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## SCHEDULE

Article 2

### THE WIGAN BOROUGH COUNCIL PERMIT SCHEME

# GMRAPS



In consultation with the:



# GMRAPS

## GREATER MANCHESTER ROAD ACTIVITIES PERMIT SCHEME



**Traffic Management Act 2004**

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## Document Information

Date: December 2011.

Project Name: Greater Manchester Road Activities Permit Scheme (GMRAPS)

Version: V2.0

# GMRAPS



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## 1 FOREWORD

1.1.1 Greater Manchester has an extensive public transport, road and motorway network comprising of:

- 180 km of motorways (M60 55 km) and trunk roads;
- 1,240 km of A and B classified roads;
- 7,740 km of C classified and unclassified roads;
- 36M vehicle kilometres every day on the classified road network;
- 2,160 sets of signals with over 56,000 individual lamp units;
- 950 pedestrian crossings (Pelicans, Puffins, Toucans and Pegasus);

1.1.2 The Greater Manchester population is over 2.5M and every day there are:

3.7M person trips by car  
650,000 bus journeys  
60,000 rail journeys

50,000 Metrolink journeys  
750,000 walk journeys  
50,000 cycle journeys

1.1.3 In addition, the rail network carries 18 million rail journeys per annum and is of significant importance to those commuting

1.1.4 The external links to the region are also critically important, the orbital M60 links to the east-west M62, serving Liverpool and communities across the Pennines, together with the M67/A628 route to South Yorkshire, the M61 and M66 serving East Lancashire and the M56 to Chester, North Wales and the Wirral and the M6 to Birmingham and Scotland..

1.1.5 This scale of movement on the system not only generates extensive on-going maintenance demands, but also considerable improvement needs.

1.1.6 Greater Manchester is therefore distinctive in terms of:

1. Its size and the complexity of its transport system;
2. Its position in terms of an economic driver and contributor to increasing wider regional productivity;
3. Its potential for future sustainable economic growth;
4. Its role as a Regional Centre for over 6 million people.

1.1.7 To reflect this distinctiveness, the ten Highway Authorities of Greater Manchester are introducing an innovative new Permit Regime for the Region.

1.1.8 Tackling congestion is one of the key transport challenges. The ability of people and goods to move freely around, meeting the needs of business, accessing services and for social and leisure purposes depends to a great extent on the road network. A key response is to make the best possible use of the road network, to keep traffic flowing.

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- 1.1.9 The new Permit regime tackles head-on one of the major causes of congestion in a robust and positive way and provides a significant opportunity to positively reduce disruption to the network.

## 2 INTRODUCTION TO THE SCHEME

- 2.1.1 The Greater Manchester Road Activities Permit Scheme, ("GMRAPS"), is a Joint Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 ("TMA") and the Traffic Management Permit Schemes (England) Regulations 2007 ("the Permit Regulations"). Decisions regarding permits, how the scheme operates and enforcement are taken by the ten Greater Manchester Authorities, either collectively or individually as appropriate. Certain administrative tasks/ functions will be carried out by a central administrative team.
- 2.1.2 The ten Permit Authorities of Greater Manchester, in preparing this scheme have considered all relevant guidance and codes issued by the DfT including the guidance contained in the 'Statutory Guidance' published by the Department for Transport ('DfT') the 'Code of Practice for Permits,' the 'Permits Fees Guidance' and the 'Permit Schemes Decision Making and Development Guidance.
- 2.1.3 For consistency the term "Promoters" is used in this scheme and includes both statutory undertakers (including Utility companies, Transport and Bridge Authorities) and Highway Authorities. The term "activities" is used rather than "works".
- 2.1.4 As a Permit Scheme within the meaning of the TMA, GMRAPS is a scheme which is designed to control the carrying out of specified works in specified streets in a specified area. It replaces parts of the "notice system" under the New Roads and Street Works Act 1991 (NRSWA) whereby Promoters inform the Street Authority of their intention to carry out works in their area.
- 2.1.5 Not all activities currently covered by the notification regime in NRSWA are within the scope of GMRAPS, for example, works licensed under Section 50 of NRSWA. Activities not requiring Permits will continue to be subject to the NRSWA requirements as set out in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 and The Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters Third Edition, and any subsequent amended or replacement regulations and code of Practice.
- 2.1.6 Implementation of GMRAPS is scheduled for 2013.
- 2.1.7 The operation of GMRAPS will be reviewed a year after implementation and periodically thereafter to ensure it is delivering its objectives as measured by the Key Performance Indicators ('KPIs') detailed in Section 20.
- 2.1.8 A glossary of the main terms contained within this document is provided in **APPENDIX A.**

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### 2.2 Communication within GMRAPS

#### 2.2.1 Under the New Roads and Street Works Act (NRSWA):

- Promoters communicate electronically with multiple Street Authorities for administration purposes and person to person with multiple Street Authorities for coordination purposes.
- Street Authorities communicate with multiple Promoters directly for both administration and coordination work.

### 2.3 Current flow of information drawing



#### 2.3.1 Under the Permit regime:

- Promoters communicate with a single system and a single team in respect of administrative matters.
- Promoters communicate directly person-to-person with the specific Permit Authority regarding the activity.
- Permit Authorities communicate with a single team in respect of administrative matters.
- Permit Authorities communicate with the specific Promoter regarding the activity, person to person.



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## 2.3.2 Permit Scheme flow of Information



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### 3 OBJECTIVES OF GMRAPS

#### 3.1 Managing disruption caused by activities on the network

- 3.1.1 All road activities will to some extent reduce the width of the street available to traffic, pedestrians and other users. They can also inconvenience businesses and local residents.
- 3.1.2 The scale of disruption caused by this restriction will depend on the type of activity and how busy the street is. Activities on roads where the traffic flow is already close to, or exceeds, the physical capacity of the street will clearly cause congestion and disruption. Such roads are defined as Traffic Sensitive Streets ('TSS'). Whilst many works on non-Traffic Sensitive Streets might cause only minor delays to residents and delivery vehicles, the nuisance they cause can be considerable. In all cases, tolerance is stretched when one set of road works is shortly followed by another or when the Highway Authority re-surfaces the street and it is promptly dug up for further disrupting road works.
- 3.1.3 Effective coordination and management by the Permit Authority is therefore essential to minimise traffic disruption whilst allowing Promoters the necessary time and space to complete their work. This approach is not intended to prevent activities necessary for the maintenance or improvement of the road network or the services running underneath it or to adjacent buildings. It is to achieve an appropriate balance between the interests of the various parties and where possible bring coordination between different interests.
- 3.1.4 Small scale and short duration activities, particularly in non-traffic-sensitive situations, are unlikely to cause significant disruption. However, a cluster of such activities close to larger activities could cause serious disruption. Effective coordination therefore needs to take into account proposals of every scale and duration across Greater Manchester and consider the cumulative effects on the network. This is especially important when co-ordinating works on the primary route network or on Traffic Sensitive Streets.
- 3.1.5 Once a Permit Scheme has been adopted, it will be an offence to undertake works which require a Permit without obtaining such a Permit or to breach a Permit condition. Permits may be enforced by prosecuting offenders through the courts in relation to an offence, but usually and more appropriately through issuing Fixed Penalty Notices ("FPNs").

#### 3.2 Aligned objectives

- 3.2.1 GMRAPS objectives align with the strategic objectives contained in the Greater Manchester Strategy and the third Greater Manchester Local Transport Plan.

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### 3.2.2 In managing the highway network the aims are to:

- Improve the efficiency and reliability of key routes for workers, customers and suppliers to significant centres of economic activity;
- Make the best use of walking, cycling and public transport routes to key centres and major new developments;
- Encourage the optimal use of the network by giving people information about their travel choices; and
- Minimise the impact of road traffic on residential areas and to improve the environment for pedestrians and cyclists on lightly trafficked streets

### 3.3 The Permit scheme objective

**Manage and maintain the local highway network to maximise the safe and efficient use of road space and provide reliable journey times.**

- 3.3.1 The aim of GMRAPS is to improve the strategic and operational management of the highway network through the better planning, scheduling and management of activities to minimise disruption and delay to any road user.
- 3.3.2 Achieving this aim will contribute towards the ten Greater Manchester Highway Authorities in meeting their Network Management Duty under the TMA. Coordination of activities will enable differences between those competing for space or time in the street, including traffic, to be resolved in a positive and constructive way.
- 3.3.3 GMRAPS is intended to make coordination more effective both within Permit Authorities, between Permit Authorities, Transport Authorities, Bridge Authorities, with the Highway Agency and the Highway Authorities bordering Greater Manchester.
- 3.3.4 The specific objectives of GMRAPS are:
- To ensure safety for those using, working on or living adjacent to the street;
  - To minimise inconvenience and disruption caused by activities to those using the streets, including:
    - Minimising congestion and delay to traffic;
    - Minimising impacts on the public;
    - Minimising impacts on the business community;
    - Minimising impacts on the environment;
    - Improving public engagement and satisfaction;
    - Providing for the needs of people with a disability.
  - To protect the structure of the street and the integrity of apparatus on or in it.
  - Parity of treatment for all Promoters
- 3.3.5 Work will always need to be carried out on the highway but people will be more accepting if they understand why the activities are being carried out,

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how long they will last and that they are being managed by their local Council as effectively as possible. To this end, GMRAPS will include the provision of the Greater Manchester Road Activities Register ("GMRAR") that will detail the planned and approved activities within Greater Manchester and communicate this information to the public and local businesses in an engaging and effective way. Future use of the latest communication technology and social media tools such as email and mobile device applications, will 'push' the information to people after an initial request to be kept informed.

### 3.4 Metrics

- 3.4.1 To measure whether the objectives have been met, the improvements that GMRAPS will bring and the effectiveness of the scheme in reducing congestion and disruption, a number of measures are being introduced:
- An annual public and Councillor tracker survey relating to the benefits from a Permit scheme;
  - A localised road user survey to be conducted periodically or following major activities in a specific area;
  - A calculation of average journey times and traffic flows between selected points;
  - A mechanism to calculate average lane occupancy by road works;
  - An audit of the management and operation of the Permit scheme;
- 3.4.2 Details of these metrics will be published before GMRAPS comes into operation.
- 3.4.3 Production of Key Performance Indicators ('KPIs') and associated metrics will be funded by the Permit fee income as part of the costs incorporated into the allowable cost calculations by means of "additional operational factors" detailed within the Permit Fee Guidance published by the DfT.

## 4 PRINCIPLES OF COORDINATION AND CO-OPERATION

- 4.1.1 Under GMRAPS all activities covered by GMRAPS (i.e., Utility, Transport Authority, Bridge Authority and Highway Authority Promoters activities) are treated in the same way with regard to coordination and the setting of conditions.
- 4.1.2 Information about the Permit Authorities operating GMRAPS is provided in **Appendix B** and may be found on the web site [www.gmraps.info](http://www.gmraps.info).

### 4.2 Collaborative working

- 4.2.1 Collaborative working means more than just trench sharing. It includes situations when one of the activities is works for road purposes and the other street works. It also includes multi-statutory undertaker working, multi-statutory undertaker tunnels and compliance testing.
- 4.2.2 The ten Permit Authorities of Greater Manchester strongly encourage Promoters to consider collaborative working. It is accepted that there are often issues in such arrangements, particularly contractual complications. Nevertheless, every opportunity should be sought to minimise the disruption to users of the highway.

### 4.3 Key principles for Promoters, including Highway Authorities

- 4.3.1 It is essential that everyone involved in activities on the highway takes both the GMRAPS objectives and the broader TMA objective of expediting the movement of traffic into account. To meet these objectives the GMRAPS administration team, the ten Permit Authorities and Promoters should adhere to four key principles:
1. The need to balance the potentially conflicting interests of road users, Promoters' and their customers;
  2. The importance of close co-operation and liaison between the GMRAPS administration team, the ten Permit Authorities and Promoters;
  3. Acknowledgement that activity programmes and practices may have to be adjusted to ensure that the statutory objectives of the coordination provisions are achieved;
  4. The provision of timely, clear, accurate and complete information between Promoters, the GMRAPS administration team and the ten Permit Authorities.
- 4.3.2 The principles here apply equally to the activities that continue to be subject to the NRSWA notices regime; coordination, co-operation and liaison should extend to all activities, whichever regime they are under.

### 4.4 Principles for Promoters

- 4.4.1 Although GMRAPS will give the ten Permit Authorities greater influence over how and when activities are carried out, the prime responsibility for

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planning, supervising and carrying out individual activities falls on the Promoters.

- 4.4.2 Promoters must consider the needs of all road users, including those with disabilities, whether they are pedestrians, equestrians, cyclists, public transport users and operators or motorists, throughout the planning and execution of activities. Promoters should also have regard to existing road activities and consider how their proposals will integrate with such activities and the broader operation of the highway network. This has implications for:
- The timing of activities, for example, to avoid peak periods, the duration of the work, out of hours working;
  - The way in which they are carried out, including complying with:
    - Road safety and health and safety legislation;
    - The effective management of noise, lighting and traffic management;
  - The programming of activities, and;
  - The coordination of activities with other Promoters.
- 4.4.3 Activity Promoters should be prepared to discuss their proposals with other interested parties, including frontagers, and to modify them where it is appropriate and practicable.
- 4.4.4 The greater the disruption an activity is likely to cause the sooner the application should be made. Promoters should recognise that statutory application periods are a minimum and whenever possible longer periods of notice should be given. This benefits both the ten Permit Authorities and the Promoter - if modifications are required, the earlier the Permit Authority informs the Promoter, the easier it will be for them to comply.
- 4.4.5 Promoters should also take into account the space needed for both the works and the storage of plant or materials when assessing the likely disruption an activity might cause.

### 4.5 The GMRAPS approach to Permit decisions

- 4.5.1 Reaching decisions on Permit applications, the relevant Permit Authority will consider all aspects of the proposed activity and other influences that may affect traffic. These include but may not be limited to:
- The road network capacity;
  - Safety (major impacts such as on traffic signal operation);
  - The scope for collaborative working arrangements, including trench and duct sharing between Promoters;
  - The overall effect upon the local and regional highway network;
  - The optimum timing of activities from all aspects;
  - The effect on traffic, in particular, the need for temporary traffic restrictions or prohibitions;

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- Appropriate techniques and arrangements particularly at difficult road junctions and pinch points;
- The working arrangements required in protected and traffic-sensitive streets, and streets with special engineering difficulties;
- The effect of skip, scaffold and hoarding licences, pavement licences, any known special events and other licences or consents issued in respect of affected streets under the Highways Act 1980;
- The environmental impact if the proposed works are allowed;
- Developments for which planning permission has been granted on streets affected by the works.

4.5.2 The relevant Permit Authority will discuss difficulties that any proposed activity will or may cause with the Promoter and where possible, agree an acceptable way forward. However, safety concerns, urgency or lack of co-operation, may make it necessary for the Permit Authority to issue a Permit with conditions to ensure that the work is carried out in such a way as to minimise disruption and inconvenience.

4.5.3 The Permit Authorities will use the same approach, and take into account the same factors, for all Promoters and activities, whether Utilities, Transport Authorities, Bridge Authorities or Councils' own Highway maintenance and improvement teams.

4.5.4 The Permit Authorities will seek to operate the Permit scheme in such a way as to minimise disruption as simply, cost effectively and efficiently as possible.

### 4.6 Coordination principles and processes

4.6.1 The coordination process has four phases:

1. **Information:** The Permit Authorities need accurate and timely information on what is proposed and when it is happening;
2. **Analysis:** The Permit Authorities need a means of assimilating and analysing this information;
3. **Consideration:** The Permit Authorities must consider whether any changes are required to the proposal or conditions to minimise disruption before it agrees to the proposals;
4. **Co-operation:** All parties must co-operate with the Permit Authorities to achieve the minimum disruption.

4.6.2 All Promoters requiring Permits for activities on streets covered by GMRAPS should actively and constructively participate in the relevant coordination meetings.

4.6.3 The key principles to follow if coordination is to work effectively are:

- The sharing of information and consultation between interested parties at the earliest opportunity;

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- Regular input and attendance of relevant people (those empowered to take decisions) at coordination meetings;
- Activity Promoters and authorities sharing business development plans and replacement programmes for apparatus and highway assets with the co-ordinating Authority;
- Communication of decisions at the earliest opportunity so that Promoters plans can be adapted, if necessary;
- Cross boundary coordination between neighbouring Highway Authorities, utilities, and others, especially for all planned works and planned maintenance on strategic routes.

### 4.7 Local coordination

- 4.7.1 At a Permit Authority level, coordination meetings will be chaired by the Street Works Co-ordinator (or a nominated deputy or person designated by the relevant Traffic Manager). The meetings will be concerned primarily with direct coordination of individual schemes and dissemination of information. Coordination will cover all activities including those covered by both GMRAPS and those being dealt with under the NRSWA notification regime.
- 4.7.2 Coordination meetings will occur quarterly, or more frequently if the need arises, but a discussion should always take place whenever proposed major activities are likely to conflict with other activities, especially in a street or streets known to be prone to congestion. Local coordination meetings will cover:
- Specific major activities with, wherever possible, fully-costed and assessed alternative routes for activity proposals and a full assessment of the preferred route;
  - Medium-term and annual programmes for all activity Promoters; these must be submitted at least 21 days before the meeting, and showing a six-month rolling programme of work. This will allow the Permit Authority to compile a co-ordinated schedule of activities;
  - Planned road closures for the next quarter and rolling year ahead, to allow all activities to be planned within such closures as far as possible;
  - Other significant events.
- 4.7.3 The following topics may also be covered, as appropriate:
- Local traffic management proposals including the effect of diversionary routes;
  - Proposed designations of streets subject to special controls and other constraints;
  - Reviews of performance at local level, including damage prevention;
  - Feedback from HAUC (UK);
  - Street works licences;
  - Any joint forward advertising of activities where major traffic disruption is likely.

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- 4.7.4 Representatives from all major interests will be invited. This includes all Promoters and the Highways Agency.
- 4.7.5 Promoters will be expected to attend meetings if they have current or prospective activities on the Permit Authorities' roads. The representatives should be well enough informed to discuss major projects, individual proposals and medium-term and annual programmes that are relevant to them and have delegated responsibility to take decisions.
- 4.8 Liaison with other bodies**
- 4.8.1 GMRAPS creates a new way of working between the Greater Manchester Authorities and the Highways Agency. Central to this will be improved coordination between the Promoters of activities. Permit Authority coordination will include liaison with adjacent authorities if activities are likely to affect traffic flows across boundaries and/or trunk roads. The GMRAPS administration team will also provide information to other bodies likely to have an interest in activities, such as:
- The Police, Fire, Ambulance and other emergency services;
  - Public transport operators and Transport for Greater Manchester ("TfGM");
  - Taxis and Private Hire vehicle operators;
  - Other appropriate representative bodies, e.g. organisations representing safety partnerships, disabled people, pedestrians, motorists, and cyclists;
  - The appropriate local district planning and environmental health officers.
- 4.9 North West Highways and Utilities Committee ('NW HAUC')**
- 4.9.1 The Permit Authorities are active members of NW HAUC and expect all Promoters with a significant regional interest to be represented there. Other Promoters may be invited periodically to report on their activities, as will the GMRAPS administration team.
- 4.9.2 NW HAUC and HAUC (UK) as required will also facilitate dispute resolution procedures for GMRAPS.
- 4.9.3 Performance reviews of GMRAPS may also be discussed at these meetings.
- 4.10 Technology**
- 4.10.1 The day-to-day coordination of the majority of proposals can be achieved only through the use of technology, especially given the relatively short lead times for minor and standard works. Permit applications must include locations for the works by means of National Grid References. This, together with the use of the nationally consistent street gazetteer means that the relevant Permit Authority will be able to visualise the impact of different activities on the network and the interaction between these activities.

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- 4.10.2 To increase the benefit of these changes, the Street Authorities will work toward the inclusion of National Grid References on other relevant documents, such as applications for skips or scaffolding on the highway.

### **4.11 Greater Manchester Road Activities Register ('GMRAR')**

- 4.11.1 The Permit Authorities will create and maintain an electronic Permit register, managed by the GMRAPS administration team.
- 4.11.2 The register will be called the Greater Manchester Road Activities Register ("GMRAR")
- 4.11.3 Information about current and planned activities will be kept on the register and will be available electronically to Promoters to assist them in planning and coordinating their own works at the earliest possible stage.
- 4.11.4 Further details about GMRAR are contained in **APPENDIX L**. (see section 33 below)

## 5 FORWARD PLANNING OF ACTIVITIES IN THE STREET

### 5.1 Forward planning information

- 5.1.1 Forward planning information on long-term programmes from all activity Promoters will help the Permit Authorities to co-ordinate activities. It will also help Promoters to identify opportunities for joint working and to co-ordinate the timing of resurfacing. This might include mains replacement programmes or the reconstruction of main roads, which will be planned several years ahead.
- 5.1.2 Promoters should give forward planning information about road or street works in their long-term programme, which may include those works in their annual operating programme, or three or five-year rolling programmes. This forward planning information could also include works identified through asset condition surveys. It could be provided at any time before an application for a Provisional Advance Authorisation is required.
- 5.1.3 It is much easier to adjust the timing of medium and long-term programmes to co-ordinate with the plans of other activity Promoters than short-term programmes with detailed plans when contractual commitments may have been made. The early sharing of information will therefore benefit Promoters as well as the ten Permit Authorities.
- 5.1.4 While accurate information is important, the Permit Authorities accept that the longer the lead time the greater the uncertainty about timing.

### 5.2 Recording information

- 5.2.1 It is essential that information on large-scale or potentially very disruptive activities is included on GMRAR at the earliest opportunity. This will enable activity Promoters to:
- Take part in early coordination;
  - Consider joint working;
  - Consider trench sharing;
  - Highlight other activities which need to be co-ordinated with these activities;
  - Produce reports for the Highway Authorities Street Works Co-ordinators.
- 5.2.2 The entry should give as much detail as possible. The minimum information needed is the street involved, the nature of the activity and the proposed dates - which may be just a calendar year. This information should be reviewed and updated regularly to include details as they are finalised.
- 5.2.3 Forward planning information does not remove the need to apply for a Provisional Advance Authorisation or a Permit at the appropriate time.

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### 5.3 Entering information into GMRAR

- 5.3.1 It is the responsibility of the relevant Permit Authority to enter forward planning information into the relevant section of the register. This will be made available alongside other information in the register.
- 5.3.2 Promoters should send forward planning information about works electronically to the GMRAPS administration team. The information shown in the table below in Section 5.4 should be provided.
- 5.3.3 The Technical Specification for the Electronic Transfer of Notices ('EToN') defines a Forward Planning Information Notice. Promoters are encouraged to use this notice to supply information to the GMRAPS administration team in a consistent way.

### 5.4 Information to be provided on GMRAR (see also Appendix L)

Information to be provided	
Permit Authority.	
Activity Promoter.	
Date of last update.	If applicable.
Activity Promoter's reference.	If applicable.
Town.	
Locality.	
USRN.	
Street name.	
Road number.	Road classification number.
Grid reference (Easting).	Approximately the centre point of the proposed works.
Grid reference (Northing).	Approximately the centre point of the proposed works.
Activity Promoter contact name.	Name of person who can answer queries regarding the activity.
Activity Promoter contact number.	Telephone number of above.
Activity description.	
Activity position.	Carriageway = C. Footway = F. Verge = V.
Traffic management type.	
Length of activity.	
Width of activity.	
Notes.	

## 6 SCOPE OF GMRAPS AND DEFINITIONS

### 6.1 Areas and Streets

- 6.1.1 GMRAPS applies throughout Greater Manchester i.e. within the districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan. This is the 'specified area' for the purposes of the permit regulations.
- 6.1.2 All adopted highways for which the ten Greater Manchester local Highway authorities ('GM local highway authorities') are responsible, i.e. publicly maintained by or on behalf of the ten GM local Highway Authorities are included in GMRAPS; these are the "specified streets" for the purposes of the Permit regulations.
- 6.1.3 Trunk roads and motorways for which the Highways Agency is the Highway Authority are not included in the scheme.
- 6.1.4 Privately maintained streets and other roads not maintained by the 10 GM local Highway Authorities are not included in the scheme, but will be added if they are subsequently adopted by any of the ten GM local Highway Authorities and shown as such in the street gazetteer.

### 6.2 Street gazetteer

- 6.2.1 The street gazetteers for Greater Manchester, produced and maintained by the ten GM local Highway Authorities and used for NRSWA, will be used for GMRAPS, including the Unique Street Reference Number ('USRN') and the Additional Street Data.
- 6.2.2 Greater Manchester's ten Street Gazetteers form part of the National Street Gazetteer (NSG) –sometimes also referred to as the Nationally Consistent Street Gazetteer – held centrally on behalf of all Local Highway Authorities by a concessionaire.
- 6.2.3 In relation to GMRAPS, the term "street" refers to that length of a road associated with an individual USRN.
- 6.2.4 Details about the Street Gazetteers, and the Additional Street Data associated with each street on the Street Gazetteer, are contained in **APPENDIX E**.

### 6.3 Streets with special designations and controls

- 6.3.1 Streets with special designations and controls designated under NRSWA as protected streets, streets with special engineering difficulty and traffic-sensitive streets will have the same designations under GMRAPS.

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- 6.3.2 Where those designations are revised, the criteria and procedures in **APPENDIX H** will be followed.
- 6.3.3 In addition to the designations carried across from NRSWA, the Street Authorities have designated on the Additional Street Data certain streets as especially vulnerable to traffic disruption and where an early warning of immediate activities on streets is required. These are traffic sensitive streets which are also on the primary route network. In these cases, the Promoter must telephone the relevant Permit Authority's specified number as soon as activities become necessary or, at the latest, as soon as they begin. Up to date contact details for each Highway, Permit and Street Authority are provided on the website [www.gmraps.info](http://www.gmraps.info)

### 6.4 Reinstatement categories

- 6.4.1 Reinstatement categories of streets, where used in GMRAPS, are the same as the reinstatement categories under NRSWA, as defined in the *Specification for the Reinstatement of Openings in the Highway*.
- 6.4.2 Road categories: Roads are categorised by this Specification into five types, each with a limiting capacity expressed in millions of standard axles ('MSA') as shown in the table in Section 6.5 below.

### 6.5 Road categories table

Road Categories	
Road Category	Traffic Capacity
Type 0	Roads carrying over 30 to 125 MSA
Type 1	Roads carrying over 10 to 30 MSA
Type 2	Roads carrying over 2.5 to 10 MSA
Type 3	Roads carrying over 0.5 to 2.5 MSA
Type 4	Roads carrying up to 0.5 MSA

NOTE: MSA = millions of standard axles.

- 6.5.1 If there are revisions to the definitions of category 0 – 4 streets in the *Specification for the Reinstatement of Openings in the Highway* published by the DfT, these will be transposed across into GMRAPS.
- 6.5.2 The road category, as given in the Additional Street Data must be treated as definitive. If the ten Highways Authorities have not entered road categories for streets on the NSG, the streets will all be treated as category 4 for the purposes of GMRAPS and for overrun charges and other elements of NRSWA linked to GMRAPS.

### 6.6 Junction plan for a multiple road

- 6.6.1 When working or planning to work in any area, which could be regarded as belonging to more than one street, where the location has to be defined – for example in any application for a Provisional Advanced Application or a

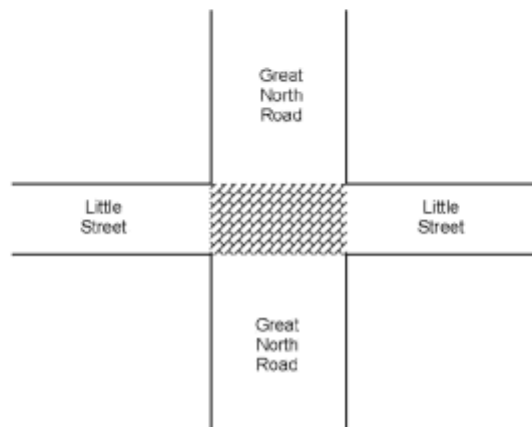
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Permit, the location should be referenced to the street with the highest road category. This is of particular significance when working at a junction.

- 6.6.2 For example, in Section 6.7 Little Street is a category 4 road and Great North Road is a category 2 road. If a Promoter proposes an activity in the central area, marked in a herringbone pattern, the application should be made against the highest category road i.e. Great North Road in this example.

### 6.7 Junction plan



### 6.8 Main and minor roads

- 6.8.1 GMRAPS distinguishes between main roads and minor roads in certain circumstances. The same groupings of roads into main roads and minor roads are used as are used within NRSWA, namely:
- **Main roads** – all streets with reinstatement category 0, 1, or 2 and streets in reinstatement category 3 and 4 that are designated as traffic-sensitive for all or part of the time.
  - **Minor roads** – streets with reinstatement category 3 or 4, which are not designated as traffic sensitive at any time.

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## 7 ACTIVITIES COVERED BY GMRAPS

### 7.1 Activities requiring a Permit

- 7.1.1 Subject to the exemptions below, a Promoter must obtain a permit from the relevant Permit Authority before carrying out any registerable activity on a street covered by GMRAPS. Registerable activities are the same as registerable works under NRSWA and these are the "specified works" for the purposes of the Permit regulations and include:
- Street works as in Part 3 of NRSWA, except for works by licensees under section 50 of NRSWA;
  - Works for road purposes as defined by section 86 of NRSWA - e.g. maintenance and improvement works to the road itself carried out by, or on behalf of, the Highway Authority;
  - Major highway works.
  - Other activities that may be introduced under future regulations.
- 7.1.2 Further details of what is covered by registerable activities, and where there are exemptions within NRSWA that are carried across to GMRAPS, are given in **APPENDIX F**.
- 7.1.3 Except for immediate activities, Promoters must obtain a Permit before starting their activities. The relevant Permit Authority will be able to attach conditions to issued Permits. Promoters must comply with the terms of the Permits and any conditions attached. Conditions will also apply to immediate activities commenced before the grant of the permit (see Section 12 below)
- 7.1.4 One Permit can only cover one registerable activity on one street.

### 7.2 Activities not requiring a Permit in advance of starting works

- 7.2.1 Immediate activities as detailed in APPENDIX F do require a Permit but, because such works are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided they apply for a Permit within 2 hours of the activity commencing and comply with any conditions specified by GMRAPS, whether standard for such activities or particular to one activity.

### 7.3 Works and activities not requiring a Permit

- 7.3.1 Works under a street works licence under Section 50 of NRSWA, do not require a Permit but have to follow the normal NRSWA procedures.

### 7.4 Categories of activities

- 7.4.1 Different requirements apply to different categories of activities, for example, longer timescales apply to larger activities.



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- 7.4.2 The same categories, major, standard, minor and immediate, are used for GMRAPS as are used for works categories in the 2007 Notices Regulations under NRSWA.
- 7.4.3 Details of the definitions are given in **APPENDIX F**.
- 7.4.4 If the definitions for works categories in the NRSWA regulations are subject to minor changes, then GMRAPS will carry across those changes into its definitions of corresponding activity categories.

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## **8 PHASING OF ACTIVITIES**

- 8.1.1 One Permit can only relate to one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works.
- 8.1.2 The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.
- 8.1.3 A Promoter should clarify that an activity is to be carried out in phases on the application. Each phase will require a separate Permit and, if a major activity, also a Provisional Advance Authorisation ('PAA'), which again will be cross-referenced to the other Permits.
- 8.1.4 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. Or they could be where an interim reinstatement is made and the permanent reinstatement is done some time later.

### **8.2 New customer connections**

- 8.2.1 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.
- 8.2.2 Otherwise a new Permit must be obtained for the customer connections stage.

### **8.3 Reinstatements**

- 8.3.1 If a permanent reinstatement cannot be completed on the first pass, the activity will be regarded as having two separate phases.
- 8.3.2 A separate Permit must be obtained for each phase.
- 8.3.3 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.
- 8.3.4 The same activity reference must be used for all phases in their respective applications and will similarly appear on each issued Permit.

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### 8.4 Linked activities

- 8.4.1 Linked activities carried out at separate locations in a street must be treated as belonging to the same 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.
- 8.4.2 Even if an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street or USRN.

### 8.5 Issuing Permits for linked or collaborative activities

- 8.5.1 In the event of collaborative working, one of the Promoters must take on the role of primary Promoter who will take overall responsibility as the agreed point of contact with the relevant Permit Authority. The secondary Promoter(s) retain the same responsibility for submitting Permit applications for work to be carried out by them or on their behalf.
- 8.5.2 If the nature of joint working is trench sharing, the primary Promoter will excavate the trench and install its' own apparatus. The secondary Promoters will install their apparatus in the same trench. The primary Promoter will then backfill and reinstate the trench unless it has been agreed with both the relevant Permit Authority and the relevant secondary Promoter beforehand that one of the secondary Promoters do it. In this case the responsibility for the quality of the reinstatement will lie with the Promoter that completed it. A similar approach to primary and secondary Promoters will be followed for other forms of collaborative working.
- 8.5.3 Only those Permit applications submitted by the primary Promoter are required to show the estimated inspection units attributable to the street works. The primary Promoter must detail the other Promoters involved and the scope of the collaborative working in the initial application. The primary Promoter must also ensure that estimates of works duration are agreed and/or confirmed with the secondary Promoter(s) when submitting notices. This is necessary in order to comply with the overrun charging requirements in the Permit regulations.
- 8.5.4 To avoid any ambiguity, the relevant Permit authority via the GMRAPS administration team will issue Permits to all the Promoters involved, not just the primary Promoter.
- 8.5.5 However, the fees will be adjusted to reflect the collaborative approach, provided all the applications meet the criteria set out in the regulations, see Section 16.6 below.
- 8.5.6 All issued Permits shall record the identity of the primary Promoter and all the secondary Promoters.

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### 8.6 Cross boundary activities

- 8.6.1 Where a project with activities in more than one street straddles the boundary between the area covered by GMRAPS and another Highway / Street Authority outside the GMRAPS area, Permit applications, including those for PAAs, should be submitted both to the relevant Permit Authority via the GMRAPS administration team and to the other Highway Authority. Furthermore, the project reference should be included on both applications so that the Permit Authority and the other Authority can consider the impact and co-ordinate the activities together.
- 8.6.2 If a cross boundary project involves activities on a street of an Authority operating a notice system under NRSWA, then the Permit application to the relevant Permit Authority via the GMRAPS administration team must identify the activity in the other Highway Authority area so that the GMRAPS administration team can liaise with them.
- 8.6.3 All cross boundary activities within the area covered by GMRAPS will be co-ordinated by the Permit Authorities of GMRAPS.

### 8.7 Remedial works

- 8.7.1 Remedial works will require a new Permit. In their applications for remedial works Promoters' activities must be cross-referenced to the Permit for the original activity.

### 8.8 Interrupted activities

- 8.8.1 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 relevant Permit Authority via the GMRAPS administration team.
- 8.8.2 If the relevant Permit Authority is content for the excavation to remain open whilst the missing equipment is obtained, then a Permit variation will be required. If the relevant Permit Authority decides that the road should be returned to full traffic use then the Promoter will need to apply for a further Permit to complete the activity at a later date.
- 8.8.3 If the activity is interrupted because the Promoter, or their contractor, has caused third party damage, then it is the Promoter's responsibility to seek the relevant 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 they are able to issue a Works Clear or Works Closed notice.
- 8.8.4 If an activity is interrupted at the request of the relevant Permit Authority, the relevant Permit Authority 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.

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- 8.8.5 Whenever an activity is interrupted, the Promoter should first agree a way forward with the relevant Permit Authority before starting any of the processes above.

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### 9 MAKING A PERMIT APPLICATION

#### 9.1 Address for applications

- 9.1.1 Contact details of the teams dealing with Permit applications and questions associated with GMRAPS in general, or particular activities, is given on the GMRAPS website.
- 9.1.2 Permit applications and applications for PAAs and variations to Permits may be made to the relevant Permit Authority via the GMRAPS administration team electronically or in paper form and must comply with the requirements set out in the Technical Specification for EToN except in exceptional circumstances. It is expected Promoters will make applications electronically. For this purpose only an application by fax is regarded as a paper application.
- 9.1.3 Recipients of copies of Permit applications or of other material relevant to those applications for consultation purposes, e.g. transport authorities or street frontagers, are unlikely to have access to EToN. In such circumstances applications or other information will have to be given either by e-mail, fax or by post.

#### 9.2 Processing Permit applications

- 9.2.1 The application process starts when the recipient receives the application Service is deemed to have been given (if electronic communication is used) when the Promoter's transmitting apparatus records the day and time of satisfactory completion of the transmission (unless the contrary is proved). The rules for service of documents in Regulation 39 of the Permit Regulations apply to GMRAPS. See the Permit Code of Practice for further information on Service.
- 9.2.2 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 sent by first-class mail will be received the following day. Promoters should take this into account.

#### 9.3 IT System failures, Permit applications

- 9.3.1 In the case of a complete IT system failure the following procedures will be applicable:
- 9.3.2 Failure lasting up to 24 hour duration
  - a) The GMRAPS administration team, on behalf of the relevant Permit Authority, will accept applications for Permits for immediate works only by fax or e-mail following pre-agreement with the GMRAPS administration team. These applications must be accompanied by a telephone call to the appropriate contact number given on the GMRAPS website.

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- b) Following recovery of service a copy of the application or notice should then be sent through EToN by the Promoter to ensure that the information on the works is correctly recorded on GMRAR.

### 9.3.3 Failure lasting between 24 hours and 3 days

- a) The GMRAPS administration team will, on behalf of the relevant Permit Authority, accept applications for Permits for immediate works and Minor works only by fax or email following pre-agreement with the GMRAPS administration team. These applications must be accompanied by a telephone call to the appropriate contact number given on the GMRAPS website.
- b) Following recovery of service a copy of the application or notice should then be sent through EToN by the Promoter to ensure that the information on the works is correctly recorded on GMRAR.

### 9.3.4 Failure lasting between 3 days and 7 days

- a) The GMRAPS administration team, on behalf of the relevant Permit Authority, will accept applications for Permits for immediate works, Minor works and Standard works only by fax or email following pre-agreement with the GMRAPS administration team. These applications must be accompanied by a telephone call to the appropriate contact number on the GMRAPS website.
- b) Following recovery of service a copy of the application or notice should then be sent through EToN by the Promoter to ensure that the information on the works is correctly recorded on GMRAR.

## 9.4 IT System failures, variations

- 9.4.1 In the event of a system failure, any Permit variation applications or request for further information or a discussion should be made by telephone to the appropriate contact number on the GMRAPS website.

- 9.4.2 The officer concerned will issue an individual reference number. This number must be displayed on an electronic application through EToN following recovery of service to ensure correct cross-referencing.

## 9.5 Timing of Permit applications/ Provisional Advance Authorisation applications

- 9.5.1 The timing of applications will vary according to the proposed activity. Larger activities and those taking place on busier roads, which have the potential to be more disruptive to road users, require more time and effort for coordination and planning and hence applications must be submitted earlier.
- 9.5.2 Permit approvals will contain conditions under which the work may take place, so it is in the best interests of the Promoter to contact the relevant Permit Authority early. That way, conditions can be discussed and, if possible, an agreement reached so that the application is approved quickly.

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- 9.5.3 Early applications will improve the coordination process; it will enable the relevant Permit Authority to better control all the activities that take place on the highway and will help Promoters plan their works more effectively.
- 9.5.4 The minimum time requirements for submitting Permit/PAA applications are set out below and in Section 11.3 below.
- 9.5.5 For Provisional Advance Authorisations ('PAA') the Promoter must apply for a PAA at least three (3) months before the activity is due to commence.
- 9.5.6 For Major Activities the Promoter must apply for a Permit at least ten (10) days before the activity is due to commence. If the proposed start and end dates are different from those in the associated PAA, the application must include a full justification for the change.
- 9.5.7 For Standard Activities the activity Promoter must apply for a Permit at least ten (10) days before the activity is due to commence.
- 9.5.8 For Minor Activities the activity Promoter must apply for a Permit at least three (3) days before the proposed start of the activity.
- 9.5.9 For Immediate Activities the Promoter must apply for a Permit within two (2) hours of the activity starting.
- 9.5.10 Permits for immediate activities can contain the same conditions as Permits for other activities, subject to obvious variations, such as when activities may start.

### 9.6 Requirement to obtain a Permit

- 9.6.1 Any Promoter of a registerable activity, as described in APPENDIX F, who wishes to carry out such an activity on a street covered by GMRAPS, must obtain a Permit from the relevant Permit Authority via the GMRAPS administration team. 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.
- 9.6.2 Any Permit issued by the GMRAPS administration team on behalf of a Permit Authority will include all of this information and the Permit unique reference number.
- 9.6.3 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 relevant Highway Authorities.



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### 9.7 Types / Classes of Permit

9.7.1 GMRAPS establishes the following types/classes of permits:-

- Permits for major activities
- Permits for standard activities
- Permits for minor activities
- Permits for immediate activities

These types/classes of permits are full permits with final details and are required for all registerable activities. These are similar to Section 55 Notices under NRSWA.

GMRAPS also provides for Provisional Advance Authorisations to be required. This is part of the permit application process but only for major activities. This is essentially an early provisional indication of the likely issue of a permit issued before the final details of activity have been worked out. PAAs are required only for major activities i.e. those which are large and/or likely to be more disruptive. The street works these equate to are those requiring Section 54 Notices under NRSWA.

### 9.8 Format of applications

- 9.8.1 All applications must comply with the definitive format and content of both paper and electronic Permit applications given in the Technical Specification for EToN. Promoters using paper systems must take particular care to code Permit applications appropriately.
- 9.8.2 The description of activities and other information should be in plain English without any industry specific jargon and provide a sufficiently detailed description of the activities to allow the relevant permit authority to assess the impact of the activity. Where possible, Promoters should use consistent standard descriptions, with added text for exceptions. This will result in clearer information and quicker analysis to assist the relevant Permit Authority to co-ordinate activities, and provide quicker decisions for Promoters. If an application cannot be understood then the GMRAPS administration team will reject it. The application for a permit or permit variation should include a proposed start and end date and provide an estimate of the likely duration of the activities the subject of the application. If an early start has been agreed prior to the submission of an application this should be highlighted in the application See section 10 below.

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### 9.9 Provisional Advance Authorisation Applications ('PAA')

- 9.9.1 The Promoter shall apply for a Provisional Advance Authorisation ('PAA') at least three months before the proposed start of major activities. This replaces the Advance Notice under Section 54 of NRSWA.
- 9.9.2 Each Permit for a major activity must have an equivalent PAA, i.e. one PAA per street. Only major activities require a PAA.
- 9.9.3 A PAA lets the Promoter know that their activity is approved and enables them to provisionally reserve occupation of the highway. Therefore, an application for a PAA must always specify proposed start and end dates. However, the Permit Authorities recognise that it may be difficult to be certain of the start date three months before the event, so the proposed start date is regarded as provisional and may be amended in the application for a final Permit.
- 9.9.4 While it is anticipated that under GMRAPS a granted PAA will normally carry through to a successful Permit application, the granting of a PAA does not preclude the relevant Permit Authority deciding not to grant a Permit for the activity to which the PAA relates.
- 9.9.5 Permit regulations provide that failure to apply for a PAA can be used as a factor in deciding whether or not to grant a Permit for a major activity. Under GMRAPS, the absence of an application for a PAA for a major activity will lead to a presumption against granting a full Permit for that activity.
- 9.9.6 The same information should be provided for a PAA application as for a Permit application. As a minimum, the information provided in an application to the Permit Authority via the GMRAPS administration team for a PAA, must contain sufficient detail for the relevant Permit Authority to understand what is planned and its impact so that the relevant Permit Authority can co-ordinate activities accordingly:
- 9.9.7 Standard, minor and immediate activities do not require an application for a Provisional Advance Authorisation.

### 9.10 Applications must relate to and be limited to only one street

- 9.10.1 Each application must contain information about activities in only one street, where a street equates to a single USRN. To improve coordination, projects covering more than one street must cross-reference all related applications. This is particularly important when applying for PAAs.
- 9.10.2 Fees for projects, which involve several Permits, will be discounted for applications for PAAs or Permits submitted together, see Section 16.

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9.10.3 Under no circumstances will an application containing activities in more than one street be accepted.

9.10.4 Promoters should be aware that projects in a street of some length require multiple applications if the activities affect more than one USRN.

### 9.11 Applications involving other interested parties

9.11.1 Other parties 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 bridge, transport and sewer authorities, and statutory undertakers who want to know what is going on in a street where they have vulnerable plant and equipment.

9.11.2 Such parties should make sure that their interest is entered in the ASD.

9.11.3 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, should be copied by the Promoter to those parties. A copy of each application for a Permit and PAA must be provided on request to any relevant authority (as defined in Part III of the NRSWA) and to any other person having apparatus in the street to which the application relates.

9.11.4 Electronic systems meeting the Technical Specification for EToN should deal with this automatically. However, some interested parties, Section 50 licensees for instance, may not have access to the electronic systems so the Promoter should send them paper copies

### 9.12 Applications for activities in the vicinity of highway and other relevant structures

9.12.1 Promoters should make themselves aware of the requirements for working adjacent to highway and other relevant structures.

### 9.13 Applications for activities in the vicinity of level crossings

9.13.1 Under GMRAPS, the consultation requirements with Network Rail are the same as with the NRSWA regime. These are set out in the TMA 2004 Code of Practice for Permits, dated March 2008, or as subsequently amended. See **APPENDIX N**.

9.13.2 These consultation requirements also extend to the Manchester Metrolink street tramways and the East Lancashire Railway.

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### **9.14 Information required for Permit and PAA applications.**

- 9.14.1 In addition to setting out the proposed start and end dates and duration/ timing of works (see section 10 below) applications for Permits /PAAs should contain the following information. As stated above it is recognised that full information may not be fully known at the time when a PAA application is made however promoters should make every effort to provide the most accurate information available at each stage. For error corrections see section 10.7 below.

### **9.15 Reference number**

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

### **9.16 Description of activities**

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

### **9.17 Location**

- 9.17.1 Promoters must give the USRN and also an accurate location based on National Grid References ("NGRs") and must also provide information about the space taken up by the activity in the street, where the space includes that required for working areas, safety zones and storage. The minimum location details that must be provided is one NGR in the centre of the excavation for small excavations or one at each end of trenches along with the dimensions of the space taken up by the activity in the street or a poly line, where there is a long trench, as set out in the Technical Specification for EToN.
- 9.17.2 This minimum on its own may not provide sufficient information to indicate the space to be occupied which could however be done with a polygon, also covered in the Specification, so the relevant Permit Authority may seek additional information by way of text or illustration if not sent with the application.
- 9.17.3 Promoters applying for Permits for immediate activities should do so only once they have begun excavation. 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.

### **9.18 Illustrations**

- 9.18.1 Activity Promoters may need to provide an illustration of the activity proposed. It is particularly important that an illustration is provided where the activity is significant in terms of potential disruption due to the position

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and size of the activity. This may include more than just major activities, as small excavation at a critical junction may be more disruptive.

- 9.18.2 The illustration should include details of the activity, including for example whether it is likely to affect more than one lane of the street. Details of what this might consist of and how it should be transmitted can be found in the Technical Specification for EToN. However, plans, digital photographs and similar will normally be required dependent upon the type of activity and the type of street.
- 9.18.3 If possible (i.e. where the relevant traffic flow information is available to Promoters via the GMRAPS website) and when requested by the relevant Permit Authority, a disruption effect score should be given to indicate the level of disruption expected. Further details of the disruptive effect score are given in **APPENDIX K**.
- 9.18.4 Activities on those streets or parts of a street, subject to a Special Engineering Difficulty ("SED") designation will require a plan and section or other specified information. Approvals for SEDs must be obtained before the full Permit application is made.
- 9.18.5 Technique to be used for underground activities: Details of the planned techniques, such as open cut, trench share, minimum dig technique or no dig must be provided.

### **9.19 Traffic management, parking and Traffic Regulation Orders ('TRO')**

- 9.19.1 Details of traffic management proposals will be required with Permit applications.
- 9.19.2 Any requirement for action by the relevant Traffic Authority such as the need for Traffic Regulation Orders ('TRO'), lifting of parking restrictions and approval for portable light signals must be included, or referred to, in the Permit or PAA application and allowance must be made for the additional costs associated with them.
- 9.19.3 All activities requiring a TRO are categorised as major activities.
- 9.19.4 A separate application for a TRO must be made to the relevant Traffic Authority as well as the PAA or Permit Application. If a separate application for a TRO has been made this must be referenced in the PAA or Permit Application.
- 9.19.5 Where use of portable light signals require the agreement of the relevant Traffic Authority individual approval will be required and requests for the use of portable light signals must be referenced in the Permit application for the relevant activities.
- 9.19.6 However, for minor activities the minimum approval time for portable light signals is 7 days, which exceeds the minimum time for Permit applications.

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Therefore, an earlier Permit application or separate signals approval application will be needed if both time periods are to be met.

- 9.19.7 Where parking bays are to be suspended, application must be made to the relevant Parking Authority. This must be separate from any Permit application. Evidence of the agreement of the relevant parking authority must be included in the Permit application.
- 9.19.8 If the advance approval notice period required for any traffic management is longer than that required for a Permit, traffic management must be applied for separately. If this happens it must be referenced in the associated Permit application, cross-referencing the earlier application for traffic management, including parking, by its unique application reference number.
- 9.19.9 It will be a condition of any Permit that if approval is required for the TRO, it is in place or approved, as appropriate, before the activity, or that part of the activity for which the approval is required, starts on site.

### 9.20 Depth

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

### 9.21 Reinstatement type

- 9.21.1 The application should wherever possible indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If it is the latter, then Promoters must provide details as to when interim or permanent reinstatements will be completed within that Permit.
- 9.21.2 A separate Permit must be obtained for each phase.

### 9.22 Inspection units

- 9.22.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the *Inspections Code of Practice* and associated regulations.
- 9.22.2 Where there is trench sharing, only the primary Promoter is required to give the inspection units.

### 9.23 Contact person

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

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- 9.23.2 On Permit applications and on PAAs if the information is known at the time, the application should include the name of the main contractor carrying out the activity. This will help with the relevant Permit Authorities with any discussions that need to take place before the Permit can be agreed.

### 9.24 Special requirements for immediate activities

- 9.24.1 In certain circumstances where immediate activities are involved, GMRAPS will require the Promoter to telephone the relevant permit authority before applying for a Permit. Contact details are on the GMRAPS website.
- 9.24.2 Any immediate activity can adversely affect traffic (including pedestrians) on the street and on other alternative routes onto which traffic may divert.
- 9.24.3 Where an immediate activity is likely to cause significant disruption, the Promoter should telephone with confirmation of the commencement of the activity at the earliest opportunity and in any event within 2 hours of the activity being identified.
- 9.24.4 Examples of situations where significant disruption is likely to occur include immediate activities:
- On traffic sensitive streets on the primary route network at traffic sensitive times;
  - On streets where traffic is likely to be diverted onto a traffic sensitive street on the primary route network at a traffic sensitive time;
  - On traffic sensitive streets on primary routes that are already in use as a diversion route.
- 9.24.5 Promoters should be especially alert in such circumstances.
- 9.24.6 In the above cases the telephone call should be made prior to the application for a Permit to the appropriate contact number posted on the GMRAPS website. Upon receipt of a telephone call, the traffic officer concerned will consider the implications and take appropriate action to mitigate the traffic impact.
- 9.24.7 Permit applications for immediate activities, where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), must be made as soon as reasonably practicable and in any event, within two hours of the activity starting.
- 9.24.8 The application should be made as set out on the GMRAPS website, or by 10.00 hours on the next working day if using EToN where the activity is identified outside the normal working day.
- 9.24.9 The Permit Authorities, via the GMRAPS administration team, will give all Promoters at least 1month's notice, through NWHAUC, of any changes to the operational hours or the appropriate contact numbers to telephone, or to send a Permit application to, at each time of day. The operational hours

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and contact details will be displayed on the GMRAPS website  
[www.gmraps.info](http://www.gmraps.info).



## **10 PERMIT START AND END DATES AND DURATIONS**

- 10.1.1 A permit will allow an activity to be carried out for a specific duration (in days) between the start and end date on the Permit. Unless otherwise specified, this duration will include all consecutive working days between the specified start and end dates irrespective of whether the Promoter is actually carrying out works on all those working days. Permit start and end dates are not restricted to working days. (See paragraph 11.14.1)
- 10.1.2 A Promoter working outside those dates would not have a valid Permit and potentially would be committing an offence.
- 10.1.3 It should be noted that if the Permit states that 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 relevant Permit Authority through a Permit variation.

### **10.2 Proposed timing and duration**

- 10.2.1 Each application for a Permit or application for permit variation or PAA must include proposed start and end dates using calendar dates and a proposed duration in working days.
- 10.2.2 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 Promoter proposes to undertake an activity on weekends or Bank Holidays to speed up the activity and reduce disruption, then they must also say so.
- 10.2.3 The relevant Permit Authority will take all this information into account when determining Permit dates and applying a condition on duration to the Permit.
- 10.2.4 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.

### **10.3 Early starts**

- 10.3.1 An activity must not start before the expiry of the application period except where an early start has been agreed in writing with the relevant Permit Authority, and after the relevant Permit Authority has consulted any other interested parties.
- 10.3.2 A Promoter may request an early start after applying for a Permit. Where an early start is agreed in writing after the Permit has been issued, the Promoter must submit an application for a variation to the Permit.

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### 10.4 Main roads (category 0, 1, 2 streets and traffic-sensitive category 3 and 4 streets)

- 10.4.1 On main roads, i.e. all category 0, 1 & 2 streets and category 3 & 4 streets that are traffic-sensitive for all or part of the time, the duration of the activity will exactly match the time from the start date on the permit to the end date. The permit will not be valid before the start date on the permit and will cease to be valid once the end date has passed unless a variation is agreed.
- 10.4.2 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 relevant Permit Authority via the GMRAPS administration team on the previous day by telephone.
- 10.4.3 There is no automatic extension of the Permit in these circumstances.
- 10.4.4 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.
- 10.4.5 If the Promoter could not complete the activity before the Permit end date, they must apply for a Permit variation. This will be required even if the extra days are at a weekend. In the above case the permit will expire at midnight Friday night.
- 10.4.6 The relevant Permit Authority may or may not agree to an extension, depending on the circumstances, and the Promoter may be subject to over-run charges.

### 10.5 Minor roads (i.e. category 3 and 4 non-traffic-sensitive streets)

- 10.5.1 On minor roads, i.e. category 3 and 4 streets that are not traffic-sensitive at any time, the Permit will be issued with start and end dates, and duration for the activity in working days, which will be set as a condition.

### 10.6 The Starting Window on minor roads

- 10.6.1 On minor roads the start and end dates of the Permit will be the proposed start and end dates of the activity. However, because both competition for space and the expected level of disruption is likely to be lower on less busy streets, there will be flexibility on the start of the activity called a "starting window" - equivalent to the validity period on a NRSWA notice. The starting windows are:
- 10.6.2 5 working days for major and standard activities
- 10.6.3 2 working days for minor activities.

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- 10.6.4 The permit end date will therefore allow for the set duration to be completed if the activity starts on the last day of the starting window.
- 10.6.5 Assuming that the example above relates to a standard activity for which the starting window is five working days, the activity may begin on any day between Wednesday 1 June and Tuesday 7 June without further notification to the relevant permit authority. If the activity started on the last day of the window, Tuesday 7 June, the end date for the permit would be Thursday 16 June.
- 10.6.6 This does not, however, mean that the promoter can work on any days between the permit start and end dates. The duration applies to continuous working days and once the work starts the promoter has only the successive working days duration in which to complete the activity. The normal working day rules apply, i.e. weekdays, although there may be conditions that affect the ability of a promoter to make use of weekends for works.
- 10.6.7 Once the end of the duration period is reached, even if the end date on the permit has not been reached, the promoter must have applied for and obtained a variation if he wishes to carry on working. Without that he will be in breach of a condition (i.e. duration) or, if the activity started on the last day of the window and the end date on the permit has been reached, he will be working without a permit. Either way he will be committing an offence.
- 10.6.8 On beginning the activity the promoter would have to submit the section 74 Start of Works Notice setting out the actual start and estimated date for the end of the activity. The duration must be the same as that given in the permit.

### 10.7 Error correction

- 10.7.1 Where the GMRAPS administration team or relevant Permit authority identifies an error in data recorded in, or submitted for recording in GMRAR, the GMRAPS administration team will contact the Promoter to discuss and agree the corrections to be made.
- 10.7.2 Where the Promoter identifies an error, they should contact the GMRAPS administration team to discuss and agree the corrections to be made.
- 10.7.3 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 recipient organisation who agreed that the correction should be made. The error correction process is described in the Technical Specification for EToN.
- 10.7.4 This error correction procedure cannot be used without the prior agreement of both parties. Its purpose is simply to ensure that the information recorded

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in GMRAR is correct and useful to the relevant Permit Authority in carrying out its coordination duties.

- 10.7.5 If the works originator identifies an error caused by the GMRAPS administration team or the relevant Permit Authority and, having first discussed and agreed a course of action with the GMRAPS administration team, either the Promoter or the Permit Authority initiates a variation, no fee for the Permit variation will be charged.
- 10.7.6 If the error has been caused by the Promoter and a Permit variation is needed, then a variation fee will be payable.

## 11 ISSUING OF PERMITS

### 11.1 General

- 11.1.1 When considering applications for Permits, including PAAs, applications for variations to Permits and Permit conditions and revocations and deciding the terms of a Permit and of any conditions to be attached, the relevant Permit Authority will act reasonably, for example:
- Taking account of the proposed activity's potential to cause congestion and disruption;
  - Recognising the needs of other users of the highway, and the integrity of the highway itself;
  - Taking account of how feasible it is for the Promoter to comply e.g. given the area of occupancy and the restrictions imposed by the available industry resources and technical capabilities;
  - Allowing works to be carried out in compliance with statutory guidance and codes of practice especially in relation to safety (such as *Safety at Street Works and Road Works*).
- 11.1.2 The Permit for an activity will specify the activity it allows in detail and will specify the conditions attached. This information will be drawn from the application. As a minimum, any constraints in the original application will normally be reflected in conditions attached to the Permit. For example, if the activity is in a street which is traffic-sensitive in some places and/or at some times and the application stated that the activity was to be outside the traffic-sensitive places and times, then this will be a condition of the Permit; or if a minimum dig method is proposed then that would be a condition. But this does not restrict the relevant Permit Authority's ability to impose such conditions as it considers appropriate, taking all factors into account.
- 11.1.3 The Permit will also include reference to any associated documentation such as drawings.
- 11.1.4 A standard list of principal conditions attached to Permits will be published by the Permit Authorities on [www.gmraps.info](http://www.gmraps.info) for easy reference by Promoters. Further information about conditions is contained in Section 12.

### 11.2 Issuing approved permits and response times

- 11.2.1 When the relevant Permit Authority is content with an application from a Promoter it will grant the permit/ PAA, the GMRAPS administration team will issue a Permit/PAA on behalf of the Permit Authority. A permit will be issued to the Promoter for every permit granted.
- 11.2.2 The GMRAPS administration team, on behalf of the relevant Permit Authority, will issue Permits electronically using the formats given in the Technical Specification for EToN. If the electronic system is down or

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unavailable for any reason then Permits will be issued by fax or post. Each Permit will be given a unique reference number (following EToN conventions), which must be displayed on the site information board.

- 11.2.3 Variations to Permits will be denoted by the use of the same unique reference with a suffix to denote the variation.
- 11.2.4 Cross-references to other linked Permits will also be given on the Permit.
- 11.2.5 Where other parties have expressed an interest in a street and the application for a Permit has been copied to them, the Permit will also be copied to those parties by the GMRAPS administration team when it issues the Permit to the Promoter. The form of the Permit is given in the Technical Specification for the EToN system.
- 11.2.6 The relevant Permit Authority shall respond to all Permit applications and PAA applications within the timescales set out in the table in Section 11.3.
- 11.2.7 That response will either be to grant the Permit, or to refuse the Permit, (giving reasons why). This will allow for a new application to be submitted. Only the approved application will be subject to a permit fee. In the event that no response is received within the set timescales, the Permit will be deemed to have been granted as detailed in Section 11.12.
- 11.2.8 For approved Permits, the GMRAPS administration team will, on behalf of the relevant Permit Authority, respond by issuing the Permit through the EToN system.
- 11.2.9 For refused Permits the GMRAPS administration team on behalf of the relevant Permit Authority will respond through the EToN system, but this will be in conjunction with a discussion of the reasons for refusal and what changes would be needed to achieve a successful application.
- 11.2.10 For discussions or further information the relevant Permit Authority will respond by telephone, email, in writing or by other means, as appropriate, and may arrange a meeting.

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### 11.3 Application and response times

APPLICATION AND RESPONSE TIMES (in working days)						
Activity Type	Minimum application periods before proposed start date**		Minimum period before Permit expires for application for variation (including extension)	Response times for issuing a Permit or seeking further information or discussion		Response times to applications for Permit variations
	Application for a PAA	Application For a Permit		Application for PAA	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is the longest	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	

**\*\* note that if an activity requires approvals for a Temporary Traffic Regulation Order ('TTR') or temporary traffic signals or parking suspension then the relevant timescales for these need to be taken into account. See Section 19. Permit variation includes variation to permit conditions.**

### 11.4 Permit applications not approved – REFUSALS POLICY

11.4.1 The relevant Permit Authority may refuse to grant a Permit and will refuse a Permit application if elements of the proposed activity, as submitted, are not acceptable. In such cases the relevant Permit Authority will contact the Promoter as soon as possible, and within the period specified in Section 11.3 to explain precisely why the application is not satisfactory and which aspects need modification.

### 11.5 Grounds for refusal

11.5.1 Grounds for refusing a Permit may include the following but the relevant Permit Authority reserves the right to invoke other grounds in appropriate circumstances:

### 11.6 Refusal due to timing and duration

11.6.1 A Promoter must ensure that the proposed duration of the activity takes into account both their legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway. The relevant Permit Authority may refuse the proposed duration on the grounds that:

- It can be completed more speedily or, that realistically, not enough time has been allowed; or

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- 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.

### 11.7 Refusal due to overlapping activities

- 11.7.1 If other activities are scheduled to take place in the same street, or other streets affected by the proposed activity at the same time, the relevant Permit Authority may refuse a Permit for the period requested but propose to grant it for different times.
- 11.7.2 Information about other activities is available to the Promoter through GMRAR, so in such situations the Promoter should contact the relevant Permit Authority to discuss acceptable options before applying for a Permit.

### 11.8 Refusal due to location of activity

- 11.8.1 The relevant Permit Authority may refuse to issue a Permit due to the proposed location of the activity. This is intended to mirror the power under Section 56A NRSWA i.e. 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.
- 11.8.2 The relevant Permit Authority will treat considerations of location in a similar way to the provisions under Section 56A of NRSWA. Such refusals will only apply:
- In relation to the installation of new apparatus - it cannot be used to require existing apparatus to be moved;
  - When disruption would be reduced by installing the apparatus in an alternative street; and
  - When it is reasonable to use an alternative street.
- 11.8.3 The relevant Permit Authority will talk to the Promoter to see whether another route would satisfy all the requirements.
- 11.8.4 If there is a dispute over Permit terms or conditions, the relevant Permit Authority reserves the right to refuse a Permit until this is resolved.

### 11.9 Refusal due to requests for changes or for further information

- 11.9.1 If the relevant Permit Authority considers that the overall management of the network would benefit if changes were made to the PAA or Permit application the relevant Permit Authority will respond to the Promoter, within the time scales in Section 11.3 and discuss such changes.
- 11.9.2 If the relevant Permit Authority considers that insufficient or inadequate information has been provided in the application they will respond to the



Promoter, within the response periods Section 11.3, and explain what further information must be submitted.

### **11.10 Action following refusal of a permit or request for changes or further information**

- 11.10.1 In the event of refusing a Permit, or requesting changes or further information, the relevant Permit Authority will contact the Promoter to discuss the application and will seek to agree an acceptable way forward. If agreement can be reached, the Promoter must make a modified Permit application.
- 11.10.2 If agreement cannot be reached in the time available, the relevant Permit Authority will refuse the Permit and the Promoter must make a new application, which would then be considered in the usual way.

### **11.11 Right of appeal**

- 11.11.1 The Promoter has a right of appeal if it is unable to reach agreement with the relevant Permit Authority over the terms of the Permit or the conditions attached. In the case of immediate activities it may be that work has to stop until the issues are resolved. The relevant Permit Authority will decide on a case by case basis if that is necessary, but will always seek to discuss the situation with the Promoter and will take into account all the relevant factors in coming to a reasonable decision. For full details of dispute procedures, refer to Section 15 of this document.

### **11.12 When Permit applications are deemed to be granted**

- 11.12.1 If the relevant Permit Authority or the GMRAPS administration team on its behalf fails to reply to a duly completed Permit application, granting or refusing the Permit within the response times given in Section 11.3, the Permit will be deemed to have been granted under the terms of the application.
- 11.12.2 The proposed start and end dates, description, location, duration, traffic management etc. will be carried across into the Permit and associated conditions for that activity.
- 11.12.3 Those Permit terms and the conditions attached will then be binding on the Promoter as they would for a Permit issued by the relevant Permit Authority; breaching them will be an offence.

### **11.13 Time when Permit is valid**

- 11.13.1 A Permit is valid for the period of time stated in the permit.
- 11.13.2 On category 0, 1 and 2 roads and traffic-sensitive streets the start and end of the Permit period will match the start and finish dates for the activity.

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- 11.13.3 No activity, including delivery and storage of materials onsite, may be carried out outside of these times without applying for and obtaining a Permit variation from the relevant Permit Authority.
  - 11.13.4 Activities on less busy category 3 and 4 and none traffic sensitive streets will be less disruptive. On these streets the Promoter will be allowed some flexibility- an ability to start up to five days later than the permit start date, depending on the category of activity being carried out. However the permit conditions will fix the duration from the actual start date so that after that time the Promoter will be in breach of the permit conditions or the permit will have passed its end date.
- 11.14 Days of Permit validity and days of working**
- 11.14.1 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.
  - 11.14.2 The Permit conditions will always include the duration of the activity i.e. the number of consecutive working days that the activity can take place and if the Permit allows working at weekends or on Bank Holidays.

## **12 CONDITIONS ATTACHED TO PERMITS**

### **12.1 Condition types**

- 12.1.1 The Permit Authorities may attach conditions to permits. The following types of conditions may be applied to Permits. Not all types of conditions will necessarily be applied to all Permits.
- 12.1.2 In general, conditions will be varied for each Permit, as each set of circumstances will be different. However, under GMRAPS the ten Permit Authorities can define standard conditions that will be applied to all Permits or when particular criteria are met.
- 12.1.3 When the ten Permit Authorities consider that a change to standard conditions applied to all Permits is required, it will first consult all Promoters on the proposed conditions. Standard conditions will be published on [www.gmraps.info](http://www.gmraps.info) and Promoters will be notified of any new standard conditions at the quarterly NW HAUC meetings.

### **12.2 Types of standard conditions:**

The following types of conditions may be imposed:

#### **12.3 Timing and duration conditions:**

- 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 measures;
- The days and 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.

#### **12.4 Road space conditions**

- 12.4.1 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 measures, the impact could be magnified considerably. The area occupied could be reduced if unnecessary plant and excavated material is removed swiftly or stored in a lower impact location, such as a side road.
- 12.4.2 Therefore, the following road space conditions may be attached to Permits:
- 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 to be available to traffic (vehicles and/ or pedestrians) at certain times of day.
- Alternative locations for the storage of plant and materials.

12.4.3 This leaves the Promoter scope to work out how best to achieve this.

### 12.5 Traffic management conditions

- 12.5.1 Promoters may need to submit traffic management proposals in addition to 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 but when required will need to satisfy the Transport for Greater Manchester Urban Traffic Control ("TfGM UTC") standard for traffic signals.
- 12.5.2 When fixed traffic signals are required to be taken out of use or 'Bagged Over' then arrangements will be made by the Promoter with TfGM UTC to carry out this work and the associated costs incurred, including those charged by any signal management contractor to TfGM UTC, will be paid in full by the Promoter to TfGM UTC.
- 12.5.3 The relevant Permit Authority may impose 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.
- 12.5.4 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 inform the relevant Permit Authority before such changes take place so that the relevant Permit Authority can inform road users and, if necessary, implement complementary traffic management measures to minimise disruption.

### 12.6 Methodology for carrying out activities conditions

- 12.6.1 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 congestion. The relevant Permit Authority may wish to discuss options with the Promoter and may attach conditions relating to the methodology.

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### 12.7 Consultation and publicity conditions

- 12.7.1 Where activities have the potential to be especially disruptive to local residents, businesses and/or road users, the relevant Permit Authority may attach a condition requiring the Promoter to provide advanced notice to nearby householders or businesses, or to traffic or pedestrians using the road.
- 12.7.2 In the case of major activities, requirements relating to consultation or publicity will be introduced at the PAA stage, where possible, so that the Promoter has the maximum time to publicise the activity or carry out a consultation. However, where circumstances change, for instance, other activities in the vicinity become likely, or the proposed activity changes in nature or where activities do not require a PAA, timescales may be shorter.
- 12.7.3 Conditions relating to publicity will include the requirement for promoters of activities to display the Permit number, in a standard format published on [www.gmraps.info](http://www.gmraps.info) along with other information, at the site.
- 12.7.4 This will make it easier to obtain data from GMRAR, for example to establish what the conditions attached to the Permit are at a site. Permits will also carry the condition that a copy of the Permit must be readily available (for inspection, if requested) at the site, either in hard copy or electronically.

### 12.8 Environmental conditions

- 12.8.1 The relevant Permit Authority may apply appropriate environmental conditions. As examples, these could include restrictions on working hours due to noise reduction in residential areas, restrictions on disposal of waste, and considerations that may be necessary to protect wildlife. If it is considered necessary to impose environmental conditions, the relevant Permit Authority will give full information to the Promoter at the earliest opportunity.

### 12.9 Activity progress conditions

- 12.9.1 GMRAR combined with the Section 74 NRSWA notices will provide information on what is happening or planned on the road network on any day. This is important for the ten relevant Permit Authorities to exercise their coordination and network management functions effectively. It is also important so that the ten Permit Authorities can provide the public with information on what to expect on the roads at any time Activity progress conditions may be required where considered appropriate.

### 12.10 Immediate activities conditions (Permit not required before works start)

- 12.10.1 The ten Permit Authorities may specify conditions that it will apply to immediate activities for the period before a Permit is issued for the activity.

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- 12.10.2 These conditions may be defined to apply generally, for example to submit a permit application within 2 hours of the activity starting, to display an information board showing who is working on site, or to apply when certain specified criteria are met.
- 12.10.3 One such condition is that Promoters who are about to carry out immediate activities on streets which are indicated on the street gazetteer as being especially vulnerable to traffic disruption (i.e. which are traffic sensitive streets on the primary route network) or are about to carry out immediate activities that are likely to divert traffic to such streets should telephone the relevant Permit Authority's specified number as soon as such activities become necessary.
- 12.10.4 The Permit Authorities will publish any other such general or specific conditions, to apply to immediate activities before a Permit is issued, on [www.gmraps.info](http://www.gmraps.info) after first consulting with Promoters, and will alert Promoters to any changes to those conditions at the quarterly NW HAUC meetings.
- 12.10.5 The Permit Authorities may also set specific conditions for individual immediate activities, for example, as a result of a site meeting once work has started.
- 12.10.6 Written confirmation of the decisions taken at such a meeting will be provided before a Permit is issued.
- 12.10.7 Until a Permit is issued, following an application for a Permit for an immediate activity, a Promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the Promoter must work within those hours. If, however, any of the Permit application terms are in contradiction with any standard conditions issued by the Permit Authorities under GMRAPS, then the GMRAPS standard conditions will take precedence.
- 12.10.8 The relevant Permit Authority will seek to discuss any such conflict with Promoters as soon as possible after receiving the application.

## **13 VARIATIONS TO AND REVOCATIONS OF PERMITS**

### **13.1 Variations - General principles**

- 13.1.1 Changing circumstances, for either a Promoter or for a Permit Authority may require Permits and/or the conditions attached to them to be modified.
- 13.1.2 The Promoter might request the change if new information, events or discoveries on site mean that they need to alter their original plans or duration of the activity.
- 13.1.3 If changes are required the Promoter must submit an application for a Permit variation and, if approved, the relevant Permit Authority, via the GMRAPS administration team, will issue a new Permit incorporating the variations.
- 13.1.4 The relevant Permit Authority may have to reconsider a Permit due to an unexpected event on the network.
- 13.1.5 The relevant Permit Authority may vary a permit or permit conditions. Permits and Permit conditions can be varied at any time after the Permit has been issued and even during the activity itself.
- 13.1.6 It is important that variations are sought whenever changes are needed, as working without a Permit or outside the conditions is a criminal offence.
- 13.1.7 Where a Promoter has to seek a variation or an extension to a Permit, the relevant Permit Authority will reserve the right to have a further opportunity to review and amend the conditions, if the circumstances justify it.

### **13.2 A PAA cannot be varied.**

- 13.2.1 Where a PAA has been granted but a full Permit has not yet been issued, and the Promoter needs to make changes, then the Promoter must inform the relevant Permit Authority of the proposed changes and make a revised application for a PAA or permit. No fee is payable in these circumstances.
- 13.2.2 If the relevant Permit Authority requires changes to the PAA before a full permit is issued then, after discussion with the Promoter, the Promoter will make a new application for a PAA. No fee will be charged.

### **13.3 Variations initiated by the activity Promoter**

- 13.3.1 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;
  - A variation resulting from the proposal in the original application, which is the basis of the Permit, being inaccurate or unrealistic.

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- 13.3.2 The purpose of GMRAPS is not to prevent necessary activity, so an application for a justifiable variation is likely to be granted, although the relevant Permit Authority will consider the wider network implications of the changes and other relevant factors, and will be able to vary the terms of the variation application and any conditions attached to the original Permit, or add new conditions.
- 13.3.3 Even where variations are the result of inaccuracy or unrealistic proposals the relevant Permit Authority will give due consideration to the variations applied for, but the relevant Permit Authority reserves the right to vary the terms or conditions of the Permit in other ways consistent with its objectives.

### 13.4 Extensions

- 13.4.1 The relevant Permit Authority is under no obligation to let works run beyond the Permitted period.
- 13.4.2 The Promoter must note that any occupation of the highway beyond the end of the Permit may constitute a criminal offence.
- 13.4.3 However, if the relevant Permit Authority decides that the proposed extension is reasonable and does not conflict with other planned activities then it will not unreasonably withhold permission.
- 13.4.4 Activities, which exceed the allowable permit duration without good reason, will potentially be subject to overrun charges. The reasonableness of any extension will be decided in the normal way using the provisions of Section 74 NRSWA. Such an extension is deemed an "overrun" Permit in the ETOn system to clarify that Section 74 charges apply even though a valid Permit is in force.
- 13.4.5 In these instances whilst the duration of the permit will be extended, the reasonable period within which the works have to be completed will not. Overrun charges are discussed in more detail in section 17 below.
- 13.4.6 Whilst in many cases the relevant Permit Authority will grant the extension to minimise disruption, 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.

### 13.5 Fees for Promoter initiated variations

- 13.5.1 Fees are payable for all applications for Permit variations, including variations to conditions, initiated by Promoters.
- 13.5.2 For current fee charges refer to the GMRAPS website.



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### 13.6 Applying for a variation

- 13.6.1 A Promoter may apply to vary an existing Permit, including permit conditions 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 should apply for a variation electronically if the Promoter is unable to use electronic systems then the application will have to be sent another way such as by fax or by post;
  - In any other case the Promoter should first telephone the relevant Permit Authority to ascertain whether the Authority is prepared to grant the variation e.g. an extension, and apply to the relevant Permit Authority via the GMRAPS administration team only if the Authority agrees.
- 13.6.2 The relevant Permit Authority will respond to the request within two days of receipt.
- 13.6.3 The relevant 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 cannot be completed within the terms of the original Permit.
- 13.6.4 Prior discussion by Promoters with the relevant Permit Authority is also recommended so that variation applications can be dealt with quickly.
- 13.6.5 Where a Promoter applies for a variation, the application must contain sufficient information to show precisely the nature and implications of the changes. Providing insufficient or inadequate information will lead to delays as the relevant Permit Authority will need to go back to the Promoter to obtain further information or clarification.
- 13.6.6 In all circumstances the application must include the proposed dates and duration of the activity, whether or not they have changed.
- 13.6.7 Applications for Permit variations, including variations to conditions, must follow the procedures for Permit applications. Applications should be copied to parties, which have expressed an interest in that street. The format of applications must follow the Technical Specification for EToN.

### 13.7 Multiple excavations

- 13.7.1 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.
- 13.7.2 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 registerable openings have to be made from where the symptoms are

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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 relevant Permit Authority knows what is going on so that it can co-ordinate and manage these and other activities in the area.

- 13.7.3 GMRAPS includes the following arrangements solely in the case of immediate activities requiring a series of faultfinding excavations or registerable openings.
- 13.7.4 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.
- 13.7.5 For any further excavations on the same street within 50 metres of the original hole, the Promoter must telephone the relevant Permit Authority with the new location. No Permit variation will be needed and no Permit charge will apply.
- 13.7.6 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 relevant Permit Authority may at its discretion, waive such charges as a general rule or for particular cases.
- 13.7.7 Separate variations would be required for bands going in opposite directions along the street in question.
- 13.7.8 For additional excavations within each band the Promoter must telephone the relevant Permit Authority with the new location. Again, no Permit variation is needed and no Permit charge will apply.
- 13.7.9 If the search carries into a different street, or on to a new USRN (including if the street changes to a different Authority), then the Promoter must make a separate Permit application.
- 13.7.10 If the Promoter cannot contact the relevant Permit Authority by telephone they should contact the GMRAPS administration team and record that fact and send the message electronically.

### **13.8 Policy on variations initiated by the Permit Authority**

- 13.8.1 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.
- 13.8.2 Nevertheless, even when a Permit has been issued in good faith, circumstances beyond the relevant Permit Authorities control may necessitate a change in either the Permit or its conditions.

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- 13.8.3 The ten Greater Manchester Permit Authorities' policy on reviewing and varying permits and permit conditions is that such changes should happen only when the new circumstances could not have been reasonably predicted and where the impact is significant or in other exceptional circumstances. 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. Another example could be if it was clear that the conditions attached to the Permit were not working effectively to meet the Permit Authorities' objectives in relation to GMRAPS.

### **13.9 Procedures for when a Permit Authority initiates a variation**

- 13.9.1 If the relevant 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 coordination duties and other statutory requirements on those involved.
- 13.9.2 Good coordination and co-operation between Promoters and the relevant Permit Authority will minimise the time that the Authority needs to vary Permits or their conditions.
- 13.9.3 These discussions may lead to an agreement on the variations required. In that case, the GMRAPS administration team, on behalf of the relevant Permit Authority, will request a variation application and issue a revised Permit.
- 13.9.4 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.
- 13.9.5 If agreement cannot be reached, the relevant Permit Authority may require a revised Permit application on the terms it considers reasonable, but the Promoter would have the option of invoking the dispute resolution procedure. See Section 18 for further information.

### **13.10 Fees for Permit Authority initiated variations**

- 13.10.1 No fee will be payable for Permit variations initiated by the relevant Permit Authority, unless, at the same time, the Promoter seeks variations, which are not the result of the circumstances, causing the relevant Permit Authority action. In that case a variation fee would be payable.

### **13.11 Reviewing, varying or revoking permits/ permit conditions**

- 13.11.1 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 relevant Permit Authority intends to suspend or postpone an activity for which it has already given a Permit but which it intends should happen at a later date, it will use the Permit variation provisions, as described above, to

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change the dates. The relevant Permit Authority may vary or revoke a permit or permit conditions if it considers it appropriate.

### 13.12 Revoking a Permit by a Permit Authority- Policy on Revocations

- 13.12.1 If a Promoter no longer requires a Permit/ Permit conditions they should use the cancellation procedure outlined below to initiate the cancellation/ revocation.
- 13.12.2 There may be circumstances, however, where the relevant Permit Authority will want to initiate the revocation of a Permit or Permit conditions.
- 13.12.3 Revocation of a Permit could arise, in particular, if the relevant Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit, invoking the powers in regulation 10(4) of the Permit Regulations which are incorporated into GMRAPS.
- 13.12.4 Permit Authorities will use this power sparingly and only when the relevant Permit Authority judges it to be the best option available in the individual circumstances.
- 13.12.5 Before revoking the Permit/ Permit condition, the relevant Permit Authority will first contact the Promoter to warn them of their intention and discuss the situation with them. This may be followed by the intervention process described in Section 18 of GMRAPS derived from the powers in regulation 18 of the Permit Regulations.
- 13.12.6 If the Promoter fails to take the appropriate action then the relevant Permit Authority may consider that revoking the Permit or Permit condition is the most appropriate action. There may also be circumstances where, when all the relevant factors are considered, the relevant Permit Authority will decide to move straight to revoking the Permit; but the relevant Permit Authority will still contact the Promoter before taking action.
- 13.12.7 Where through no action, failing or fault on the part of the Promoter the relevant Permit Authority revokes the Promoter's permit no fee will be payable for the new permit.

### 13.13 Cancellation or withdrawal of a Permit or Permit application/ application of revocation of Permit condition by a Promoter

- 13.13.1 If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use or seeks a revocation of a permit condition, they should use the cancellation notice containing the relevant number. See Technical Specification for EToN for more details/ information to be included.

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- 13.13.2 There is no cancellation fee where a Permit has been issued, the fee for the cancelled Permit will normally remain payable as the relevant Permit Authority will have carried out coordination and planning work.
- 13.13.3 However if a Permit is cancelled through no fault of the Promoter, the fee will be credited back to the Promoter.
- 13.13.4 An activity Promoter will be committing an offence if it works or continues to work after a Permit has been cancelled.
- 13.13.5 The relevant Permit Authority (either directly or via the GMRAPS administration team) will respond to all requests for Permit variations, cancellations and revocations within two days of receipt.
- 13.13.6 An activity promoter will be committing an offence if it continues to work after a permit has been revoked.

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### 14 CONFLICT WITH OTHER LEGISLATION

- 14.1.1 The ten Permit authorities will try to ensure that any conditions applied to a Permit do not conflict with the activity Promoter's obligations under separate legislation.
- 14.1.2 The intention of GMRAPS is that an activity Promoter should not be put in a position where they cannot escape being in breach of either Permit conditions or other relevant legislation.
- 14.1.3 The activity Promoter should bring such conflicts or potential conflicts to the attention of the relevant Permit Authority, via the GMRAPS administration team as soon as is practicable.
- 14.1.4 The relevant Permit Authority will be responsible for resolving the issue with the other body or bodies concerned, e.g. Environmental Health officials, and amending the Permit conditions accordingly.
- 14.1.5 The Permit Authorities will work with activity Promoters to promote safe working practices and all parties should act reasonably and responsibly.
- 14.1.6 Each situation will be considered on its merits.
- 14.1.7 A Promoter should raise any safety concerns about conditions attached, or proposed to be attached, to a Permit with the relevant Permit Authority.
- 14.1.8 If they are not satisfied the Promoter may invoke the dispute resolution procedure as described in Section 15.

## 15 DISPUTE RESOLUTION

### 15.1 Introduction

- 15.1.1 In order to achieve the objectives of GMRAPS and their wider network management duty, the Permit Authorities will operate GMRAPS in a manner that will encourage dialogue between the Permit Authorities and activity Promoters.
- 15.1.2 In many cases this will lead to the setting of terms of Permits and conditions by agreement, but at times this may be at the direction of the relevant Permit Authority.
- 15.1.3 The Permit Authorities recognise that on occasions there will be disagreements. They will always use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure and expect all Promoters to do the same.
- 15.1.4 Two stages of the Permit process provide for dispute resolution:
  - 1. A promoter applies for a Permit. The relevant Permit Authority makes it clear it will only issue the Permit with conditions attached or with different dates than in the application, and may in fact issue the Permit in those terms. The Promoter believes that one or more of the conditions are unreasonable or unrealistic. The parties are unable to resolve their differences; or
  - 2. A Promoter who has been issued with a Permit and has started work realises that it will no longer be able to comply with the original Permit. It applies for the Permit or its conditions to be varied or extended. The parties are unable to reach agreement on any variation or on whether the variation should be allowed

### 15.2 Appeals procedure

- 15.2.1 If agreement cannot be reached locally on any matter arising in relation to the matters specified above, the dispute will be referred for review on the following basis:
- 15.2.2 Where the relevant Permit Authority and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward; the matter will be referred to impartial members of NW HAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within five working days from the date of referral. Both parties should accept the result as binding.
- 15.2.3 If the Permit Authority and the Promoter(s) involved in the dispute think the issues are particularly complex, HAUC (UK) will be asked to set up a review panel of four members - two utilities and two Street Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (UK) joint chairs.

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

15.2.5 The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK). Both parties should accept the conclusions of the review panel as binding.

### 15.3 Adjudication

15.3.1 If agreement cannot be reached by the procedures above if e.g. one or more of the parties do not accept the ruling of the NWHauc or HAUC (UK) as binding, the dispute can be referred to independent adjudication. Adjudication will only be used if the relevant Permit Authority and the Promoter(s) agree in relation to the matter under dispute, that:

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

15.3.2 Where the adjudication route is followed, the relevant Permit Authority and the Promoter(s) will apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from a suitable recognised professional body.

### 15.4 Arbitration

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

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



## 16 PERMIT AND VARIATION FEES

### 16.1 Introduction

- 16.1.1 The Permit Authorities have set Permit fees in accordance with the Permit Regulations and statutory guidance.

### 16.2 Permit fee levels

- 16.2.1 The approved figures for Permit and PAA fees for different categories of streets and activities are given on the GMRAPS website.
- 16.2.2 Fees for Permit variations, including variations to conditions, are given on the GMRAPS website.
- 16.2.3 If a Permit variation moves an activity into a higher fee category, the Promoter must pay the difference in Permit fee as well as the Permit variation fee.
- 16.2.4 No fee is payable if a Permit variation or condition variation is initiated by a Permit Authority.

### 16.3 Waived and reduced fees

- 16.3.1 There is the opportunity for a Promoter to take advantage of various discounts that are offered as part of GMRAPS and these discounts relate both to the PAA and the Permit; detailed below.
- 16.3.2 A Promoter will not be charged a fee if;
- The Promoter is a Highway Authority or is carrying out activities on behalf of a Highway Authority (see examples below);
  - A Permit, or Permit variation, is deemed to be granted because the Permit Authority had failed to respond to an application in the time required;
  - A Permit Authority initiates a Permit variation unless, at the same time, the Promoter seeks variations, which are not the result of the circumstances causing the Permit Authority action. In the latter case a variation fee would be payable.
  - The Promoter is a Transport Authority or Bridge Authority.
- 16.3.3 In addition:
- Where the Permit Authority has to revoke a Permit through no fault of the Promoter there will be no charge for a new Permit. If there is no subsequent replacement application, the original fee will be credited to the Promoter;
  - If a Promoter requests an early start after a Permit has been issued, and this is agreed in writing, then the Permit Authority will not charge for the associated Permit variation.

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- Where a Permit Authority has insisted the Promoter carry out an interim reinstatement no permit fee will be payable in respect of the permit application for the permanent reinstatement.

### 16.4 Highway Authority works

16.4.1 There will be no fee payable where works carried out are "works for roads purposes" or "major highway works" as described in Section 86 of the New Roads and Street Works Act 1991. Some examples are as follows but a Promoter must make sure that the description of an activity in the application for a Permit is sufficiently clear for the relevant Permit Authority to be able to determine that the activity falls within the definitions in Section 86 of NRSWA:

- Works for the maintenance of the highway;
- Any works under powers conferred by Part V of the Highways Act 1980 (improvement) for example the erection, maintenance, alteration or removal of:
  - Street seats,
  - Pedestrian signs,
  - Street name plates,
  - Tourist signs/maps,
  - Litter bins/facilities;
- The erection, maintenance, alteration or removal of traffic signals and signs on or near the highway;
- 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; Promoters must note that maintenance of the utility electrical connection and supply are not works for roads purposes;
- The initial supply, erection, connection and maintenance of a street light or illuminated sign for an Authority.
- The initial supply, erection, connection and maintenance of a pay and display parking machine.
- Maintenance of the electrical or telecom connection and supply are not works for road purposes;

16.4.2 If any Promoter is carrying out activities that they believe to be works for roads purposes, they should apply for a Permit in the normal way, making it known that the activities are for roads purposes. The relevant Permit Authority will make the final decision on whether these are activities which meet the criteria for works for roads purposes as laid down within the New Roads and Street Works Act 1991.

### 16.5 Fire Hydrants

16.5.1 There will be no fee applicable for the maintenance of fire hydrants carried out by the fire service or a contractor designated by the fire service to carry out this work on their behalf.

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### 16.6 Reduced fees

- 16.6.1 When the relevant Permit Authority is satisfied that applications for two or more Permits, including PAAs, are:
1. Received within 3 working days of each other, beginning with the day on which the first Permit application is received; and
  2. Are the result of the applicant or applicants working together collaboratively so as to produce the least impact for users of the streets.
- there will be a reduction of 30% from the Permit or PAA fee.
- 16.6.2 All applications, including the first to be received, must indicate that they are being submitted together and be received within 3 days of each other.
- 16.6.3 Examples of such situations could be:
- Where a Promoter submits several Permit applications at the same time for activities which are part of the same project but which are carried out in more than one street. Promoter must note that the term "project" does not cover area-wide activities but covers activities of a scale which could be carried out in one street but which happens to cover two or more streets.
  - Where several Promoters working within the same site submit applications at the same time. The primary Promoter will require a Permit with full information about the activities, and the other Promoters will also require a Permit each, so that the relevant Permit Authority knows who is working there. If in these circumstances one of the Promoters is a Highway Authority, the statutory undertakers' Promoter will be eligible for the reduced fee.
- 16.6.4 Where an activity Promoter applies for a Permit and guarantees that they will work an extended working day between 7am and 7pm (07.00 – 19.00), where this is permissible by the relevant Permit Authority, there will be a reduction of 30% from the Permit fee.
- 16.6.5 Fees can also be reduced on an individual basis at the discretion of the relevant Permit Authority in exceptional circumstances.

### 16.7 Fee reviews

- 16.7.1 The Permit Authorities will review fees annually to satisfy themselves and the Secretary of State that overall fee income does not exceed allowable costs, in line with the Permit Regulations. Future fees will be adjusted as necessary.
- 16.7.2 The outcome of annual fee reviews will be published and open to public scrutiny.

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### 17 OVERRUN CHARGING SCHEME

#### 17.1 Introduction

- 17.1.1 Section 74 NRSWA allows Highway Authorities to charge undertakers if their works in the highway take longer than previously agreed. The Greater Manchester local Highway Authorities each run a scheme for overrun charging under Section 74 of NRSWA. These schemes will operate alongside the GMRAPS.
- 17.1.2 The requirements for overrun charging are set out in the regulations made under Section 74 of NRSWA (the Section 74 regulations). The Section 74 regulations may be subject to change from time to time in which case the amended or replacement regulations will apply. For details of the Section 74 operation, reference must be made to the regulations current at the time.
- 17.1.3 The description that follows therefore concentrates on the interaction of the Section 74 scheme with Permits.
- 17.1.4 The Section 74 regulations current at the time will continue to apply but the operation of the overstaying regime is modified under GMRAPS to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the Permit application, approval and variation processes.
- 17.1.5 Activities carried out by an activity Promoter on behalf of a Highway Authority or by the Highway Authority themselves are not subject to Section 74 overrun charges. However, under GMRAPS, Promoters of such activities will be required to follow the same procedures as Promoters who are undertakers in the interest of parity. KPIs as described in Section 20 below provide an indication of performance in relation to overrunning.

#### 17.2 Section 74 – Charges; unreasonably prolonged occupation of the highway

- 17.2.1 Section 74 of NRSWA enables Highway Authorities to charge undertakers if their activities in the publicly maintainable highway are unreasonably prolonged.
- 17.2.2 The relevant regulations apply to every publicly maintainable highway other than:
- A footpath or bridleway;
  - A highway with a pedestrian planning order in force; and
  - A highway prohibited for use by vehicular traffic by a traffic order - unless that prohibition is only at particular times.
- 17.2.3 If the activities take longer than the "Prescribed Period" and also take longer than the "Reasonable Period" described below, they become

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unreasonably prolonged - and the relevant Highway Authority may levy a charge for each day, or part of a day they over-run.

- 17.2.4 If the activities are prolonged due to reasonable circumstances, such as unforeseen weather or ground conditions, then the relevant Authority will discuss the circumstances with the Promoter and may agree an extended duration.

### 17.3 Exempt activities

- 17.3.1 In addition to activities carried out by or on behalf of a Highway Authority, certain types of activities are exempt from Section 74 charging.
- 17.3.2 Details are given in the Section 74 regulations but may include:
- Activities in non-traffic sensitive streets that require opening the highway, but not breaking it up;
  - Replacing manhole or chamber covers - that do not involve breaking up the street;
  - Replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street;
  - Pole testing that does not involve breaking up the street;
  - Bar holes.
- 17.3.3 If one of the exemptions applies, the Promoter must record the appropriate charge exemption in the Permit or Permit variation application and Works Clear/ Closed notices; see the Technical Specification for EToN.

### 17.4 Prescribed period

- 17.4.1 The "Prescribed Period" is the period during which no overrun charges can be levied. It is set by the Secretary of State in the Section 74 regulations at two (2) days, starting on the day the works begin.
- 17.4.2 The prescribed period does not relate to the time required to carry out any particular type of activity. Therefore, it will not use it to judge the duration of proposed activities.

### 17.5 Reasonable Period

- 17.5.1 Under GMRAPS the "Reasonable Period" is the period set by the relevant permit Authority as reasonable for the activity in question. In most cases this will be the duration proposed by the Promoter in its Permit application. Agreement of the "Reasonable Period" will in any case be part of the process of giving a Permit and the normal rules for the giving of a Permit will apply. For the initial Permit, the duration in the Permit would be the "reasonable period".
- 17.5.2 If no agreement can be reached on the "Reasonable Period", then the relevant Permit Authority will refuse the Permit and the dispute resolution

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procedure in Section 15 should be followed before referring the matter to arbitration (Section 74 NRSWA disputes are subject to arbitration). Until a dispute is resolved, the activity may proceed, provided a Permit has been issued and the Promoter works within the terms of that Permit, but the relevant Permit Authority's estimate of the duration stands as the 'Reasonable Period'.

- 17.5.3 If the end date and duration of the activity have changed once the matter is resolved, the Promoter should submit a Permit variation application incorporating the agreed terms, from which the relevant Authority will issue a Permit.

### 17.6 Duration of works for Section 74 purposes

- 17.6.1 All Permit applications should estimate start and end dates so that the duration can be calculated.
- 17.6.2 For section 74 purposes the estimated duration of an activity is measured from the start date to the end date.
- 17.6.3 However, the actual duration used to assess whether an activity has overrun is measured from the Notice of Actual Start, to completion of all activities in that phase of the activity, including any necessary reinstatement.
- 17.6.4 Interim and permanent reinstatements are treated as separate phases and Promoters must obtain separate Permits for each. The period between these cannot be considered as an overrun provided the site has been properly cleared. All spoil, excess materials, stores and signing, lighting and guarding must be removed from site before the activity can be regarded as finished.
- 17.6.5 Further activities to complete the reinstatement, for example the replacement of road markings, where delay is permitted by the reinstatement specification, should be indicated by using the appropriate site status, such as 'interim reinstatement'. This includes circumstances where other materials are permanent. The replacement of road markings will be a separate phase if carried out at a separate time from other reinstatement activity.

### 17.7 Actual start dates (Sections 74(5B) and 74(5C) of NRSWA)

- 17.7.1 Although the Permit start date is also the proposed start for the activity, the actual start date may differ. For Category 3 and 4 non traffic-sensitive streets a flexible starting window is explicitly provided in regulations for permissible activities. On category 0-2 and traffic-sensitive streets, although they do not have the same flexibility, there may be occasions when activities cannot start when proposed. Therefore notification of the actual start for the activity must be given to begin the reasonable period. Activity

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must not begin before the date given in the permit, unless an early start has been agreed; to do so would be committing an offence.

- 17.7.2 Once the activity has begun, a Notice of Actual Start of an activity *must* be given by 10.00am the next working day on category 0, 1, 2 and traffic-sensitive streets and by the end of the next working day in the case of category 3 and 4 non traffic-sensitive streets. In the case of immediate activity the permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be "In Progress".
- 17.7.3 Notice of Actual Start must be given in accordance with the requirements described in the Technical Specification for EToN. The identity of the main contractor or, if appropriate the Direct Labour Organisation ("DLO") must be provided on the actual start date notice. This should always be the organisation with whom the undertaker has the contract, and not any subcontractor who may be actually carrying out the activity.

### 17.8 Revised duration estimate

- 17.8.1 Unforeseen circumstances can delay the completion of activities so the Promoter should seek a variation to the Permit, using the procedure in Section 13, at any time before the estimated end date. Such estimates should provide full justification for the extension.
- 17.8.2 The new duration, if it is changed, will be incorporated in the new permit that follows a variation. There could be circumstances where duration and reasonable period are not the same following a permit variation.

### 17.9 Works Clear

- 17.9.1 A Works Clear Notice is used following interim reinstatement. The Works Clear Notice must be given in accordance with the Section 74 regulations and in the manner specified in the EToN specification. Where the activity is completed in different phases such as interim and permanent reinstatement, there must be separate Permits for each phase. In no circumstances should Permits be sought for more than one phase although separate permits for different phases may be sought at the same time if the Promoter is confident that they can meet the dates of the later permits, which may be some months later.
- 17.9.2 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a works clear notice. A new Permit must be obtained for any subsequent phases, such as to complete the permanent reinstatement.

### 17.10 Works Closed

- 17.10.1 A Works Closed Notice is used following permanent reinstatement.

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- 17.10.2 The Works Closed Notice must be given in accordance with the Section 74 regulations and in the manner specified in the EToN specification.
  - 17.10.3 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a Works Closed Notice.
  - 17.10.4 If temporary road markings have been used, then the activity is not complete until the permanent markings are applied and the activity duration must also cover this period or a separate Permit will be required for later placing of road markings.
- 17.11 Charging regime**
- 17.11.1 Charges vary according to the type of activity, the road category and whether the street is traffic-sensitive.
  - 17.11.2 The charges are set out in the Section 74 regulations.
  - 17.11.3 The relevant Highway Authority will take care to ensure that the facts used for proposing charges are accurate, along with the activity type and category of road.
  - 17.11.4 Where there is evidence that the dates given in Section 74 notices are incorrect the charges will be based on the evidence. If incorrect information has been given in a notice the relevant Highway Authority may issue an FPN if it considers that an offence has been committed.
- 17.12 Remedial works**
- 17.12.1 Remedial works to rectify defective reinstatements will be dealt with as a new activity with its own Permit, following the full procedures accordingly.
  - 17.12.2 Any overrun on remedial works will be charged at the rate appropriate to the activity category, as set out in the Section 74 regulations.
- 17.13 Separation of Permit fee accounts**
- 17.13.1 Section 74 overrun charges and GMRAPS Fees will be kept in separate accounts for audit purposes.



## 18 USE OF SANCTIONS INCLUDING FPNS

### 18.1 Introduction

- 18.1.1 The Permit Authorities of Greater Manchester have designed GMRAPS to work with Promoters to try to minimise congestion and disruption on the road network. As far as possible this will be done on a collaborative basis, involving consultation, dialogue and improvement.
- 18.1.2 The Permit Authorities recognise that at times it may need to invoke sanctions to ensure the effective management of activities on the network.
- 18.1.3 There are four types of sanction available to the ten Permit Authorities through related legislation:
  - 1. The power of intervention
  - 2. Criminal proceedings for Permit offences
  - 3. Fixed Penalty Notices
  - 4. The power to revoke a permit where it appears to the relevant permit authority that a condition attached to that permit has been breached

### 18.2 Intervention and remedial action powers

- 18.2.1 The relevant Permit Authority may issue a notice requiring remedial action within a set time frame if a Promoter is working without a Permit or in breach of any Permit conditions.
- 18.2.2 The relevant Permit Authority will use this power as it considers it appropriate.
- 18.2.3 The remedial action could include removing the activity, remedying the breach of conditions or discontinuing any obstruction. The relevant Permit Authority will set out in the notice the reasonable steps the Promoter must take and the timeframe.
- 18.2.4 Where a Promoter is a statutory undertaker and does not carry out the specified remedial action within the specified time frame, the relevant Permit Authority will take such steps, as it considers appropriate to achieve the outcome in the notice, and may recover any reasonable costs from the undertaker.

### 18.3 Permit offences

- 18.3.1 The Permit regulations create two offences, which apply, to statutory undertakers or persons contracted to act on their behalf.
- 18.3.2 In the context of GMRAPS these are:

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- 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 in the absence of a permit, except to the extent that GMRAPS provides that this requirement does not apply.
- Where a statutory undertaker carries out specified works on the street in a way that contravenes any of the conditions attached to a Permit, or the conditions that are applied to an immediate activity before a Permit is issued for those activities.

18.3.3 These offences can be dealt with by the issue of an FPN, see below, or by prosecuting the offences through the courts, following the usual processes. The relevant Permit Authority will decide in each case whether an offence will be dealt with by FPN or through the courts.

### 18.4 Fixed Penalty Notices

- 18.4.1 The Permit Regulations provide for certain offences to become fixed penalty offences. This means that they can be dealt with by FPN, although prosecution through the Magistrates' Courts remains an option for the relevant Permit Authority. As with the offences to which they relate, FPNs apply only to statutory undertakers and not to Highway Authorities.
- 18.4.2 Monitoring and reporting on all highway activities will ensure parity of treatment across Promoters.
- 18.4.3 Situations will be recorded where highway activities would have been subject to an FPN, had they been carried out by an undertaker. The results of this monitoring will be reported to NW HAUC alongside information about the FPNs issued to undertakers.

### 18.5 Time periods

- 18.5.1 All time periods in relation to FPNs are in calendar days, unless otherwise stated.

### 18.6 Giving an FPN

- 18.6.1 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.
- 18.6.2 This is the maximum period allowed, but the relevant Permit Authority will issue an FPN as soon as possible.
- 18.6.3 The Fixed Penalty Notice will be given in the form prescribed in the regulations. A specimen notice is set out below. The notice is divided into two parts:
1. Part A includes information about the Authority and the offence;
  2. 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.

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## 18.6.4 Sample Fixed Penalty Notice

Permit Authority Name and LOGO	<b>FIXED PENALTY NOTICE</b> <b>[GMRAPS Order:]</b> The Traffic Management Permit Scheme (England) Regulations 2007	FIXED PENALTY NOTICE Number:
<b>PART A</b>		
Contact Tel No:	Permit Reference No*	
To:	<b>DATE OF THIS NOTICE: ..... dd mm yyyy</b>	
Address:		
<b>OFFENCE CODE:</b> (See Part B) <b>(NB: Only one offence code per fixed penalty notice)</b> .....		
<b>LOCATION:</b>		
<b>DATE OF OFFENCE:</b>		
<b>DETAILS OF OFFENCE:</b>		
<p>1. I am giving you this notice, in accordance with Part 5 of the Traffic Management Permit Scheme (England) Regulations 2007 to offer you the opportunity of discharging any liability to conviction for this fixed penalty offence by payment of a penalty.</p> <p>2. This means that no legal proceedings will be commenced for the offence if, subject to paragraph 3, the penalty of <b>£xx</b> is paid (See Part B for instructions on methods of payment) within the period of <b>[36]</b> days beginning with the day on which this notice was given. <b>(NB: The Permit Authority may extend this period in any particular case if they consider it appropriate to do so (See Regulation 24(3)).</b></p> <p>3. Instead of paying the amount referred to in paragraph 2, liability to conviction for the offence may also be discharged if the discounted amount of <b>£xx</b> is paid within the period of <b>[29]</b> days beginning with the day on which this notice was given. <b>(NB: If the last day of this period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day (See Regulation 25 (3)).</b></p> <p>4. If the discounted amount is not paid within the period set out in paragraph 3, as extended where relevant, liability to conviction for the offence may only be discharged thereafter by payment of the penalty of <b>£xx</b> within the period set out in paragraph 2, as extended where considered appropriate. If you then fail to pay the penalty within that period, legal proceedings for the offence may be commenced against you.</p> <p>5. Any representations that you wish to make in relation to this notice may be addressed to xxxxx at xxxxx identifying the fixed penalty notice number stated above.</p>		
<b>NAME OF AUTHORISED OFFICER</b> (in block capitals):		
<b>Date:</b>		

<b>PART B</b>		
Permit Authority Name and LOGO	<b>INSTRUCTIONS ON METHODS OF PAYMENT</b>	FIXED PENALTY NOTICE Number: .....

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<p><b>ELECTRONICALLY</b>– by the Bankers Automated Clearing Services (BACS). Payment should be made to xxx, Sort Code [xxxx], Account Number [xxxxx]. 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><b>“ON LINE”</b>- please visit the web site at <a href="http://www.gmraps.info">www.gmraps.info</a></p>		
<p><b>BY POST</b>- by making your cheque payable to xxx and sending it to [xxxxxxx]. 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><b>IN PERSON</b> – to [to be determined] at between 9.00am and 4.30pm on any day on which the office is open for business. Any cheque should be made payable to [xxxxxxx]. Payment may be made by debit or credit card 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><b>BY TELEPHONE</b> – by contacting [xxxxxx] at xxxxx on xxxxx between 9.00am and 4.30pm 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>		
<p><b>OFFENCE CODES AND DESCRIPTION</b></p>		
<p>(By reference to the Traffic Management Permit Scheme (England) Regulations 2007)</p>		
CODE	OFFENCE	BRIEF DESCRIPTION
PS01	An offence under regulation 19(1) of the Permit Regulations	Undertaking specified works on a specified street without a permit where an applicable Permit Scheme requires one
PS02	An offence under regulation 20(1) of the Permit Regulations	Breaching a permit condition.

**18.7 The effect of payment**

- 18.7.1 If the undertaker pays either the full penalty or the discounted amount within the specified period then no further proceedings can be taken against that undertaker for that offence.
- 18.7.2 The period for payment of the penalty is set out in the Permit Regulations (currently 36 calendar days beginning with the day on which the notice is given.)
- 18.7.3 The relevant Permit Authority may extend the period for paying the penalty in any particular case if they consider it appropriate to do so.

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### 18.8 Discounts for early payment

- 18.8.1 A discounted amount is payable instead of the amount prescribed under regulation 24(1) of the Permit Regulations. If payment is made before the end of the prescribed period (currently 29 calendar days beginning with the day on which the notice is given.)
- 18.8.2 The discounted amount is detailed in the Permit Regulations;
- 18.8.3 If the last day of the discounted period does not fall on a working day, the period for payment of the discounted amount is extended until the end of the next working day.

### 18.9 After expiry of time for payment

- 18.9.1 If the undertaker does not pay the penalty within the prescribed period then the relevant Permit Authority may bring proceedings in the Magistrates' Court for the original offence.

### 18.10 Electronic FPNs

- 18.10.1 The Permit Authorities will use electronic FPNs where possible because they can be processed faster, but other methods will be used if necessary.
- 18.10.2 Undertakers must give the relevant Permit Authority an electronic address, such as email address, fax number or method linked to the EToN system if they want to receive FPNs electronically.
- 18.10.3 The relevant Permit Authority will use this address.
- 18.10.4 The Permit Authorities will ensure that the FPN meets the three conditions set out in regulation 39(4) of the Permit regulations, namely that it is:
- Capable of being accessed by the person mentioned in that paragraph;
  - Legible in all material respects; and
  - In a form sufficiently permanent to be used for subsequent reference;
- 18.10.5 For this purpose "legible in all material respects" means that the information contained in the FPN 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.
- 18.10.6 When the relevant 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.

### 18.11 Non-electronic FPNs

- 18.11.1 In all other circumstances, including system failures or if electronic means have failed, the relevant Permit Authority will give the FPN by alternative methods such as:

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- Delivering it to the person to whom it is addressed;
  - Leaving it at his proper address;
  - Sending it by first class post; or
  - Any other agreed means.
- 18.11.2 In these circumstances the 'proper address' is the postal address given by the undertaker to the relevant Permit Authority for this purpose; the registered or principal offices of a corporation; or the last known address of such person.
- 18.11.3 The Permit regulations include provisions, equivalent to Section 98 (2) of NRSWA, whereby an FPN given after 16:30 on a working day is deemed to have been given on the next working day.
- 18.11.4 Please note that the time of 16:30 is significant only for reckoning Notice periods and does not mark the 'end' of the day for any other purposes.
- 18.12 Withdrawing a Fixed Penalty Notice**
- 18.12.1 If the relevant Permit Authority considers that an FPN ought not to have been given it will withdraw the FPN using a 'Notice Withdrawing Fixed Penalty Notice'. See below.
- 18.12.2 Any penalty already paid will be refunded in these circumstances and proceedings will not be commenced or continued for that offence.

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### 18.13 Form of Notice withdrawing a Fixed Penalty Notice

Permit Authority name and LOGO	<p><b><u>NOTICE WITHDRAWING FIXED PENALTY NOTICE</u></b></p> <p><b><u>[GMRAPS Order:]</u></b></p> <p>Regulation 27 of the Traffic Management Permit Scheme (England) Regulations 2007.</p>	<p><b>FIXED PENALTY NOTICE Number:</b></p> <p>.....</p>
<p><b>TAKE NOTICE</b> that the fixed penalty notice numbered as above is hereby <b>WITHDRAWN</b>.</p>		
<p><b>NAME OF AUTHORISED OFFICER</b> (<i>in block capitals</i>) :</p> <p>.....</p>		
<p><b>DATE :</b></p> <p>.....</p>		

### 18.14 Guidance for Undertakers

- 18.14.1 A Fixed Penalty Notice offers an undertaker the opportunity of discharging any liability for conviction for the specified offence by payment of a fixed penalty.
- 18.14.2 An FPN will be given to the undertaker promoting the works and not to any contractor carrying them out.
- 18.14.3 Some undertakers may arrange for noticing and other procedures under Part 3 of the TMA to be carried out by an agent.
- 18.14.4 If the undertaker wants the agent to deal with their FPNs then it must inform the relevant Permit authority, accordingly and should include this in any contractual agreement with the agent.
- 18.14.5 Even so, the undertaker remains responsible for managing its statutory duties and obligations under NRSWA and the TMA.

### 18.15 Payment of the fixed penalty notice

- 18.15.1 Part B of the FPN sets out the methods by which the penalty may be paid. **APPENDIX J** gives more information about arrangements for payments.

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### 18.16 Representations

- 18.16.1 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 issuing of an FPN as soon as is reasonably practicable.
- 18.16.2 Before making an official representation, the undertaker is advised to informally contact the authorised officer in the relevant permit authority who gave the FPN.
- 18.16.3 If this fails to resolve the issue, the undertaker should 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.
- 18.16.4 The relevant Permit Authority will ensure that a fair and open system is in place for considering representations.
- 18.16.5 The relevant Permit Authority will appoint a nominated official, to consider all such representations.
- 18.16.6 The relevant Permit Authority may extend the full payment period while representations are being considered. The relevant Permit Authority is not able to extend the discounted payment period.

### 18.17 Application of Penalty Charges

- 18.17.1 The relevant 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.

### 18.18 The Permit Authorities' Policy on the Use of Sanctions

- 18.18.1 The relevant Permit Authority will pursue the following policies on how sanctions will be employed:
- 18.18.2 Where it is not possible to resolve the problem by discussion with the statutory undertaker concerned:
  - 1. The relevant permit authority will serve a notice on the undertaker in respect of the non-compliance setting out the remedial action required to be taken within a defined time frame.
  - 2. If the required action is not taken within the timeframe given in the notice, or subsequently agreed timeframe, the relevant Permit Authority under regulation 18 of the Permit Regulations may take such reasonable action as it considers appropriate to remedy the matter and recover costs reasonably incurred from of the undertaker.

### 18.19 The use of Permit FPNs

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- 18.19.1 The relevant Permit Authority will give FPNs where they have the most benefit.
- 18.19.2 The relevant Permit Authority will act reasonably and apply the same due process for giving an FPN as it would in taking the undertaker to the Magistrates' Court.
- 18.19.3 Only one FPN will be given per offence.
- 18.19.4 The relevant Permit Authority may issue a Fixed Penalty Notice in respect of a permit offence, but may choose to prosecute the offence through the courts, for example in relation to persistent offenders, in accordance with regulations 19 and 20 of the Permit Regulations. Decisions on the prosecution of alleged offences are for the relevant Permit Authority and each case will be individually dealt with.
- 18.19.5 Prosecution will not necessarily be the preferred option and other options will be considered depending on the seriousness and persistence of offences.
- 18.19.6 The policy on permit revocation is set out in Section 13 above.

### **18.20 Other NRSWA offences**

- 18.20.1 Any offences relating to sections of NRSWA, which run in parallel to permit schemes, will continue to apply.
- 18.20.2 These include offences relating to reinstatements, overrunning and failure to send appropriate notices.

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## 19 OTHER RELATED MATTERS

This section is provided for information only. Reference should be made to the relevant legislation, Codes etc in any given case.

### 19.1 Road closures and traffic restrictions

- 19.1.1 Provisions governing temporary road closures and traffic restrictions for works on or near a road or because of danger or risk of damage to the road, are found in Section 14 – 16 of the Road Traffic Regulation Act 1984 ('RTRA').
- 19.1.2 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.
- 19.1.3 There are two procedures:
1. Where urgent action is needed the relevant 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.
  2. In less urgent cases the relevant 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.
- 19.1.4 A temporary notice and a temporary order may provide that restrictions have effect only when traffic signs are lawfully in place.
- 19.1.5 This will help limit traffic disruption where activities progress along a length of road.

### 19.2 Temporary Traffic Restriction notice procedure:

- 19.2.1 This procedure will normally only apply to immediate activities.
- 19.2.2 The Promoter will inform the relevant Traffic Authority as soon as practicable if a closure or traffic restriction is needed. The relevant Traffic Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a notice will be made.
- 19.2.3 The relevant Traffic Authority must state in the notice:
- The reason for issue;
  - Its effect;
  - Alternative routes (where applicable); and

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- The date and duration of the notice.

19.2.4 The relevant Traffic 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.

### **19.3 Temporary Traffic Restriction orders procedure:**

19.3.1 The relevant Traffic Authority must publish notice of intention to make a temporary order at least seven days in advance.

19.3.2 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 Section 15(2) RTRA 'Works Order'. Any such Orders will be revoked as soon as the activity is completed.

19.3.3 The relevant Traffic Authority must also notify the emergency services and any other Traffic Authority with roads that may be affected.

19.3.4 This should be done on, or before, the day the order is issued. These bodies should be consulted, as well as notified, if the closures are expected to last for more than 18 months.

19.3.5 A temporary traffic order is generally needed for planned activities in the street.

19.3.6 If a Temporary Traffic Regulation Order ('TTRO') is needed, the Promoter should notify the relevant Traffic Authority at least three (3) months in advance. This will allow the relevant Traffic Authority time to consult, and to obtain approvals and advertise the order.

19.3.7 Activities that required a temporary traffic order are automatically classed as major and require at least three months notice for applying for a PAA.

19.3.8 The Promoter must submit to the relevant Traffic Authority, all the information needed to justify a road closure with the application for an order.

19.3.9 It will be a condition of a Permit where a temporary traffic order is required that the order will be in place before the activity, or the relevant part of the activity, starts on site.

### **19.4 Continuation of Temporary Traffic closures and restrictions**

19.4.1 A five-day temporary traffic closure or restriction notice cannot be extended by further notice.

19.4.2 A 21-day temporary notice can be extended by one further notice giving up to 21 days more.

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- 19.4.3 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.
  - 19.4.4 If the original estimate of the duration of the activity changes, a request for a Permit variation will be necessary.
  - 19.4.5 There will be cases where works will unavoidably overrun the temporary notice period. Where this is apparent from the beginning, Promoters must inform the relevant Traffic Authority. The relevant Traffic Authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted.
  - 19.4.6 If the overrun becomes apparent only after the activity has started, the Promoter should immediately inform the relevant Traffic Authority that either a further notice or an order will be required. This may be needed before the request for a Permit variation is made.
  - 19.4.7 It might not be possible to make a follow-up order before a five-day notice expires.
  - 19.4.8 The activity may have to be suspended, and the site temporarily restored to traffic until the correct procedures have been followed. The relevant Traffic Authority will try to minimise both, the number of cases where this happens, and, where it is unavoidable, the period of suspension involved.
  - 19.4.9 This problem is unlikely to arise in the case of a 21-day temporary notice.
  - 19.4.10 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 relevant Traffic Authority immediately, giving, wherever possible, at least one month's notice.
- 19.5 Temporary Traffic Restrictions - Policy guidance**
- 19.5.1 When a notice or order has been made, the Promoter must comply with the requirements of the relevant Traffic Authority and the police for the closure of the road.
- 19.6 Temporary Traffic Restrictions - Charges**
- 19.6.1 Section 76 of NRSWA allows for Traffic Authorities to recover the costs of issuing temporary notices or making TTROs.
  - 19.6.2 There may also be charges made for erecting and maintaining the on-site notices that are required.

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### 19.7 Maintenance of undertakers' apparatus

- 19.7.1 Undertakers have a duty, under Section 81 of NRSWA, to maintain apparatus in the street to the reasonable satisfaction of the relevant 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.
- 19.7.2 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.
- 19.7.3 Thus the ten Highway Authorities and all Promoters have a shared interest in the proper maintenance of apparatus in the street.
- 19.7.4 As with reinstatements, the relevant Street Authority will report any apparatus in an unsatisfactory condition quickly and accurately to the apparatus owner, including the level of severity of the problem.
- 19.7.5 The owner must respond and carry out any necessary remedial works within the reasonable timescales agreed with the relevant Street Authority.

### 19.8 Emergency Works to undertakers' apparatus

- 19.8.1 NRSWA gives Street Authorities certain default powers to inspect and carry out emergency works.
- 19.8.2 The relevant 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. Of particular note is leaking water mains and apparatus which risks damaging the highway infrastructure and causing accidents, especially when freezing is a possibility.
- 19.8.3 This will be done in accordance with the protocols set out in the Technical Specification for EToN, or by other procedures agreed with the relevant Street Authority.
- 19.8.4 The relevant Street Authority may arrange a site meeting by agreement with the undertaker.
- 19.8.5 If the fault identified by the relevant Street Authority is for or as a result of previously un-attributable activities by undertakers, and an undertaker subsequently accepts responsibility for that activity, the undertaker must apply for a Permit for any registerable activity required to rectify the problem.

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19.8.6 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:

- Dangerous defects; requires an immediate response (see below);
- Non-Dangerous; requires a response within the timescales agreed with the Street Authority (see below).

### 19.9 Dangerous apparatus

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

19.9.2 Examples include:

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

19.9.3 Notwithstanding the above, the relevant Street Authority may execute any emergency action needed to safeguard the public, for example, by fencing off the location from traffic and the general public.

### 19.10 Non-Dangerous Apparatus

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

19.10.2 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.

19.10.3 The Promoter must note that the decision on whether an occurrence is Dangerous or Non-dangerous will, by necessity, have to be made on site. The relevant Street Authority will make the decision objectively. It should not be challenged unreasonably.

19.10.4 An undertaker may reduce the time for response, to meet operational needs for example, but must not exceed the agreed timescales.

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- 19.10.5 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.
- 19.10.6 The relevant 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.
- 19.10.7 Permit applications for any necessary remedial work that is a registerable activity must be made following the rules in Section 9 and using the protocols set out in the Technical Specification for EToN.
- 19.10.8 If the relevant 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 relevant Street Authority by;
- jointly inspecting the problem to determine the necessary remedial works or
  - confirming approval for the authority to proceed.
- 19.10.9 The relevant street authority and the undertaker will agree the time within which it is reasonable for the undertaker to assist before the authority commences remedial works.
- 19.10.10 The costs reasonably incurred by the relevant Street Authority may be charged to the undertaker.

### 19.11 Working near rail tracks and level crossings

- 19.11.1 Particular attention must be given to the possible effects of activities taking place at or in the vicinity of level crossings and rail tracks.
- 19.11.2 Promoters planning works in such locations must refer to the Code of Practice for Permits, published in March 2008 or as subsequently amended, which sets out Network Rail's requirements and **APPENDIX N**.

### 19.12 Vehicle parking at street and road works

- 19.12.1 **NOTE:** The information set out in Sections 19.13-19.16 below is not safety advice. The Code of Practice on Safety at Street Works and Road Works should always be consulted.

### 19.13 Vehicle within activity site

- 19.13.1 A works vehicle may be parked in an activity site provided that it is necessary for the carrying out of that activity.
- 19.13.2 Basic site layouts are shown in the Code of Practice on Safety at Street Works and Road Works published by the DfT.

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19.13.3 A vehicle entirely within the coned-off area of the site may require a larger coned-off area than would otherwise be the case.

### **19.14 Vehicle outside activity site**

19.14.1 A vehicle may be parked outside an activity site provided the parking rules that apply to any other vehicle in that street are obeyed.

19.14.2 Outside of the activity site, the vehicle has no special status and no exemption from parking enforcement.

### **19.15 Implications**

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

19.15.2 This is a particular problem for activities, which, but for the presence of a works vehicle, would take, place entirely within the footway.

19.15.3 If a vehicle is parked adjacent to the activity, in a place, which vehicles could not normally use, then it must be part of the activity site. It must be signed and guarded appropriately.

19.15.4 The activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for Permits must reflect this.

### **19.16 Parking restrictions**

19.16.1 A Traffic Regulation Order imposing parking restrictions on a particular street will normally already contain an exemption allowing for activities to take place in a parking bay.

19.16.2 Promoters should check whether any further dispensation is required well before the works are due to start.

19.16.3 It will be a condition of a Permit where parking restrictions or suspension is required that the necessary order or approval will be in place before activity, or the relevant part of the activity, starts on site.

### **19.17 Storage of materials**

19.17.1 Activity Promoters must take care to place materials so that they do not cause an obstruction to road users. This is one of the factors that the relevant Permit Authority will take into account when making decisions on Permits.

19.17.2 This is especially important if materials are stored away from the activity site but still within the highway boundaries. The storage must have its own Permit with conditions if it is separate from the activity site.



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### 19.18 Apparatus belonging to others

- 19.18.1 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.
- 19.18.2 Failure to do so is a criminal offence.

### 19.19 Assessing the impact of activities

- 19.19.1 All activities in the highway have a disruptive effect on traffic.
- 19.19.2 As assessment of that effect is part of the process of applying for a Permit. The activity Promoter should discuss with the relevant Permit Authority what sort of assessment is required.

### 19.20 Disruption effect score

- 19.20.1 The Disruption Effect Score is based on a measure of congestion resulting from a restriction on the highway.
- 19.20.2 It is derived from a number of simple factors that should be easily established for any given activity.
- 19.20.3 The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors.
- 19.20.4 However three specific factors can be used to provide an indication of congestion:
- The total width of a road;
  - The extent to which the activities reduce the available width; and
  - Traffic flow. Details of the calculations are given in **APPENDIX K (see section 32)**.

### 19.21 Impact assessments

- 19.21.1 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.
- 19.21.2 The assessment is a broad indicator of the likely disruptive effect of the proposed activity.

### 19.22 Use of impact assessments

- 19.22.1 The impact assessment will be used within the coordination process to prioritise activities according to their potential for causing disruption.

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19.22.2 The assessment may also be used to provide public information on the disruptive effects of activities.

### **19.23 Environmental issues**

19.23.1 Activity Promoters are strongly advised to liaise with the relevant Council's arboricultural teams and other environmental officers along with any other relevant officers when drawing up their proposals.

19.23.2 This should ensure that wherever possible, and at reasonable cost, their environmental requirements can be met.

19.23.3 A Promoter considering burying plant and apparatus that is currently above ground should contact any other statutory undertaker with similar apparatus to see whether it wishes to share the underground facility.

## 20 KEY PERFORMANCE INDICATORS

### 20.1 Background

- 20.1.1 A requirement of Permit schemes is to ensure that Permit Authorities apply a consistent approach to all activities and activity Promoters.
- 20.1.2 The ten Permit Authorities are also Promoters of their own maintenance and other highway and traffic activities in their role as Highway and/ or Traffic Authority.

### 20.2 Parity of Treatment

- 20.2.1 The Permit Authorities will demonstrate parity of treatment for all activity Promoters, particularly between undertakers and its own activities as Highway Authority.
- 20.2.2 The issue of equal treatment is emphasised in the *Guidance on the Network Management Duty* introduced under the TMA.
- 20.2.3 Equality will be measured through Key Performance Indicators (KPIs). The ten Permit Authorities will produce an annual set of KPIs that identify the treatment of individual Promoters.
- 20.2.4 These results will be published.

### 20.3 KPIs for GMRAPS

- 20.3.1 The Permit Authorities will use the four KPIs shown in the Table below at Section 20.4 to demonstrate parity of treatment of Promoters across Greater Manchester.
- 20.3.2 The first two indicators are those identified in the Statutory Guidance for Permits; the other two are selected from the list in the Code of Practice for Permits of March 2008.
- 20.3.3 The results of these KPIs will be published on an annual basis but will be transparent and available to any Promoter at other times.
- 20.3.4 The KPIs will be provided and discussed at the quarterly coordination meetings and other regular meetings held with Promoters.
- 20.3.5 The Permit Authorities will make the KPI data available to Government and other regulatory bodies

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## 20.4 Key Performance Indicators detail

KPIs for GMRAPS
<p><b>1. The number of applications for Permits and variations received, the number granted and the number refused.</b></p> <p>This will be measured, by Promoter and shown as:</p> <ul style="list-style-type: none"> <li>• The total number of Permit and Permit variation applications received, excluding any applications that are subsequently withdrawn;</li> <li>• The number granted as a percentage of the total applications made;</li> <li>• The number refused as a percentage of the total applications made.</li> </ul>
<p><b>2. The number of conditions applied by condition type</b></p> <p>This will be measured, by Promoter, and shown as:</p> <ul style="list-style-type: none"> <li>• The number of Permits issued;</li> <li>• 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.</li> </ul> <p>This KPI is dependent upon the use of standard conditions. Specific conditions will be grouped into a single category that may be analysed more fully if required.</p> <p>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.</p> <p>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.</p>
<p><b>3. The number of approved extensions</b></p> <p>This will be measured by Promoter and shown as:</p> <ul style="list-style-type: none"> <li>• The total number of Permits issued;</li> <li>• The number of requests for extensions shown as a percentage of Permits issued;</li> <li>• The number of agreed extensions as a percentage of extensions applied for.</li> </ul>
<p><b>4. Number of inspections carried out to monitor conditions</b></p> <p>This will be broken down by Promoter and shown as:</p> <ul style="list-style-type: none"> <li>• The number of sample Permit condition checks carried out as a percentage of the number of Permits issued;</li> <li>• The percentage of sample inspections by Promoter.</li> </ul>

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## 21 IMPLEMENTING GMRAPS

### 21.1 Timing of Introduction

- 21.1.1 GMRAPS will come into operation in 2013. The specific date will be known as ('the commencement date').
- 21.1.2 The Permit Authorities will give a minimum of four (4) weeks notice of the start date to Promoters and other interested parties.
- 21.1.3 It is the ten Permit Authorities' intention to test the Permit Scheme in relation to their own highways works prior to the commencement date to ensure that all systems and processes are functional.
- 21.1.4 From the commencement date, all activity Promoters will be required to obtain a Permit for all registerable activities on all roads maintained by the local Highway Authorities of Greater Manchester.
- 21.1.5 Note: that GMRAPS applies only to streets for which Highway Authorities of Greater Manchester are the maintaining authorities.
- 21.1.6 The Permit Authorities will ensure that discussion takes place with all Promoters during the introductory period to ensure that, as far as possible, issues are picked up early and problems dealt with quickly.

### 21.2 Transitional Arrangements

- 21.2.1 The basic rules of transition will apply to all activities, which are covered by the scope of GMRAPS.
- 21.2.2 The Permit regime will apply to all activities, which come within the scope of the scheme at the commencement date where the administrative processes for those activities, such as application for a Permit or Provisional Advance Authorisation, start after the commencement date.
- 21.2.3 Activities, which are planned to start on site more than one month after the commencement, date for standard, minor and immediate activities or three months after for major activities must operate under GMRAPS.
- 21.2.4 This means that even if the relevant Section 54 Section 55 or section 57 NRSWA notice has been sent before the relevant changeover date, the Promoter must cancel the NRSWA notice for that activity or phase of activity and apply for a Permit.
- 21.2.5 If the Promoter has not substantially begun the activity (or phase of activity) by the time limit for the notice, 1 month or 3 months as appropriate, then again the Promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a Permit.

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- 21.2.6 Any other activities which started under the notices regime and which will start on site less than one month or three months after the changeover date (according to activity category) will continue under that regime until completion. Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities coordinated in the run-up to the imposition of a restriction under Section 58 or 58A of NRSWA might be such a situation. In those few cases, the relevant Permit Authority will discuss the situation with the Promoters concerned to work out a practical way of dealing with the activities.

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## APPENDICES

**22 APPENDIX A – Glossary**

TERM	EXPLANATION
Above grounds works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activity	Covers both utilities' street works and highway authorities' own works. See <b>APPENDIX F</b> for details.
Activity Promoter	See Promoter.
Adjudication	See <b>Section 15</b> .
AGMA	Association of Greater Manchester Authorities.
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	See Section 11
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".
ASD	Additional Street Data refers to other information about streets held on the NSG concessionaire's website alongside the NSG. See <b>APPENDIX E</b> .
Bank holiday	As defined in Section 98(3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Bar hole	A bar hole is used to detect and monitor gas leaks. See <b>APPENDIX E</b> .
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
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".
Bridleway	As defined in Section 329 of the Highway Act 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway".
BS7666 British Standard	British Standard number 7666 relating to gazetteers.

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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 Department for Transport March 2008 as revised, amended or updated from time to time.
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 accordingly".
Critical gyratory or roundabout system	A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds.
Critical signalised junction	A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal.
Culvert	A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road.
Cycle track	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot".
Day	A day refers to a working day, unless explicitly stated otherwise.
DfT	The Department for Transport.
Disability	As defined in Section 105(5) of NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act".
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	The Electronic Transfer of Notices system defined in the Technical Specification (as amended or updated from time to time) for passing notices, Permit applications, Permits and other information between Promoters and the Permit Authority.
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway".
Footway	As defined in Section 329 of the HA 1980, "footway means a

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	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".
FPN	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".
Frontager	A person or body occupying premises abutting the street.
GIS	Geographical Information System, A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
GMLTP	The Greater Manchester Local Transport Plan.
GMRAPS administration team	The team of people and associated systems that manage the administration and communication process of GMRAPS on behalf of the Permit Authorities.
GMRAR	The Greater Manchester Road Activities Register.
HA 1980	The Highways Act 1980.
HAUC (UK)	The Highway Authorities and Utilities Committee for the UK.
Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes".
Highway	As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highway Authority	As defined in Sections 1 and 329 of the HA 1980.
Highway works	"works for road purposes" or "major highway works".
Immediate activities	Immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i> .
In	As defined in Section 105(1) of NRSWA, "in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it".
Land	As defined in Section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land".
Local Authority	As defined in Section 270(1) of the Local Government Act 1972.
Local Highway Authority	As defined in Section 329 of HA 1980, "Local Highway Authority means a Highway Authority other than the Minister".
LSG	Local Street Gazetteer. A subset of the NSG containing details of all streets in a Local Highway Authority area, being a self-contained entity created and maintained by the Local Highway Authority covering all streets in their geographic area regardless of maintenance responsibility.
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time.
Maintainable highway	As defined in Section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of

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	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 <b>APPENDIX F</b> , 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: (a) the Authority has indicated to the Promoter, or (b) the Promoter considers, that an order under Section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more".
Major bridge works	As defined in Section 88(2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge".
Major highway works	As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway: (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway".
Major transport works	As defined in Section 91(2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking".
Minor activities	As stated in <b>APPENDIX F</b> , minor activities are those activities other than immediate and major activities where the planned duration is 3 days or less.

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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.
Network management duty	As stated in Part 2 of TMA.
NRSWA	New Roads and Street Works Act 1991.
NSG	National Street Gazetteer—also referred to as <i>Nationally Consistent Street Gazetteer</i> . A database defined as "an index of streets and their geographic allocations created and maintained by the Local Highway Authorities" based on the BS7666 standard.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Authorities.
NW HAUC	North West regional group of the Highway Authorities and Utilities Committee.
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.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
PAA	Provisional Advance Authorisation an indication of the likely future issue by the relevant Permit Authority of a permit for certain proposed activities, equivalent to an advanced notice under Section 54 of NRSWA.
Pedestrian Planning Order	This refers to an order made under Section 249(2) or (2A) of the Town and Country Planning Act 1990.
Permit	The approval by a Permit Authority for an activity Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 9. The application that is made by a Promoter to the relevant Permit Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Coordination regime.
Permit Authority	A local Authority or other "Highway Authority" which has been given approval by the Secretary of State to operate a Permit scheme on all or some of its road network.
Permit Management System	A computer based system to record Permit applications and consents.
Permit Scheme	A scheme approved by the Secretary of State under which Permits for activities are sought and given.
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases".
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the Permit scheme.
Protected street	As stated in <b>APPENDIX H</b> any street that serves a specific

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	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 in the protected street.
Provisional street	As stated in <b>APPENDIX E</b> , a provisional street is a street that does not yet have an entry in the NSG. Typically these will be newly created and / or private streets.
Public sewer	Public sewer has the same meaning as in the Water Industry Act 1991.
Railway	As defined in Section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway".
Reasonable period	As defined in Section 74(2) of NRSWA, a "Reasonable Period" means such period as is agreed by the Authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question".
Registerable	As stated in <b>APPENDIX F</b> , registerable activities correspond to specified works in the regulations.
Regulations	2007 No. 3372. The Traffic Management Permit Scheme (England) Regulations 2007.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant Authority	As defined in Section 49(6) of NRSWA, "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".
Relevant Permit Authority	The permit authority in whose geographical area the street in question is situated.
Remedial work	As stated in <b>APPENDIX F</b> , 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	"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 entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002 and approved by the Secretary of State for Transport on 30th June 2002, as revised or re-issued from time to time.
Road works	Works for road purposes.
SED	Special Engineering Difficulties. As stated in <b>APPENDIX H</b> by virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets

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	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.
Sewer	Sewer as defined in the Water Industry Act 1991 " includes all sewers and drains (not being drains within the meaning given by this sub Section )which are used for the drainage of buildings and yards appurtenant to buildings".
Sewer Authority	As defined in Section 89(1) (b) of NRSWA, "Sewer Authority, in relation to a public sewer, means the sewerage undertaker within the meaning of that Act in whom the sewer is vested".
Standard activities	Standard activities are those activities, other than immediate and major 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 works licence".
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". For the purposes of GMRAPS the term 'street' refers to that length of road associated with a single URSN.
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

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	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).
TfGM UTC	The Transport for Greater Manchester Urban Traffic Control centre.
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals".
Traffic Authority	As defined in Section 121 A of the Road Traffic Regulation Act 1984: "(1)(a) The Secretary of State is the Traffic Authority for every highway in England for which he is the Highway Authority within the meaning of the Highways Act 1980. (3) In England and Wales outside Greater London, the council of the county or metropolitan district are the Traffic Authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic Authority.
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.
Traffic Regulation Order (or Traffic Order)	This means an Order made under Section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984.
Traffic sign	As defined in Section 105(1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984".
Traffic-sensitive street	This means a street designated by a Street Authority as traffic-sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Tramway	As defined in section 105(1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street".
Transport Authority	As defined in Section 91(1) (a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Transport undertaking	As defined in Section 91(1) (b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or

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	some of the activities, are carried on under statutory Authority".
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".
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
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".
Urgent activities	As stated in <b>APPENDIX F</b> 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.
USRN	Unique Street Reference Number. As defined in the British Standard BS7666.
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 clear	A works clear notice is used following interim reinstatement.
Works closed	A works closed notice is used following permanent reinstatement.
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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## 23 APPENDIX B – Permit Authorities, GMRAPS Information and contact information

The Permit Authorities operating GMRAPS are: The Borough Council of Bolton, Bury Metropolitan Borough Council, the Council of the City Of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Borough Council and Wigan Borough Council:



For up-to-date and full lists of contact information and standardised Permit conditions, fees and related matters go to [www.gmraps.info](http://www.gmraps.info)

For up-to-date information on GMRAR go to [www.gmrar.info](http://www.gmrar.info)



### 24 APPENDIX C – Disapplications and Modifications

- 24.1.1 The Permit Regulations disapply or modify certain Sections of NRSWA.
- 24.1.2 In relation to specified works in specified streets, GMRAPS will replace, in particular, that part of NRSWA dealing with notices.
- 24.1.3 Other elements of NRSWA, for example in relation to inspections, reinstatements and diversionary works, remain to operate in parallel with GMRAPS, modified as necessary so the two can operate effectively together.
- 24.1.4 The Orders for GMRAPS disapply and modify in relation to the scope of the Permit Scheme all those elements of the NRSWA and associated regulations identified in Part 8 of the Permit Regulations.
- 24.1.5 The notification regime in NRSWA will continue to apply to activities ("works" in NRSWA terminology) where Permits are not required.
- 24.1.6 GMRAPS, in line with the Statutory Guidance, contains key features, which are the same as in the NRSWA notification regime which will allow the two regimes to operate effectively alongside each other.

#### 24.2 Promoters' Duties – Disapplied Sections of NRSWA

- 24.2.1 In Permit areas the duties of activity Promoters and Street Authorities under the following Sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Permit Regulations, see the Table at Section 24.3.

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**24.3 Disapplied Sections of NRSWA-Promoter Duties**

The following sections of the NRSWA 1991 are disapplied in relation to specified works in specified streets:

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 53	The street works Register.	Disapplied	Permit regulations prescribe similar provisions for Permit registers.
Section 54	Advance notice of certain works.	Disapplied	Replaced by applications for provisional advance authorisation.
Section 55	Notice of starting Date.	Disapplied	Replaced by applications for Permits.
Section 56	Power to direct timing of street works.	Disapplied	Replaced by Permit conditions and variations including those initiated by the relevant Permit Authority.
Section 57	Notice of emergency works.	Disapplied	Replaced by applications for immediate activities.
Section 66	Avoidance of unnecessary delay or obstruction.	Disapplied	Replaced by equivalent provisions for the relevant Permit Authority to require Promoters in breach of the Permit requirements to take remedial action and failing that for the Authority to act. 24-hour compliance period to be replaced with a requirement for Promoters to comply within a reasonable specified period determined by the circumstances.

**24.4 Promoters' Duties – Modifications to NRSWA**

24.4.1 The Permit Regulations modify the following Sections of NRSWA in relation to specified works on specified streets:

**24.5 Modified Sections of NRSWA.**

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 58	Restriction on works following substantial road works.	Modified.	The relevant Permit Authorities' ability to issue Permits with start and end dates replaces directions to start work covered in Section 58(5) to (7A). The Regulations provided the equivalent of Section 58A powers by allowing the relevant Permit Authority

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			to take into account whether Promoters responded to the Section 58 notice by submitting an application for their planned activities.
Section 58A	Restrictions on works following substantial street works.	Modified.	Schedule 3A is modified to work in conjunction with Permits.
Section 73 A (when in force)	Power to require undertakers to resurface streets	Modified	Modified to work in conjunction with Permits.
Section 74	Charge for occupation of the highway where works are unreasonably prolonged.	Modified.	Permit Regulations make provision to operate in parallel with Permits.
Section 88	Bridge, bridge authorities and related matters.	Modified.	Modified to work in conjunction with Permits.
Section 89	Public sewers, sewer authorities and related matters.	Modified.	Modified to work in conjunction with Permits.
Section 93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with Permits.
Section 105	Minor definitions	Modified	Modified to work in conjunction with Permits
Schedule 3A	Restriction following substantial street works	Modified	Modified to work in conjunction with permits

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

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25 APPENDIX D – Location Map of Greater Manchester



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## **26 APPENDIX E – The Street Gazetteer and Additional Street Data**

- 26.1.1 The ten GM local Highway Authorities produce a Local Street Gazetteer (LSG) and a copy is held centrally by the National Street Gazetteer (NSG) Concessionaire.
- 26.1.2 The gazetteer contains the information, required by and defined in the Technical Specification for the Electronic Transfer of Notices (EToN), about the streets in Greater Manchester.
- 26.1.3 Creating and updating the Street Gazetteers-Highway Authority street gazetteers for Greater Manchester have been created, maintained and published at Level 3, as defined in BS 7666. The gazetteer will include data for all streets within the geographical area of the relevant Highway Authority, whether or not the relevant Highway Authority is the Street Authority for any particular street.
- 26.1.4 Referencing- Information held in Permit registers will be referenced to the USRN which relates to the Type 1 or Type 2 street entry given for each street in the street gazetteer.
- 26.1.5 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 relevant Highway Authority will register private streets on the street gazetteer.
- 26.1.6 Once a private street is adopted and is therefore publicly maintainable, the street will be covered by the GMRAPS and Permits will be required for all specified activities.
- 26.1.7 A Permit application, or Provisional Advance Authorisation application, should be submitted (by appropriate means) against a provisional street only if an activity Promoter is certain that the street concerned is not in the NSG. The relevant Highway Authority will allocate a USRN, notify the activity Promoter, and create a level 3 entry in the LSG and NSG website. The Promoter must then use this USRN in all further Permit applications and notifications relating to the activity.
- 26.1.8 Under Section 87 of NRSWA, the relevant Highway 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.

### **26.2 Additional Street Data ('ASD')**

- 26.2.1 ASD refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data.

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- 26.2.2 The ten Highway Authorities will provide the following information for the ASD for each street:
- The Street Authority responsible for maintaining the street;
  - Whether the street is publicly maintainable, prospectively publicly maintainable, or private;
  - Whether the street, or part of the street, is covered by GMRAPS or the NRSWA notification regime, who the Permit Authority is or Street Authority is, and details of shared streets where this applies;
  - Any other authorities and activity Promoters with an interest in the street;
  - The street reinstatement category;
  - Designations of protected streets;
  - Designations of streets with special engineering difficulty;
  - Designations of traffic-sensitive streets;
  - Whether the street is subject to early notification of immediate activities
  - 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, such as structures, environmental areas, licensed areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.
  - That GMRAPS is a joint permit scheme.
- 26.2.3 Designations may cover only part of a street or may vary along a street. The relevant detail will be recorded in the ASD.

### 26.3 Responsibility for creating and updating ASD

- 26.3.1 The relevant local Highway Authority creates and updates the ASD together with the NSG Concessionaire.
- 26.3.2 Any other Authority, activity Promoter or interested party should submit records to the NSG Concessionaire to ensure that their interest in a street is logged.
- 26.3.3 The interest records will be entered into the ASD maintained by the relevant local Highway Authority. The NSG Concessionaire will administer this process.

### 26.4 Procedures for creating and updating ASD

- 26.4.1 The relevant Highway Authority will forward additions or amendments to the ASD to the NSG Concessionaire using the formats in the Technical Specification for EToN.

## **27 APPENDIX F – Activity Categorisation**

### **27.1 Registerable Activities**

27.1.1 The term “registerable activities” corresponds to the term “specified works” for the purposes of the Permit regulations. The following activities 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);
2. All activities that involve the opening of the carriageway or cycleway 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 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.

27.1.2 The following activities, carried across from the NRSWA regulations definitions for registerable works, are non-registerable:

- Traffic Census Surveys;
- Pole testing without excavation.
  - Pole testing involving excavation requires registration, and therefore needs a Permit, as would be the case with other excavations when one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using Section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion.
- Testing of Fire Hydrants using Fire service vehicles.
  - Fire service vehicles occasionally need to be parked adjacent to fire hydrants when these are being tested. These operations are exempt from the requirement to obtain a permit provided the work is done outside traffic sensitive periods.

27.1.3 In the event that the NRSWA definitions of registerable works are amended, GMRAPS will adopt the equivalent definition for registerable activities under the Scheme.

### **27.2 Bar Holes**

27.2.1 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 (3) of NRSWA should be sent within 10 days, once final

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monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

- 27.2.2 An application for a Permit must be made within two hours of the commencement of any other registerable immediate activity (i.e. excavation, or any other activity defined above) associated with the bar holes or longer period if not an immediate activity. In this latter case, these bar holes will not count as further excavations and reinstatements for the purposes of registrations but will be incorporated with the registerable activity, a Permit for which must be sought.
- 27.2.3 All bar holes must be reinstated and registered when work on site is complete.

### 27.3 Street lighting

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

### 27.4 Major Activities

- 27.4.1 Major activities are activities that
- a) have been identified in an activity Promoter's annual operating programme or;
  - b) are normally planned or known about at least six months in advance of the proposed start date for the activity.
- 27.4.2 Major activities are also activities that 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 working days or more, other than immediate activities.
- 27.4.3 GMRAPS requires that Promoters must apply for both a PAA at least three months in advance of the activity and a Permit ten days before the activity is due to start.
- 27.4.4 The requirement for a PAA does not apply to remedial works that are large enough to be major activities.

### 27.5 Standard activities

- 27.5.1 Standard activities are those activities, other than immediate or major activities, that have a planned duration of between four and ten days inclusive.
- 27.5.2 A Permit application for standard activities must be made ten (10) days before the proposed start date.



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### 27.6 Minor activities

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

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

### 27.7 Immediate Activities

27.7.1 Immediate Activities are either:

- Emergency works, which are defined in Section 52 of NRSWA, as 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 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;
  - b) and includes works that cannot reasonably be severed from such works.

27.7.2 Permit applications for immediate activities, where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), must be made as soon as reasonably practicable and in any event, within two hours of the activity starting.

27.7.3 Where immediate activities are identified and undertaken outside the normal working day the application should be made within two hours of the start of the next working day i.e. by 10.00 hours (but see below for cases involving roads where early notification of immediate works is required).

27.7.4 On certain roads, where an immediate activity is likely to cause significant disruption which will be identified in the ASD, the relevant Permit Authority

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must be alerted of immediate activities as soon as they are identified and before a Permit application is made.

- 27.7.5 Applications for Permits for immediate activities must explain why they fall within the definition.

### 27.8 Burden of proof

- 27.8.1 If the relevant 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.

### 27.9 Severable works

- 27.9.1 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.
- 27.9.2 Work, which can be "reasonably severed" from the immediate activity, must therefore be regarded as separate activities and classified accordingly.
- 27.9.3 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.
- 27.9.4 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". However, even where activities are continuous, the later stages are not necessarily part of the immediate activity.

### 27.10 Remedial Works

- 27.10.1 Remedial works correct defects identified in accordance with the *Code of Practice for Inspections* and associated regulations.
- 27.10.2 Under Section 72(3) of NRSWA, the relevant Street Authority can require remedial works to be carried out within seven days or such other periods as may be prescribed.
- 27.10.3 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 relevant Permit Authority via the GMRAPS administration team; or
  - For all other remedial work, the Promoter should agree the scope of the activity and timings with the relevant Authority, before applying to the

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relevant Permit Authority via the GMRAPS administration team for a Permit.

- 27.10.4 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.
- 27.10.5 Those remedial works to remedy dangerous defects will, of course, be categorised as immediate activities.
- 27.10.6 To assist coordination, the application should use the original activity reference number. If the original application cannot be found, a new activity reference number will be needed, highlighting that these are remedial activities.
- 27.10.7 The Promoter is encouraged to make the interim reinstatement of the original works permanent while carrying out remedial works.
- 27.11 The procedures above outline how a Promoter notifies a Permit Authority of remedial works. They do not affect the power of the Authority to remove a danger arising from a defective reinstatement.**

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## 28 APPENDIX G – Restrictions on Further Activities

### 28.1 Introduction

- 28.1.1 Provisions in NRSWA allow Street Authorities to restrict works in all or part of a street in order to avoid streets being dug up repeatedly by different bodies with no apparent coordination, or within months of resurfacing. The restrictions can be imposed following:
- Substantial Road Works (Section 58); and
  - Substantial Street Works (Section 58A)
- 28.1.2 These powers also apply to streets covered by Permit Schemes.
- 28.1.3 The process for managing other activities, which Promoters decide that they need to carry out before the restriction comes into effect, is modified from NRSWA to reflect the fact that under a Permit Scheme activities are controlled through Permits. The following is provided for information. Reference should be made to the relevant legislation for details of these restrictions.
- 28.1.4 Restrictions apply only to the length of the street on which such substantial road or street works have been carried out. Under GMRAPS the same requirements and restrictions apply to all activities and all Promoters covered by the scheme.
- 28.1.5 There are three elements to the provisions for each of the restrictions:
1. Substantial highway works or substantial street works which trigger the restrictions;
  2. Processes and actions before the substantial works take place to make sure that as much activity as is likely to arise over the period of restriction can be carried out before it comes into force;
  3. Processes and actions during the restriction to accommodate emergencies or other activities that, exceptionally, can take place in that period.

### 28.2 Substantial Works – Definition

- 28.2.1 Substantial Road Works are works for road purposes affecting any of the carriageway, footway, footpaths, cycle tracks or bridleways and includes resurfacing, reconstruction, widening or alteration of the level of the street and specialist non-skid surface dressing.
- 28.2.2 In order to qualify as Substantial Road Works the activity must extend at least 30 metres continuously and:
- Reduce the width of a footpath, footway, bridleway or cycle track by more than two-thirds; or
  - Prohibit the use of the carriageway by vehicles; or
  - Reduce the width of the carriageway by more than one-third.

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### 28.3 Substantial Street Works

28.3.1 Substantial street works means major activities which are street works that:

- 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 date proposed for the activity; or
- Other than immediate activities, have a duration of 11 days or more.

### 28.4 Creating a Restriction

28.4.1 On receipt of an application for a PAA, the relevant Street Authority wishing to impose a restriction following Substantial Street Works or Substantial Road Works will:

1. Identify other activities it already knows about that should also be completed before the restriction comes into force;
2. Publish a notice of its intention to create a restriction on its website. The relevant Street Authority will give the prescribed notice, prior to works commencing. The notice will describe the proposed activity and give the proposed start date; state the duration of the proposed restriction and the part of the highway that it will affect; and require any other Promoters proposing activities who have not already applied for a Permit, to do so within the period specified in the notice;
3. Copy the notice to:
  - Any sewer, transport or bridge Authority with an interest in the street;
  - Anyone who has given advance information of intended works;
  - Anyone with apparatus in the street;
  - Anyone who has registered an interest in that street;
  - The occupiers of any premises, which have a frontage onto the street in question.
4. Place a copy of the notice on GMRAR and other appropriate registers.

28.4.2 Copies of notices will be given electronically, or by post, where appropriate.

28.4.3 Following the notice period, no other Promoter may begin any activities (other than exempted activities or those to which an Authority has given consent) in that part of the street until all the activities referred to have been completed.

28.4.4 Promoters for both statutory undertakers' works and Highway Authority's own works must reply to such notices received within specified notice period.

28.4.5 In the case of Section 58A processes, the failure of a Promoter to make an application in response to the notice can be taken into account by the relevant Permit Authority, in deciding whether to issue a Permit, i.e. if the Promoter could have applied but does not do so, they run the risk of not obtaining a Permit, if they apply later.

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- 28.4.6 At the end of this period, the relevant Permit Authority will know of the proposals of the first activity promoter, of any promoters who have made Permit applications in response to the Permit Authority's notice, and of any other Promoter who has co-incidentally applied for a Permit or Provisional Advance Authorisation of its intention to work in that part of the highway. The relevant Permit Authority will co-ordinate these activities in discussion with the Promoters, informing each of the Promoters when their activity can start.
- 28.4.7 Permits will still be required by Promoters so they may need to submit a revised application if the dates have changed.
- 28.4.8 If the substantial activity which triggered the restriction was substantial road works and these have not started within six months of the proposed date, or within six months of the completion of any other activities, such as statutory undertakes' street works, that were carried out as a result of the notice, the notice ceases to be valid. A restriction will not be created, as the process would need to be repeated.
- 28.4.9 Once the substantial activity is completed, the relevant Permit Authority will give a further notice to all the parties whom it gave its original notice stating that the activity has been completed and that the restriction is in force. This action will be prompted by the works closed notice for the substantial activity.
- 28.4.10 Once the restriction is in force, no activities, whether for statutory undertakes or relevant Highway Authority may be undertaken in the street, except exempt works as detailed in Section 28.8 below or those to which the appropriate authority has given consent until the restriction has expired.
- 28.4.11 Durations of restrictions depend upon the type of activity carried out and the impact it has on the travelling public and the local neighbourhood. Longer restrictions will apply where streets, or parts of streets, have been newly constructed, reconstructed or resurfaced.
- 28.4.12 The table in Section 28.5 below sets out the maximum durations of restrictions that the relevant Highway Authority will apply to the different categories of streets and activities.

**28.5 Duration of Restrictions table**

Duration of Restrictions		
Street (Including Footway, Cycleway etc).		
	Reinstatement Category 0, 1 & 2 or Category 3 & 4, traffic sensitive.	Reinstatement Category 3 & 4, non-traffic sensitive.
1: Reconstructed.	5 years.	5 years.
2: Resurfaced, including level change.	3 years.	3 years.
3: Other substantial road or street works.	1 year.	6 months.
Combination of 1 or 2 plus 3.	Higher of figures.	Higher of figures.
Customer connections.	20 days.	

**28.6 Definitions used**

- 28.6.1 Reconstruction is the removal of some or all of the various layers that make up a road pavement and their replacement, and is used to strengthen the road and / or pavement.
- 28.6.2 Resurfacing is the removal of the running surface and its replacement to restore surface integrity and skid resistance.
- 28.6.3 Other substantial road or street works refers to the effects of substantial street works and substantial road works, such as drainage provision, which leave similar reinstatements to those after undertakers' works.

**28.7 Activities during a Restriction**

- 28.7.1 Activities may be carried out during a restriction if they either fall within the categories of exempt activities or have the consent of the relevant Permit Authority.

**28.8 Exempt activities and reduced restrictions**

- 28.8.1 Activities which are exempt or subject to reduced restrictions are:
  - Minor activities that do not involve breaking up or excavating in the highway;
  - Immediate activities;

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- Customer connections, subject to Section 28.9 below;
- Works to comply with either an improvement notice or prohibition notice issued by the Health and Safety Executive under Section s 21 or 22 of the Health and Safety at Work Act 1974;
- Works carried out under regulation 16(3) (b) of the Gas Safety (Installation and Use) Regulations 1998;
- Works carried out to comply with approved programme permitted under Regulation 13A of the Gas Pipelines Safety Regulations 1996 (SI1996/825, as amended by SI2003/2563) that could not have been identified before the restriction began;
- Activities required to expose equipment covers and manhole covers buried during the substantial street or road works.

28.8.2 The normal Permit application rules appropriate to the activity concerned must be followed.

### 28.9 Customer connections

28.9.1 If an undertaker receives a request for a new customer connection after the period for response to a Section 58 or Section 58A notice of restriction, and it is not possible to carry out the necessary works before the restriction comes into force, then an embargo on carrying out those works shall apply for 20 working days immediately following the completion of the substantial street or road works.

28.9.2 Before applying for the appropriate Permit the undertaker must contact the relevant Permit Authority to discuss its proposals and the extent of the works in the street. The subsequent Permit application must contain the information discussed, the fact that it is a customer connection, and the name of the relevant Permit Authority Officer who has confirmed the proposal.

28.9.3 It is expected that the minimum works will be carried out to provide the connection but it must be recognised that in some circumstances, extra work may be required to minimise disturbance to the restricted surfaces.

28.9.4 There may be circumstances where activities that are not covered by the exemptions are required to be carried out during a period of restriction. The relevant Permit Authority will consider each application on its own merits. If the Promoter had been informed of the pending restriction when it was first notified but not applied to carry out its activities at the time, then regulation 14 of the Permit regulations allow this to be taken into account by the relevant Permit Authority in deciding whether or not to grant a Permit during a restriction. Under GMRAPS, there will be a presumption against granting a Permit in such circumstances unless there are overwhelming counter arguments (see below).



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### 28.10 Permit applications during restrictions

- 28.10.1 The Permit application that a Promoter must give for an activity that they wish to carry out during the period of a restriction imposed under Section 58 or Section 58A of NRSWA depends upon whether:
- a) The activity comes within the scope of any of the specific exemptions, or;
  - b) The relevant Permit Authority's consent is required.
- 28.10.2 In (a), the ordinary rules appropriate to the activity concerned must be followed.
- 28.10.3 In (b), an application for consent should be made, specifying, in addition to the normal activity information, the grounds upon which consent is sought.
- 28.10.4 Once consent is granted, an application for a Permit must be made in the usual way. The relevant Permit Authority will then deal with this, again in the usual way. If the relevant Permit Authority refuses consent then the Promoter may appeal if it considers this to be unreasonable.
- 28.10.5 A restriction under Section 58 or Section 58A cannot be made if substantial activities have started, on the basis of an already issued Permit, without a notice under Section 58 or Section 58A having been given.
- 28.10.6 If a street in which a Promoter proposes to carry out activities has been newly constructed, recently reconstructed or resurfaced, even if the Promoter is not aware of a restriction, the Promoter is strongly recommended to approach the GMRAPS administration team to establish whether a restriction is in force. Promoters should not assume that they can automatically break open that street but should check with the GMRAPS administration team. It may be that a particular Promoter was not sent the relevant notice under Section 58 or Section 58A and there may be a restriction in force.
- 28.10.7 If having received an application for a Permit or PAA, the GMRAPS administration team, or the relevant Permit Authority realises that there is a restriction in place, they will advise the activity Promoter of this fact as soon as possible.
- 28.10.8 Disagreements that cannot be resolved between the Promoter and the relevant Permit Authority will be resolved by means of the dispute resolution procedures. Details of these procedures can be found in Section 15 of this document.
- 28.10.9 Restrictions may be revoked by the relevant Street Authority at any time. The relevant Street Authority will do this by sending a cancellation notice to the Promoter(s) concerned, informing them that the original restrictions are now revoked. In issuing restrictions the relevant Authority will give the same consideration to the situation as when issuing the original restrictions and include the reasons for the revocation.

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## **29 APPENDIX H – Streets Subject to Special Control**

### **29.1 Introduction**

- 29.1.1 This section has been included for information only. Reference should be made to the relevant legislation for full details GMRAPS balances the need to reduce the bureaucracy involved in managing activities in the highway with the importance of minimising delay and inconvenience to road users, whilst protecting the integrity of the street and any apparatus in it.
- 29.1.2 Certain streets are designated as being subject to special controls.
- 29.1.3 The four categories of street subject to special controls are:
- Protected streets;
  - Streets with special engineering difficulties;
  - Traffic-sensitive streets;
  - Streets subject to early notification of immediate activities (i.e. traffic sensitive streets on the primary route network.)

### **29.2 Protected Streets**

- 29.2.1 By virtue of Section 61 of NRSWA, all "special roads" as defined in the Highways Act 1980 are protected streets.
- 29.2.2 Streets are designated as protected only if they serve, or will serve, a specific strategic major traffic need with high and constant traffic flows.
- 29.2.3 There will also be a reasonable alternative route in which undertakers can place the equipment, which would otherwise lawfully have been placed in the protected street.
- 29.2.4 This includes services to existing or proposed properties in the street, or trunk supply routes passing through the street.
- 29.2.5 Once a street has been designated as protected, the activities of all Promoters will be severely restricted.
- 29.2.6 No activities may be carried out in the street, except by way of renewal, without the relevant Authority's express consent, although lateral crossings will normally be allowed.
- 29.2.7 However, should a Permit for such activities be issued with stringent conditions attached, the relevant Permit Authority may consider a contribution to the Promoter's expenses in complying with those conditions.
- 29.2.8 Any disputes that arise over designation of a protected street will be settled by arbitration.

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- 29.2.9 Activities by Promoters in verges and central reservations, which do not impinge on the carriageway, will usually be acceptable.
- 29.2.10 Road maintenance or repairs will in general be carried out at night, weekends, or other times with less impact upon traffic.
- 29.2.11 However, working at night may cause conflict with Environmental Health Legislation and must be discussed with the relevant Authority.
- 29.2.12 Activity Promoters must apply for a Permit for any registerable activities in a protected street covered by GMRAPS; the giving of a Permit has superseded the notice provisions of NRSWA.
- 29.2.13 However, the relevant Permit Authority will highlight the protected street rules in approving and issuing Permits, and in general it is unlikely that Permits will be given for new activities.
- 29.2.14 Promoters should therefore discuss their proposals for activities in a protected street with the relevant Permit Authority before making an application.
- 29.2.15 Given the possible financial implications for activity Promoters, designation will be contemplated only when essential.
- 29.2.16 The decision will be taken only after consultation and after other means of reducing delay and inconvenience have been explored.
- 29.2.17 The relevant Street Authority will fully justify the need for designation and:
- Take account of the needs of Utilities to supply and maintain services to frontagers and to use such streets for existing trunk supplies; and
  - Reimburse reasonable expenses incurred by the undertaker if removal or alteration of apparatus in the street is required (subject to appropriate allowances for betterment, deferment of renewal and value of recovered apparatus).
- 29.2.18 The cost-sharing arrangements for diversionary works under NRSWA do not apply.
- 29.2.19 Where a planned new street is being considered for designation, the relevant Street Authority will consult all potential activity Promoters and others, such as transport, bridge and sewer authorities as well as adjacent landowners and frontagers, who might have an interest.
- 29.2.20 Where requested and reasonably practicable, the relevant Highway Authority will make provision, at the Promoter's expense, for necessary areas or strips for carrying services alongside carriageways, and for duct or service crossings.

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### 29.3 Streets with Special Engineering Difficulties

- 29.3.1 Under Section 63 of NRSWA, the term 'Special Engineering Difficulties (SED) relates to streets or parts of streets associated with structures, or streets of extraordinary construction where activities 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 persons or property.
- 29.3.2 Under Schedule 4 of NRSWA, plans and Sections of proposed activities must be approved by each Authority with an interest in the structure concerned, i.e. the Street Authority, and/or the sewer, Transport or Bridge Authority.
- 29.3.3 This remains the case where streets are subject to a Permit scheme.
- 29.3.4 The designation of streets with SED will be used only where strictly necessary. Circumstances where designation may be appropriate include those below.

### 29.4 Bridges

- 29.4.1 A street may be designated as SED if the relevant Bridge Authority is concerned about the impact of activities in the street on the strength, stability and waterproofing of the bridge, or access for maintaining it, or for any other purpose.
- 29.4.2 In general, the designation would relate to the whole of the bridge structure, but it will only be necessary to designate the area adjacent to the bridge and not the whole length of the street.

### 29.5 Retaining walls

- 29.5.1 Retaining walls may be designated where they give support to the highway and bridge abutments, and where the foundations are sufficiently shallow for excavation to affect the integrity of the structure.
- 29.5.2 Where foundations are piled, designation is likely to be necessary only if excavation could alter the degree of support given to the piles by the soil.
- 29.5.3 In many cases, it will be necessary to designate only the adjacent area and not the whole width of the street.
- 29.5.4 A distinction will be made, where possible, between areas appropriate for excavations no deeper than 1.2 metres, and areas where further restrictions are needed if an excavation is deeper.

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### 29.6 Cuttings and embankments

- 29.6.1 Areas adjacent to cuttings and embankments will be designated if excavation could lead to slides or slips of the soil, or could affect special construction features such as earth reinforcement systems or lightweight fills.
- 29.6.2 The whole width of street, or specific areas similar to those for retaining walls, may be designated.

### 29.7 Isolated structures

- 29.7.1 Examples of isolated structures include high-mast lighting columns and large sign gantry supports.
- 29.7.2 Where excavation could affect stability, areas immediately around the supports will be designated, again distinguishing between excavations up to 1.2 metres deep and those that are deeper.

### 29.8 Subways and tunnels

- 29.8.1 Subways and tunnels at shallow depth and areas immediately above the structure and adjacent areas may be designated.

### 29.9 Tramway tracks in the street

- 29.9.1 Areas occupied by the tracks and immediately adjacent areas may be designated. Additional protection to the appropriate Authority is also given in Section 93 of NRSWA.

### 29.10 Culverts

- 29.10.1 The area of the street immediately above a culvert will be designated where the structural integrity of the pipe or channel could be adversely affected by activities.

### 29.11 Undertaker's apparatus

- 29.11.1 Undertaker's apparatus designation may be required only in exceptional circumstances, such as electricity pylons adjacent to the carriageway, or the presence of critical operational apparatus.

### 29.12 Pipelines

- 29.12.1 Some types of government and private sector oil or gas pipelines, and similar structures which cross or traverse the street, may justify designation.

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### 29.13 Engineering problems

- 29.13.1 Streets may be designated if they pose extraordinary engineering problems in the event of excavation, for example, a weak road, which may have been constructed using a continuously reinforced concrete slab or geo-textiles and is founded on unsound ground, such as where chalk mines had existed with the potential problems created by holes.

### 29.14 Designation on request

- 29.14.1 The relevant Street Authority may be asked to designate a street as having special engineering difficulties by:
- A Transport Authority on the grounds of proximity to the street of one of its structures; or
  - An undertaker having apparatus in the street.
- 29.14.2 The relevant Street Authority will consider any request carefully. It may then make the designation, with or without modifications, or decide not to do so.
- 29.14.3 The relevant Street Authority will carefully consider the arguments for and against the proposed designation and shall always act reasonably in coming to its decision.
- 29.14.4 If the relevant Street Authority declines to make the designation requested, the Transport Authority or undertaker may appeal to the Secretary of State.

### 29.15 Cellars

- 29.15.1 Owners of cellars must notify the relevant Authority if they wish to carry out works.
- 29.15.2 The relevant Authority will in turn notify interested Promoters before any activity begins.
- 29.15.3 Promoters wishing to carry out work in areas where they know, or might reasonably be expected to know, of the existence of cellars should notify the cellar owners or frontagers when they intend to carry out:
- Excavations close to cellars; or
  - Extensive excavations which will impinge upon cellars.

### 29.16 Traffic-Sensitive Streets

- 29.16.1 Under Section 64 of NRSWA the relevant Street Authority may designate certain streets (or parts of streets) as "traffic-sensitive" if they meet specific criteria, or by agreement with the majority of undertakers known to have apparatus in the street concerned.
- 29.16.2 Designation highlights that activities proposed in these situations are likely to be particularly disruptive to other road users.

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- 29.16.3 They do not necessarily prevent occupation during traffic-sensitive times but additional requirements will be imposed on Promoters.
- 29.16.4 Designation may apply to the carriageway only, to a footway or pedestrian area only, to part of a length of street, and to certain times of day, days of the week, or days of the year, depending on circumstances.
- 29.16.5 Once a designation is made it applies to all activities taking place in the street.
- 29.16.6 All activity Promoters should avoid carrying out activities in the carriageway of traffic-sensitive streets at sensitive times unless there is no alternative.
- 29.16.7 To encourage activities outside the traffic-sensitive period, the relevant Street Authority will not make a designation for any period longer than is strictly necessary.
- 29.16.8 One or more of the following criteria will apply before the relevant Street Authority will designate a street as traffic-sensitive:
- The street is one on which at any time the Street Authority estimate traffic flow to be greater than 500 vehicles per hour per lane of carriageway, excluding bus or cycle lanes;
  - The street is a single carriageway two-way road, the carriageway of which is less than 6.5 metres wide, having a total traffic flow of not less than 600 vehicles per hour;
  - Traffic flow in both directions contains more than 25% heavy commercial vehicles;
  - The street carries in both directions more than eight buses per hour;
  - The street is designated for pre-salting by the Street Authority as part of its programme of winter maintenance;
  - The street is within 100 metres of a critical signalised junction, gyratory or roundabout system;
  - The street, or that part of a street, that has a pedestrian flow rate at any time of at least 1300 persons per hour per metre width of footway;
  - The street is on a tourist route or within an area where international, national, or significant major local events take place.

### 29.17 Procedure for Making Designations

- 29.17.1 Before making any designation, the relevant Street Authority shall give a notice which:
- specifies a period of not less than one month, when objections may be made; and,
  - for designations of streets as traffic-sensitive, identifies the criteria that is met, to:

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- every activity promoter known to the Authority to be working in its area or who has given the Authority notice of its intention to commence working in its area;
- every other local Authority for the street to which the proposed designation relates;
- the Chief Officer of Police, Chief Executive of Fire and Rescue Authority, the Chief Executive of the National Health Service Ambulance Trust and other emergency services Passenger Transport Executives (or their successor bodies) and other transport Authorities, for instance, light rail operators;
- any other person who has submitted a written request to be given notice of a proposed designation. This may include other street authorities such as the Highways Agency or Network Rail;
- for the designation of streets as protected, the occupiers of properties fronting the street concerned.

29.17.2 The occupiers of any property that fronts a street which is proposed to be designated as protected should also be given a copy.

29.17.3 If the Authority does not receive any objections within the specified period, or if all objections have been withdrawn, the relevant Street Authority may make the designation.

29.17.4 If there are outstanding objections at the end of the consultation period, the relevant Street Authority will give them careful consideration. In the case of a proposed designation of a street as protected, a local inquiry should be held and its report considered alongside the objections. The Authority may then make the designation, with or without modifications, or decide not to do so. It will carefully consider the arguments for and against the proposed designation and should act reasonably in coming to its decision.

29.17.5 When a designation is made, the authority will submit the relevant ASD to the NSG Concessionaire straight away.

### **29.18 Procedure for Withdrawing Designations**

29.18.1 Any person entitled to a notice under the designation procedure or anybody else the relevant Street Authority considers to have sufficient interest, may apply to that Authority to withdraw the designation. The Authority will carefully consider the arguments for and against the proposed withdrawal of designation and will always act reasonably in coming to its decision.

29.18.2 An Authority can withdraw a designation at any time, subject to the following provisions:

- a) if the original designation was made at the request of a Transport Authority or undertaker, no withdrawal shall take place without prior consultation with them;



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b) if the original designation was made following a direction by the Secretary of State, no withdrawal shall take place without his consent.

29.18.3 Where a withdrawal is made, the Highway Authority will submit the relevant ASD to the NSG Concessionaire straight away.

### **29.19 Other Features of the Street**

29.19.1 Many features of a street can affect the planning and coordination of activities.

29.19.2 These may be subject to restrictions imposed by legislation other than NRSWA or TMA.

29.19.3 Various structures in the highway may warrant extra care, even if the structures are not designated as SED.

29.19.4 To enable best practice, information about such features are held as Additional Street Data in the NSG. See Section 26 for information on ASDs.

29.19.5 These include the following:

- Sites of Special Scientific Interest and Ancient Monuments.
- Special surfaces including, but are not restricted to, such surfaces as porous asphalt, tactile, and coloured surfaces.
- Government and private sector oil or gas pipelines.
- Priority lanes including cycle routes and bus lanes.
- Level Crossing Precautionary Areas.
  - When activities are proposed within the Precautionary Area, extra safety measures required by the rail operator must be applied.
- Special construction needs.
- Parking bays and restrictions i.e. streets with parking meters and residents' parking bays, parking restrictions such as red routes and other permanent parking restrictions.
  - This assists in alerting activity Promoters to plan any necessary action such as applying to the relevant Parking Authority to have parking suspended.
- Pedestrian crossings and traffic signals indicating where streets have signalled controlled pedestrian crossings and permanent traffic signals.
- Transport Authority critical apparatus used or owned by a Transport Authority that is critical to its operations and if damaged or interrupted could disrupt or temporarily stop services.
- Non SED structures.

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## 29.20 Example Consultation Form for SEDs

PROMOTER.....

**FACSIMILE TRANSMISSION**  
**NEW ROADS AND STREET WORKS ACT 1991 AND TRAFFIC MANAGEMENT ACT 2004**  
 To..... From.....  
 Tel No..... Tel No.....  
 Fax No..... Fax No.....  
 File Ref.....  
 Contact..... Contact..... (if known)

DATE.....

**PRELIMINARY CONSULTATION relating to proposed works in Streets with Special Engineering Difficulty (Section 63 & Schedule 4) or in the vicinity of Highway Structures (in the case of bridges, Section 88)**

LOCATION.....

Plan Attached YES/NO\* (Please attach whenever possible)  
 Plan No.....  
 Road Name/Number.....  
 OS Reference.....  
 Bridge/Structure No.....

**DESCRIPTION OF PROPOSED ACTIVITY**  
 .....

New/Renewal/Refurbishment\* Major/Standard/Minor\*  
 Size and Type.....

Proposed depth of excavation.....

Proposed depth of cover to service on completion.....

Expected start of activity.....

**BRIDGE AUTHORITY RESPONSE** File  
 Ref.....  
 Please contact..... Tel No.....  
 Consent to proceed granted/not granted subject to\*.....

Trial Holes required YES/NO\*  
 Other.....  
 Additional details required (e.g. Plans, Section s and Method Statements):  
 .....

\*Delete as appropriate  
 Signature.....  
 Bridge Authority to respond within 7 working days of receipt  
 Date.....

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**30 APPENDIX I – Permit Fees**

**30.1 Permit Fees table**

The table below sets out the criteria which will be taken into account in determining the level of fees payable for permits and PAAs. The fees for PAAs and permits will vary dependant on the type of activity and the type of street (including traffic sensitivity). The actual fee amounts in each case are set out on the GMRAPS website together with details on how fees should be paid. Fees range from £10 for an immediate activity on a minor non traffic sensitive street up to the statutory maximum for major activities on streets designated as traffic sensitive.

Reinstatement category of street. ( see section 6 above)	Main Roads		Minor Roads
	0, 1 and 2.	3 and 4.	
Street designated as traffic sensitive or not.	All streets.	Traffic sensitive at some times/locations.	
Time and location of activity.	Any time and location	Any part within traffic sensitive times at traffic sensitive locations.	Wholly within non traffic sensitive times/locations.
Provisional Advance Authorisation.	*	*	*
Major Activity.	*	*	*
Standard Activity.	*	*	*
Minor Activity.	*	*	*
Immediate Activity.	*	*	*

\* See GMRAPS website [www.gmraps.info](http://www.gmraps.info) for fee figures.

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### 30.2 Permit Variation Fees

- 30.2.1 Different fees will be payable for permit variations (including variations to conditions attached to permits) depending on whether the activities are on category 0, 1 and 2 streets and on category 3 and 4 traffic sensitive streets or on category 3 and 4 non-traffic sensitive streets. As above the fee amounts are on the GMRAPS website
- 30.2.2 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.
- 30.2.3 No fee is payable if a Permit variation is initiated by a Permit Authority.
- 30.2.4 Reduction in Fees; Information about reductions in fees is given in Section 16.
- 30.2.5 Note: That in line with the Permit Authorities policies and procedures, the above fees will be reviewed on an annual basis.
- 30.2.6 The review will take into account on-going allowable scheme costs and current inflationary rates.
- 30.2.7 The fees will not exceed the maximum charges as set by the Department for Transport.
- 30.2.8 All activity Promoters will be notified of any changes and these will be made available on the GMRAPS website
- 30.2.9 No fees are payable by a Highway Authority, Bridge Authority or a Transport Authority nor for the deemed issue of a permit or a deemed issue of a variation of a permit or of a deemed issue of a variation of conditions attached to a permit pursuant to regulation 16(3) of the permit regulations.
- 30.2.10 No fee is payable for the permit relating to permanent reinstatement where the relevant Permit Authority has insisted on an interim reinstatement.

## **31 APPENDIX J– Payment Methods for Permit Fees**

- 31.1 Permit Fees - Statutory undertakers will be required to pay fees for Permits, Permit variations and PAAs to the relevant Permit Authority. These fees will be collected on behalf of the relevant Permit Authority by the GMRAPS administration team. Payment of Permit and PAA fees should not be made direct to the relevant Permit Authority.
- 31.2 Contact details are set out on the GMRAPS website.
- 31.3 Flexibility will be provided over how payments are made. Although electronic payments are the preferred option, other means are possible:
- Electronic payment using the Bankers Automated Clearing Services ("BACS"): Statutory undertakers must contact the GMRAPS administration team for the necessary details;
  - By post to the GMRAPS administration team.
- 31.4 While the use of electronic payment methods is strongly encouraged, if a statutory undertaker normally uses that method and there is a system failure, paying by any of the other options is possible. All payment methods are listed on the GMRAPS website.
- 31.5 The statutory undertaker must set up payment facilities, with the GMRAPS administration team and clarify what arrangements for payment will apply.
- 31.6 It is important that the GMRAPS administration team is informed which Permit fees are being paid. This will not only provide an audit trail but will also ensure that payments can be made quickly and with the minimum of queries.
- Therefore:
- For BACS, the statutory undertaker must support payment with details of the Permit numbers covered by the payment and the amount being paid in relation to each.
  - When paying by post, the payment must be accompanied by a list of the Permits covered by the payment and the amount being paid in relation to each.

### **31.7 Payment of Fixed Penalty Notices.**

- 31.7.1 Fixed penalty notices are the responsibility of the relevant permit authority and all payment of fixed penalties must be made to the permit authority which gave the FPN in question. The contact details of each Permit Authority are on the GMRAPS website and each FPN will set out how payment is to be made.

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**32 APPENDIX K– Derivation of Disruption Effect Score**

32.1 Promoters are required to provide a disruption effect score as part of the Permit application / PAA application if so requested by the relevant Permit Authority.

**32.2 Input Factors**

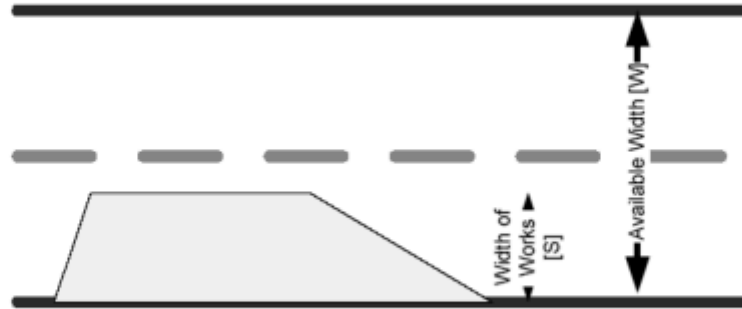
32.2.1 The disruption effect score is based on the reduction in capacity resulting from an activity on the highway.

32.2.2 The reduction in capacity may be calculated using an algorithm that requires the entry of a number of simple factors. These factors are as follows:

**32.3 Input factors table**

Factor	Description
[P]	The daily traffic flow, measured as an average am/pm peak hour flow in Passenger Car Units ('PCUs') per hour, so that it takes account of HGV percentages.  Source: Highway Authority
[W]	The total width in metres of the carriageway (or the width of both carriageways for a dual carriageway road).  Source: Ordnance Survey mapping using GIS tools.
[S]	The width in metres of the activity occupying the carriageway, or in the case of activities on the footway, this would be the width in metres of the carriageway occupied by attendant vehicles and associated traffic management, as well as the width needed for any incursion of pedestrians, cyclists and horse riders into the carriageway.  Source: Established as part of the activity planning process.

**32.4 Disruption Effect drawing**



**32.5 Calculation of Disruption Effect Score**

32.5.1 The following algorithm is used to calculate the Disruption Effect Score:

$$\text{Disruption Effect Score} = [(P \times 100) / (1600 \times (W-S) / 3.65)]$$

**32.6 Use of Disruption effect Score**

32.6.1 The disruption effect score has a number of specific uses including:

1. Derivation of the Traffic Impact Assessment;
2. Objective based prioritisation of activities for coordination; and
3. Performance indicators.

32.6.2 The impact assessment is a broad indicator of the potential disruption that could arise from an activity on the highway.

32.6.3 The impact assessment for general traffic is derived directly from the daily disruption effect score for the activities, as follows:

**32.7 Traffic impact table**

Disruption Effect Score	Impact
Greater than or equal to 75	Severe
Greater than or equal to 50 and less than 75	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

32.7.1 Impact on Buses: The impact assessment for bus traffic is assessed for defined bus routes only and is derived as follows:

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### 32.8 Bus impact table

Disruption Effect Score/Factor	Impact
Greater than or equal to 75	Severe
Dedicated bus lane closed	Severe
Greater than or equal to 50 and less than 75	Moderate
Dedicated bus lane diverted	Moderate
Greater than or equal to 25 and less than 50	Slight
Less than 25	None

32.8.1 Impact on Pedestrians: The impact assessment for pedestrian traffic is derived as follows:

### 32.9 Pedestrian impact table

Factor	Impact				
	Factor Footway Hierarchy Category				
	1a	1	2	3	4
Closure	Severe	Severe	Severe	Severe	Moderate
Complete Diversion	Severe	Severe	Severe	Moderate	Slight
Partial Diversion	Severe	Severe	Moderate	Moderate	Slight
Narrowing >50%	Severe	Severe	Slight	Slight	None
Narrowing <50%	Severe	Moderate	Slight	None	None

- 32.9.1 A 'complete diversion' of a footway is where a new route for pedestrians has been established for example where there is a requirement to cross the road to use the opposite footway.
- 32.9.2 A 'partial diversion' of a footway is where the route for pedestrians is diverted around the activity's site but remains on the same side of the road.
- 32.9.3 In addition, the impact of any activities on footways associated with urban transport facilities will be considered as 'severe'. For the purposes of this section, these are any activities on footways that are within 100 metres of an entrance to a bus, tram or railway station.



### 33 APPENDIX L – GMRAR the Permit Register

#### 33.1 Introduction

- 33.1.1 The Permit Authorities will maintain a register of Permits called the Greater Manchester Road Activities Register ("GMRAR"), of each street covered by GMRAPS.
- 33.1.2 GMRAR will contain information about all planned and approved registerable activities on those streets.
- 33.1.3 GMRAR will also include forward planning information about activities and other events, which could potentially affect users of the streets and Promoters of activities in those streets.
- 33.1.4 The Street Authorities will also maintain a register under Section 53 of NRSWA for street information, ('the street works register').
- 33.1.5 This will cover those streets that are not part of the Permit scheme, i.e. non-maintainable streets.
- 33.1.6 The GMRAPS administration team will, on behalf of the Permit Authorities, maintain the permit register to aid the coordination of activities and to provide information to road users.
- 33.1.7 Everyone has a right to inspect GMRAR, free of charge, at all reasonable times, except as specified below.
- 33.1.8 "All reasonable times" may be taken to mean normal office hours e.g. 08:00 to 16:30, Monday to Friday except Bank Holidays.
- 33.1.9 GMRAR will be accessed electronically via the [www.gmrar.info](http://www.gmrar.info) website.
- 33.1.10 This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance. This work will, wherever possible, be done outside normal office hours.
- 33.1.11 Much of the detailed information in GMRAR is unlikely to be of interest to the public. Therefore, the website will display the headline information first and allow users to drill down to more detailed information.
- 33.1.12 However, it is the responsibility of the ten Permit Authorities to decide how much information is made available in this way.
- 33.1.13 Permit applications and notices contain confidential information such as names and telephone numbers of contacts in organisations. The ten Permit Authorities will make sure that such information remains confidential.

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- 33.1.14 The Permit Authorities are not responsible for the accuracy of information concerning those activities for which they are not the Promoter.
- 33.1.15 GMRAR is designed to allow records to be searched by the USRN or the "street descriptor" (the street name, description or street number) as given in the NSG.
- 33.1.16 The Highways Agency has its own methods of disseminating such information on trunk roads and motorways.
- 33.1.17 Public access to GMRAR will be read-only to prevent unauthorised amendment to records.

### 33.2 Restricted information

- 33.2.1 Restricted information is:
  - a) any information certified by, or with the authorisation of, the Secretary of State as being restricted information for the purpose of safeguarding national security, or;
  - b) information certified by, or with the authorisation of, an undertaker as being restricted information because its disclosure would, or would be likely to, prejudice the commercial interests of that undertaker.
- 33.2.2 The Promoter should indicate restricted information on the PAA or Permit Application.
- 33.2.3 Restrictions on the release of information should be as limited as possible. In particular, it should not be assumed that because some item of information about an activity needs to be restricted, all information about it needs to be. For example, a PAA might need to be restricted for commercial reasons, where as a later Permit need not be.
- 33.2.4 The case for restriction needs to be considered on an item by-item rather than an activity-by-activity basis.
- 33.2.5 The right of access to restricted information is limited to:
  - a) persons authorised to execute any type of activity in the street; or,
  - b) persons "otherwise appearing to the relevant Permit Authority to have a sufficient interest".
- 33.2.6 Any person wishing to see restricted information must satisfy the relevant Permit Authority, as a minimum, that his interest is greater than the general interest of the ordinary member of the public.

### 33.3 Form of GMRAR

- 33.3.1 GMRAR will be kept on an electronic system and maintained against the same digital map base to ensure consistency between all holdings of street-related data.

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- 33.3.2 This common geographical dataset will be vector based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.
- 33.3.3 GMRAR 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.
- 33.3.4 All the ten Greater Manchester Highway Authorities will synchronise their holdings of the common digital map data so that they all contain the same version of the data at any given point in time.

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## 33.4 Minimum specification of GMRAR

The minimum specification of the common map base	
Scale	Urban areas: 1:1250 Rural areas: 1:2500 Remote areas: 1:10000
Accuracy	Urban areas: ± 1.0m Rural areas: ± 2.0m Remote areas: ± 4.0m
Coverage	National and seamless, exhausting space over all land areas.
Geometry Types	Point, Line and Polygon.
Classification	Objects classified by physical form.
Update Cycle	8 weeks (max.)

- 33.4.1 All streets in the Local Street Gazetteers will reference the road centreline geometries in the common map base (using royalty-free unique identifiers), which should in turn reference polygons representing the road surface.
- 33.4.2 Such a structure promotes consistency and maximises the possibility for interoperability between applications, both in GMRAPS and in a wider context.
- 33.4.3 The relevant Highway Authority will provide the Unique Street Reference Number (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. All data will follow the principles of the Digital National Framework.
- 33.4.4 This will promote reuse and consistency between datasets.

## 33.5 Content of GMRAR

- 33.5.1 The contents of the GMRAR will accord with the permit regulations and will include:
  - Copies of all PAAs, Permit and Permit variation applications submitted to the Permit Authority via the GMRAPS administration team relating to registerable activities in any street;
  - Copies of all Permits and PAAs granted by the relevant Permit Authority, including conditions attached as well as all variations to Permits and conditions including any Permits "deemed" granted;
  - Copies of all revoked Permits, refused PAA and refused Permits, together with the reasons for such refusals;
  - Copies of all notices, consents and directions served by a Street Authority under Section 58 or 58A of NRSWA;
  - Copies of all notices served by a Promoter under Section 58 and 58A of NRSWA;
  - Copies of all notices given under Section 74 of NRSWA;

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- 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 licences;
- Information under Section 70(3) and (4A) of NRSWA as to completion of reinstatements;
- Particulars of apparatus notified to the Street Authority under Section 80(2) of NRSWA;
- Every notice of works pursuant to Section 85(2) of NRSWA;
- Details of every street covered by GMRAPS;
- Details of every street which is prospectively maintainable by the ten local Highway Authorities over which GMRAPS would operate;
- Details of every street of which any of the ten Permit Authorities are aware of and over which the GMRAPS would operate, which is a highway but for which it is not the Highway Authority;
- Details of every street which is:
  - a protected street;
  - a street with special engineering difficulties;
  - a traffic-sensitive street;
  - a street where early notification of immediate activities is required
- The road category of each street;
- Details of every street for which the ten GM local highway authorities are the street authority.

### 33.6 Retention of information

- 33.6.1 Information provided by means of any Permit application under the TMA or notice under NRSWA will be retained on GMRAR for at least 6 years after completion of the guarantee period of the activity referred to in the notice.
- 33.6.2 Information about other activities will be retained on GMRAR for at least 6 years after completion.
- 33.6.3 Any legal claims in relation to the activity must be brought within six years of the date on which the event, which forms the basis of the claim, occurred.
- 33.6.4 In the case of personal injuries, claims must be brought within three years of the date on which the event happened.
- 33.6.5 However, in the case of a person who is below 18 years of age, the claim can be made up to three years after they reach 18.
- 33.6.6 Information should be kept for those periods for that purpose, which may mean 21 years and nine months in the case of injury to an unborn child.

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- 33.6.7 Because of the size of the database the Permit Authorities will decide to archive information, or a subset of the information on the register for a longer period or even indefinitely.

## **34 APPENDIX M - Risk Assessments and Traffic Control**

### **34.1 Codes of practice and other advice**

- 34.1.1 Compliance with the Code of Practice Safety at Street Works and Road Works issued under Section 65 of NRSWA is based on the Traffic Signs Manual (Chapter 8) and is a statutory requirement for Promoters' activities. This section has been provided for information only. Reference should be made to the relevant codes and guidance for full details.
- 34.1.2 It specifies the basic requirements for signing, lighting and guarding and traffic control at activities in the highway.
- 34.1.3 The Traffic Signs Manual also gives specific advice on traffic control at railway level crossings.

### **34.2 Risk Assessments**

- 34.2.1 Risk Assessments are a requirement of the Construction, Design and Management Regulations 2007 and Health and Safety at Work Regulations 1999 and it is particularly important that they are carried out at Manchester Metrolink, street tramways, East Lancashire Railway and Network Rail level crossings.
- 34.2.2 Arrangements made as a result of Risk Assessments should be continuously monitored by Promoters so that appropriate remedial measures can be taken quickly if required.
- 34.2.3 With regard to Manchester Metrolink, street tramways, East Lancashire Railway and Network Rail level crossings, risk assessments should take into account the distance of the crossing from the proposed activities and the volume of traffic using the road.
- 34.2.4 Particular attention must be given to the possibility of traffic congestion tailing back over a level crossing at any time during the duration of the activity, for example during an all-red traffic light period imposed to allow difficult operations to take place at the work site.
- 34.2.5 There have been instances where this situation has also arisen from activities that have been a considerable distance from the level crossing and this possibility should always be borne in mind during Promoter's works.

### **34.3 Traffic Control Measures at or near Railway Level Crossings**

- 34.3.1 Traffic control at or near level crossings are to be in accordance with the guidance set out in the Traffic Signs Manual
  - Part 1 Design
  - Part 2 Operations

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## **35 APPENDIX N - Network Rail's Special Requirements**

35.1.1 This section has been provided for information only and reference should be made to the relevant documentation at the time when activities are proposed. Network Rail's Special Requirements must be followed in all cases where activities are to take place at a level crossing and should be included in any contract let in connection with the activity. The current version of this document may be obtained from Network Rail, who will also be able to give advice during the planning of activities.

35.1.2 There is no provision in the Act for the recovery of costs for special arrangements such as those described below and costs incurred by each party will therefore lie where they fall.

### **35.2 Level Crossing Attendant**

35.2.1 A Level Crossing Attendant will ensure the crossing is cleared before lowering barriers and authorising a train to movement

### **35.3 Temporary Speed Restrictions**

35.3.1 In some instances it may be necessary to impose a temporary speed restriction on trains. Temporary speed restrictions take time to arrange, so discussions with Network Rail should take place as early as possible, before any formal notice is given for the Street works or works for roads purposes. Where a temporary speed restriction may already have been arranged for other purposes, the Highway Authority, undertaker or other person should consider rearranging the timing of its activity so as to be able to make use of it, thereby minimising disruption to rail traffic.

### **35.4 Trenchless Construction**

35.4.1 Where trenchless construction is to be employed beneath the railway track, Network Rail must approve the method. A temporary speed restriction may be imposed on trains and Network Rail may require overseeing activities in progress. Pipe bursting techniques will require special consideration by Network Rail, due to possible effects on the permanent way.

### **35.5 Activities on railway land that do not affect the structure of the permanent way**

35.5.1 These are activities that do not affect the track or its surrounding land, such as work at a manhole, erection of poles and wires, pressure testing pipes which do not pass under the track or excavations several metres away from the track.



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### **35.6 Activities outside the confines of a level crossing, using existing ducts which pass beneath the railway.**

35.6.1 These activities may proceed without special early notification to Network Rail.

35.6.2 However, Risk Assessments and Traffic Control requirements must be followed.

### **35.7 Use of mechanical excavators and cranes near the railway**

35.7.1 Network Rail will advise of any necessary precautionary measures whenever cranes, mechanical excavators, vehicles or other construction plant is to be operated close to railway traffic. The purpose is both to protect trains from accidental contact with the plant and to protect operators from the likelihood of death or serious injury arising from contact with live traction equipment and trains on the railway.

35.7.2 Network Rail may require the submission of plant operating diagrams and/or method statements, prepared by the plant operator and approved by the activity Promoter, to enable it to decide the magnitude of any potential problems. These diagrams and method statements should take into account the possible results of machine failure, structural failure or uncontrolled operation of the plant.

### **35.8 Electrification continuity cables**

35.8.1 In areas where the railway is electrified using the third rail system particular care must be taken to ensure that continuity cables, which connect the ends of the live rail to maintain electrical continuity, are not damaged whilst excavations are being undertaken. In most cases these will be laid parallel to the rails at, or just below, the adjacent ground level.

### **35.9 Reinstatement of the Road at Level Crossings**

35.9.1 Where the Highway Authority resurfaces a road or carries out alterations on the approach to a level crossing, alterations should not be made to any signs or road markings which are a requirement of the Level Crossing Order, including carriageway and footway width and centre of carriageway markings on the approach to the crossing.

35.9.2 If alterations are required sufficient notice is required to permit Network Rail to request and obtain a revised Level Crossing Order.

### **35.10 New Works near Level Crossings**

35.10.1 When Promoters are proposing to install new supplies, routes should wherever possible avoid traversing level crossings. Where avoidance is not possible, trenchless methods of installation should be considered.

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### **35.11 Health and Safety Executive, HM Railway Inspectorate Requirements**

- 35.11.1 Specific attention is drawn to HM Railway Inspectorate Guidance Note, 'Railway Level Crossings' and the necessity to comply with the advice contained therein.

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## 35.12 Network Rail Advice Form

<b>ADVICE OF INTENDED ACTIVITIES AT OR NEAR A RAILWAY LEVEL CROSSING</b>	
To: (Name) (Company) (Address) Tel No: Fax No: Date: .....	From: (Name) (Company) (Address) Tel No: Fax No: Sender's Ref No: .....
<b>PRELIMINARY ADVICE</b>	
Activities are proposed at/near the level crossing at: _____ (street/road name, railway line) Details of the activity are given in the attached description/ plan and Section *.  Intended start date of the activity.....  Likely duration of the activity.....  <div style="text-align: right;">*delete as appropriate</div>	
<b>ACKNOWLEDGEMENT OF RECEIPT OF ADVICE (by Network Rail)</b>	
Details of your proposed activity, Ref No: has been received.  The person dealing with the proposal is: (Postal Address) Tel No: Fax No: E-Mail:  The proposal has been given the Network Rail Ref No:  *The activity is not yet approved. We will be in contact again by (date) to arrange a meeting.  *Please re-submit your proposal; it must incorporate Network Rail's Special Requirements, a copy of which is attached.  *The activity may proceed in accordance with the Arrangements set out in your proposal. This Form and a copy of the Arrangements have been forwarded to the Highway Authority for their information.  Signed for Network Rail Date  <div style="text-align: right;">*delete as appropriate</div>	

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