit Scheme and those streets that remain noticeable through NRSWA. The register will include information about all registerable activities including forward planning information and other events which could affect users of the street.

The register will be maintained as per section 53 of NRSWA. This will include both permit and notice information allowing the co-ordination of activities and the supply of information to all road users.

### **5.2. Form of Register**

The registers will be an electronic system and will use GIS. The registers will be maintained against the same digital map base to ensure consistency between all holdings of street-related data. This common geographical dataset will be vector-based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.

It will include:

- Vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing;
- Road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network with no breaks or misalignments at administrative boundaries.

All data will follow the principles of the Digital National Framework ([www.dnf.org](http://www.dnf.org)).

The Permit Authority will provide the USRN definitions and attribution as defined in BS7666, while the geometries will be recorded by referencing the road centreline objects in the digital map base. This will promote reuse and consistency between datasets.

### **5.3. Content of Register**

The permit register held by the Permit Authority will record the following:

- 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, 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 the Permit Authority under Section 58 or 58A of NRSWA;
- Copies of all notices served under Section 74 of NRSWA by a promoter 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 (4) 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 streets

The Permit Authority will ensure that the register also includes the following items (also available within the ASD):

- The road category of each street;
- Details of every street where early notification by telephone of immediate activities is required.

## **5.4 Access to Registered Information**

### **5.4.1 Access to Register**

Everyone has a right to inspect the register, free of charge at all reasonable times except as noted in 3.4.2. "All reasonable times" may be taken to mean normal office hours (e.g. 09:00 to 16:30, Monday to Friday except Bank Holidays).

The Permit Authority will publish their register on their public website. This website will be available 24 hours a day, seven days a week, except for occasional down- time due to upgrades and essential maintenance. This work should where possible be carried out outside normal office working hours.

Much of the detailed information in the register as described in 3.3 is unlikely to be of interest to the public. The website will display headline information first and allow users to drill down to more detailed information with the Permit Authority being responsible for deciding how much information to make available in this way. The information will not necessarily include data that is obtainable by activity promoters or interested parties from the NSG Concessionaire's website. Permit applications and notices contain confidential information such as names and telephone numbers of contacts in organisations and such information will remain confidential.

The Permit Authority is not responsible for the accuracy of information contained in the registers concerning those activities for which they are not the promoter.

The website will allow records to be searched by USRN or the “street descriptor” as given in the NSG. The website will not allow any changes to be made to records contained on the register.

#### **5.4.2 Restricted Information**

Restricted information is anything certified by the Government as a matter of national security, or information which could jeopardise the promoter’s commercial interests, such as, details of a contract under negotiation. The promoter should indicate restricted information on the permit application or PAA. Restrictions on the release of information should as limited as possible. The case for restriction needs to be considered on an item-by-item rather than an activity-by-activity basis.

Restricted information will not be shown on the Permit Authority public website.

#### **5.4.3 Retention of Information**

Information will be retained on the registers for a minimum of six years after completion of the guarantee period of the activity referred to.

## **6. The Street Gazetteer and Additional Street Data**

### **6.1 Introduction**

The Permit Authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Concessionaire. Each of these local gazetteers contains the information about the streets in Permit Authority's geographical area required by and defined in the current electronic data transfer specification.

The Permit Authority will create, maintain and publish a Level 3 LSG as defined by BS7666. It will include all streets within its geographical area, whether or not it is the street authority for any particular street.

Information held in both registers will be referenced to the USRN which relates to the Type 0, Type 1 or Type 2 (designated street name or street description) street entry given for each street in the street gazetteer.

### **6.2 Identification of Permit Street**

Systems used by activity promoters will need to define if a particular works is subject to the existing NRSWA noticing rules or this Permit Scheme. To achieve this, the Permit Authority has defined a specific operational district (OD) as the 'Permit Authority'. The OD file for this district is set to District Function=9 (Permit Authority) as detailed in the current electronic data transfer specification. All streets which are subject to the Permit Scheme have their NSG 61 records specifying the Permit Authority as the SWA\_ORG\_REF\_AUTHORITY and DISTRICT\_REF\_AUTHORITY.

The OD information will be made available before the permit scheme itself becomes active for testing purposes only. NRSWA notices should continue to be sent to the primary notice authority for the street until the permit scheme goes live. Please refer to Section 17 for further details about transitional arrangements.

### **6.3 Provisional Streets**

A provisional street is a street that does not yet have an entry in the NSG. Typically, these will be new and/or private streets. The Permit Authority will register new and private streets on the NSG. New streets will be recorded as "prospectively maintainable" in the ADDITIONAL\_STREET\_RECORD at the earliest opportunity.

A permit application or Provisional Advance Authorisation application for a proposed activity should be submitted against a provisional street only if an activity promoter is certain that the street concerned is not in the NSG. It is then the responsibility of the Permit Authority to allocate a USRN, notify the activity promoter, and create a level 3 entry in the LSG and SG website. The promoter should then use this USRN in all further permit applications or notifications relating to the activity.

Under Section 87 of NRSWA, the Permit Authority will make a declaration that a street is likely to become a maintainable highway. The declaration will be registered as a local land charge.

### **6.4 Additional Street Data**

#### **6.4.1 Information for the Additional Street Data**

Additional Street Data (ASD) refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data.

The Permit Authority shall provide the following information for the ASD:

(a) The street authority responsible for maintaining the street;

- (b) Whether the street is publicly maintainable, prospectively publicly maintainable, or private;
- (c) Whether the street is covered by this permit scheme or the NRSWA notification regime;
- (d) Any other authorities and activity promoters with an interest in the street;
- (e) The street reinstatement category;
- (f) Designations of protected streets;
- (g) Designations of streets with special engineering difficulty;
- (h) Designations of traffic sensitive streets;
- (i) Whether the street is subject to early notification of immediate activities;
- (j) Where possible streets on which it might be expected that conditions relating to the non-use of that street for new apparatus, but not the maintenance of existing apparatus, may be used. Other features of the street. This may include information about vulnerable road users, structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.

Designations may cover only part of a street or may vary along a street. The relevant detail will be recorded in the ASD.

#### **6.4.2 Responsibility for Creating and Updating**

The Permit Authority will create and update the ASD together with the NSG.

#### **6.4.3 Procedures for Creating and Updating ASD**

The Permit Authority will forward additions or amendments to the ASD and NSG to the Concessionaire using the formats in the in the current electronic data transfer specification.

## **7.0. Permit Application and Types**

How to Make a Permit Application

### **7.1 General Principles**

#### **7.1.1 Purpose**

Any promoter requiring to carry out a registerable activity in streets designated as requiring a permit must obtain a permit from the Permit Authority. This permit will allow the promoter to:

- Carry out the specified activity;
- At the specified location;
- Between the dates shown; and
- Subject to any conditions that may be attached.

Any permit issued by the Permit Authority will include all of this information as supplied by the promoter in the application. The intention is to better control activities to minimise disruption and inconvenience. It is not to prevent the legitimate right of undertakers and others to access their equipment, nor to prevent necessary maintenance to the highway itself by highway authorities, but for these functions to be carried out in a manner which takes account of the needs of others.

#### **7.1.2 Differences from NRSWA**

The key differences are:

- A requirement to obtain permission, effectively booking a time slot, rather than informing the Permit Authority of the intention to undertake an activity;
- The start and end dates are fixed on category 0, 1, 2 and traffic sensitive streets, therefore a permit is not valid before the given date nor once the end date is passed;
- Times at which works can be carried out are more strictly controlled; and
- Conditions affecting the way in which work is carried out can be attached to permits.

#### **7.1.3 Types of Permit**

The Permit Scheme contains two types of “permit”:

- “Provisional Advance Authorisation” (PAA) – part of the permit application process but only for major activities, i.e. those which are large and/or likely to be disruptive. Effectively, this authorisation is an early provisional permit issued before the final details of an activity have been worked out. For utility street works PAAs are similar to Section 54 notices under NRSWA;
- “Permits” – full permits with final details - for all registerable activities included. For street works these are similar to Section 55 notices under NRSWA.

### **7.2 Timing of Permit Applications**

The timing of applications will vary depending on the proposed activity so it is in the best interests of the promoter to contact the Permit Authority as soon as the works promoter becomes aware of the need for the works. Permits will contain conditions under which the work may take place so early discussions will ensure agreement can be reached so that the application is approved quickly. Early applications will improve the

co-ordination process, enabling the Permit Authority to better control all the activities that take place on the highway and help promoters plan their works more effectively.

### **7.3 Permit Administration**

The Permit Authority shall ensure that the scheme is administered effectively, in order to maximise the benefits of the scheme. A suitably qualified team of people shall be responsible for administering the scheme on a day to day basis. Contact details of the team dealing with permit applications and any questions associated with either the permit scheme in general or an individual permit application is shown on the Permit Authority's website.

### **7.4 Methods of Making a Permit Application**

Permit applications, including PAAs and variations, must be made to the Permit Authority administration team by electronic communication and must comply with the requirements set out in the current electronic data transfer specification.

Recipients of copies of permit applications or of other material relevant to those applications, e.g. frontages, are unlikely to have access to the current means of electronic data transfer. In such circumstances applications or other information will be given either by e-mail or by post.

### **7.5 Service of Permit Applications**

The application process will start when the Permit Authority receives the application, not when it was sent.

Where, after three attempts to give an application or a notice by the current means of electronic data transfer (duly recorded by the person serving the application or notice), the application or notice cannot be given (for example because the distant server is down), notification should be given by telephone or fax for immediate activities, with the formal application or notice following via the current means of electronic data transfer as soon as reasonably practicable. Other applications or notices may be given by other electronic means (e.g. e-mail or fax). Postal applications will only be accepted following pre-agreement with the Permit Authority. Following recovery of service a copy of the application or notice should then be sent through the current means of electronic data transfer to ensure information on the works are correctly recorded in the register.

If applications or notices are sent by fax, it is assumed that they have been received when the transmitting equipment records satisfactory completion of the transmission. It is not guaranteed that applications or notices sent by first-class mail will be received the following day. Promoters should take this into account.

### **7.6 Content of Permit Applications**

All applications must comply with the definitive format and content of both paper and electronic permit applications given in the current specification of electronic data transfer.

The description of activities and other information should be in plain English without any industry specific jargon. Where possible, promoters should use consistent standard descriptions, with added text as necessary to assist the Permit Authority to understand the nature of the activity to be undertaken.

In addition, the Permit Authority shall endeavour to agree standard durations for the more routine activities. This agreement will help to focus co-ordination on activities likely to cause greater impact on the movement of traffic.

Each application shall contain information about activities in only one street, where a street equates to a single USRN. To improve co-ordination, projects covering more than one street must cross-reference all related applications. This is particularly important when applying for Provisional Advance Authorisations. Under no circumstances will an application containing activities in more than one street be acceptable. Promoters should be aware that projects in a street of some length or a long street with several different names will require multiple applications if the activities affect more than one USRN.

## **7.7 Applications to Interested Parties**

Parties other than the Permit Authority may wish to be informed about activities on a street. These could include a neighbouring authority which needs to know what is happening on the adjacent network in order to carry out their network management duty, and utility companies who want to know what is going on in a street where they have vulnerable plant and equipment. Such parties should make sure that their interest is entered in the ASD.

Before making a permit application, promoters should check whether any parties have registered such an interest in the street. Where the ASD indicates other interested parties, applications for permits, PAAs and variations, and any response to them, must be copied to those parties. Electronic systems meeting the current specification for electronic data transfer should deal with this automatically. However, some interested parties, NRSWA Section 50 licensees for instance, may not have access to the electronic systems so they should be sent paper copies.

In addition, within the Permit Scheme Sections 88, 89 and 93 of NRSWA are amended as provided for in the Permit Regulations. These sections, along with Sections 90 and 91, deal with notifications to bridge, transport and sewer authorities. The amendments ensure that the same consultation takes place prior to a permit application as under the notice regime. The duties on undertakers in relation to streets with Special Engineering Difficulty also remain under the Permit Scheme and the approval to plans and sections from the relevant authorities still has to be obtained. These procedures should take place before the permit application is made. The application should state that the consultation has taken place and where appropriate the necessary approvals have been obtained from the other parties.

The consultation requirements with Network Rail are the same as within NRSWA. Promoters should make themselves aware of the requirements for working adjacent to structures, particularly those of Special Engineering Difficulty.

## **7.8 Definition of Activities and Timing of Permit Applications**

The time requirements for submitting permit applications are set out in Table 1 within Section 8.3.1

### **7.8.1 Provisional Advance Authorisation Applications**

The promoter shall apply to the Permit Authority for a “Provisional Advance Authorisation” at least three months before the proposed start of major activities. This requirement replaces the Advance Notice under Section 54 of NRSWA. Each permit for a major activity must have an equivalent PAA, i.e. a PAA for each street with a different name.

A Provisional Advance Authorisation lets the promoter know that their activity is approved and enables them to provisionally reserve occupation of the highway. Therefore an application for a Provisional Advance Authorisation must always specify



proposed start and end dates. However, it is accepted that it may be difficult for a promoter to be certain about the start date three months before the event, therefore in the NE Lincolnshire Permit Scheme the start date will be regarded as provisional and may be amended in the application for a permit.

The information to be supplied for an application for a Provisional Advance Authorisation is set out in the current specification for electronic data transfer.

Any subsequent requested PAA information that cannot be passed via the current means of electronic data transfer can be sent to the Permit Authority via the additional information form.

### **7.8.2 Major Activities Applications Definition**

Major activities:

- Have been identified in an activity promoter's 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 (i.e. not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other activities other than immediate activities; or
- Have a duration of 11 days or more, other than immediate activities.

Application Periods

The North East Lincolnshire Permit Scheme requires that promoters must apply for both a Provisional Advance Authorisation at least three months in advance of the activity and a permit ten days before the activity is due to start.

### **7.8.3 Standard Activities Applications**

Definition

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

Application Period

A permit application for standard activities must be made ten days before the proposed start date.

### **7.8.4 Minor Activities Applications Definition**

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

Application Period

A permit application for minor activities must be made three days before the proposed start date.

### **7.8.5 Immediate Activities Applications Definition**

Immediate Activities are either:

- 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. This applies to both street works and works for road purposes which fall within the definition of activities. The term also includes activities not falling within that definition, but which cannot

be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the permit given for the parent activity); or,

- Urgent activities, which are defined in the regulations as activities:

(a) (Not being Emergency Works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):

(i) To prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;

(ii) To avoid substantial loss to the promoter in relation to an existing service; or

(iii) To reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and

(b) Include works that cannot reasonably be severed from such works.

#### Application Period

For Immediate Activities the promoter must apply for a permit within two hours of the work starting. Permits for immediate activities can contain the same conditions as permits for other activities subject to obvious variations, such as omitting when activities may start. The exact location may not be known when the application is made.

The Permit Authority will designate streets that are particularly vulnerable to activity related congestion on the ASD, to indicate that the Permit Authority requires early warning of immediate activities on these streets. Only those streets that are most susceptible to unplanned disruption will be designated.

Promoters carrying out immediate activities on a designated street should telephone the number specified on the Permit Authority's website immediately after the activity has been identified and before the permit application is made. This call will be logged and a unique reference number provided to the applicant which should be included in the permit application.

#### Burden of Proof

If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the promoter must demonstrate conclusively that it is. Those elements of the activity, which could be subject to the normal application period, cannot be included in the "immediate" category.

#### Severable Works

The definition of emergency works in Section 52 of NRSWA provides that items of work which "cannot be reasonably severed" from the emergency works are regarded as part of them. The same test applies to urgent works.

Work which can be "reasonably severed" from the immediate activity must therefore be regarded as separate activities and classified accordingly.

Typically, immediate activities shall consist only of a repair to end the emergency, or restore the service, and complete the necessary reinstatement. Subsequent activities to provide a permanent solution are "severed" and subject to a separate permit application.

If the promoter leaves site after dealing with the immediate problem, including carrying out an interim reinstatement and closing down the site, and returns later for further activities - it is clear that these are “severed”.

#### **7.8.6 Remedial Works Definition**

Remedial works correct defects identified in accordance with the Code of Practice for Inspections and associated regulations.

The procedure below sets out how a promoter will notify the Permit Authority of remedial works. These requirements do not affect the power of the Permit Authority to remove a danger arising from a defective reinstatement.

##### **Application Requirements**

Under Section 72 (3) of NRSWA, the Permit Authority can require remedial works to be carried out within seven days or such other periods as may be specified.

If the promoter discovers the necessity for remedial works the following action should be taken:

If the reinstatement is dangerous, the promoter should take the necessary action and seek a permit for immediate activities from the Permit Authority; or

For all other remedial work, the promoter should agree the scope of the activity and timings with the Permit Authority before applying for a permit.

The permit application requirements for remedial work to an interim or a permanent reinstatement are the same as those for all other types of activities. However, the promoter of these activities is not required to apply for a Provisional Advance Authorisation, even if the activities are of such magnitude as to be classed as major activities. They will need to be cross-referenced to the original activity promoter reference number.

Those remedial works to remedy dangerous defects will, of course, be categorised as immediate activities.

To assist co-ordination, the application should use the original activity reference number. If the original permit reference cannot be found, a new permit reference will be issued with the permit, highlighting that these are remedial activities.

If remedial works are required to an interim reinstatement the works promoter is encouraged to carry out the permanent reinstatement of the original works. This will obviate the need for a further site visit and resultant disruption.

#### **7.9 Permit Start and End Dates**

A permit will allow an activity to be carried out for a specific duration (in calendar days) between the start and end date on the permit. A promoter working outside those dates would not have a valid permit and potentially would be committing an offence. It should be noted that if the work should start on a Monday and finish on a Friday, the subsequent weekend cannot be used as additional days without the express approval of the Permit Authority through a permit variation.

For all permit applications the duration of the activity will exactly match the time from the start date to the end date. For example: start date Wednesday 1st June, end date Friday 10th June, duration eight (working) days. The permit start date will be the proposed start date of the activity. If the activity cannot begin on the permit start date, the promoter should inform the Permit Authority on the previous working day by telephone. There is no automatic extension of the permit in these circumstances.

If the promoter thinks that they could still complete the work before the permit end date, then they could begin the activity on a subsequent day, submitting a start of works notice under section 74 of NRSWA. If the promoter could not complete the activity before the permit end date, they must apply for a permit variation. This variation would be required even if the extra days were at a weekend (in the above case the permit expires at midnight on Friday night). The Permit Authority may or may not agree to an extension, depending on the circumstances, and the promoter may be subject to over-run charges.

## **7.10 Information Required in a Permit Application.**

In deciding whether to require any conditions to be included in a permit application the Permit Authority will consider the information that has been provided in support of the application.

### **7.10.1 Reference Number**

Each application must include a unique reference number. Details of the numbering system are given in the current specification for electronic data transfer.

### **7.10.2 Description of Activity**

A detailed description of the activity must be provided to enable the Permit Authority to assess its likely impact - similar to that already required under NRSWA.

### **7.10.3 Location**

Promoters must give the USRN and also an accurate location based on National Grid References (NGRs), including one NGR in the centre of the excavation for small excavations and, where there are trenches, a number of co-ordinate pairs representing a polyline, or ideally the dimensions of the space taken up by the activity in the street in the form of a polygon, where the space includes that required for working areas, safety zones and storage.

Promoters applying for permits for immediate activities should do so as soon as possible once the activity is known about and in any case, within 2 hours of the commencement of the activity on site. Even if they find that the location in which they have started digging is not where the leak (or other emergency) actually is, a permit is still required because they have broken open the street. The promoter will have to apply for a permit variation for:

- The first excavation in each further 50 metre band away from the original excavation/hole in the same street, that is, 50-100 metres, 100-150 metres etc. Separate variations would be required for bands going in opposite directions.
- If the search carries into a different street, or a new USRN (including if the street changes to a different authority), then a separate permit application is required.
- Traffic management arrangements have to be significantly changed.

### **7.10.4 Timing and Duration**

Each application for a permit must include proposed start and end dates. For traffic-sensitive streets, details of the times of day the activity is to be carried out must also be provided, including any proposal to work at night. If the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce

disruption, then they must also say so. The Permit Authority will take all this information into account when determining whether to issue a permit or to require changes to dates or conditions before granting the permit. If, for a major activity, the dates on a permit application differ from those on the preceding PAA, the promoter must explain the reason(s) for the change.

#### **7.10.5 Illustration**

Activity promoters may need to provide an illustration of the activity. An illustration will be particularly important where the activity is significant in terms of potential disruption due to the position and size of the activity. This requirement is not necessarily limited to major activities - a small excavation at a critical junction may be very disruptive.

The illustration should include details of the activity, whether it is likely to affect more than one lane of the street and, if possible, a disruption effect score. (Further detail of the disruptive effect score is given in Appendix H). Plans, digital photographs and similar will normally be required dependent upon the type of activity and the type of street. Activities on those streets or parts of a street, subject to a Special Engineering Difficulty designation will in any case require a plan and section or other specified information. Approvals for working in areas affected by SEDs must be obtained before the full permit application is made.

Illustrations can be sent to the Permit Authority using the additional information form Appendix J and details of how this or any other document can be transmitted as an Attachment to a notification are provided in the current specification for electronic data transfer.

#### **7.10.6 Technique to be used for Underground Activities**

Details of the planned techniques, such as open cut, trench share, minimum dig technique, lining of culverts, no dig, stabilising concrete slabs or innovative solution must be provided.

Information regarding works technique can be sent to the Permit Authority using the additional information form Appendix J and details of how this or any other document can be transmitted as an Attachment to a notification are provided in the current specification for electronic data transfer.

#### **7.10.7 Traffic Management and Traffic Regulation Orders**

Details of traffic management proposals will be required. Any requirement for action by the local authority such as the need for Traffic Regulation Orders (TROs), suspension of parking restrictions and approval for portable traffic signals must be included in the application and allowance must be made for the additional costs associated with them. Under the Permit Scheme, all uses of portable traffic signals require the agreement of the Permit Authority. Individual approval will be required (as has always been the case for portable traffic signals at activities across a junction) and requests for the use of portable traffic signals must be included in the permit application for the relevant activities. However, if the advance approval notice period required for any traffic management is longer than that required for a permit, traffic management may be applied for separately. If this happens it will be necessary to indicate that this is the case on a permit application, cross-referencing the early application for traffic management by its unique application reference number.

Please note that an application for a TRO must be made separately to the Permit Application.

#### **7.10.8 Depth**

Activity promoters must provide their best estimate of the excavation depth. While this might be expressed as a range, it should nonetheless provide a meaningful indication of the nature and extent of activity involved.

Information regarding excavation depth can be sent to the Permit Authority using the additional information form Appendix J and details of how this or any other document can be transmitted as an Attachment to a notification are provided in the current specification for electronic data transfer.

#### **7.10.9 Reinstatement Type**

The application must indicate whether the activity is intended to be completed with interim or permanent reinstatement or an estimated number of phases. If it is the latter, then promoters must provide details as to where interim or permanent reinstatements will be completed within that permit.

Information regarding reinstatement type can be sent to the Permit Authority using the additional information form Appendix J and details of how this or any other document can be transmitted as an Attachment to a notification are provided in the current specification for electronic data transfer.

#### **7.10.10 Inspection Units**

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 associated regulations. Where there is trench sharing, only the primary promoter is required to give the inspection units.

#### **7.10.11 Contact Person**

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 for out-of-hours contact with the promoter.

#### **7.10.12 Early Starts**

An activity must not start before the expiry of the application period, except where an early start has been agreed with the Permit Authority and any other interested parties. Such permission will not be unreasonably refused.

A promoter may request an early start before or after applying for a PAA or a permit application as appropriate. Where this is agreed after the original permit application is made, the promoter shall submit a variation to the application.

#### **7.11 Error Correction**

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

Where the promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an

Application, the promoter should submit a permit variation request by the end of the next working day following the agreement of the correction. This permit variation request should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made, and/or Agreement

Reference that has been issued by the Permit Authority. The Works Data Variation process is described in the current specification for electronic data transfer.

This Works Data Variation procedure should not be used without the prior agreement of both parties. Its purpose is simply to ensure that the information recorded in the register is correct and useful to the authority in carrying out its co-ordination duties. Systems are expected to hold an audit trail of the variations, and the variation must be granted by the authority in order for it to be implemented into the current permit.

If the works originator identifies an error caused by the Permit Authority and, having first discussed and agreed the action with the authority the promoter initiates a variation, the fee for the permit variation will be waived. If the error has been caused by the promoter and a permit variation is needed, then a variation fee will be payable.

## **7.12 Phasing of Activities**

One permit can only contain one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works. The dates given in a permit application and in the issued permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.

A promoter should clarify that an activity is to be carried out in phases on the application. Each phase will require a permit and, if a major activity, also a Provisional Advance Authorisation (PAA) except for “interim to permanent” and “remedial” works which do not require a PAA even if they would otherwise be classified as Major. All subsequent phases should be submitted using the same reference as the original works phase, or failing that be cross referenced to the others.

Phased activities must relate to the same works. These could be a single or multiple-but-linked excavation, or a trench dug progressively along the street as part of a continuous operation.

### **7.12.1 New Customer Connections**

A new main or cable run, which includes new customer connections, can be classed as one phase if all the work is completed in a single occupation of the street. Otherwise a new permit must be obtained for the customer connections stage.

### **7.12.2 Linked Activities**

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 must not be treated as parts, or phases, of a single set of works.

### **7.12.3 Interim to Permanent Reinstatements**

If a permanent reinstatement cannot be completed on the first pass, the activity will be regarded as having two separate phases; a separate permit must be obtained for each phase. (Under the provisions of NRSWA this also means two separate works for the purposes of Section 74 of NRSWA). Each phase is from the start date in the relevant permit to the completion of either interim or permanent reinstatement and the removal of all surplus materials and equipment from site. The same activity reference must be used for all phases in their respective applications and will similarly appear on each issued permit.

### **7.12.4 Interrupted Activities**

If an activity is interrupted because, for instance, the promoter needs some specialist plant or apparatus other than that originally planned, it is the promoter's responsibility to notify the Permit Authority. If the Permit Authority is content for the excavation to remain open whilst the missing equipment is obtained a permit variation will be required but, if the Permit Authority decides that the excavation is to be closed and returned to full traffic use, then the promoter will need to apply for a further permit to complete the activity at a later date.

If the activity is interrupted because the promoter, or his contractor, has caused third party damage, then it is the promoter's responsibility to seek the Permit Authority approval to a variation to allow the third party damage to be repaired. The activity site remains the responsibility of the original promoter until it is able to issue a Works Clear or Works Closed notice.

If an activity is interrupted at the request of the Permit Authority, the Council will discuss this with the promoter and agree to a variation to cover the situation, or if necessary issue a further permit to allow the activity to be completed later.

Whenever an activity is interrupted, the promoter must first agree a way forward with the Permit Authority before starting any of the processes above.

### **7.13 Restrictions on Further Activities**

The provisions of Sections 58 and 58A of NRSWA (restrictions on activities following substantial street works or substantial road works) will operate alongside permits in the NE Lincolnshire Permit Scheme. The processes are slightly modified to reflect the way that the permit scheme operates, but otherwise the same principles apply, including the variable restriction periods on different streets..



## **8. Permit Approval and Conditions.**

### **8.1 General Principles**

#### **8.1.1 Approved Permit**

When the Permit Authority is content with an application from a promoter a permit will be issued to the activity promoter in accordance with the specification for electronic data transfer. The permit will include reference to any associated documentation such as drawings and any conditions attached.

Documentation and drawings can be referenced to a permit application via the submission to the Permit Authority of additional information through the current means for electronic data transfer.

#### **8.1.2 Grounds for Refusal**

The Permit Authority recognises that legitimate activities cannot be refused, however the Permit Authority will refuse a permit application if elements of the proposed activity are not acceptable. Grounds for refusal must relate to the types of condition listed in Regulation 10(2) of the Statutory Instrument 2007 No. 3372 as amended.

Where an application for a permit meets the relevant requirements in the Permit Scheme, the Permit Authority will grant the permit.

The following are non-exhaustive examples of matters that are likely to lead to applications being refused or subject to requests for further information or modification to address them.

1. Overlapping activities – 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. Information about some other activities is available to the promoter through the Permit register, so in such situations the promoter must contact the authority to discuss acceptable options before applying for the Permit.

2. Timing and Duration – An activity promoter must ensure when making an application for a Permit that the proposed duration of the activity takes into account both his legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway. The Permit Authority may query the proposed duration, for example on the grounds that:

a. it can be completed more speedily or, that realistically, not enough time has been allowed; or,

b. that the specific dates and times proposed may clash with other proposed activities or events which occupy road space, in such a way as to be likely to cause an unacceptable level of disruption.

3. Location of Activity – A Permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a Permit due to the proposed location of the activity. This is a similar power to that under Section 56A of NRSWA i.e. were the location of a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status.

Refusals on this basis would only apply:

a. in relation to the installation of new apparatus – it cannot be used to require existing apparatus to be moved; or

b. where disruption would be reduced by installing the apparatus in an alternative street where it is reasonable to use the alternative street or a different location within the same street.

Where an application for a permit does not meet the relevant requirements in the Permit Scheme, the Permit Authority will contact the activity promoter as soon as possible, and within the period specified in the table inserted into section 8.3.1 below, to explain precisely why the application is not satisfactory and which elements needs modification. Permit Authority responses will be sent electronically via the current means of electronic data transfer and may make use of national response codes when available.

Permit authority responses may take the form of either a Refusal or Permit Application Modification Request (PAMR). Where a Refusal is given the activity promoter will need to submit a new permit application. Where a PAMR is given then the activity promoter may submit a Modified Application.

Otherwise, the work may need to be re-scheduled.

### **8.1.3 Right of Appeal**

The promoter has a right of appeal if it is unable to reach agreement with the Permit Authority over the terms of the permit or the conditions attached. In the case of immediate activities, work may have to stop until the issues are resolved. The Permit Authority will decide on a case by case basis if this is necessary. Section 10 (Dispute Resolution) has details of dispute procedures.

### **8.1.4 Response Times**

The Permit Authority intends to reply to permit applications within the stated response times. In circumstances where the Permit Authority fails to meet this general obligation, the permit will be deemed to be granted in the terms of the application.

### **8.1.5 Overlapping Activities**

Information about other activities is available to the promoter through the permit register, so in such situations the promoter should contact the authority to discuss acceptable options before applying for a permit.

### **8.1.6 Timing and Duration**

Where there is a query about the timing and duration of an activity, the Permit Authority will talk to the promoter. It is, therefore, essential that the permit application provides the name and contact details of someone able to agree amendments acceptable to the permit authority. The promoter should then submit a revised application against which the authority will be able to issue a permit.

### **8.1.7 Location of Activity**

Where location of a proposed activity is unacceptable to the authority because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status, the Permit Authority will talk to the promoter to see whether another route would satisfy all the requirements.

## **8.2 Permit Period**

### **8.2.1 Road Category**

Permits will only be valid from the start date to the end date of the permit on category 0 to 2 or traffic sensitive streets, and between adjusted dates based on the validity period in the start date for category 3 and 4 streets. The start and end dates will be calendar days, notwithstanding reference elsewhere to working days, and may include weekends and bank holidays where agreed by the permit authority, even if these are non-working days.

### 8.2.2 Days of Work

The permit start and end dates will be in calendar days. This will prevent ambiguity as to whether the permit is valid, even at weekends or on Bank Holidays.

The duration is the number of working days on which the activity can take place.

If the permit allows working at weekends or on Bank Holidays, then the permit start and end dates will accommodate this, even though those days will not count towards the activity duration.

### 8.3 Issuing Permits and Response Time

The Permit Authority will issue permits electronically using the formats in the current specification for electronic data transfer to ensure easy automation. If the electronic system is down or unavailable for any reason then permits can be issued by fax or post. Permits are given a unique reference, which must be displayed on the site information board. Variations to permits are denoted by the use of the same unique reference with a different suffix to denote the variation. The Project Reference must be used on applications to link associated works, enabling cross-reference between the permits. The form of the permit is given in the current specification for electronic data transfer.

Remedial works will require a new permit. The permit application should use the same reference as the original works; failing that, it must be cross-referenced to the permit for the original activity

#### 8.3.1 Permit Application Periods and Response Times

Application Period	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)
	PAA	Application for permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is the longest
Standard	n/a	10 days	
Minor	n/a	3 days	
Immediate	n/a	2 hours after	

Response Times	Response times for The Permit Authority for issuing or refuse a permit (seeking further information or discussion must be done prior to issue or refusal)		Response times to applications for permit variations
	PAA	Application for permit	
Major	1 month	5 days	2 days
Standard	n/a	5 days	
Minor	n/a	2 days	
Immediate	n/a	2 days	

#### 8.4 Conditions (National Guidelines)

A permit issued by the Permit Authority will specify in detail the activity that has been allowed. Except in the exceptional case of an Authority-imposed variation, all the promoter's information contained within the permit will be taken from the application, including the associated conditions.

Where a condition is to be specified in a permit the Permit Authority shall use the wording and numbering for that type of condition set out in the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions.

The following condition types are included in the Permit Scheme and shall be utilised as required.

##### 8.4.1 Timing and Duration of Activity

Every permit will contain a condition relating to timing and duration of the activity. Conditions may include:

- Any date(s) between the start and completion dates on which works should not take place, which may also include periods when, not only should no work take place, but that the site should also be cleared of all plant, materials and equipment, including all traffic management measures and signing, lighting and guarding;
- The times of day at which works can and cannot be carried out;
- Whether or not the duration of the works includes, allows for, or requires weekend or Bank Holiday working.

If the activity cannot be completed within the timeframe specified in a permit condition, the promoter will need to apply for a variation.

##### 8.4.2 Road Space

The amount of space that activities in the highway occupy can have a major impact on congestion and disruption levels. There may be instances when the area required to carry out the actual work is relatively small and, in itself, has little effect on traffic. However, if associated plant and excavated material take up a greater area – possibly resulting in lane restrictions and temporary traffic control measure - the impact could be magnified considerably. The area occupied could be reduced if unnecessary plant and excavated material is removed swiftly.

The following road space conditions may, for example, be attached to the permit:

- Whether materials and plant can be stored on site;
- The width and/or length of road space that can be occupied - including allowing for signing, lighting and guarding - at any one time, during the period of the works;
- The road space that is to be available to traffic (vehicles and/or pedestrians) at certain times of day. This leaves the promoter scope to work out how best to achieve this.

#### **8.4.3 Traffic Management Provision**

Activity promoters will need to submit traffic management proposals with permit applications. The way traffic is managed during the activity can have a major influence on congestion and disruption. For example a promoter may propose closing a road, and whilst this may be necessary in some cases, in others it may be possible and less disruptive to keep at least part of the road open. With smaller scale activities, portable traffic signals may be sufficient. The Permit Authority may require traffic management conditions, for instance:

- That the road, or relevant section, should be closed to traffic during the works under Section 14 of The Road Traffic Regulation Act;
- That shuttle working and/or portable traffic signals are to be used.

This type of condition will be discussed with the activity promoter to reach agreement and ensure that any conditions allow activities to be undertaken in accordance with existing statutory codes and guidance such as Safety at Street Works and Road Works.

It is possible that traffic management arrangements will change during the course of the activity. If so this must be explained in the application and if it is considered necessary, these changes will be included in the conditions. A condition may also be included that the promoter must notify the Permit Authority before such changes take place so that the Permit Authority can inform road users and, if necessary, implement complementary traffic management measures to minimise disruption.

#### **8.4.4 Methodology for Carrying out Activities**

The method the promoter proposes to carry out the activity can have a significant effect on the level of disruption. For example, promoters should seek to employ minimum dig technology wherever practical to minimise inconvenience to the public and reduce disruption. The Permit Authority may have requirements for conditions relating to the methodology, following discussion with the activity promoter.

#### **8.4.5 Consultation and Publicity**

Where activities have the potential to be especially disruptive to local residents, businesses and/or road users, the Permit Authority may suggest a condition requiring the promoter to provide advanced notice to nearby householders or businesses, or to drivers or pedestrians using the road.

Each site must display the unique permit reference number, once issued, on the site information board.

In the case of major activities, conditions relating to consultation or publicity will be introduced at the Provisional Advance Authorisation stage, where possible, so that the promoter has the maximum time to publicise the activity or carry out a consultation. However, where circumstances change (if, for instance, other activities in the vicinity

become likely), or the proposed activity changes in nature, or where activities do not require a Provisional Advance Authorisation, timescales may be shorter.

The Permit Authority will put a disclaimer on published information provided by third parties along with the contact details of the activity promoter for interested members of the public.

#### **8.4.6 Environmental Conditions**

The Permit Authority may require environmental conditions, where appropriate. These may include, but are not limited to, restrictions on hours of work in residential areas to reduce noise, or conditions to protect wildlife. The Permit Authority will provide full information to the activity promoter, at the earliest opportunity, if such conditions are relevant to allow for them to be included in the permit application. Any environmental conditions required will be with the express consent of those responsible for such matters within the local authority area.

#### **8.4.7 Supplementary Conditions**

In addition to the conditions set out above the following conditions may also be required on a permit application and should be considered by the activity promoter when submitting an application.

##### **8.4.7.1 Vulnerable People and People with Disability**

The Permit Authority may provide information on the ASD about vulnerable road users, under the special designation code Parking Bays and Restrictions. The Activity promoter should include information in the Permit Application about the measures which will be taken to mitigate inconvenience to the road users identified. The Permit Authority may suggest conditions to ensure that the needs of vulnerable road users or those with a disability are considered when undertaking activities on such streets.

##### **8.4.7.2 Special Publicity**

To aid the co-ordination process, where activities have the potential to be especially disruptive to local residents, businesses and/or road users, the Permit Authority may require special publicity. This may, for example, simply be early warning of the works by advance information signs placed on the route to warn of possible delays. However there may, in some cases, be a need for letter d' to residents, or an awareness raising exercise through local media.

#### **8.5 Conditions and Statutory Requirements for Immediate Activities**

The Permit Authority can under Regulation 13 impose conditions on immediate activities for the period between starting work on site and the activity promoter receiving a permit. Such conditions are of the types specified in Regulation 10.

It is a requirement of the scheme that the activity promoter shall apply for a permit within 2 hours of starting or by 10.00 am the next working day.

It is a requirement of the scheme that promoters carrying out immediate activities on streets designated as requiring early notification are required to contact the Permit Authority, by telephone, immediately, notwithstanding the duty to submit a permit application within two hours. Not all category 0-2 and traffic sensitive streets have been so designated, but only those most susceptible to unplanned disruptions. These designated streets have been indicated with an ASD record in the NSG which includes the contact telephone number(s).

These conditions and statutory requirements are posted on the Permit Authority's public website where they can be accessed by promoters. Following discussions with the promoter, the Permit Authority may require additional conditions for individual immediate activities before a permit is issued. These conditions will be recorded on the register against the reference number given to those activities.

#### **8.6 Resubmission of Activities**

In circumstances where the Permit Authority discusses its intention with the promoter to require conditions which effectively amend the details of the original application, the activity promoter shall amend and resubmit the application.

## **9 Variations to Permits**

### **9.1 General Principles**

Changing circumstances, for either an activity promoter or for the Permit Authority, may require permits and/or the conditions attached to them to be varied. The promoter might request a change if new information, events, or discoveries on site mean that they need to alter their original plans. The promoter must submit an application for a permit variation and, if approved, the Permit Authority will issue a new permit incorporating the variations.

The Permit Authority may also take the initiative if, for instance, an unexpected event affects the network so that planned activities, or even those under way, have to be reconsidered. The Permit Authority will discuss with a promoter whether the promoter will submit a permit variation application or whether the Permit Authority will issue a new permit based on an Authority-imposed Variation, incorporating any changes. In either circumstance, no fee will be charged for the amendment.

A Provisional Advance Authorisation (PAA) cannot be varied. If a full permit has not yet been issued and the promoter needs to make changes, then the promoter must inform the Permit Authority of the proposed changes and make a revised application for a PAA or permit. If the Permit Authority requires changes to the PAA then, after discussion with the promoter, the promoter must make a new application but in this case no fee will be charged.

### **9.2 Variations Initiated by the Activity Promoter**

#### **9.2.1 Reasons for a Variation by Promoters**

From time to time an activity promoter may need to apply for a justifiable variation to a permit and/or its conditions, including an extension of the agreed duration.

The purpose of the Permit Scheme is not to prevent necessary activity, so an application for a justifiable variation is likely to be granted, although the Permit Authority will consider the wider network implications of the changes and other relevant factors.

#### **9.2.2 Extensions**

The Permit Authority is under no obligation to let works run beyond the permitted period. The promoter must note that any occupation of the highway beyond the end of the permit may constitute a criminal offence. However, if the authority decides that the proposed extension is reasonable and does not conflict with other planned activities then it will not unreasonably withhold permission.

Activities which exceed the allowable duration included in the permit conditions without good reason will, potentially, be subject to overrun charges under Section 74 of NRSWA. The reasonableness of any extension request will be decided in the normal way using the provisions of Section 74. In these instances, in order to clarify that Section 74 charges apply even though a valid permit is in force, whilst the end date and/or the activity duration in the permit will be extended, the reasonable period within which the works have to be completed will not.

Whilst the Permit Authority will grant the extension to minimise disruption in many cases, there may be occasions where the promoter will have to vacate the street to allow other activities to take place and submit an application for a new permit to complete their activity at a later date.



### **9.2.3 Fees for Promoter Initiated Variations**

A fee is payable for applications for permit variations initiated by promoters .

### **9.2.4 Applying for a Variation**

A works promoter may apply to vary an existing permit at any time before it expires, as follows:

- Where the existing permit has more than 20% of its duration or more than two days to run, whichever is the longer, the promoter must apply for a variation electronically via the current means of electronic data transfer;
- In any other case the promoter should first telephone the Permit Authority to ascertain whether the authority is prepared to grant an extension, and apply - again electronically via the current means of electronic data transfer - only if the authority agrees.

The Permit Authority will respond to the variation application within two days of receipt.

If electronic systems fail, then applications may have to be sent another way, such as fax or post. These alternatives are the same as with the NRSWA notification system as specified in the current specification for electronic data transfer.

The Permit Authority may need to investigate before granting a variation, so it is strongly recommended that all requests for permit variations are made as soon as it becomes clear that the activity will overrun or otherwise change. Prior discussion by promoters with the Permit Authority is also recommended so that variation applications can be dealt with quickly.

Where changes are initiated by a promoter, in certain circumstances where changes are minimal and these have been agreed with the Permit Authority, the authority will not require an application but will issue a revised permit directly.

### **9.2.5 Multiple Excavations**

Activities can be particularly subject to change where a promoter has to make several excavations or registerable openings in the street to locate a fault. An example is where gas has migrated along a duct to emerge from the ground some distance from the actual leak. A series of excavations or openings have to be made from where the symptoms are apparent to trace the point of the fault. In normal circumstances every new excavation would require a permit variation. The arrangements below aim to avoid a succession of variations as each hole is dug. Nonetheless it is important that the Permit Authority has details of the operation, so that it can co-ordinate and manage these and other activities in the area.

The Permit Scheme includes the following arrangements for immediate activities requiring a series of fault-finding excavations or openings. As for immediate works, the promoter must submit the first permit application containing the location of the initial excavation or opening within two hours of starting work

a) For any further excavations on the same street within 50 metres of the original hole, the promoter must telephone the Permit Authority with the new location. No permit variation will be needed and no charge will apply.

b) The promoter must apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50- 100 metres, 100-150 metres etc. Standard variation charges will be applied, although the Permit Authority may, at its discretion, waive such charges, as a general rule, or for

particular cases. Separate variations would be required for bands going in opposite directions.

c) For additional excavations within each band the promoter will telephone the Permit Authority with the new location. Again, no permit variation is needed and no charge will apply. If the search carries into a different street, or a new USRN (including if the street changes to a different authority), then the promoter must make a separate permit application as appropriate to the additional street's designation.

If the promoter cannot contact the Permit Authority by telephone they should record that fact and send the message electronically.

### **9.3 Variations Initiated by the Permit Authority**

#### **9.3.1 Reasons for a Variation by the Permit Authority**

Permit schemes effectively allow promoters to book road space for activities. Once the permit is issued the promoter should have reasonable confidence that the road space will be available to them. Nevertheless, even when a permit has been issued in good faith, circumstances beyond the Permit Authority's control may necessitate a change in either the permit or its conditions.

The Permit Authority's intention is that such changes should happen only under circumstances which could not have been reasonably predicted and where their impact is significant. An example would be if extra traffic was diverted onto the road for which the permit has been issued due to another road being closed by floods, burst mains or a dangerous building, etc. If the consequent disruption cannot be mitigated in another way, it may be necessary to vary aspects of the permit, such as the time or manner of working.

#### **9.3.2 Reaching Agreement**

If the Permit Authority considers that a variation is necessary, it will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements on those involved. Good co-ordination and co-operation between promoters and the Permit Authority will minimise the time that the authority needs to vary permits or their conditions. That will be in all parties' interests.

These discussions may lead to an agreement on the variations required. In that case, the Permit Authority will then issue a revised permit in those terms, unless, by agreement, the promoter applies for a permit variation, from which the Council will issue the revised permit. The latter may be more appropriate if the promoter needs to reconsider elements of its plans within the parameters agreed with the Permit Authority. Any application must include an appropriate description of the variation and its implications and must, in all cases, include the proposed dates and duration of the activity.

If agreement cannot be reached, the Permit Authority may issue an Authority Imposed Variation on the terms it considers reasonable, but the promoter would have the option of invoking the dispute resolution procedure ).

#### **9.3.3 Fees for Authority Initiated Variations**

No fee will be payable for permit variations initiated by the Permit Authority, unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the Permit Authority's action. In that case a variation fee would be payable for the variation application from the promoter.

## **9.4 Suspension, Postponement, Revoking or Cancellation of a Permit**

### **9.4.1 Suspending or Postponing an Activity**

There is no mechanism in the TMA or permit Regulations for formally suspending or postponing a permit, only for varying or revoking them.

If the Permit Authority intends to suspend or postpone an activity for which it has already given a permit but intends that the activity should happen at a later date, it will use the permit variation provisions, as described above, to enforce a change of dates. The promoter would then need to submit a further variation application relating to the new dates and any other requirements; in this case, the fees for the variation would be waived.

If the need for suspension is due to the promoter failing to comply with the conditions of a permit, then the Permit Authority may use the provisions in the Regulations which replace Section 66 of NRSWA.

### **9.4.2 Revoking a Permit**

Regulation 10(4) of the Statutory Instrument 2007 No. 3372 as amended provides a power to revoke a permit where it appears to the Permit Authority that the conditions attached to a permit have been breached. The Permit Authority will use this power where it considers it appropriate. Before doing so the Permit Authority will discuss the situation with the activity promoter.

### **9.4.3 Cancelling a Permit**

If a promoter no longer requires a permit which they have been granted, they should use the cancellation notice containing the relevant permit number (see the current specification for electronic data transfer for more details). There is no fee for a permit cancellation.

An activity promoter will be committing an offence if the activity continues after cancelling a permit.

## **10.0 Fees**

### **10.1 Introduction**

The Permit Authority has set its permit fees in accordance with the Traffic Management Act 2004 Permit Fees Guidance published by DfT in July 2008 and in accordance with the Revised Fee Structure contained in the Additional Advice Note published by the DfT in January 2013.

### **10.2 Permit Authority power to charge fees**

To meet the costs of introducing and operating the scheme, Regulation 30 of Statutory Instrument 2007 No. 3372 as amended gives the Permit Authority the power to charge a fee in respect of the following:

- a) the issue of a permit.
- (b) an application for a permit, where the permit scheme requires a provisional advance authorisation to be obtained as part of that application; and
- (c) each occasion on which there is a variation of a permit of the conditions attached to a permit.

### **10.3 Fee Levels**

The fee levels have been set based on recovery of the Permit Authority's costs for administration of that part of the Permit Scheme that applies to street works only. The fees are structured to reflect the greater effort involved in handling larger activities and busier roads. Works on behalf of a Transport Authority will require a permit in the Permit scheme. Works on behalf of the Highway Authority will also require a permit, but will not attract a fee.

In an attempt to improve planning and co-ordination of works any variation to the initial permit application is a chargeable event (but see section 8).

If a permit variation moves an activity into a higher fee category, the promoter will be required to pay the difference in permit fee as well as the permit variation fee.

### **10.4 Waived and Reduced Fees**

In an attempt to drive improvement in the co-ordination effort, and help reduce disruption, in the case of works where two or more activity promoters propose works that involve sharing the same working space, either at the same time, or in accordance with a joint working strategy agreed in advance with the Permit Authority, no Permit fee will be payable by either party (arranged outside of the current means of electronic data transfer).

The Permit Authority will offer a discount for works in traffic-sensitive streets where those works take place wholly outside traffic-sensitive times. Details for the operation of the discount scheme is available in the Scheme Supplementary Information document available on the Permit Authority's public website.

### **10.5 Where No Fee is Payable**

A works promoter will not be charged a fee if:

- The promoter is the Highway Authority, or is carrying out activities on behalf of the Highway Authority;
- A permit is deemed to be granted because the Permit Authority has failed to respond to the application in the time period;

- Works are part of a Major Highway Improvement Scheme, as described in Section 86 of the New Roads and Street Works Act 1991;
- A permit variation is initiated by the Permit Authority unless the variation is required because of omissions in the completeness of information supplied at the time of application for the permit; or
- Where a permit is granted but subsequently revoked by the Permit Authority before commencement of the specified works, the Permit Authority shall refund in full any fee charged in accordance with this regulation, provided the revocation is not the fault of the permit holder.

#### **10.6 Approved Scale of Fees**

The Permit Authority's approved scale of fees incorporating the Revised Fee Structure set out in the Additional Advice Note (DfT 2013) is contained in a separate Scheme Supplementary Information document available on the Permit Authority's website and the fees are published on the Permit Authority's public website.

#### **10.7 Fee Reviews**

The permit fees proposed in the Permit Scheme are based on officer time and additional operating costs involved in processing street works permit applications. The Permit Authority will review permit and variation fees, with ongoing management accounts being prepared on a monthly basis.

Any significant variation between the expected income and expenditure in operating a permit scheme will be dealt with in accordance with review arrangements in effect at the time.

The Permit Authority is committed to adjust fees if either a surplus or deficit exists between costs and income. The aim is to ensure that a balance of cost and income is achieved over a number of years.

The Permit Authority will review fees, and make available the outcome of the review, in accordance with Regulation 16A of Statutory Instrument 2007 No, 3372 as amended.

#### **10.8 Use of Income**

The Permit Authority does not intend to generate a surplus from the permit scheme. Income will only be used to cover the cost of administration and operation of that part of the scheme relating to street works.

The administration of permits obtained on behalf of the Highway Authority or Transport Authority will not form part of the fee structure.

## **11 Permit Offences and Sanctions**

### **11.1 Introduction**

Part 5 of the Regulations create offences in relation to the operation of the permit scheme and the actions which may be taken in relation to those offences by the Permit Authority. The Permit Authority intends to act reasonably in applying sanctions.

### **11.2 Offences**

The permit regulations create two offences which apply to statutory undertakers. In the context of the NE Lincolnshire Permit Scheme these are:

1. Carrying out activities on the street or highway without a permit (except immediate activities, see below): maximum fine level 5;
2. Carrying out activities on the street or highway in a way that contravenes the conditions attached to the permit, or conditions attached to an immediate activity before a permit issued for those activities: maximum fine level 4.

Within this scheme the permit offences shall only apply to undertakers and not to the highway authority.

### **11.3 Working without Permit**

#### **11.3.1 The Permit Register**

Once a permit has been issued it will be placed on the permit register. Therefore, the Permit Authority will be aware of the existence of all valid permits. The following specific circumstances should also be noted:

- Any dispute over conditions;
- When the Permit Authority fails to respond to an application within the prescribed timescales, in which case a permit will be deemed in the terms of the application;
- An activity promoter would be committing an offence if it continued to work after cancelling a permit.

#### **11.3.2 Timeframe**

A permit will cover a specified activity at a specified location at specified times. All elements of the activity must be completed within the dates on the permit; this includes not only the opening of the street, but all the ancillary work as well, such as stockpiling materials, setting up and disbanding traffic management and clearing the site.

If a variation is necessary the promoter must apply in sufficient time.

#### **11.3.3 Immediate Activities**

A promoter can begin immediate activities without a permit but must apply for one within 2 hours of starting work (to avoid an offence). The promoter can then continue working within the terms of any conditions that apply, for example, regarding working hours.

### **11.4 Recording Conditions**

The conditions attached to a permit will be recorded in the Permit Authority permit register. If a permit is varied a new permit will be issued and any new conditions will be included and recorded. Therefore the status and substance of the conditions will be clear at any point in time. The Permit Authority will seek to ensure that conditions are

precise so that that both the Permit Authority and the promoter can easily check performance on site against the approved conditions.

Conditions and statutory requirements will apply to immediate activities for the period before a permit is issued. These conditions and statutory requirements will be posted on the Permit Authority's website where they can be accessed by promoters. Following discussions with the promoter, the Permit Authority may require additional conditions for individual immediate activities before a permit is issued. These conditions will be recorded on the register against the reference number given to those activities.

## **11.5 Sanctions**

### **11.5.1 Remedial Action**

Part 5 of the Statutory Instrument 2007 No. 3372 as amended empowers the Permit Authority to issue a notice requiring remedial action within a set timeframe if the promoter is working without a permit or is in breach of any condition. This replaces the power under Section 66 of NRSWA. The remedial action can include removing the activity, remedying the breach of condition or discontinuing any obstruction. The steps that the Permit Authority requires the promoter to take and the timeframe set out in the notice should be reasonable. Where a promoter does not take the remedial action within the timeframe stated in the notice, the Permit Authority may take such steps as it considers appropriate to achieve the outcome in the notice, and, may recover any costs from the undertaker for which the work is being undertaken.

### **11.5.2 General Points**

Decisions on the prosecution of alleged offences are for the Permit Authority to consider and each offence will be individually dealt with. Prosecution will not necessarily be the preferred option and wherever possible problems will be resolved informally. Should the informal approach not be considered appropriate by the Permit Authority then other options will be utilised, depending on the seriousness and persistence of any offence. In these cases the Permit Authority will follow the following process in how sanctions will be employed:

1. If a non-compliance occurs, a notice will be issued by the Permit Authority under regulation 18(1) of the Statutory Instrument 2007 No. 3372 as amended proposing the remedial action to be taken and the defined timeframe;
2. If action is not taken within the timeframe or subsequently agreed timeframe the Permit Authority, under regulation 18(3) of the Statutory Instrument 2007 No. 3372 as amended may take action to remedy the original non-compliance, at the cost of the undertaker;
3. The Permit Authority will raise a fixed penalty notice (FPN) in the first instance but may choose to prosecute the offence through the Courts in accordance with regulations 19 and 20 of the Statutory Instrument 2007 No. 3372 as amended.

### **11.5.3 Informal Approach**

This is the first and preferred option; it will be used at the sole discretion of the Permit Authority and will involve discussions with the promoter to attempt to resolve the problem or issue of non-compliance.

### **11.5.4 Fixed Penalty Notices**

The second option is for the Permit Authority to give a Fixed Penalty Notice.

### **11.5.5 Prosecution**

Finally, the Permit Authority may prosecute the offence through the Courts. Normally the decision as to whether an offence will be dealt with by FPN or through the Courts will be taken at the outset. However, the regulations provide for prosecution in circumstances where a FPN has been given but the Permit Authority subsequently forms the view that it would be more appropriate to prosecute the offender through the Courts. An example would be a persistent offender. In these circumstances, the Permit Authority will withdraw the FPN. However, if the FPN has already been paid then no further action will be taken. Other NRSWA Offences

Any offences relating to other sections of NRSWA, which run in parallel to this permit scheme will continue to apply: These include offences relating to reinstatements, overrunning and failure to send appropriate notices.



## **12. Fixed Penalty Notices**

### **12.1 Introduction**

This chapter provides information about the Fixed Penalty Notice (FPN) scheme for permit schemes introduced by the Statutory Instrument 2007 No. 3372 as amended.

These regulations provide for certain offences under Part 3 of the TMA to become fixed penalty offences. This means that they can be dealt with by FPNs, although prosecution through the Magistrates' Courts remains an option for the Permit Authority.

FPNs apply only to statutory undertakers and not to highway authorities, however, the Permit Authority will monitor highway authority activities to ensure equal treatment across promoters.

### **12.2 Principle Aim**

FPNs are included in the scheme to enable the Permit Authority to better manage and control activities in the street, contributing to an aim of the TMA to minimise disruption from street works. However, good planning and co-ordination between the Permit Authority and activity promoters is paramount. Accurate and timely information about proposed activities from promoters, together with quality data, will improve the Permit Authority co-ordination function and reduce the need for FPNs.

### **12.3 Time periods**

All time periods, unless otherwise stated, are in working days

#### **12.3.1 Giving a Fixed Penalty Notice**

An FPN will not be given more than 91 calendar days after the commission of the offence, beginning with the day on which the offence is committed. This is the maximum period allowed, but the Permit Authority will issue, if deemed appropriate, an FPN as soon as possible.

#### **12.3.2 Payment**

If the undertaker pays either the full penalty within 36 calendar days or the discounted amount within 29 calendar days, then no further proceedings can be taken against that undertaker for that offence.

#### **12.3.3 Non-payment**

If the undertaker does not pay the penalty within 36 calendar days then the Permit Authority may bring proceedings in the Magistrates' Court for the original offence.

### **12.4 The Fixed Penalty Notice**

Only one FPN will be given per offence.

The Fixed Penalty Notice will be given in the form prescribed in the regulations. The notice is divided into two parts:

- Part A includes information about the authority and the offence;
- Part B includes information about the payment of the penalty. It also includes a table listing the relevant offence codes for use in Part A.

Part A and Part B, together with guidance on completion of the form, are included in Appendix E.

The penalty is:

- £500 for working without a permit if paid within 36 calendar days beginning with the day on which the notice is given, discounted to £300 if payment is made within 29 days beginning with the day on which the notice is given. The Permit Authority may extend this period at its discretion in any particular case;
- £120 for working in breach of a condition if paid within 36 calendar days beginning with the day on which the notice is given, discounted to £80 if payment is made within 29 calendar days beginning with the day on which the notice is given;
- If the last day of the discounted period does not fall on a working day, the period for discounted payment is extended until the end of the next working day.

## **12.5 Method of Giving a Fixed Penalty Notice**

The Permit Authority will use electronic FPNs where possible because they can be processed more easily, but other methods are available if necessary.

### **12.5.1 Electronic Fixed Penalty Notices**

Undertakers must give the Permit Authority an electronic address, such as email address, fax number or method linked to the current means of electronic data transfer, if they want to receive FPNs electronically. The Permit Authority will use this address.

The Permit Authority will ensure that the FPN meets the three conditions set out in Regulations 5 (3) of Statutory Instrument 2007 No. 1952 namely:

- Capable of being accessed by the person mentioned in that paragraph;
- Legible in all material respects;
- In a form sufficiently permanent to be used for subsequent reference.

For this purpose "legible in all material respects" means that the information contained in the fixed penalty notice is available to that person to no lesser extent than it would be if given by means of a fixed penalty notice in printed form. When the Permit Authority gives the fixed penalty notice by electronic means, then the notice is deemed to be given at the time when the transmitting apparatus records satisfactory completion of the transmission, unless the contrary is proved.

### **12.5.2 Non-electronic Fixed Penalty Notices**

In all other circumstances, including system failures, or if the Permit Authority has tried to use the electronic means but cannot do so the Permit Authority may give the FPN by sending it by any other agreed means.

## **12.6 Withdrawing a Fixed Penalty Notice**

If the Permit Authority considers that an FPN ought not to have been given it will withdraw the FPN using a 'Notice Withdrawing Fixed Penalty Notice'.

## **12.7 Guidance for Undertakers**

### **12.7.1 Basic Principles**

An FPN offers an undertaker the opportunity of discharging any liability to conviction for the specified offence by payment of a fixed penalty.

An FPN will be given by the Permit Authority to the undertaker promoting the works and not to any contractor carrying them out. Some undertakers may arrange for noticing and other procedures under Part 3 of the TMA to be carried out by an agent. If

the undertaker wants the agent to deal with FPNs then it must inform the authority accordingly. Even so, the undertaker remains responsible for managing its statutory duties and obligations under NRSWA and the TMA.

#### **12.7.2 Payment of a Fixed Penalty Notice**

The Permit Authority allows the following methods by which the FPN penalty may be paid:

- Electronic payment using the bankers automated clearing services (BACS); or
- By cheque by post

#### **12.8 Representations**

To enable an early resolution of any dispute about the justification for giving an FPN, it is strongly recommended that the promoter makes any representation against the giving of an FPN as soon as is reasonably practicable.

Before making an official representation, the undertaker is advised to informally contact the authorised officer at the Permit Authority who gave the FPN. If this contact fails to resolve the issue, the undertaker must make a written representation to the officer specified on the FPN as responsible for considering representations. This formal representation should be made in writing, either electronically or on paper, to provide an audit trail. The Permit Authority will ensure that a fair and open system is in place for considering representations. The Permit Authority will appoint a nominated official, independent of the permit team to consider all such representations.

The Permit Authority may extend the full payment period while representations are being considered. It is NOT able to extend the discounted payment period.

#### **12.9 Application of Money by the Permit Authority**

The Permit Authority will deduct from the fixed penalties received under Section 37(6) of the TMA, the reasonable costs of operating the FPN scheme under which they are paid. The authority shall apply the net proceeds to promoting and encouraging safe, integrated, efficient and economic transport facilities and services, to, from and within its area.

The Permit Authority will demonstrate that the costs of running the FPN scheme are reasonable and that the net proceeds after deducting these costs are being correctly applied. Those enquiring should note that accounts are generated annually.

It is not the aim of the Permit Authority in utilising the FPN sanctions, to generate an additional source of income for the authority.

## **13. Related Matters**

### **13.1 Road Closures and Traffic Restrictions**

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.

There are two procedures:

(a) Where urgent action is needed the Permit Authority as Traffic 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 - 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.

(b) In less urgent cases the traffic 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. A temporary Notice and a 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.

In extraordinary circumstances, the Road Traffic Regulation Act 1984 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.

#### **13.1.1 Procedure Temporary Notices**

This procedure will only apply to immediate activities.

The promoter will inform the Permit Authority, as Traffic Authority, as soon as practicable if a closure or traffic restriction is needed. The Permit Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a Notice will be made.

The Permit Authority must state in the Notice:

- The reason for issue;
- Its effect;
- Alternative routes (where applicable);
- The date and duration of the Notice.

The Permit 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.

#### **13.1.1.1 Temporary Orders**

The Permit 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. Any such permanent Orders should then be revoked as soon as the activity is completed.

The Permit 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 Order is made. These bodies should be consulted, as well as notified, if the closures are expected to last for more than 18 months.

A Temporary Traffic Order is generally needed for planned activities in the street (except where the Order follows a closure Notice). If an Order is needed, the promoter should notify the Permit Authority as Traffic Authority at least three months in advance. This period will allow the Permit Authority time to consult, and to obtain approvals and advertise the Order. Activities that require a Temporary Traffic

Order are automatically classed as „major“ and require at least three months notice for applying for a Provisional Advance Authorisation and a Temporary Traffic Order.

The promoter must submit all the information needed to justify an Order with the application for the Order.

#### **13.1.1.2 Continuation of Closures and Restrictions**

A five-day temporary traffic closure or restriction Notice cannot be extended. A 21-day temporary Notice can be extended by one further Notice giving up to 21 days more. Both five-day and 21-day Notices may be followed immediately by a temporary Order. This may be made without the seven days prior notice normally needed for such Orders.

If the original estimate of the duration of the activity changes, a request for a permit variation will be necessary (see section 8).

There will be cases where works will unavoidably overrun the temporary Notice period. Where this possibility is apparent from the beginning, promoters must inform the Permit Authority. The Permit Authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted. If the overrun becomes apparent only after the activity has started, the promoter should immediately inform the authority that either a further Notice or an Order will be required. This action may be needed before the request for a permit variation is made.

It might not be possible to make a follow-up Order before a five-day Notice expires. The activity may have to be suspended, and the site temporarily restored to traffic until the correct procedures have been followed. The Permit Authority will try to minimise both the number of cases where this happens, and, where it is unavoidable, the period of suspension involved. This problem is unlikely to arise in the case of a 21-day Temporary Order.

Subject to the time limit for Temporary Orders, see above, a closure or restriction imposed by a Temporary Order may be continued by a further Order. If this is required, the promoter should notify the Permit Authority immediately, giving, wherever possible, at least one month's notice.

#### **13.1.2 Policy Guidance**

When a Notice has been published or Order has been made, the promoter must comply with the requirements of the Permit Authority as Traffic Authority and the police for the closure of the road.

### **13.1.3 Charges**

Section 76 of NRSWA allows for Traffic Authorities to recover the costs of issuing temporary Notices or making Temporary Traffic Regulation Orders (TTROs). Upon receipt of an application for a TTRO, the Permit Authority can provide utilities with the estimated cost. Invoices will be itemised, for example:

- a) Cost of Order;
- b) Advertising in local papers, as required under Regulations;
- c) Administration.

### **13.2 Maintenance of Undertakers' Apparatus**

Undertakers have a duty, under Section 81 of NRSWA, to maintain apparatus in the street to the reasonable satisfaction of the Permit Authority as the street authority, having regard for the safety and convenience of traffic, the structure of the street, and, integrity of apparatus in it. Bridge, sewer and transport authorities also have an interest, so far as any land, structure or apparatus they own is concerned.

Most undertakers have statutory obligations to maintain their networks - quite apart from which, they must maintain systems in efficient working order to properly discharge their safety and service obligations to their customers.

Thus the Permit Authority and all promoters have a shared interest in the proper maintenance of apparatus in the street.

As with reinstatements, it is important that the Permit Authority reports any apparatus in an unsatisfactory condition quickly and accurately and includes the level of severity of the problem. The owner must respond and carry out any necessary remedial works within the reasonable timescales agreed with the Permit Authority, as the street authority.

#### **13.2.1 Practical Considerations**

Although NRSWA gives street authorities certain default powers to inspect and carry out emergency works, neither street authorities nor undertakers expect the need to arise. However, should it happen, then (without impeding any immediate emergency action) the matter will be referred to the agreed dispute resolution procedure.

The Permit Authority, as street authority, will immediately notify the undertaker if surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs. This will be done in accordance with the protocols set out in the current specification for electronic data transfer, or a locally agreed protocol outside of the current means of electronic data transfer. The Permit Authority may arrange a site meeting by agreement with the undertaker. If an undertaker accepts responsibility for previously un-attributable street works, it must issue relevant notices, or apply for a permit, as appropriate; using its own works reference, rather than that generated by the Permit Authority, as street authority.

If the problem is agreed to be the undertaker's responsibility, it must take immediate action to investigate and initiate any necessary remedial works, in accordance with the following principles:

- a) Dangerous defects require an immediate response;
- b) Non-Dangerous defects require a response within the timescales agreed with the street authority.

## Dangerous Situations

Apparatus that requires an immediate response or remedial works or to avoid injury or damage to persons or property shall be considered dangerously defective.

Examples include:

- Missing covers and/or frames;
- Sunken or raised covers and/or frames (generally greater than 25mm depth/trip).

Notwithstanding the above, the Permit Authority, as street authority, may execute any emergency works needed in consequence of the undertaker failing to maintain his apparatus.

Non-Dangerous defects require a response within the timescales agreed with the street authority:

Non-Dangerous defective apparatus is apparatus which requires attention to comply with specifications or remove nuisance; or has the potential to escalate to "Dangerous" in the near future.

Examples may include:

- Cracked covers and/or frames;
- Sunken or raised covers and/or frames (generally less than 25mm depth/trip);
- Rocking covers and/or frames;
- Worn/polished covers in carriageways and cycle ways, on bends, or on the approaches to "Stop" lines; "Give-Way" lines; traffic lights; pedestrian crossing lights; zebra crossings; and, railway/tramway level crossings. These covers could also be dangerous depending on the circumstances at the site.

Note: The decision on whether an occurrence is Dangerous or Non-dangerous will, by necessity, have to be made on site. It should not be challenged unreasonably. Hence, it is important that the classifications are strictly applied. An undertaker may reduce the time for response, to meet operational needs for example, but shall not exceed the recommended timescales.

It is important that only the responsible undertaker, or a specialist contractor working on its behalf, investigates suspected damaged or defective apparatus, excluding manhole covers and frames. The Permit Authority, as street authority, will carry out investigations or remedial works (using appropriately trained and experienced persons) only in an emergency, or where the undertaker is unable or unwilling to use their own operatives or specialist contractor.

Notification will be made using the protocols set out in the current specification for electronic data transfer.

If the Permit Authority, as street authority, has opened the street or exposed the undertakers' apparatus in an emergency, or in the circumstances described above, the undertaker will assist the authority by:

- Jointly inspecting the problem to determine necessary remedial works; or
- Confirming approval for the authority to proceed.

The Permit Authority and the undertaker will agree the time within which it is reasonable for the undertaker to act before the authority commences remedial works. The reasonably incurred costs may be charged to the undertaker.

### **13.3 Working near Rail Tracks and Tramways**

Works promoters planning works near to, adjacent or across the lines of street- running tramways must contact the transport authority responsible for that tramway as early in their planning cycle as possible. The promoter's requirements can be incorporated into the contract documents.

### **13.4 Vehicles Parking at Street and Road Works**

This is not safety advice. The Code of Practice on Safety at Street Works and Road Works should always be consulted.

#### **13.4.1 Vehicle within Activity Site**

A works vehicle may be parked in an activity site provided that it is necessary for the carrying out of that activity. Basic site layouts are shown in the Code of Practice on Safety at Street Works and Road Works. A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.

#### **13.4.2 Vehicle Outside Activity Site**

A vehicle may be parked outside an activity site provided the parking rules that apply to any other vehicle in that street are obeyed. Outside of the activity site, the vehicle has no special status and no exemption from parking enforcement.

#### **13.4.3 Implications**

When assessing the impact of activities, the parking of any vehicles associated with the activity must be taken into account.

This is a particular problem for activities which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is kept adjacent to the activity, in a place which vehicles could not normally use, then it must be a necessary part of the activity site. It must be signed and guarded appropriately. The activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for permits must reflect this.

#### **13.4.4 Parking Restrictions and Parking Bays**

A Traffic Regulation Order imposing parking restrictions, including parking bays, on a particular street should already contain an exemption allowing for activities to take place. Promoters should check whether any dispensation is required well before the works are due to start.

### **13.5 Storage of Materials**

Activity promoters and the Permit Authority must take care to place materials so that they do not cause an obstruction to road users. This matter is one of the factors that the Permit Authority will take into account when making decisions on permits. This matter is especially important if materials are stored away from the activity site, but still within the highway boundaries. The storage facility must have its own permit, with conditions, if it is separate from the activity site.

### **13.6 Apparatus Belonging to Others**

There may be other apparatus where activities are planned and under section 69 of NRSWA, 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.

### **13.7 Assessing the Impact of Activities**

All activities in the highway have a disruptive effect on traffic. An assessment of that effect is part of the process of applying for a permit. The activity promoter should discuss with the Permit Authority what sort of assessment is required.

#### **13.7.1 Disruption Effect Score**

The Disruption Effect Score is based on a measure of congestion resulting from a restriction on the highway. It is derived from a number of simple factors that should be easily established for any given activity. The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors. However three specific factors can be used to provide an indication of disruption: the total width of a road; the extent to which the activities reduce the available width; and the traffic flow. Details of the calculations are given in Appendix H.

#### **13.7.2 Impact Assessments**

Assessment of the impact of activities on general traffic, buses and pedestrians may be included, together with the disruption effect score, in the information included in a permit application. The assessment is a broad indicator of the likely disruptive effect of the proposed activity.

#### **13.7.3 Use of Impact Assessments**

The impact assessment can be used within the co-ordination process to prioritise activities according to their potential for causing disruption. The assessment can also be used to provide public information on the disruptive effects of activities.

### **13.8 Environmental Issues**

Activity promoters are strongly advised to liaise with the Permit Authority arboriculture consultants and other environmental officials along with any necessary parish council officials when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met. A promoter considering burying plant and apparatus that is currently above ground should contact any other utility with similar apparatus to see whether it wishes to share the underground facility.

## **14 Parity and Performance Monitoring**

### **14.1 Background**

A requirement for permit schemes is to ensure that authorities apply a consistent approach to all activities and activity promoters, demonstrating parity of treatment. Another requirement is to demonstrate the success of the permit scheme in meeting its objectives.

### **14.2 Parity of Treatment**

The Permit Authority under the NE Lincolnshire Permit Scheme will demonstrate parity of treatment for all activity promoters, particularly between undertakers and its own activities as highway authority. The issue of equal treatment is emphasised in the “Guidance on the Network Management Duty” introduced under the TMA. Equality will be measured through Key Performance Indicators (KPIs). The Permit Authority will produce an annual set of KPIs that identify the treatment of individual promoters. These results will be published.

The “Code of Practice for Permits” sets out seven KPIs that can be used to demonstrate parity. There is a requirement for Permit Authorities to report on at least four KPIs, with KPIs 1 and 2 being mandatory.

### **14.3 Performance Monitoring**

The Permit Authority will seek to evaluate the Permit Scheme so as to measure whether the objectives are being met. A formal evaluation of performance against the scheme objectives will take place, and the outcome of each evaluation made available, in accordance with Regulation 16A of Statutory Instrument 2007 No. 3372 as amended.

Specific guidance on the objective of ensuring parity of treatment for all types of works and promoters, and the demonstration of that parity, were addressed in section 16.2 above. Under the NE Lincolnshire Permit Scheme, a range of benefits arising from the operation of the Scheme have been identified and a suite of Authority Measures (AMs) developed to measure the effectiveness of the Scheme in meeting the objectives.

The Permit Authority will also work with all promoters to develop relevant additional measures as the Permit Scheme develops over time in order to deliver Scheme objectives and benefits. The Permit Authority will also take into account any future guidance on evaluation, such as nationally agreed Key Performance Indicators.

Information concerning Scheme objectives and current AMs is contained in the ‘NE Lincolnshire Permit Scheme Supplementary Information’ document which is available on the Permit Authority’s public website.

**15 Transitional Arrangements**

When introducing a permit scheme, or making changes to an existing permit scheme, the Permit Authority will comply with the transitional arrangements in effect at the time.

For the purposes of complying with the Deregulation Act 2015, the Permit Authority does not need to consult on the changes required to make its scheme compliant with the Amendment Regulations. The Permit Authority is required to give four weeks' notice before making an Order to come into effect by 1 October 2015.

**16. Changes to the Permit Scheme**

Where changes are required to the Permit Scheme, the Permit Authority will comply with the relevant regulations in force at the time of the proposed change

In accordance with Regulation 5 of Statutory Instrument 2007 No, 3372 as amended prior to making any changes the Permit Authority will consult with the persons specified in Regulation 3(1), although this new consultation period may be of a lesser duration, depending on the nature and significance of the proposed change(s).

**17. Revocation of the Permit Scheme**

If the Permit Authority wishes to cease to run the Permit Scheme, it will first consult with the persons specified in Regulation 3(1) of Statutory Instrument 2007 No. 3372 as amended so far as their streets are concerned, and will comply with the relevant regulations in force at the time of the proposed change.

## Appendix A - Glossary

Term	Explanation
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"
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"
Bridge	As stated 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"
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
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"
Contravention	As defined in section 329 of HA 1980, "contravention in relation to a condition, restriction or requirement, includes failure to comply with that condition, restriction or requirement, and "contravene" is to be construed
Council	As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local
DfT	Department for Transport
Emergency Works	As defined in section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"

Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
HA 1980	<i>The Highways Act 1980</i>
HAUC	The Highway Authorities and Utilities Committee
HAUC (England)	The Highway Authorities and Utilities Committee for England
Highway	As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or
Highway Authority	As defined in sections 1 and 329 of the HA 1980
Highways England	Highways England is the company set up to run the motorways and major A roads in England through legislation within 'The Infrastructure Act 2015'.
Highway Works	"works for road purposes" or "major highway works"
Immediate Activities	Immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i>
JAG (UK)	Joint Authorities Group (UK)
Local Authority	As defined in section 270(1) of the <i>Local Government Act 1972(a)</i> and includes the Common Council of the City of London.
Local highway authority	As defined in section 329 of HA 1980, "local highway authority means a highway authority other than the
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
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
Major activities	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 <i>Road Traffic Regulation Act 1984</i> (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 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 <i>Highways Act 1980</i> (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 <i>Highways Act 1980</i> ; (f) works carried out in exercise of the powers conferred by section 184 of the <i>Highways Act 1980</i> (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"
Minor activities	Minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
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
NJUG	National Joint Utilities Group
NRSWA	New Roads and Street Works Act 1991
OSGR	Ordnance Survey Grid Reference
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 notice of proposed start of works (section 55 of NRSWA) given under the Coordination regime.
Permit Authority	A local authority or other "street authority" which has been given approval by the Secretary of State to operate a permit scheme on all or some of its road network.
Permit Scheme	A scheme approved by the Secretary of State (pre April 2015) or Local Authority Order (post April 2015)
Protected street	Any street that serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed
Provisional Advance Authorisation	The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable	Registerable activities correspond to specified works in the regulations.
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good"

Road	"highway"
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice "Specification for the Reinstatement of Openings in Highways"
Road works	Works for road purposes
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	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory right	As defined in section 105(1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street"
Street	As defined in section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed"
Street authority	As defined in section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers"
Street managers	As defined in section 49(4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"
Street works	As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street"

Street works licence	As stated in section 50(1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)
TMA	<i>The Traffic Management Act 2004</i>
Traffic order	This means an order made under section 1, 6 or 9 of the <i>Road Traffic Regulation Act 1984</i>
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
Undertaker	As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be"
Unique street reference number	As defined in the British Standard BS7666
Urgent activities	Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities
Working day	As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day"



Works for road purposes	As defined in section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the <i>Highways Act 1980</i> (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a <del>footway or grass verge or the strengthening or</del>
Works Promoter	A works promoter is anyone (including Utility Companies, Statutory Undertakers, Local Authorities Road Work Providers and Contractors) responsible for undertaking works on the highway.

## Appendix B – Permit Fees – Amended 1<sup>st</sup> December 2023

North East Lincolnshire Council		
Reinstatement category of street	Road Category 0-2 or Traffic Sensitive	Road Category 3-4 and Non-Traffic Sensitive
Provisional Advance Authorisation	<b>£58.35</b>	<b>£38.54</b>
Major Activity or requiring a TTRO	<b>£117.81</b>	<b>£63.86</b>
Major Activity – 4 to 10 days	<b>£72.67</b>	<b>£37.43</b>
Major Activity – up to 3 days	<b>£36.33</b>	<b>£19.82</b>
Standard activity	<b>£72.67</b>	<b>£37.43</b>
Minor Activity	<b>£36.33</b>	<b>£19.82</b>
Immediate activity	<b>£34.13</b>	<b>£16.52</b>

### Permit Variation Fees

For permit variations, the Permit Authority will charge: -

£45.00 for all works on category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive;

£35.00 for activities on category 3 and 4 streets which are not designated as traffic sensitive.

### Permit Fee Reduction

Reduction for works wholly outside of Traffic Sensitive Times on Traffic Sensitive Streets. The Authority will apply a discount to both Road Categories 3 – 4 that are Traffic Sensitive and Road Category 0-2, where the works are wholly outside indicated Traffic Sensitive Times.

Discount rates: 30% on permit fees as per the above table

### Collaborative Working

Any Statutory Undertaker shall be eligible for a discount where an activity involves more than one promoter and collaborating in one single set of works. This may include collaboration with highway authority promoters as well as other Statutory Undertakers. Promoters should utilise the relevant electronic system data fields to indicate whether collaboration is to take place.