
STATUTORY INSTRUMENTS

2010 No. 2823

HIGHWAYS, ENGLAND

**The Traffic Management (Northamptonshire
County Council) Permit Scheme Order 2010**

Made - - - - *22nd November*
2010

Coming into force - - *10th January 2011*

The Secretary of State for Transport, having approved the Northamptonshire County Council Permit Scheme under section 34(2) of the Traffic Management Act 2004⁽¹⁾, makes this Order in exercise of the powers conferred by sections 34(4) and (5) and 39(2) of that Act.

Citation and commencement

1. This Order may be cited as the Traffic Management (Northamptonshire County Council) Permit Scheme Order 2010 and is to come into effect on 10th January 2011.

Interpretation

2. In this Order—

“the Northamptonshire County Council Permit Scheme” means the permit scheme set out in the Schedule to this Order which was prepared and submitted to the Secretary of State by Northamptonshire County Council and approved by the Secretary of State on 28th June 2010; and

“specified streets” has the meaning given by regulation 8 of the Traffic Management Permit Scheme (England) Regulations 2007⁽²⁾.

Commencement of Permit Scheme

3. The Northamptonshire County Council Permit Scheme comes into effect on 10th January 2011.

(1) 2004 c.18.
(2) SI 2007/3372.

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Application of Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007

4. Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 applies to the specified streets within the Northamptonshire County Council Permit Scheme.

22nd November 2010

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Article 2

THE NORTHAMPTONSHIRE COUNTY COUNCIL

PERMIT SCHEME



NORTHAMPTONSHIRE PERMIT SCHEME

FOR

ROAD WORKS AND STREET WORKS

THE PERMIT SCHEME

April 15th 2010

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1 INTRODUCTION

1.1 Background

Part 3 of the Traffic Management Act 2004, (TMA), introduced permit schemes as a new way in which activities in the public highway could be managed and to improve authorities' abilities to minimise disruption from street and road works.

1.2 Relationship to NRSWA

Permit schemes provide an alternative to the notification system of the New Roads and Street Works Act 1991, (NRSWA), whereby instead of informing a street authority about its intention to carry out works in its area, a statutory undertaker has to book time on the highway by obtaining a permit from the permit authority. Under a permit scheme, the street authority's activities undertaken by itself, its partners or agents are also treated in exactly the same way as a statutory undertaker. A street authority may chose to implement a permit scheme on all or some of the roads under its control.

1.3 The Permit Scheme

This permit scheme, to be known as the **Northamptonshire Permit Scheme for Road Works and Street Works**, and hereinafter referred to as The Permit Scheme, is based on Part 3 of the TMA and the Traffic Management Permit Schemes (England) Regulations 2007, (the Regulations) and has been prepared with regard to the Draft Statutory Guidance issued by the Secretary of State to assist highway authorities wishing to become permit authorities and in accordance with the requirements set out in the Regulations. Promoters should make themselves aware of the content of these documents and also The Code of Practice for Permits alongside which the Permit Scheme will be operated.

All current NRSWA and TMA legislation, codes of practice, etc., and any future amendments to that legislation, apply to the Permit Scheme.

1.4 The Permit Authority

The Permit Scheme is operated by Northamptonshire County Council, as the street authority for Northamptonshire, hereinafter referred to as the Permit Authority.

1.5 Activities

The generic term "activities" has been used rather than "works" to reflect the fact that the scheme may eventually cover more than street and road works in subsequent regulations. These are the specified works as set out in the Regulations.

1.6 Equivalent definitions

As the Permit Scheme will operate alongside the NRSWA notice system, the same or equivalent definitions and requirements are used as in the NRSWA notice system, namely:

- Registerable activities/works

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- Categories of activities/works, (major, standard, minor and immediate activities/works)
- Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD)
- Street reinstatement categories as defined in the NRSWA Reinstatement Specification
- The distinction between main roads and minor roads where such distinctions are relevant
- Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street.

1.7 Changes to NRSWA legislation

Where it is implemented on the specified streets, (See 4 below), and in accordance with the Regulations, the Permit Scheme will result in the disapplication and modification of the following sections of the NRSWA:

- Sections of NRSWA disappplied: s.53; s.54; s.55; s.56; s.57; s.66
- Sections of NRSWA modified: s.58; s.73A; s.74; s.88; s.89; s.93; Schedule 105; Schedule 3A
- Regulations modified: The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 SI 2007/1951

In the interests of parity, the modified legislation will also apply to works for road purposes.

2 SPECIFIED ACTIVITIES

2.1 Activities requiring a Permit

The Permit Scheme controls the following activities undertaken on the public highway and as defined as Registerable Activities in Chapter 9 of The Code of Practice for Permits:

- (i) Street works as in Part 3 of NRSWA, except for works by licensees under section 50 of NRSWA;
- (ii) Works for road purposes as defined by section 86 of NRSWA.
- (iii) Other activities that may be introduced under future regulations.

2.2 Works for Road Purposes

The requirements of the Permit Scheme apply equally to both highway and statutory undertakers' works with the one exception that fees will not be charged for permits issued for the highway authority's own works for road purposes. Promoters of works for road purposes must ensure that they have followed the equivalent processes for activities and declare that they have fulfilled these requirements in their applications.

2.3 Activities not requiring a Permit before they start

Immediate activities do require a permit but as such works are concerned with emergency or urgent situations, a promoter can start work before applying for a permit. (See section 7.5).

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2.4 Activities for which no Permit is required

Activities executed in a street pursuant to a street works licence issued under section 50 of the NRSWA are not included in the Permit Scheme.

3 SPECIFIED AREA

3.1 Area covered by the Permit Scheme

The Permit Scheme applies throughout the county of Northamptonshire and includes the boroughs of Northampton, Corby, Kettering and Wellingborough.

4 SPECIFIED STREETS

4.1 Definition of the term "Street"

For the purposes of the Permit Scheme, the term "street" refers to that length of road associated with a single USRN. Where a single street on the ground has more than one USRN, separate permits will be required for each USRN to which an activity relates. (Activities being the specified works as set out in the Regulations).

4.2 Streets covered by the Permit Scheme

The Permit Scheme will apply to all strategic and traffic sensitive roads. A map showing the roads covered by the Permit Scheme is included in Appendix B

4.3 Identification of streets

Those streets that are subject to The Permit Scheme will be identified as an ASD record held on the National Street Gazetteer, (NSG), Concessionaire's website alongside the NSG data.

4.4 Motorways and Trunk Roads

Motorways and trunk roads in Northamptonshire for which the Highways Agency is the highway authority are excluded from the Permit Scheme. Details of these roads are given in Appendix C

4.5 Non-maintainable highways

Streets that are not maintainable highways, other than those that are expected to become a maintainable highway, are not included in The Permit Scheme.

4.6 Streets to be adopted as maintainable highway

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

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5 PERMITS - GENERAL

5.1 Requirement to obtain a Permit

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

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

5.2 Exempt activities

The following activities do not require a permit:

- The **initial** stages of immediate activities.
- Works carried out in pursuant of a street works licence issued under section 50 of NRSWA
- Traffic census surveys
- The maintenance of fire hydrants by fire service vehicles provided the activity is undertaken outside traffic sensitive periods.

5.3 Optional Permits

For continuity of the register, promoters of activities not requiring a permit are nevertheless encouraged to apply for an optional permit to ensure that road space is available and that their work will not be interrupted by other activities for which a permit has been granted or for which the activity is exempt. No fee will be charged in the issue of an optional permit, but it will be conditional on the activity either not involving excavation or being subject to a section 50 street works licence. If during the course of the activity, this situation changes then all work must cease, the highway re-opened for all users and an application submitted to the Permit Authority for the appropriate permit. The application for an optional permit will be the same as for other permits and as detailed in Section 10 below and the appropriate pro forma will be included in the S.50 application pack.

5.4 One application per street

Each application for a permit will be limited to one street. (See 4.1).

5.5 Activities covering several streets

Where the specified activity involves a number of specified streets, a separate permit will be required for each street. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications and, where non-strategic and traffic sensitive roads are involved, the appropriate notice. Fees for specified activities which involve several permits will be discounted where the applications are submitted together. For consistency with NRSWA, a street will correspond to a USRN.

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5.6 Multiple stage activities

Where the specified activity is carried out in more than one stage, such as with separate interim and final reinstatements, each stage will require a separate permit, and also, if a major activity, a Provisional Advance Authorisation, (PAA), all of which must be cross referenced to the others. (See 6.2 below for details of PAAs). A promoter is required to clarify to the Permit Authority that an activity is to be carried out in stages on the application. A stage of an activity is a period of continuous occupation of the street, or part thereof, whether or not the work is taking place for the whole time, between the start and completion of the activity.

5.7 Linked activities

Where linked activities are carried out at separate locations in the same street they will be treated as belonging to the same set of works. Where the same promoter wishes to carry out unconnected activities in the same street then these shall be treated as separate activities and will require a separate permit and, if appropriate, PAA. Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of the street. If the installation of customer connections is undertaken at a later date then the promoter shall apply for a separate permit.

5.8 Remedial works

Remedial works will require a new permit and this should be cross referenced to the permit for the original activity.

5.9 Interrupted activities

In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is acquired, the promoter shall contact the Permit Authority to agree what action should be taken. Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required. However, where it is considered that the opening should be reinstated and the road returned to full traffic use then the promoter will need to apply for a further permit to complete the work at a later date.

5.10 Collaborative working

The Permit Authority encourages collaborative working between promoters for street works and works for road purposes. Where two or more promoters decide to enter into such arrangements, one must take on the role of the primary promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the secondary promoter(s) will be required to make a permit application for the activity for which they are responsible, only the permit application made by the primary promoter will need to show the number of estimated inspection units. The primary promoter's permit application must give details of the other promoter(s) involved and the extent of the collaborative working. The primary promoter must also ensure that the estimates of works duration are agreed and confirmed with the secondary promoter(s) when submitting the

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application. While the Permit Authority will issue permits to all the promoters involved, not just the primary promoter, the fees will be discounted to reflect the collaborative approach, subject to all criteria being met. The primary promoter will excavate the trench and install its own apparatus with the secondary promoter(s) installing their apparatus in the same trench. The primary promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and the secondary promoter(s) that the secondary promoter(s) will do this work. In which case the responsibility for the reinstatement will rest with the promoter who undertook this work.

5.11 Permit validity

Permits will only be valid from the start date to the end date of the permit. The start and end dates will be calendar days, not withstanding reference elsewhere to working days, and may include weekends and bank holidays where agreed by the Permit Authority, even if these are not working days.

5.12 Charges for over running street works

Charges for over running street works, under section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate the process of setting and modifying the duration of the activity through the permit application, approval and variation processes. (See 1.7)

5.13 Start and end dates

The planned commencement date and finishing date for the activity shall be the start date and end date respectively for the permit. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed. If the activity cannot commence on the proposed start date, the promoter must inform the Permit Authority no later than the preceding day. If the promoter believes that the work could still be completed before the permit end date then they can begin the work on a subsequent day having submitted a start of works notice under section 74 of the NRSWA. If the activity cannot be completed before the permit end date they must apply for a variation. The Permit Authority may or may not agree to an extension, depending on the circumstances, and if not the promoter may be subject to section 74 overrun charges.

5.14 Early start

The Permit Authority will consider a promoter's request for an early start before or after applying for a Provisional Advance Authorisation or a permit application. Where this is agreed, the promoter shall submit a variation to a permit, or in the case of a Provisional Advance Authorisation, include the revised dates on the application for the permit.

5.15 Working without a Permit

It is an offence for a statutory undertaker or a person contracted to act on its behalf to undertake specified works in a specified street without a permit, except to the extent that the Permit Scheme provides that this requirement does not apply. Where it is believed that such an offence is being committed,

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the Permit Authority may impose a fixed penalty notice and require the party concerned to remove the works and return the street to full use. (See 15.0).

5.16 Application requirements

Each application for a permit must include the information indicated in 8.0 below.

6 PERMITS - TYPES

6.1 Types covered by the Permit Scheme

There are two types of permit covered by the Permit Scheme.

6.2 Provisional Advance Authorisation (PAA)

PAAs are a means of enabling significant activities to be identified, co-ordinated and programmed in advance by allowing activities to be provisionally "booked in" by the Permit Authority pending the Authority's subsequent decision on whether, and with what conditions, to issue a permit for the activities.

A promoter who wishes to undertake Major activities, (see 7.2 below), on a specified street **must** apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority. Subsequent applications for permits for Major activities that have not been preceded by a PAA will not be accepted by the Permit Authority.

Each application for a PAA will be limited to one street.

An application for a PAA must include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final permit.

A fee will be charged for a PAA in addition to the fee which is charged for the issue of the permit.

The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a permit to which the PAA relates.

A copy of each application for a PAA is to be provided by the applicant upon request made by a relevant authority and to any person having apparatus in the street to which the application relates.

6.3 Permits

These are full permits with final details for all Registerable activities.

The timing of permit applications to the Permit Authority will depend on the proposed activity, (see 7.0 and 10.10 below).

A copy of each application for a permit is to be provided by the applicant upon request made by a relevant authority and to any person having apparatus in the street to which the application relates.

7 PERMITS - CLASSES

7.1 Classes covered by the Permit Scheme

There are four classes of permit covered by the Permit Scheme.

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7.2 Permit for Major Activities

Major activities are those which:

- Have been identified in an organisation's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the proposed date of the activity;
- Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), under the Road Traffic Regulation Act 1984 for any other activities;
- Other than immediate activities, have a duration of 11 working days or more.

Major Activity Permits are required for the most significant activities on the highway and will require the promoter to obtain a Provisional Advance Authorisation as part of the application process for a Major Activity Permit. (See 6.2 above).

An application for a Major Activity Permit shall be submitted to the Permit Authority in accordance with the time scales given in 10.10 below and must include a description of the proposed activity together with the proposed start and end dates of the activity. Where these differ from those given in the PAA application, the applicant must justify the reasons for any variation.

7.3 Permit for Standard Activities

Standard Activities are those activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive. Activities lasting less than 10 working days but which require a traffic regulation order, such as a temporary road closure, will be classified as Major Activities and will be subject to the requirements in 7.2 above.

An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the time scales given in 10.10 below and must include a description of the proposed activity together with the proposed start and end dates of the activity.

7.4 Permit for Minor Activities

Minor Activities are those activities, other than immediate or major activities, where the planned working is 3 working days or less.

An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the time scales given in 10.10 below and must include a description of the proposed activity together with the proposed start and end dates of the activity.

7.5 Permit for Immediate Activities

Immediate Activities are those which:

- Are emergency works as defined in section 52 of NRSWA.
- Activities, (not being emergency works), whose execution at the time they are executed is required, (or which the person responsible for the works believes on reasonable grounds to be required):

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- (i) To prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
- (ii) To avoid substantial loss to the promoter in relation to an existing service;
- (iii) To reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period;

Including works that cannot reasonably be severed from such works.

Given the nature of immediate activities, work may commence without a permit. However, where it is necessary to carry out excavation in the highway, promoters of such activities must contact the Permit Authority by telephone **immediately** where the specified street is susceptible to unplanned disruption as indicated on the ASD and in any case must apply to the Permit Authority for a permit within 2 hours of the activity starting. Immediate activities will be subject to conditions – see 9.5.

8 INFORMATION REQUIRED IN A PERMIT APPLICATION

8.1 Permit Authority requirements

To enable the Permit Authority to determine the granting of a permit and any conditions that it may wish to attach to the permit, activity promoters must supply the following information. In the case of Provisional Advance Authorisation applications, the promoter should provide the most accurate information available at the time of making the application.

8.2 Contact person

All permit applications must include the 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 by the promoter.

8.3 USRN

Each application must relate to a single street only. (See 4.1, 5.4 and 5.5 above). Where a single street on the ground has more than one USRN, separate permit applications will be required for each USRN to which an activity relates.

8.4 Description of activity

A sufficiently detailed description of the activity must be provided to allow the Permit Authority to assess the impact of the activity

8.5 Location

The activity promoter must give an accurate location based on National Grid References, (NGR). In the case of small excavations, an NGR should be given for the centre of the excavation. For trenches and works for road purposes, NGRs should be given for each end of the trench or limit of the works. In addition, dimensions should be given of the space that will be taken up by the activity in the street including space for the storage of materials,

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working space, safety zone, provision for pedestrians and traffic management.

8.6 Timing and duration

Each permit application must include the proposed start and end dates of the activity and the times of the day when the activity is to be carried out. The applicant must also indicate if it is intended for work to continue over weekends and bank holidays and if night working is required.

8.7 Illustration

Provisional Advance Authorisation applications and Major Activity Permit applications must be accompanied by an illustration(s) of the works and should include details of the activity, the extent of highway occupancy and where possible, a disruption effect score. The illustration will comprise plans, sections, digital photographs and similar material.

Illustrations must also be submitted with the application for standard and minor activities where the activity is significant in terms of potential disruption due to the position and size of the activity.

8.8 Technique to be used for underground activities

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

8.9 Traffic management and traffic regulation orders

The activity promoter must supply full details of the traffic management proposals including any requirement for action by the highway authority such as the need for Temporary Traffic Regulation Orders, (TTROs), and approval for portable light signals. In the case of the suspension of a parking bay being required, the activity promoter should make an application to the Parking Manager.

Applicants should be aware that such action by the highway authority may involve additional costs and promoters should familiarise themselves with the timescales relating to TTRo applications.

8.10 Depth

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

8.11 Reinstatement type

Permit applications must indicate whether the proposed activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

Where the activity will be completed with a mixture of both interim and permanent reinstatement the applicant must give details of where these methods will be used within the permit.

Where the activity is completed with an interim reinstatement, a separate permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the permit.

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8.12 Inspection units

The activity promoter is required to indicate the provisional number of inspection units appropriate to the activity in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees)(England)(Amendment) Regulations 2004. (See 5.10 where collaborative working takes place).

9 PERMIT CONDITIONS

9.1 Condition classes

The Permit Scheme allows for the attaching of conditions to permits. The Permit Scheme provides for three classes of condition: generic; specific and works for road purposes and these will reflect any constraints on the original application.

9.2 Breaching of conditions

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

Where it appears to the Permit Authority that a condition has been breached and that the promoter or a person contracted to act on its behalf has therefore committed an offence it will take action as described in 15.4.

9.3 Generic conditions

- (i) The permit reference number must be prominently displayed on the site information board for each set of works.
- (ii) If the promoter finds that the activity cannot be completed within the timeframe specified in the permit or permit condition, an application must be made for a variation.

9.4 Specific conditions (To be applied where appropriate to the activity)

- (i) Timing and duration of activity
 - The maximum duration, in days, of the activity.
 - Dates between the start and completion dates when works should not take place. May also include periods when the site must be cleared of all plant, materials and equipment, including traffic management.
 - The times of the day when works cannot be carried out.
 - Whether or not the duration of the work includes, allows for or requires weekend and Bank Holiday working.
- (ii) Road space
 - Whether materials and plant can be stored on site.

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- 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 available to all traffic, including pedestrians, at certain times of the day.
- (iii) Traffic management provisions
- The need for Temporary Traffic Regulation Orders, (road closures, waiting restrictions, etc.).
 - Where a temporary traffic order is required, no works are to commence until the order has been sealed and all signs and markings are in place.
 - The method of traffic control, (i.e. shuttle working, portable traffic signals, etc.).
 - Traffic management arrangements including arrangements for pedestrians and those with disabilities.
- (iv) Methodology
- The manner in which the specified activities are to be carried out and the methods to be used, (i.e. no dig, trench share, etc.).
- (v) Consultation and publicity (Major Activities and those Standard Activities where the disruption to residents and businesses on the street is considered to be significant).
- Advance notice of activity to be given to nearby householders and businesses and/or traffic and pedestrians using the road.
 - Details of the activity are to be displayed at the location of the works.
- (vi) Environmental issues
- Where relevant, the activity promoters are to consult with the Permit Authority's Arboricultural consultants and/or other environmental officials when drawing up their proposals.
 - Activity promoters considering undergrounding above ground apparatus are to consult with utilities with similar apparatus to see if the underground facility can be shared.

9.5 Conditions for Immediate Activities

- Promoters of such activities must contact the Permit Authority by telephone immediately where the specified street is susceptible to unplanned disruption as indicated on the ASD.
- The promoter shall submit an application for a permit within two hours of beginning work.
- The Permit Authority may impose further conditions prior to the issue of a permit where this becomes apparent. The

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imposition of such conditions will be in discussion with the promoter of the activity and will be included in the subsequent permit.

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

9.6 Work for Road Purposes conditions

- (i) The highway authority/service provider is to consult with any person who has apparatus likely to be affected by the permit works.
- (ii) The highway authority/service provider to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.

9.7 Local conditions

Where 24 hour temporary traffic signals are to be used, the signals must be manned during traffic sensitive times to control the tidal flow of traffic and minimise delays.

Where it is considered to be necessary, the Permit Authority will apply other local conditions that are pertinent to the nature of the work and the network constraints. The application of local conditions to specific permits will follow discussions with the promoter of the activity.

9.8 Avoidance of conflict with other legislation

The Permit Authority will endeavour to ensure that any conditions applied to a permit do not conflict with the activity promoter's obligations under separate legislation. The activity promoter should bring such conflicts to the attention of the Permit Authority who will then be responsible for resolving the issue with the other body and amending the permit conditions accordingly. If the activity promoter has safety concerns about conditions set by the Permit Authority it should raise these concerns with the Permit Authority and if necessary challenge the condition.

10 PERMIT APPLICATIONS

10.1 Timing of applications

The timing of applications for permits and PAAs and the Permit Authority's response varies according to the proposed activity. The **minimum** times are given in the table in 10.10, below and activity promoters should give as much notice as possible so as to facilitate the co-ordination process. Where the activity is dependant on a temporary traffic regulation order, temporary traffic signal approval or the suspension of parking regulations, the relevant timescales should be taken into account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA. The application process will begin when the Permit Authority receives the application, not when it was sent.

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10.2 Submitting an application

Permit and PAA applications must be made electronically, as set down in the Technical Specification for the Electronic Transfer of Notices, (EToN), unless there is a failure in the electronic system or the promoter does not have access to electronic systems in which case a paper application will be acceptable.

10.3 System failure

In the event of a system failure, promoters shall adopt the following procedure:

- Where after three attempts to give an application or a notice by EToN (duly recorded by the person serving the application or notice), the application or notice cannot be given, notification should be given by telephone or fax for immediate activities with formal EToN application or notice following as soon as reasonably practicable. Other applications or notices may be given by other electronic means, (e.g. e-mail or fax), or may be sent by post or delivered by any other method agreed with the Permit Authority.
- Following recovery of the service a copy of the application or notice should be sent through EToN to ensure information on the works is correctly recorded in the register.
- Where applications or notices are sent by first class post, promoters should take into account that there is no guarantee that they will be delivered to the Permit Authority the next day.

10.4 Compliance with EToN

All applications must comply with the definitive format and content given in the current Technical Specification for EToN.

10.5 Use of plain English

The description of activities must be in plain English, avoiding industry jargon, and preferably be standard descriptions.

10.6 One application per street

Each application shall refer to activities in only one street. Where a project covers more than one street, all related applications must be cross-referenced and the project reference included on each application.

10.7 Application covering more than one street

Single applications containing activities in more than one street will not be accepted by the Permit Authority.

10.8 Notification to interested parties

Where the ASD indicates other interested parties, permit applications should be copied to those parties and promoters are required to check whether any

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parties have registered such an interest prior to submitting an application for a permit or PAA.

10.9 Consultation requirements

Activity promoters must carry out necessary consultations as set down in sections 88, 89 and 93 (as amended) and sections 90 and 91 of the NRSWA.

10.10 Application and response times

The Permit Scheme sets down the application and response times for dealing with permit applications and variation applications in the table below.

In all cases given in the table, the time period is measured from the time of receipt of the application by the Permit Authority. A "response" means a decision to grant or refuse a permit but where there are reasons why the permit cannot be granted in the terms applied for, the response indicating that a permit will not be granted in those terms will explain the reasons to the applicant.

The term "days" in the table below refer to working days as defined in NRSWA and the Regulations.

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

10.11 Refusal of application

The Permit Authority reserves the right to refuse an application for a permit or PAA where it considers that elements of the application, e.g. timing, location or conditions, are not acceptable.

10.12 Restrictions on further activities

Where a promoter wishes to apply for a permit to carry out specified activities on a specified street where a notice has been issued under sections 58 or 58A of the NRSWA, and the activities are not covered by the specific exemptions of that notice, the promoter must make an application for the

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Permit Authority's consent specifying the grounds on which the consent is sought.

10.13 Procedure for optional permits

Promoters who decide to apply for an optional permit should follow the above procedure and time scales and be aware that where the circumstances of the activity change such that a permit would be required, then the work must cease and a full permit application made. (See 5.3 above).

10.14 Error correction

Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the permit register, it will contact the activity promoter to discuss and agree the corrections to be made. Where the promoter identifies an error, he will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the promoter shall submit a 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. The error correction process is described in the Technical Specification for EToN.

This procedure cannot be used without the prior agreement of both parties. A variation fee will be payable where the identified error has been caused by the promoter.

11 ISSUE OF PERMITS

11.1 Timing of Permit issue

Where the Permit Authority is content with the proposal, it will issue a permit within the response times detailed in 10.10 above.

11.2 Issue of Permit

A permit will be issued electronically in accordance with the formats given in the Technical Specification for EToN with the details placed on the permit register and copies supplied to any undertaker, authority or other relevant body that has asked to be informed about activities on a particular street. The permit will specify in detail the activity it allows and its duration.

11.3 Inclusion of conditions

A permit will be issued to the promoter for every permit that is granted and will include all the conditions attached to the permit.

11.4 Permit unique reference number

All permits will be given a unique reference number following the EToN numbering conventions with cross referencing to linked permits which have been issued.

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11.5 Remedial works

In the event of remedial works being required after the expiry of the permit, an application must be made for a new permit. This permit must be cross referenced to the permit for the original activity.

11.6 Notification of refusal

If, having considered an application for a permit or PAA, the Permit Authority decides to refuse the application, it will contact the promoter within the response time given in 10.10 above to explain why the application is not satisfactory and where amendments need to be made.

11.7 Amendment to the original application

Where the Permit Authority discusses its intention with the promoter to impose conditions which effectively amend the details of the original application, the activity promoter shall amend and resubmit its application.

11.8 Right of appeal

The promoter has a right of appeal, in accordance with the Dispute Resolution process set down in the Code of Practice for Permits and Northamptonshire County Council's Dispute Procedure contained in its Network Management Plan, if it is unable to reach agreement with the Permit Authority over the terms it requested or the conditions attached. In the case of immediate activities it may be that the work has to stop, subject to safety and legal considerations, until the issues are resolved.

11.9 Permit application deemed to be approved

If the Permit Authority fails to reply to an application for a permit or PAA within the designated response times, the permit or PAA is deemed to be granted in the terms of the application. The proposed start and end dates, description, location, duration, traffic management, etc., will be included in the permit and associated conditions for the activity and will then be binding on the promoter as they would had the permit been issued within the timescale. Breaching the conditions will constitute an offence.

12 REVIEW, VARIATION AND REVOCATION OF PERMITS AND PERMIT CONDITIONS

12.1 Permit Authority powers

Within the Permit Scheme, the Permit Authority has the power, under regulation 15 of the Regulations, to review, vary or revoke permits and permit conditions on its own or a promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the permitted period.

12.2 Changes to a Provisional Advance Authorisation

A PAA cannot be varied. Where a PAA has been given but a full permit has not been issued and the proposals change, the promoter must inform the Permit Authority immediately of the proposed changes and a revised application for a PAA or permit should be made.

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12.3 Avoidance of criminal offence

Variations should be sought as soon as changes are identified to avoid a criminal offence being committed by work being undertaken without a permit or outside of the conditions associated with that permit.

12.4 Timing of variations

Applications for variations may be made at any time after the permit has been issued and before or during the activity itself. Applications must **not** be made after the end date has passed.

12.5 Electronic application for a variation

Where the existing permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter shall apply for a variation electronically.

12.6 Telephone application for a variation

Where the criteria in 12.5 is not met, the promoter shall first telephone the Permit Authority to ascertain whether the Authority is prepared to grant a variation and only apply, again electronically, if the Authority is so prepared.

12.7 Variations for Immediate Activities

In the event of immediate activities requiring a series of fault finding excavations or openings, the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application. As immediate works, the promoter will submit the first permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:

- (i) For any further excavations or openings on the same street within 50 metres of the original hole, the promoter will telephone the Permit Authority with the new location. No permit variation will be needed and no variation charge will apply.
- (ii) The promoter will have to 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 apply.
- (iii) Separate variations will be required for bands going in opposite directions.
- (iv) For additional excavations within each band, the promoter will telephone the Permit Authority with the new location. No permit variation will be needed and no variation charge will apply.
- (v) 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 will be needed.
- (vi) If the promoter cannot contact the Permit Authority by telephone, it should record the fact and send the message electronically.

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

12.8 Information required for variation applications

Applications for permit variations must contain the following information as applicable:

- (i) The revised time scale.
- (ii) Any change to the description of the activity.
- (iii) A revised illustration.
- (iv) Any change to the method of excavation.
- (v) Any variation to the depth of the excavation.
- (vi) Any changes to the reinstatement method.

12.9 Review of Permit by Permit Authority due to circumstances outside its control

The Permit Authority may review the permit and associated conditions in the event of circumstances beyond its control having a significant disruptive effect at the location of the activity. The Permit Authority's policy regarding the circumstances in which it will review, vary or revoke permits on its own initiative is given in Appendix D. No fee will apply for permit variations initiated by the Permit Authority unless, at the same time, the promoter applies for variations which are not the result of the circumstances causing the Permit Authority's action.

12.10 Review of Permit due to non-compliance by the Promoter

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

12.11 Waiving of fees

If the Permit Authority has to revoke a permit through no fault of the promoter, no fee will be chargeable for a new permit.

12.12 Working after Permit has been revoked

An activity promoter will be committing an offence if it continues to work after a permit has been revoked.

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13 CANCELLATION OF A PERMIT

13.1 Cancellation Notice

If a promoter wishes to cancel a permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a permit has not yet been granted, it should use the cancellation notice containing the relevant permit number – see Technical Specification for EToN. There is no fee payable for this process.

13.2 Continuing to work following the cancellation of a Permit

An activity promoter will be committing an offence if it continues to work after a permit has been cancelled.

14 FEES

14.1 Permit Authority power to charge fees

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

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

14.2 Fee policy

The Permit Authority will charge undertakers for the above actions.

14.3 Where fees will not be payable

Fees will not be payable in the following circumstances:

- (i) By the highway authority in respect of its own works for road purposes, but records of all permits issued and the fees that could have been charged will be kept in order to assist in the review of fees referred to in 14.7 below;
- (ii) Where a permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in 10.10;
- (iii) If a permit variation is initiated by the Permit Authority or the Authority has to revoke a permit through no fault of the promoter.

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- (iv) Where the promoter has applied for an optional permit as described in 5.3 above.

14.4 Fee discounts

Fee discounts will be given in the following circumstances:

- (i) Where several permit applications for works that are of part of the same project but which are carried out on more than one street are submitted at the same time.
- (ii) Where several promoters are working within the same site submit applications at the same time. Where the highway authority promoter is collaborating with undertakers, those undertakers will be eligible for the discount.

14.5 Rate of discount

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

14.6 Option to waive or reduce fees

The Permit Authority retains the option to waive or reduce fees at its discretion in other circumstances.

14.7 Review of fees

The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs. The outcome of the annual fee reviews will be published and open to public scrutiny.

14.8 Approved scale of fees

The current approved scale of fees is included in the order made by the Secretary of State for the Permit Authority to operate the Permit Scheme.

14.9 Processing of fees

Monthly invoices will be issued to each promoter with all permits referenced. A summary will be issued to each promoter every two weeks so that amounts can be confirmed before the invoice is raised so as to avoid late payments. Each promoter is required to provide an e-mail contact to where the summary can be sent.

15 SANCTIONS

15.1 Permit Authority's Policy

Appendix E sets down the Permit Authority's policy of how it will employ sanctions and this policy should be read in conjunction with this section.

15.2 Undertaking activities without a Permit

It is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to undertake specified activities in a specified street in the absence of a permit, except as set down in 5.2 above.

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15.3 Breaching a Permit condition

It is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to breach a permit condition.

15.4 Action by Permit Authority

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

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

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

The form of the FPN is given in Appendix F

In the event that the Permit Authority subsequently considers that a FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN. The form of notice withdrawing a FPN is given in Appendix G.

16 REGISTERS

16.1 Register of Permits

The Permit Authority will maintain a register of permits in connection with the Permit Scheme and in accordance with regulation 33 and 34, Part 7 of the Regulations.

16.2 Referencing of information

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

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17 MONITORING

17.1 Monitoring and evaluating the Permit Scheme

The Permit Authority will establish a monitoring group to include representatives of NJUG and/or EMJUG to monitor and evaluate the Permit Scheme to ensure that it demonstrates parity of treatment for all activity promoters, particularly between statutory undertakers and the highway authority's own promoters.

17.2 Use of Key Performance Indicators

Equality will be measured through Key Performance Indicators, (KPIs). The following KPIs are mandatory and in addition, the Permit Authority will produce an annual set of KPIs identifying the treatment of individual promoters. As experience with operating the Permit Scheme is obtained, these additional KPIs will be developed in conjunction with the monitoring group referred to in 17.1.

17.3 Mandatory KPIs

KPI 1.

The number of permit and permit variation applications received, the number granted and the number refused

This will be measured by promoter and shown as:

- the total number of permit and permit variation applications received, excluding any applications that are subsequently withdrawn
- the number granted as a percentage of the total applications made
- the number refused as a percentage of the total applications made.

This will be a core indicator of the operation of the permit system.

KPI 2.

The number of conditions applied by condition type

This will be measured by promoter and shown as:

- the number of permits issued
- the number of conditions applied, broken down into condition types. The number of each type being shown as a percentage of the total permits issued.

This KPI is dependent upon the use of standard conditions. Local or specific conditions should be grouped into a single category that may be analysed more fully if required.

The number and types of condition applied are likely to be determined by the specific location, scale and category of the works. There will be a need to separate the data to get down to reasonably equivalent situations. For example, if for minor works on category 2 streets, one promoter had an average of four conditions and another had an average of seven conditions then that would suggest an imbalance. Similarly, if one promoter had conditions for restricted hours of working on traffic-sensitive streets in 90% of cases and another had such conditions in only 60% of cases, then that would raise a question.

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17.4 Presentation of KPIs to co-ordination meetings

The KPIs will be discussed at the quarterly co-ordination meetings and at other meetings with promoters. In addition, the KPIs will be made available to any other person on request or via the authority's website.

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APPENDIX A

Glossary of terms used in the Permit Scheme.

| | |
|------------------------------|--|
| Activity | Any works undertaken by statutory undertakers and the highway authority and any other works that maybe covered in future regulations. |
| Activity promoter | See promoter. |
| Additional street data | Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG |
| Apparatus | As defined in section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus" |
| Appeal | If there is an unresolved disagreement between the activity promoter and the Permit Authority about the terms and conditions of the permit or PAA, the promoter may appeal against the Permit Authority's decision. |
| 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" |
| Breaking up (the street) | Any disturbance to the surface of the street (other than opening the street) |
| Bridge | As it says in section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street" |
| Bridge authority | As defined in section 88(1)(b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested" |
| 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" |
| Code of Practice for Permits | As published by the Department for Transport March 2008 |
| Collaborative working | Includes trench sharing, multi-utility working, utility/works for road purposes situations and compliance testing. |

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| | |
|---------------------------------------|---|
| Cycle track | As defined in section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot" |
| Day | A working day, unless explicitly stated otherwise |
| 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" |
| EToN | Electronic Transfer of Notices, the system defined in the Technical Specification for EToN for passing notices. Permit applications, permits and other information between promoters and the Permit Authority. |
| Excavation | "Breaking up" (as defined above) |
| Fixed Penalty Notice | As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty" |
| Footway | As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only" |
| Geographical Information system (GIS) | A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface |
| HA 1980 | The Highways Act 1980 |
| Highway | As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway" |
| Highway authority | As defined in sections 1 and 329 of the HA 1980 |
| Highway works | "Works for road purposes" or "major highway works" |
| Immediate activities | As stated in section 9.2.4, 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> |

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| In | As defined in section 105(1) of NRSWA, "in, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it" |
| Local authority | As defined in section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London. |
| Local highway authority | As defined in section 329 of HA 1980, "local highway authority means a highway authority other than the Minister" |
| Main roads | All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time |
| Maintainable highway | As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense" |
| Maintenance | As defined in section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly" |
| Major activities | As stated in section 9.2.1, major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more" |
| Major highway works | As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the |

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| Minor activities | Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway" As stated in section 9.2.3, minor activities are those activities other than immediate activities where the planned duration is 3 days or less. |
| Minor roads | Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time. |
| National grid reference | Location reference using nationally defined eastings and northings. |
| Nationally consistent Street gazetteer (NSG) | A database defined as an "index of streets and their geographical locations created and maintained by the local highway authorities" based on BS 7666 standard. |
| NRSWA | New Roads and Street Works Act 1991. |
| NSG Concessionaire | The body appointed to manage the NSG on behalf of the local highway authorities. |
| Opening (the street) | Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street. |
| Permit | The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions. |
| Permit application | See Section 10. The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime. |
| Permit Authority | See Section 1.4. A local authority or other "street authority" which has be given approval by the Secretary of State to operate a permit scheme on all or some of its road network. |
| Permit Scheme | See Section 1. A scheme approved by the Secretary of State under which permits for activities are sought and given. |
| Promoter | A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. The promoter will usually be a statutory undertaker or the highway or traffic authority. |
| Protected Street | See Section 1.6. Any street that serves a specific strategic major traffic need and therefore needs to be |

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| | 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 in the protected street. |
| Provisional Advance Authorisation | See Section 6.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA. |
| Registerable | See Section 1.6. Registerable activities correspond to specified works in the regulations. |
| Reinstatement | As defined in section 105(1) of NRSWA, "reinstatement includes making good". |
| Relevant authority | As defined in section 49(6) of NRSWA, "references in this Part to the relevant authorities in relation to any works in a street are to the street authority and also (a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority; (b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and (c) where in any other case the street is carried or crossed by a bridge, the bridge authority" |
| Remedial work | Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations. |
| Road | See "highway". |
| Road works | Works for road purposes. |
| Special Engineering Difficulties (SED) | See Section 1.6. By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property. |
| Specified Area | That geographical area to which the Permit Scheme applies. |
| Specified Street | Those streets to which the Permit Scheme applies. |
| Standard activities | Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive. |

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| Statutory undertaker | A person entitled by virtue of a statutory right to carry out street works. |
| 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 as a way or not". |
| Street authority | As defined in section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers". |
| Street works | As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street". |
| Street works licence | As stated in section 50(1) of NRSWA, "the 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 | The Traffic Management Act 2004. |
| Traffic | As defined in section 105(1) of NRSWA, "traffic includes pedestrians and animals" |
| Traffic control | Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works" |
| Traffic regulation order | This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984. |
| Traffic sensitive street | See section 1.6. 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 |

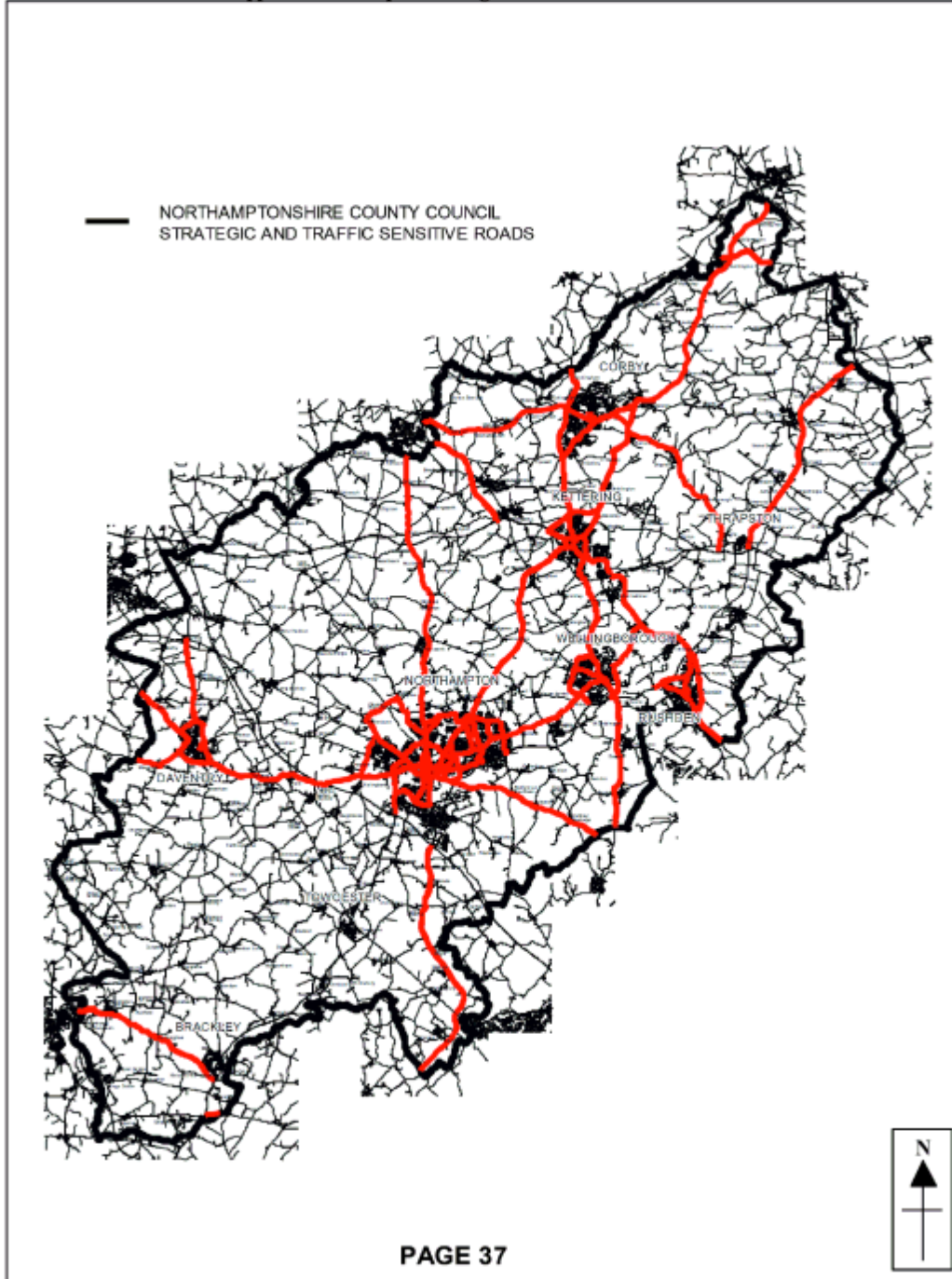
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| Transport authority | reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation. As defined in section 91(1)(a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking". |
| Trunk road | As defined in section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 above or by virtue of an order or direction under section 10 above or under any other enactment". |
| 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 (USRN) | 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 | Street works or works for road purposes. |
| 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 Highways Act 1980 (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 footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles". |

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Appendix B - Map of Strategic and Traffic Sensitive Roads

Scale 1:400000



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APPENDIX C

Schedule of motorways and trunk roads in Northamptonshire excluded from this permit scheme. For information regarding works on these roads, contact the Highways Agency.

- M1** Motorway from the county boundary with Buckinghamshire to the county boundary with Leicestershire.
- M45** Motorway from junction 17 M1 to the Warwickshire county boundary.
- A5** From the county boundary with Buckinghamshire to the county boundary with Warwickshire.
- A14** From the county boundary with Leicestershire to the county boundary with Cambridgeshire.
- A43** From the county boundary with Oxfordshire to junction 15A of the M1.
- A45** From junction 15 M1 to junction 13 of the A14.

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APPENDIX D

Policy Statement – Circumstances In Which the Permit Authority Will Review, Vary Or Revoke Permits On Its Own Initiative.

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

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

If the consequent disruption of such events cannot be mitigated in a way other than by changing or revoking the permit, the Permit Authority will adopt the following procedure:

- (i) As soon as the Permit Authority is aware that it may be necessary to vary or revoke a permit, it will contact the promoter to discuss the best way of dealing with the situation.
- (ii) If these discussions lead to an acceptable solution for both the Permit Authority and the promoter, the Authority will either issue a new permit incorporating the agreed changes or the promoter can apply for a permit variation from which the authority will issue the new permit.
- (iii) In the event that agreement cannot be reached, the Permit Authority will issue a new permit on the terms it considers reasonable but the promoter would have the option of invoking the dispute resolution procedure.
- (iv) No fee will be charged for variations or the revoking of a permit where it is 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.

The above policy does not restrict the Permit Authority from revoking a permit if the works promoter is considered to be acting unreasonably and causing unnecessary disruption on site.

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APPENDIX E

Policy Statement – Employment of Sanctions.

Failure to obtain a permit, where one is required to undertake specified activities in a specified street, or to commit a breach of a permit condition, constitutes a criminal offence under the Regulations. The Permit Authority is empowered to employ three courses of action to achieve compliance with the Permit Scheme.

Before resorting to these courses of action, the Permit Authority will always endeavour to resolve problems and achieve the necessary compliance with the Permit Scheme by informal negotiation with the activity promoter concerned.

Where it is not possible to informally resolve the situation with the activity promoter, the Permit Authority will initially serve a notice on the promoter in respect of the non-compliance setting down the action that is to be taken within a set timescale. Failure of the promoter to positively respond to such a notice may result in the Permit Authority carrying out the required action and recovering all reasonably incurred costs from the promoter.

As a last resort, and dependant on the seriousness and persistence of the offence, the Permit Authority may either issue a Fixed Penalty Notice or commence legal proceedings against the promoter.

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Fixed Penalty Notice – Part B

| PART B | | |
|--|------------------------------------|--------------------------|
| NORTHAMPTONSHIRE COUNTY COUNCIL | INSTRUCTIONS ON METHODS OF PAYMENT | FIXED PENALTY NOTICE No. |
| <p>ELECTRONICALLY: by the Bankers Automated Clearing Services (BACS). Payment should be made to [], Sort Code [], Account Number []. Payment must be supported by the timely submission of a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number.</p> | | |
| <p>ON LINE: please visit our web site at www.northamptonshire.gov.uk</p> | | |
| <p>BY POST: by making your cheque payable to "Northamptonshire County Council" and sending it to []. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.</p> | | |
| <p>IN PERSON: to [] at [] between 9:00am and 4:00pm on any day on which the office is open for business. Any cheque should be made payable to "Northamptonshire County Council". Payment may be made by using a debit or credit if the card is one that is accepted by the Permit Authority in accordance with its standard procedures. Payment must be accompanied by a list of the fixed penalty notice numbers covered by the payment and the amount being paid in relation to each number. A receipt will be provided on request.</p> | | |
| <p>BY TELEPHONE: by contacting [] at [] on [] between 9:00am and 4:00pm on any day on which the office is open for business. Payment may only be made by using a debit or credit card that is accepted by the Permit Authority in accordance with its standard procedures. You must state the fixed penalty notice number of each notice in respect of which payment is being made and the amount being paid in relation to each number. A receipt will be sent on request.</p> | | |

Fixed Penalty Notice – Offence Codes and Description

| OFFENCE CODES AND DESCRIPTION (By reference to the Traffic Management Permit Scheme (England) Regulations 2007) | | |
|--|-----------------------------------|--|
| CODE | OFFENCE | BRIEF DESCRIPTION |
| PS01 | An offence under Regulation 19(1) | Undertaking specified works on a specified street without a permit where an applicable Permit Scheme requires one. |
| PS02 | An offence under Regulation 20(1) | Breaching a permit condition |

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APPENDIX G

Form of Notice Withdrawing a Fixed Penalty Notice

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|---|---|--------------------------------|
| NORTHAMPTONSHIRE COUNTY COUNCIL | NOTICE WITHDRAWING FIXED PENALTY NOTICE NORTHAMPTONSHIRE PERMIT SCHEME FOR ROAD WORKS AND STREET WORKS REGULATION 27 OF THE TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND) REGULATIONS 2007 | FIXED PENALTY NOTICE No. |
| TAKE NOTICE that the fixed penalty notice numbered as above is hereby WITHDRAWN . | | |
| NAME OF AUTHORISED OFFICER (<i>in block capitals</i>) : | | |
| DATE: | | |

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APPENDIX H

Associated Documentation

BS 7666 Spatial datasets for Geographical Referencing. Specification for a Street Gazetteer. July 2006

Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters Rev. 3rd edition March 2008

Code of Practice for Safety at Street Works and Road Works November 2005

Department for Transport Permit Schemes Guidance July 2008

Department for Transport Statutory Guidance for Permits March 2008

Highways Act 1980

National Street Gazetteer

New Roads and Street Works Act 1991

Northamptonshire County Council's Network Management Plan (*Policies and procedures*)

Revised Specification for the Reinstatement of Openings in Highways February 2005

Specification for the Reinstatement of Openings in Highways July 2002

The Road Traffic Act 1984

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

The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007

The Technical Specification for the Electronic Transfer of Notices December 2008

Traffic Management Act 2004

Traffic Management Act 2004 Code of Practice for Permits

Traffic Management Permit Schemes (England) Regulations 2007

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APPENDIX I

Transitional Arrangements.

The authority will liaise closely with all promoters during the transition period so that any issues are identified early and appropriate action taken to resolve them.

The Permit Scheme will apply to all activities where the administrative processes, such as an application for a permit or Provisional Advance Authorisation, start after the commencement date of the Permit Scheme stated in the order.

Activities which are planned to start on site more than one month after the changeover date, (for standard, minor and immediate activities), or three months, (for major activities), shall operate under the Permit Scheme. This means that even if the relevant section 54, 55 or 57 NRSWA notice has been sent before the changeover, the promoter will have to apply for a permit.

Any other activity which started under the notices regime will continue under that regime until completed.

Activities on non-strategic and non-traffic sensitive streets will continue under the notices regime.

In response to suggestions put forward during the consultation process, the issue of Fixed Penalty Notices, (FPNs), will be suspended for the first month of operation of the scheme to allow a settling period for systems. It is felt that this period is sufficient as much of the Permit Scheme operation is paralleled in NRSWA and extensive testing of systems between the Permit Authority and promoters has taken place and will continue on the run up to the implementation of the scheme.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Northamptonshire Permit Scheme for Road Works and Street Works (in the Order called the Northamptonshire County Council Permit Scheme).

The Northamptonshire County Council Permit Scheme is designed to control the carrying out of works in specified streets in Northamptonshire by imposing an obligation to obtain a permit from Northamptonshire County Council before undertaking the works.

Article 3 gives effect to the permit scheme, which will come into effect on 10th January 2011. The permit scheme referred to in this article is set out in the Schedule to the Order.

Article 4 applies Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 (which makes provision for the disapplication and modification of enactments in relation to specified works in specified streets) to the specified streets within the Northamptonshire County Council Permit Scheme.

A copy of the Northamptonshire County Council Permit Scheme is deposited and can be inspected at the offices of Northamptonshire County Council, Transport and Highways, Riverside House, Riverside Way, Northampton, NN1 5NX and is also available to inspect on the Northamptonshire County Council website;

www.northamptonshire.gov.uk/en/councilservices/Transport/roads/Pages/PermitScheme.aspx