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STATUTORY INSTRUMENTS

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**2015 No. 39**

**HIGHWAYS, ENGLAND**

**The Traffic Management (Nottingham City Council) Permit Scheme Order 2015**

*Made* - - - - *7th January 2015*  
*Coming into force* - - *16th March 2015*

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

**Citation and commencement**

1. This Order may be cited as the Traffic Management (Nottingham City Council) Permit Scheme Order 2015 and comes into force on 16th March 2015.

**Interpretation**

2. In this Order—

“the Nottingham City Council Permit Scheme” means the permit scheme set out in the Schedule to this Order which was prepared and submitted to the Secretary of State by Nottingham City Council and has been approved by the Secretary of State; and

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

**Commencement of Permit Scheme**

3. The Nottingham City Council Permit Scheme comes into effect on 16th March 2015.

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

4. Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 shall apply to the specified streets within the Nottingham City Council Permit Scheme.

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(1) 2004, c.18.  
(2) S.I. 2007/3372.

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Signed by authority of the Secretary of State for Transport

7th January 2015

*Robert Goodwill*  
Parliamentary Under Secretary of State  
Department for Transport

SCHEDULE

Article 2

THE NOTTINGHAM CITY COUNCIL PERMIT SCHEME

# Nottingham City Council

## The Nottingham Permit Scheme for Road Works and Street Works

Under Part 3  
of The Traffic Management Act 2004

July 2014



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## Introduction

### 1.1 Background

Permit schemes provide a new way to manage activities in the public highway. They were introduced by Part 3 of the Traffic Management Act 2004 (TMA) to improve authorities' abilities to minimise disruption from street and highway works.

### 1.2 Relationship to the New Roads and Street Works Act 1991

Permit schemes provide an alternative to the 'notification system' of the New Roads and Street Works Act 1991 (NRSWA) and differs from existing powers for managing activities on the street in a number of key respects:

- Rather than informing the authority of the promoters' intentions, permit schemes may be envisaged as schemes to book occupation of the street for specified periods and for a specified purpose.
- highway authorities' activities undertaken by itself, its partners or agents are included.
- conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits.
- the authority's control over variations to the permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

Permit schemes will replace parts of NRSWA, particularly the notices related to section 54 (advanced notice of certain works), section 55 (notice of start of works) and section 57 (notice of emergency works) (see Appendix B - Dis-applied Sections from the NRSWA(1991) and Appendix C - Modifications to NRSWA (1991)). Many elements of NRSWA will continue alongside the permit scheme, in some cases amended to operate effectively with permits.

Where necessary, activity promoters must also submit any notices required by those sections of NRSWA not dis-applied in the permit regulations. Details of these can be found in the *Co-ordination Code of Practice and Notices Regulations 2007*

### 1.3 Definition of Terms

The Permit Scheme uses similar concepts to the NRSWA notice system in a number of key areas. This is to ensure consistency and facilitate better co-ordination of activities. Examples of these areas are:

- Registerable activities/works.
- Categories of activities/works, (major, standard, minor and immediate activities/works).
- Street gazetteers (to level 3), including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD).
- Street reinstatement categories as defined in the NRSWA Reinstatement Specification.
- The distinction between main roads and minor roads where such distinctions are relevant.
- Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street.





- The Electronic Transfer of Notices (EToN) system.

Some useful definitions referenced within this document are:

The Traffic Management Act 2004

The Traffic Management Act 2004 is hereinafter referred to as **the TMA**.

The Traffic Management Permit Schemes (England) Regulations 2007

The Traffic Management Permit Schemes (England) Regulations 2007 is hereinafter referred to as **The Regulations**.

The Nottingham Permit Scheme for Road Works and Street Works

This permit scheme is known as The Nottingham Permit Scheme for Road Works and Street Works, and hereinafter is referred to as **The Permit Scheme**.

The Permit Scheme is based on Part 3 of the TMA and The Regulations and has been prepared with regard to the Draft Statutory Guidance issued by the Secretary of State to assist highway authorities wishing to become permit authorities and in accordance with the requirements set out in the Regulations. Activity promoters should make themselves aware of the content of these documents and also "The Code of Practice for Permits" alongside which the Permit Scheme will be operated.

The Permit Scheme will replace the NRSWA notification system for all streets in Nottingham as described in section 2.2. The streets within the Permit Scheme (along with any special designation) will be clearly identified on the National Street Gazetteer Associated Street Data files. The National Street Gazetteer for Nottingham is established and maintained at level 3. The Authority is committed to maintaining the gazetteer to level 3.

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

In making the application to the Secretary of State under Regulation 3(1) to run this Permit Scheme, a full consultation in relation to the Permit Scheme was carried out which includes those stakeholders that are set out in Regulation 3 of The Regulations.

The Permit Authority

The Permit Scheme is operated by Nottingham City Council (hereinafter referred to as the **Permit Authority**) as the highway authority for the city of Nottingham.

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## Coverage of the Permit Scheme

### 2.1 Definition of the Term "Street"

For the purpose of this permit scheme, a "Street" is as defined in Appendix A.

### 2.2 Streets Covered by the Permit Scheme

The Permit Scheme will apply within the administrative boundaries of Nottingham City Council to all streets for which Nottingham City Council is the highway authority, i.e. publicly maintained by or on behalf of Nottingham City Council, are included in the Permit Scheme. These are the "specified streets" as set out in the regulations.

In addition, any street not adopted by Nottingham City Council as maintainable by the local Highway Authority but is prospectively maintainable will be included within the Permit Scheme.

The Permit Scheme shall not apply to:

- roads managed, maintained and operated by the Highways Agency;
- roads managed, maintained and operated by Nottinghamshire County Council;
- streets not adopted by and not expected to become adopted by Nottingham City Council as maintainable by the local Highway Authority.

### 2.3 Identification of Streets

All streets that are subject to the Permit Scheme will be clearly identified within the National Street Gazetteer (NSG) and Associated Street Data Files and on the NSG Concessionaire's website.

### 2.4 Streets Subject to Special Controls

Certain streets are designated as being subject to special controls. 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.

For further information of streets subject to special controls, refer to Appendix F.

### 2.5 Specified Activities

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

- street works - work on plant and apparatus in the street by undertakers except for works by licensees under section 50 of NRSWA; and,





- works for road purposes - maintenance and improvement works to the road itself carried out by, or on behalf of, the highway authority; and
- major highway works.

The term "registerable activities" corresponds to what may be "specified activities" under the regulations. The following activities defined in the regulations as specified 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 involving excavation);
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.

The following activities are non registerable

1. Traffic Census Surveys

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

2. Pole testing

Pole testing involving excavation only 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.

3. Fire service vehicles

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

## 2.6 Bar Holes

Bar holes are used to detect and monitor gas leaks. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under s70 (3) of NRSWA should be sent within 10 days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

An application for a permit should be made within two hours of the commencement of any other registerable activity (i.e. excavation, or any other activity defined above) associated with the bar holes. In this latter case, these bar holes



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will not count as further excavations and reinstatements for the purposes of registrations but will be incorporated with the registerable activity.

All bar holes must be reinstated and registered when work on site is complete.

## **2.7 Activities Not Requiring a Permit**

Activities not requiring an advanced Permit include:

- The initial stages of immediate activities (refer to sections 4.2.4 and 7.6)

Activities not requiring a Permit include:

- Works carried out under a NRSWA s50 licence (see section 2.5).
- Maintenance and inspection of fire hydrants carried out by fire service vehicles, where the activity is undertaken outside of traffic sensitive times (see section 2.5).



## Registers

### 3.1 Register of Permits

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

### 3.2 Referencing of Information

All information held in the register will be referenced to the Unique Street Referencing Number (USRN) and will be Geographic Information System (GIS) based.

The Permit Authority will also maintain a street works register required under Section 53 of NRSWA for historic information.

Details in respect of registers are also shown in Chapter 3 of the Code of Practice and requirements for NRSWA registers are contained in the Code of Practice for Co-ordination of Street Works and Works for Road Purposes and Related Matters.

The statutory requirements for maintaining the two registers will be met in such a way that the information can be combined easily to aid the coordination of activities and to provide information to road users.

### 3.3 Form of Registers

The permit register and streetworks register will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the Permit Registers will use Geographic information System (GIS). Permit registers will follow this requirement to ensure consistency between all holdings of street related data. Each register will be maintained against the same digital map base to ensure consistency between all holdings of street related data. This common geographical dataset will be vector based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.

Nottingham City Council will provide the Unique Street Reference Number (USRN) definitions and attribution, while the geometries will be recorded by referencing the road centreline objects in the digital map base.

### 3.4 Content of Registers

The permit register held by the Permit Authority will record:

- copies of all Provisional Advance Authorisation, permit and permit variation applications submitted to the permit authority relating to registerable activities in any street;
- copies of all permits and Provisional Advance Authorisations given by the authority, including conditions attached as well as all variations to permits and conditions including any permits "deemed" granted;
- copies of all revoked permits, refused Provisional Advance Authorisations and refused permits, together with the reasons for such refusals;
- copies of all notices, consents and directions served by a street authority under section 58 or 58A of NRSWA;
- copies of all notices served by a promoter under sections 58 and 58A of NRSWA;

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- copies of all notices given under section 74 of NRSWA;
- description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
- particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
- particulars of street works licences under section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
- information under section 70(3) and (4A) of NRSWA as to completion of reinstatements;
- particulars of apparatus notified to the street authority under section 80(2) of NRSWA;
- every notice of works pursuant to section 85(2) of NRSWA;
- details of every street for which the local highway authority are the street authority;
- details of every street which is a prospectively maintainable highway over which a permit scheme would operate;
- details of every street over which a permit scheme would operate, of which the local authority is aware, which is a highway but for which it is not the highway authority;
- details of every street which is a) a protected street; b) a street with special engineering difficulties; c) a traffic-sensitive street;
- the road category of each street;
- details of every street where early notification of immediate activities is required.

### **3.5 Access to Registers**

Nottingham City Council will publish their register on their public website. This website will be available 24 hours a day, seven days a week, except for occasional down-time due to upgrades and essential maintenance. Upgrading and maintenance will, wherever possible be carried out outside normal office working hours.

### **3.6 Restricted Information**

Restricted information is anything certified by, or with the authorisation of, the Secretary of State as being restricted information for the purpose of safeguarding national security or 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, such as a contract under negotiation or tender.

The promoter must indicate restricted information on the relevant permit or PAA application.

Restricted information will not be shown on Nottingham City Council website.

### **3.7 Retention of Information**



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

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## Permits

### 4.1 Types of Permit

The types of permit covered by the Permit Scheme are

- Provisional Advance Authorisation (PAA)
- Permits
- Optional Permits (as described in 4.1.3)

#### 4.1.1 Provisional Advance Authorisation (PAA)

Provisional Advance Authorisations will improve the coordination and works planning processes and provide improved opportunities to optimise the use of road space for specified (and non-specified) activities. PAA's provide the Permit Authority with a better opportunity to examine specified activities and determine the most appropriate conditions to include when an application for a Permit is made at a later date.

Provisional Advanced Authorisation applications are only required in relation to Major activities. Standard, minor and immediate activities do not require an application for a Provisional Advance Authorisation.

Applications for Major activities will not be accepted by the Permit Authority unless a Provisional Advance Authorisation application has been previously submitted.

Provisional Advance Authorisations must be applied for at least 3 months in advance of proposed Major activities starting, unless the Permit Authority agrees to a shorter period. For application and response times, refer to Appendix G.

A Provisional Advance Authorisation must be served for each street on which specified activities, which are classed as major activities, are being proposed.

A Provisional Advance Authorisation application must include the following information.

- Location of activity.
- Proposed start and end dates.
- An outline description.
- Times of working, including hours of the day and any weekend provisions.
- The road space occupancy.
- Method of working.
- Traffic management.

It is understood that the information may be provisional at this early stage, for example start and end dates are particularly likely to change and there may need to be discussion and agreement of alternative traffic management methods.

A fee will be charged for each Provisional Advance Authorisation in addition to any subsequent Permit fee. The Permit Authority has the discretion to reduce the charge where Provisional Advance Authorisations are submitted for schemes that involve multiple neighbouring streets as part of a planned and coordinated programmes of works.

A copy of the Provisional Advance Authorisation will be provided by the work promoter upon request to any person identified as having apparatus in the street to which the Provisional Advance Authorisation relates.

The Permit Authority, as the organisation responsible for the register, will provide information relating to S50 Licences and assets maintained by the Highway Authority.





The Permit Authority will carry out tasks compliant with the duty to coordinate works. If an owner of apparatus contacts the Permit Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.

The granting of a Provision Advance Authorisation will not prevent the Permit Authority from subsequently refusing to grant a Permit for the specified activity proposed in the Provisional Advance Authorisation.

#### 4.1.2 Permits

Permits will be the final Permit for 'Registerable' activities. The application period for Permits will depend on the type of activity proposed. For application and response times, refer to Appendix G

A copy of the Permit application will be provided by the work promoter upon request to any person having apparatus in the street to which the Permit application relates.

The Permit Authority, as the organisation responsible for the register, will provide information relating to S50 Licences and assets maintained by the Highway Authority.

If an owner of apparatus contacts the Permit Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.

For further information on Permit categories, refer to section 4.2.

#### 4.1.3 Optional Permits

Optional Permits relate to non-specified activities (refer to section 2.5 for Specified Activities). The application process is intended to be the same as for Provisional Advance Authorisations and Permits relating to streets within the scope of the scheme. A fee will not be charged for Optional Permits.

The purpose of Optional Permits is to include a wider range of activities into the coordination process and improve the management of the road network.

These activities may result in disruption to traffic flow or may require road space that utility companies need to use. The use of Optional Permits, which will be publicised and promoted by the Permit Authority, will extend the principle of parity to a wider range of activities.

A fee will not be charged for Optional Permits, but conditions may be attached to approvals. In such circumstances the relevant parts of the scheme will apply to conditions and variations, with details issued on approval of the Optional Permit. The use of Optional Permits will encourage promoters and organisers to provide improved information and allow early engagement in the planning stages.

Optional Permits will be available to promoters or organisers carrying out the following activities

- S50 Licences.
- When materials, not related to street works or works for road purposes, are being placed on the highway.
- Special events requiring the use of the highway.
- Maintenance and inspection of fire hydrants carried out by fire service vehicles, where the activity is undertaken outside of traffic sensitive times.
- Where neighbouring Highway Authorities (including the Highways Agency) require the use of roads within the Permit Scheme for the purpose of erecting temporary signage or for temporary diversions off their own road network.

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Details of the information required for an Optional Permit application can be found in Section 4.4 (Permit Application – Information Required).

Works carried out under S50 will be subject to Fixed Penalty Notices (FPNs) under the NRSWA regulations.

The use of Optional Permits will be monitored and breaches will be logged and reported.

Optional Permits will be issued on the understanding that if circumstances change so that the activity becomes 'Registerable' then the activity must cease, the highway fully restored to use and the process started to obtain the appropriate Permit.

#### **4.2 Permit Categories**

There are four categories of Permit with The Permit Scheme:

- Permit for Major Activities
- Permit for Standard Activities
- Permit for Minor Activities
- Permit for Immediate Activities

##### *4.2.1 Permit for Major Activities*

Permits for Major Activities are required for the most significant activities on the highway and will require the Activity Promoter to obtain a Provisional Advance Authorisation as part of the application.

Major activities are activities which:

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

For Major Activities the Activity Promoter must apply for a permit in accordance with the timescales set out in Appendix G. If the proposed start and end dates are different from those in the Provisional Advance Authorisation then the applicant must explain and justify the reason for the variation.

Applications for Major activities will not be accepted by the Permit Authority unless a Provisional Advance Authorisation application has been previously submitted (see section 4.1.1).





#### 4.2.2 Permit for Standard Activities

Standard activities are activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive. Activities lasting less than 10 working days but which require a traffic regulation order, such as a temporary road closure, will be classified as Major Activities and will be subject to the requirements in 4.2.1.

An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales set out in Appendix G and must include a description of the proposed activity together with the proposed start and end dates of the activity.

#### 4.2.3 Permit for Minor Activities

Minor activities are activities, other than immediate or major activities, that have a planned duration of 3 working days or less. Activities lasting 3 working days or less but which require a traffic regulation order, such as a temporary road closure, will be classified as Major Activities and will be subject to the requirements in 4.2.1.

An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the timescales set out in Appendix G and must include a description of the proposed activity together with the proposed start and end dates of the activity.

#### 4.2.4 Permit for Immediate Activities

Immediate Activities are either:

- emergency works, which are defined in section 52 of NRSWA, are works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property. This applies to both street works and works for road purposes which fall within the definition of activities. The term also includes activities not falling within that definition but which cannot be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the permit given for the parent activity); or,
- urgent activities are defined in the regulations as activities:
  - a) (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):
    - (i). to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
    - (ii). to avoid substantial loss to the promoter in relation to an existing service; or,
    - (iii). to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,
  - b) includes works that cannot reasonably be severed from such works.

Immediate activities may commence without a permit being obtained prior to the activity starting on the street. Activity Promoters applying for immediate activities must contact Nottingham City Council immediately, by telephone, when they determine the need to carry out unplanned works on a specified street **as indicated on the ASD**.



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The activity promoter must apply to the Permit Authority within 2 hours of the activity starting. Information regarding Immediate Activities will be registered and cross referenced / updated within the register when or if a Permit application is subsequently made.

Immediate activities will be subject to conditions, refer to Appendix E.

#### **4.3 PAA and Permit Applications**

##### *4.3.1 Requirement to Obtain a Permit*

Any promoter proposing specified activities on a specified street within the scope of the scheme must obtain a Permit from the Permit Authority. The Permit will allow the applicant to:

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

##### *4.3.2 Timing of Applications*

The timing of applications for PAAs and Permits, and the Permit Authority's response, varies according to the proposed activity. The minimum application and response times are given in Appendix G. Activity promoters should give as much notice as possible so as to facilitate the co-ordination process.

Where the activity is dependent on a temporary traffic regulation order, temporary traffic signal approval or the suspension of parking regulations, the timescales indicated in Appendix I should be taken into account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.

##### *4.3.3 Submitting an Application*

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

For further information on paper applications, please refer to Appendix N. For contact details, please refer to Appendix Q.



#### 4.3.4 Failure in the EToN System

In the event of a system failure, activity promoters shall adopt the procedure for "Handling System Unavailability" contained within the Technical Specification for the Electronic Transfer of Notifications (EToN).

Fixed Penalty Notices (FPNs), Section 74 charges and any other penalties that result due to system failures may be waived. However, activity promoters shall inform the permit authority about system failures and get an agreement to avoid FPNs and Section 74 charges.

#### 4.3.5 Compliance with EToN

All applications (even when made by paper) must comply with the definitive format and content given in the Technical Specification for the Electronic Transfer of Notifications (EToN) (see Appendix N).

#### 4.3.6 Use of plain English

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

#### 4.3.7 One Application Per Street

Each application shall only refer to activities in one street. If a project covers more than one street, separate Permits will be required for project activities in each specified street that are part of the Permit Scheme and notices will be required for project activities in streets where Permits do not apply. Also Permits will be required where activity on an adjoining or neighbouring non-specified street mean that any registerable activity, as set out in Chapter 9 of the Code of Practice for Permits, takes place on a specified street.

All such related project activities must be cross referenced on each related application and notice.

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

#### 4.3.8 Activities Covering Several Streets

Where the specified activity involves a number of specified streets, a separate permit will be required for each street. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

Fees for specified activities which involve several permits will be discounted where the applications are submitted together. For consistency with NRSWA, a street will correspond to a USRN.

#### 4.3.9 Notification to Interested Parties

Where the ASD indicates other interested parties, activity promoters should copy their Permit applications to those parties. Activity promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

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#### 4.3.10 Consultation Requirements

Activity promoters must carry out necessary consultation as set out in S88, S89 and S93 (as amended) and S90 and S91 of the NRSWA.

#### 4.3.11 Permit Application and Response Times

The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in Appendix G.

The Permit Authority has the right to refuse or request a modification to an application for a Permit where it considers that elements of an application are not acceptable (eg. timing, location, description, proposed method, dates or conditions, etc.). The Permit Authority will inform the promoter within the timescale set out in Appendix G and explain the reasons for refusal and the amendments required.

#### 4.3.12 Restrictions on Further Activities

If an activity promoter applies for a Permit for a specified street where a notice has been issued under S58, S58A or S61 NRSWA (and the activities are not included in the exemptions) the application must include specific details seeking consent to carry out the activities given the additional restrictions. This condition applies to all activity promoters, in the interests of parity.

#### 4.3.13 Procedure for Optional Permits

Where activity promoters are seeking an Optional Permit then the procedure and timescales for application and response will be the same as for specified activities (see Appendix G).

#### 4.3.14 When Non-Specified Activities Become Specified Activities

If a non-specified activity changes, such that a Permit becomes required then the activity must stop and a Permit application made. The Permit Authority may require that the highway be reinstated and all works leave site whilst the Permit application process proceeds.

The timescales for application and response will be as set out in Appendix G.

#### 4.3.15 Error correction

Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the permit register, it will contact the activity promoter to discuss and agree the corrections to be made. Where the promoter identifies an error, he will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the promoter shall submit a permit variation request by the end of the next working day following the agreement of the correction. This permit variation request should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made. The error correction process is described in the Technical Specification for the Electronic Transfer of Notifications (EToN).

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





#### **4.4 Permit Application – Information Required**

The following information will be required for applications for PAAs and Permits.

##### *4.4.1 Contact Person*

All Permit applications must include the contact details of person(s) responsible for the activity and who will be able to resolve any problems that may arise during the execution of the activity. They must also include details for out-of-hours contacts.

##### *4.4.2 USRN*

Each application must relate to a single street. In this instance, the term 'street' refers to the length of a road associated with an individual USRN. Hence, where a single street on the ground has more than one USRN, separate Permit applications will be required for each USRN relating to the activity.

##### *4.4.3 Activity Description*

Each application must include a detailed description of the activity. The detail must be sufficient to allow the Permit Authority to assess the impact of the works.

##### *4.4.4 Location*

Each application must include an accurate location based on National Grid References (NGR). For example:

- For small excavations the NGR for the centre of the excavation must be provided.
- For trench excavations the NGR for each end of the trench(s) must be provided.

For works for road purposes the same system will apply, for example:

- small reinstatements or installation of posts, columns, etc... then the centre of the excavation must be referenced.
- For surfacing activities the NGR must reference the extents of the works.

##### *4.4.5 Start Date and Duration*

Each Permit application must include the proposed start and end dates of the specified activity. Each Permit must also include the times of day when the activity will be carried out. Each Permit must also include details of weekend, bank holiday and night working, where this is required.

##### *4.4.6 Illustration*

Major and Standard Permit applications must include an illustration of the proposed works showing:

- The extent of the highway space to be occupied;
- The extent and position of the actual excavation;



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- Proposed site layout of traffic (including pedestrian) management;
- Where necessary diversion routes and any anticipated temporary accommodation works should be detailed;

The illustration should comprise of plans (to scale), sections and digital photographs and other similarly appropriate materials.

For minor activities and Immediate Activities, illustrations may be provided by the undertaker and they may be requested by the Permit Authority where the activity is likely to result in disruption due to the position, size or the type of activity.

Illustrations and technical specifications must be provided for all specified activities where the street has a Special Engineering Difficulty designation or if the Street Authority advises that the activity is proximate to a highway structure.

The Permit Authority may request a disruption effect score (see Appendix H). Where this is requested, the Permit Authority will provide the traffic count data to the promoter.

#### 4.4.7 Traffic Management

All Permit applications must include full details of the proposed traffic management method. This should include the site layout, pedestrian facilities and portable light signals where required. All Permits must indicate the need for Temporary Traffic Regulation Orders (TTRO), such as road closures and parking restrictions etc. and indicate where the activities will affect the operation of any permanent traffic signal equipment.

The requirement for a TTRO will involve an additional cost and there will be a specific timescale for the making of orders (refer to Appendix I).

Alterations to affect the operation of any permanent traffic signal equipment may also incur an additional cost.

#### 4.4.8 Technique

All Permit applications must include details of the technique to be used; for example:

- open cut;
- no-dig;
- low-dig (eg insertion or pipe bursting);
- trench sharing;

This detail is required to allow the Permit Authority to understand what activities are being carried out. The planned method can have implications for the impact on traffic.

#### 4.4.9 Depth

All Permit applications must include a best estimate of the excavation depth.







#### 4.4.10 Reinstatement

All Permit applications must indicate whether the proposed activity will be completed with:

- a first time permanent reinstatement; or
- an interim reinstatement, followed by a permanent reinstatement.

A combination of techniques may be appropriate to a particular activity; this must also be indicated on the Permit application.

#### 4.4.11 Inspection Units

All Permit applications must include a provisional number of inspection units appropriate to the activity and in accordance with the Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004.

### 4.5 Multiple Stage Activities:

Where the specified activity is carried out in more than one stage, such as with separate interim and final reinstatements, each stage will require a separate permit, and also, if a major activity, a Provisional Advance Authorisation, (PAA), all of which must be cross referenced to the others. (See 4.1.1 for details of PAAs).

A promoter is required to clarify to the Permit Authority that an activity is to be carried out in stages on the application.

A stage of an activity is a period of continuous occupation of the street, or part thereof, whether or not the work is taking place for the whole time, between the start and completion of the activity.

### 4.6 Linked Activities:

Where linked activities are carried out at separate locations in the same street they will be treated as belonging to the same set of works.

Where the same promoter wishes to carry out unconnected activities in the same street then these shall be treated as separate activities and will require a separate permit and, if appropriate, PAA.

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

### 4.7 Collaborative Activities:

The Permit Authority encourages collaborative working between promoters for street works and works for road purposes.

Collaborative working includes trench sharing, multi-utility working, joint utility & works for road purposes activities and compliance testing.

Where two or more promoters decide to enter into such arrangements, one must take on the role of the primary promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority.



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While the secondary promoter(s) will be required to make a permit application for the activity for which they are responsible, only the permit application made by the primary promoter will need to show the number of estimated inspection units. The primary promoter's permit application must give details of the other promoter(s) involved and the extent of the collaborative working. The primary promoter must also ensure that the estimates of works duration are agreed and confirmed with the secondary promoter(s) when submitting the application.

While the Permit Authority will issue permits to all the promoters involved, not just the primary promoter, the fees will be discounted to reflect the collaborative approach, subject to all criteria being met.

The primary promoter will excavate the trench and install its own apparatus with the secondary promoter(s) installing their apparatus in the same trench. The primary promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and the secondary promoter(s) that the secondary promoter(s) will do this work. In which case the responsibility for the reinstatement will rest with the promoter who undertook this work.

Where, the collaborative working is trench sharing, the primary Activity Promoter will excavate the trench and install their own apparatus. The secondary Activity Promoter will also install their apparatus in the same trench. The primary promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and the secondary promoter(s) that the secondary promoter(s) will do this work. In which case the responsibility for the reinstatement will rest with the promoter who undertook this work.

#### **4.8 Separate Activities:**

The activity promoter must clarify when an activity is to be carried out in phases, where a separate permit should be required for each phase and where the same activity promoter wishes to carry out unconnected activities in the same area.

#### **4.9 Interrupted Activities:**

In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or whilst missing apparatus is acquired, the promoter shall contact the Permit Authority to agree what action should be taken. Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required (see section 7.3 for permit variations). However, where it is considered that the opening should be reinstated and the road returned to full traffic use then the promoter will need to apply for a further permit to complete the work at a later date.

#### **4.10 Remedial Works**

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

#### **4.11 Request for an Early Start**

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

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## Permit Conditions

### 5.1 Principles for Conditions

The Permit Scheme includes for the attaching of conditions to permits and also specifies the types of conditions that may be applied. Any permit issued will specify in detail the activity it allows and the conditions attached. Any constraints in the original application will be reflected in the conditions in the permit. For example, if the planned activity will be located in a street which is traffic sensitive at some times and the permit application stated that the activity was to be outside the traffic sensitive times, then 'working outside of traffic sensitive times' will be made a condition of the permit.

Any permit issued must set out in detail the activity it allows as set out in Section 4.4 of this document and the conditions attached.

Where conditions are applied, the Permit Authority will consider the proposed activity's potential to cause disruption. Where possible, conditions attached to a permit will provide flexibility for the Promoter by requiring an outcome rather than stipulating the method by which the work must be carried out. When setting any condition, the Permit Authority must act reasonably and take account of how feasible it is for the Promoter to comply not only with the condition being imposed but also on their ability to meet their statutory obligations.

### 5.2 Condition Types

The conditions that the Permit Authority can apply to permits, referred to as "types" (listed below) are detailed in Regulation 10 of the 2007 Regulations.

2007 Regulations	HAUC (UK) permit advice note 2014
<ul style="list-style-type: none"> <li>Timing and duration of activity</li> </ul>	<ul style="list-style-type: none"> <li>Date Constraints</li> </ul>
	<ul style="list-style-type: none"> <li>Time Constraints</li> </ul>
	<ul style="list-style-type: none"> <li>Out of hours works</li> </ul>
<ul style="list-style-type: none"> <li>Road space</li> </ul>	<ul style="list-style-type: none"> <li>Road Occupation Dimensions</li> </ul>
	<ul style="list-style-type: none"> <li>Traffic Space Dimensions</li> </ul>
<ul style="list-style-type: none"> <li>Traffic management provisions</li> </ul>	<ul style="list-style-type: none"> <li>Road Closure</li> </ul>
	<ul style="list-style-type: none"> <li>Light Signals and Shuttle Working</li> </ul>
	<ul style="list-style-type: none"> <li>Traffic Management Changes</li> </ul>
<ul style="list-style-type: none"> <li>Methodology for carrying out activities</li> </ul>	<ul style="list-style-type: none"> <li>Work Methodology</li> </ul>
	<ul style="list-style-type: none"> <li>Material and Plant Storage</li> </ul>
<ul style="list-style-type: none"> <li>Consultation and publicity</li> </ul>	<ul style="list-style-type: none"> <li>Consultation and publicity</li> </ul>
<ul style="list-style-type: none"> <li>Environmental conditions</li> </ul>	<ul style="list-style-type: none"> <li>Environmental</li> </ul>

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The Permit Authority will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as the standard conditions for the Permit Scheme, including referencing. The Permit Authority recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme.

In addition to the standard conditions referred to above, the Permit Scheme will also include several local conditions. Refer to Appendix D for details on local conditions.

Conditions applied to a permit by the Permit Authority will be pertinent to the objectives of the Permit Scheme.

### **5.3 Applying a Condition to a Permit**

Where the Permit Authority considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, the Permit Authority will state the reasons for this action on their refusal of the permit. The Promoter can then choose whether to make a revised permit application or dispute the permit refusal.

For the application of permits, the main principle behind the Technical Specification for EToN is that when the Promoter submits an application to the Permit Authority they enter the content of the permit, for example the timing, duration and work methodology. The Permit Authority cannot amend the content of a permit, including the conditions attached.

If the Permit Authority does not agree with the condition(s) applied or requires additional conditions the application may be either:

- Refused with the inclusion of a comment to reflect the changes required (refer to section 7.8);
- or
- Responded to with the issuing of a Permit Modification Request (refer to section 7.8).

The Promoter should submit a subsequent permit application with any agreed changes. It is the responsibility of the Promoter to ensure the application meets the permit conditions specified by the Permit Authority.

Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of the Permit Authority refusing a permit, with a subsequent re-application could be minimised.

Where a Promoter recognises that multiple conditions should be used, or as indicated by the Permit Authority, all multiple conditions should be included on the permit application.

### **5.4 Breaching of conditions**

Where it appears to the Permit Authority that a condition has been breached and that an activity promoter (or person acting on behalf of an activity promoter) has committed an offence then the Permit Authority may revoke the Permit and impose a fixed penalty notice.

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## Issuing of permits

### **6.1 Timing of Permit issue**

Where the Permit Authority is content with the proposal, it will issue a permit in accordance with the response times detailed in Appendix G

### **6.2 Issue of Permit**

A permit will be issued electronically in accordance with the formats given in the Technical Specification for the Electronic Transfer of Notifications (EToN) with the details placed on the permit register and copies supplied to any undertaker, authority or other relevant body and other interested parties that have asked to be informed of activities in a particular street or of activities in relation to a particular Permit application.

### **6.3 Inclusion of Conditions**

A Permit will be issued to the Activity Promoter every time an application is approved by the Permit Authority.

Each issued permit will specify in detail the specific activity permitted. The Permit will include all of the conditions attached to the Permit. Where any constraints were provided in the original application, such as work being undertaken during school holidays, such constraints will be included in the conditions attached to the granting of the Permit.

### **6.4 Permit Unique Reference Number**

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

### **6.5 Permit Application Deemed to be Approved**

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

Breaching the conditions of a deemed Permit or PAA will constitute an offence.

### **6.6 Right of Appeal**

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

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## **Review, Variation, Modification and Revocation of Permits and Permit Conditions and Permit Cancellations**

### **7.1 Permit Authority powers**

Regulation 15 grants the Permit Authority powers to review, vary and revoke Permits and Permit conditions. There is no obligation upon the Permit Authority to allow activities to continue beyond the permitted period.

### **7.2 Changes to a Provisional Advance Authorisation**

A Provisional Advance Authorisation cannot be varied. Where a Provisional Advance Authorisation has been given, but a full Permit has not been issued and the promoter wants or needs to amend the proposal, then the promoter must inform the Permit Authority immediately of the proposed change and a revised application for a Provisional Advance Authorisation or a Permit should be made.

### **7.3 Variations**

If variations are required, then the activity promoter should contact the Permit Authority as soon as possible to avoid a criminal offence being committed by working without a Permit or working without complying with the Permit conditions.

If the variation changes the category of Permit required to a higher category, then the promoter will be required to pay the difference between the relevant Permit fees, in addition to the Permit variation fee.

The number of such variations will be reported each year, including where variations to higher Permit categories have been required for work for road purposes.

### **7.4 Timing of Variations**

Applications for variation may be made at any time after the Permit has been issued or before and during the activity taking place. Applications for variations must not be made after the end date of the Permit has passed. Applications for variations must include the information set out in section 4.4, with the variant information clearly identified.

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

### **7.5 Telephone Application for a Variation**

If paragraph 7.4 does not apply, then the promoter must telephone the Permit Authority to seek the Permit Authority's initial opinion on granting a variation. If the initial opinion is to accept a variation the activity promoter may then submit an electronic application for a variation. For contact details refer to Appendix Q.



## **7.6 Variations for Immediate Activities**

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

As immediate works, the promoter will submit the first permit application as stipulated in section 4.2.4. That first application will contain the location of the initial excavation or opening:

1. For any further excavations on the same street within 50 metres of the original hole, the promoter will telephone the authority with the new location. No permit variation will be needed and no permit charge will apply.
2. The promoter will have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150metres etc. Standard variation charges can be applied, although the permit authority may opt to waive such charges as a general rule or for particular cases.
3. Separate variations will be required for bands going in opposite directions or on opposite sides of the street.
4. For additional excavations within each band, the promoter will telephone the Permit Authority with the new location. No permit variation will be needed and no variation charge will apply.
5. If the search carries into a different street or a new USRN, then a separate permit application will be needed.
6. If the promoter cannot contact the Permit Authority by telephone, it should record the fact and send the message electronically.
7. The Permit conditions for Immediate activities may have to be altered to take account of how the activity develops and of the change of location, traffic management and working method. This may be initiated by the promoter or the Permit Authority, dependant on the site specific conditions.

## **7.7 Information Required for Variation Applications**

Applications to vary a Permit or Permit Condition must contain the information in Section 4.4, with the reasons for the required variation clearly stated.

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### **7.8 Permit Refusal and Modification Requests**

Where the Authority is unhappy with the Conditions applied then the application can be refused by issuing either a "Modification Request" or a "Refuse PAA / Permit / Variation" notification with the inclusion of a comment to reflect the changes required recorded on the refusal notification. The promoter can then send a "Modified Application" with all the required Conditions or making further changes to original plans as necessary.

It should be noted that where a Modification Request is given as the response then this is considered a refusal under the Regulations if the promoter does not subsequently submit a modified application with the same start and end date as the original application. The original application will not "deem" if the activity promoter fails to send a modified application following a Modification Request.

If, following a Modification Request, a modified application is issued with the same proposed start and end dates as the original application then the response period for the modified permit application will be as prescribed in the ETon Technical Specification.

A variation fee will apply to a modified application.

### **7.9 Permit Authority Initiated Review, Variation or Revocation**

The Authority may take the initiative to review, vary or revoke Permits where it appears likely that Permit or Permit conditions or Permit Scheme objectives are not likely to be met, through no fault of the Activity Promoter. This could be due to unforeseen circumstances (for example, unusual weather or ground conditions) or because of Immediate unplanned works, leading to a delay in either the start date or the progress of permitted works. In these circumstances the Promoter is primarily responsible for reporting the delay; however the Authority may take the initiative in the best interests of road users.

Applications to revoke a Permit or Permit condition must contain the information in Section 4, with the reasons clearly stated.

Refer to Appendix J for the Policy Statement on Permit Authority Review, Variation and Revocation of Permits.

### **7.10 Review of Permit Due to Non-Compliance by the Promoter**

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

Applications to revoke a Permit or Permit condition must contain the information in Section 4, with the reasons clearly stated.

Refer to Appendix J for the Policy Statement on Permit Authority Review, Variation and Revocation of Permits and to Appendix K for the Policy Statement on Sanctions.

### **7.11 Waiving of Fees**

If the Permit Authority has to revoke a permit through no action, failing or fault on the part of the promoter, no fee should be chargeable for a new permit.







#### **7.12 Suspending or Postponing an Activity**

There is no mechanism in the Permit Scheme to formally suspend or postpone a permit, only to vary or revoke one. If the Permit Authority has to suspend or postpone an activity for which it has already given a permit, but which it intends must happen at a later date, the Permit Authority will contact the Promoter and agree that a variation is submitted by the Promoter. There will be no fee for this Permit variation.

If the Activity Promoter has to suspend or postpone an activity for which it has already received a permit, but which it intends must happen at a later date then the Activity Promoter must submit a Permit Variation request (see section 7.3). A fee will apply for this Permit variation.

#### **7.13 Cancellation of a Permit**

A Promoter who wishes to withdraw an application before a Permit is granted or cancel a permit for which they have no further use must use the cancellation notice as specified in the Technical Specification for the Electronic Transfer of Notifications (EToN).

There is no fee for a cancellation notice, but no refund of the fee paid for issuing the permit will be made.

#### **7.14 Working after a Permit has been Revoked or Cancelled**

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

Refer to Appendix K for the Policy Statement on Sanctions.

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## Fees

### 8.1 Permit Authority Power to Charge Fees

Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:

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

### 8.2 Fee policy

The Permit Authority will charge Activity Promoters for the above actions.

### 8.3 Where Fees will not be Payable

Fees will not be payable in the following circumstances:

- By the highway authority in respect of its own works for road purposes, but records of all permits issued and the fees that could have been charged will be kept in order to assist in the review of fees referred to in 8.8 below;
- Where a permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Appendix G;
- If a permit variation is initiated by the Permit Authority or the Authority has to revoke a permit through no fault of the promoter;
- Where the promoter has applied for an optional permit as described in section 4.1.3.

### 8.4 Fee Discounts

Fee discounts will be given where:

- Several permit applications for activities which are part of the same project but which may be carried out in more than one street (see 4.3.7), are submitted at the same time (this is not intended to cover area-wide activities);
- 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 require a permit so that the authority knows who is working there.

### 8.5 Fee Discount for Working Wholly Outside of Traffic Sensitive Times





Nottingham City Council will offer lower fees, or a discount to scheme standard fees, applied to all works taking place on traffic-sensitive streets where those works take place wholly outside of traffic sensitive times. This will encourage activity promoters to work on the Authority's road network outside of the traffic sensitive times thus promoting behaviours in line with the authority's transport objectives.

#### **8.6 Rate of discount**

A discount of 30% will be applied in the circumstances described in 8.4 above.

A discount of 30% will be applied in the circumstances described in 8.5 above during the first year of the scheme being in operation. This rate of discount will be reviewed annually with the annual review of fees referred to in section 8.8 below.

#### **8.7 Option to waive or reduce fees**

Variation fees may be waived where a Promoter has identified that varying their application or Permit will allow collaborative working and the Permit Authority agrees that there is a benefit to road users from the proposed variation.

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

#### **8.8 Review of fees**

The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs. The outcome of the annual fee reviews will be published and open to public scrutiny and made available at the local HAUC co-ordination meeting if so requested.

#### **8.9 Approved scale of fees**

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

#### **8.10 Processing of fees**

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

A summary will be issued to each promoter every two weeks so that amounts can be confirmed before the invoice is raised so as to avoid late payments.

Each promoter is required to provide an e-mail contact to where the summary can be sent.

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## Inspection of Activities

### 9.1 Inspections

All inspections will comply with the Code of Practice for Inspections



## Permit Scheme Monitoring

### 10.1 Evaluation

In accordance with the 2007 Regulations, the Permit Authority will monitor and evaluate the Permit Scheme to ensure parity of treatment for all activity promoters and that the scheme meets its objectives.

Parity and performance will be measured using a set of Key Performance Indicators (KPI's) (see 10.2). The results of the KPIs will be published annually.

The KPIs will be discussed at the regular activity promoter meetings as appropriate. In addition, the KPIs will be made available to any other person or body on request or the authority may choose to publish them on their website.

The Permit Authority will also establish a monitoring group, which includes the Traffic Manager to monitor and evaluate the Permit Scheme to ensure that it demonstrates parity of treatment for all activity promoters, particularly between statutory undertakers and the highway authority's own activity promoters.

### 10.2 Key Performance Indicators

A key principle and objective of the Permit Scheme is that it treats all activities covered by the Permit Scheme equally. The 2007 Regulations provide for permit schemes to include both street works by statutory undertakers (as defined in NRSWA) and highway works (as defined in Section 86 (2) NRSWA) as works for road purposes. Although the term "specified works" is used generically in the 2007 Regulations, "activities" is used in the Permit Scheme to encompass both types of works and anticipates subsequent sets of Regulations which may extend the scope of permit schemes to other activities on the street.

In order to show that the Permit Authority is operating the Permit Scheme in a fair and equitable way the Permit Authority will apply a set of Key Performance Indicators (KPIs). The Permit Authority must report against these KPIs on an annual basis.

Mandatory KPIs for The Nottingham Permit Scheme for Road Works and Street Works
<b>1. The number of permit and permit variation applications received, the number granted and the number refused</b>
This will be measured and shown as: <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>

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## 2. The number of conditions applied by condition type

This will be measured and shown as:

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

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

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

The Permit Authority may select additional KPIs in addition to the mandatory KPIs above.

The Permit Authority may seek to add additional key performance indicators in consultation with Activity Promoters and may adopt other nationally developed key performance indicators should they become available. Regular meetings will be held to discuss the scheme performance and to report and develop relevant measures.

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## Sanctions

### 11.1 Permit Authority's Policy

Appendix K describes the Permit Authority's policy regarding sanctions. This policy statement should be read in conjunction with this section.

### 11.2 Undertaking Activities Without a Permit

It is a criminal offence for an activity promoter or a person contracted to act on an activity promoter's behalf to undertake a specified works activity in a specified street without obtaining a Permit, except in the circumstances in section 2.5.

### 11.3 Breaching a Permit Condition

It is a criminal offence for an activity promoter or a person contracted to act on an activity promoter's behalf to breach a Permit condition.

### 11.4 Action by the Permit Authority

Where an activity promoter or a person contracted to act on an activity promoter's behalf undertakes without a permit, works for which a permit is required, or breaches a permit condition, the Permit Authority may:

- Serve a notice requiring the promoter to take such reasonable steps as detailed in the notice, which may include steps to remove works, to remedy the breach or to minimise or discontinue any obstruction of the street connected with the works to the satisfaction of the Permit Authority;
- If an activity promoter fails to comply with the requirements of such a notice, within the timescales, then the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from the activity promoter;
- Issue a Fixed Penalty Notice (FPN) against the promoter;
- Prosecute the promoter.

The form of the FPN is given in Appendix L.

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

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## Dispute Resolution

### 12.1 Introduction

The TMA provides extensive powers to devise a suitable dispute resolution procedure and to identify the stages of the permit application process at which it can be invoked. There are no prescribed statutory dispute resolution procedures as yet and the approach taken therefore is to build on arrangements which already exist through the Highways Authorities and Utilities Committee (HAUC UK) at local and national level for resolving disputes and are set out in the code of practice for permits.

The Permit Authority will endeavour to resolve disputes without having to refer to any formal appeal procedure.

### 12.2 Incidence of Dispute Resolution

Two stages of the permits process provide for dispute resolution:

- A promoter applies for a permit. The permit authority makes it clear that it will only issue the permit with conditions attached or with different dates than in the application, and may in fact issue a permit in those terms. The promoter believes that one or more of these conditions are unreasonable or unrealistic. The two parties are unable to resolve their differences; or,
- 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, therefore, for the permit or its conditions to be varied or extended. The two parties are unable to reach agreement on any variation or perhaps, on whether any variation should be allowed.

The permit authority will try, where ever possible, to resolve the disagreement with the activity promoter. However, it is recognised that occasionally this may not be possible.

### 12.3 Dispute Review

If an agreement cannot be reached locally on any matter arising under any part of the Permit Scheme the dispute will be referred for review on the following basis:

#### 12.3.1 Straightforward issues

Where the parties concerned consider that the issues involved in the dispute are relatively straightforward, the matter shall be referred to impartial members of the regional 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. It is recommended that both parties accept the result as binding.

#### 12.3.2 Complex issues

If the parties concerned think the issues are particularly complex, the matter will be referred to HAUC (UK) in order 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.

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







The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK). It is recommended that all parties accept the advice given by the review panel as binding.

#### **12.4 Arbitration**

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

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

#### **12.5 Adjudication**

If agreement cannot be reached by the procedure above, for instance if one or more of the parties do not accept the ruling of the Regional HAUC or HAUC (UK) review as binding, the dispute will be referred to the independent adjudicator provided that the parties agree that the decision of the adjudicator is deemed to be final. The cost of the adjudicator will be borne equally unless the adjudicator considers that one party has presented a frivolous case, in which case costs may be awarded against them. Where the adjudication route is followed, the parties should apply to the joint chairs of HAUC (UK), who will select and appoint the independent adjudicator from suitable recognised professional bodies.

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## Appendix A – Glossary

This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

Term	Explanation
Above Ground	Any works which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activity	Means street works (except for works under licence such as Section 50 NRSWA) and works for road purposes as defined as Registerable Activities in Chapter 9 of The Code of Practice for Permits
Activity Promoter	A person or organisation responsible for commissioning an activity or activities [works] in streets covered by the Permit Scheme.
Apparatus	Has the same meaning as in Section 105 NRSWA ("apparatus includes any structure for the lodging therein of apparatus or for the gaining access to apparatus").
Appeals	Where disagreement remains unresolved between the Promoter and the Permit Authority about a Permit Authority's decision or actions, the Promoter may appeal using the procedure in Section 19 of this document.
Arbitration	Has the same meaning as 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 (ASD) means other information held on the National Street Gazetteer Custodians website alongside the NSG adjudication.
Bank holiday	Has the same meaning as in Section 98 (3) of NRSWA, ("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.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	Includes the entire meaning specified 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").

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Bridge authority	Has the same meaning as in Section 88(1)(b) NRSWA, ("the authority, body or person in whom a Permit Scheme bridge is vested".
Bridleway	Has the same meaning as in Section 329 Highways Act 1980, "(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").
Carriageway	Has the same meaning as in Section 329 of Highways Act 1980, ("a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles".
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan or county area.
Code of Practice (for Permits)	The means the Traffic Management Act 2004 Code of Practice for Permits (March 2008), as published by the Department for Transport. Referred to as the "Code of Practice "within the Permit Scheme.
Co-ordination Meetings	Quarterly meetings to co-ordinate work within the highway authority's geographical area and neighbouring authorities roads.
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	Has the same meaning as in Section 329 of the Highways Act 1980, ("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	Unless explicitly stated otherwise the reference to day means a working day.
DfT	Department for Transport.
Disability	Has the same meaning as defined in Section 105(5) NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act") (power to define "disability" and other expressions applies in relation to the provisions of this Part as to the provisions of the 1970 Act").

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Disability Equality Duty	Has the same meaning as in Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that "(1) Every public authority shall in carrying out its functions have due regard to— (a) the need to eliminate discrimination that is unlawful under this Act; (b) the need to eliminate harassment of disabled persons that is related to their disabilities; (c) the need to promote equality of opportunity between disabled persons and other persons; (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons; (e) the need to promote positive attitudes towards disabled persons; and (f) the need to encourage participation by disabled persons in public life. (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.
Distribution Network Operator (DNO)	Operator of an electricity distribution network.
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers.
Emergency works	Has the same meaning as in Section 52 NRSWA, ("works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property").
EToN	Electronic Transfer of Notifications
Excavation	Has the same meaning as in "Breaking up" (the street)".
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose.
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs -Request for Comments) are the standard documents that define the operation of the internet).
Fixed Penalty Notice	Has the same meaning as in schedule 4B NRSWA, ("a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty").
Footpath	Has the same meaning as in Section 329 Highways Act 1980, ("a highway over which the public have a right of way on foot only, not being a footway").
Footway	Has the same meaning as in Section 329 Highways Act 1980, ("a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only").
Frontager	A person or body occupying premises abutting the street.

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Geographical information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Heavy commercial vehicle	Has the same meaning as in Section 138 Road Traffic Regulation Act 1984, ("any goods vehicle which has an operating weight exceeding 7.5 tonnes").
Highway	Has the same meaning as in Section 328 Highways Act 1980, ("the whole or part of a highway other than a ferry or waterway").
Highway authority	Has the same meaning as in Sections 1 and 329 Highways Act 1980.
Highway works	Means "works for road purposes" or "major highway works".
Highways Act 1980	Means the Highways Act 1980
Immediate activities	Means emergency works as defined in Section 52 NRSWA or urgent activities or works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
In	Has the same meaning as in Section 105(1) NRSWA, "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	Has the same meaning as in Section 329 of Highways Act 1980, ("land includes land covered by water and any interest or right in, over or under land").
Level 1 (or 2, or 3) Gazetteer	As defined in the British Standard BS7666.
Local authority	Has the same meaning as in Section 270(1) Local Government Act 1972(a).
Local highway authority	Has the same meaning as in Section 329 Highways Act 1980,( "a highway authority other than the Minister").
Local planning authority	Has the same meaning as in the Town and Country Planning Act 1990.



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Local register	Means a register that is maintained by a single street authority for its own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority.
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility.
Main roads	Category 0, 1 and 2 streets and category 3 and 4 streets which are traffic-sensitive for all or part of the time.
Maintainable highway	Has the same meaning as "Highway maintainable at public expense" in S329 Highways Act 1980, and includes highway by virtue of Section 36 Highways Act 1980, and any other enactment (whether contained in the Highways Act 1980 or not).
Maintenance	Has the same meaning as in Section 329 Highways Act 1980, ("maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly").
Major activities	Activities which have been identified in an 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 works; or street works, other than immediate works, where (i) the street authority has indicated to the undertaker; or (ii) the undertaker considers, that an order under Section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or street works, other than immediate street works, which have a planned duration of 11 days or more".
Major bridge works	Has the same meaning as in Section 88 (2) NRSWA, ("works for the replacement, reconstruction or substantial alteration of a bridge").
Major highway works	Has the same meaning as in Section 86 (3) NRSWA, (" 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) reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 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 Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 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	Has the same meaning as in Section 91(2) NRSWA, ("substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking").
Material consideration	A consideration which relates to the carrying out of registerable activities and the impact of those activities. The weight to be accorded to any material consideration will depend upon the circumstances of the case.
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.



Minor works	Means those street works other than immediate works or major works where the planned duration is three days or less.
National Grid Reference (NGR)	Location reference using nationally defined eastings and northings.
National Land and Property Gazetteer (NLPG)	Gazetteer providing a national reference of land and property related Data Nationally consistent street gazetteer (NSG), a database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard.
Nationally Consistent Street Gazetteer (NSG)	Means a database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard.
Network management duty	Means the duty imposed upon the local traffic authority under Section 16 TMA to manage their road network. The duty must be undertaken with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following overriding objectives: (a) securing the expeditious movement of traffic on the authority's road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
Notice management system	Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.
NRSWA	New Roads and Street Works Act 1991.
NSG	National Street Gazetteer.
NSG Custodian	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	Operational District Data.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
OSGR	Ordnance Survey Grid Reference.

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PAA		Provisional Advanced Authorisation. An indication of the likely future issue by the Permit Authority of a permit for certain proposed works.
Passenger Authority	Transport	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area.
Passenger Executive	Transport	The executive arm of a Passenger Transport Authority.
Pedestrian Order	Planning	Means an order made under Section 249(2) or (2A) Town and Country Planning Act 1990.
Permit Authority		The relevant local highway authority or authorities authorised by a Statutory instrument to operate a Permit Scheme.
Portable Traffic Signals		Portable signals used to control traffic at road junctions (multiway) or to control traffic along a road (two-way), which are defined within the Traffic Signs Regulations and General Directions (2002).
Prescribed		Has the same meaning as in Section 104 NRSWA, "prescription 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 an activity or activities [works] in streets covered by the Permit Scheme.
Protected street		Has the same meaning as in Section 61 NRSWA and includes any street that serves a specific strategic 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		A street that does not yet have an entry in the NSG. Typically these will be newly created and/or private streets.
Public sewer		Has the same meaning as in the Water Industry Act 1991.
Railway		Has the same meaning as in Section 105(1) NRSWA and includes a light railway other than one in the nature of a tramway.
Reasonable period		Has the same meaning as in Regulation 37(4) of the 2007 Regulations and Section 74(2A) NRSWA as inserted by Section 256 Transport Act 2000.



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Reasonable times	Means normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays).
Registerable activities	As set out in Section 6.1, the permit scheme applies to all registerable activities as defines in Section 9.1.1 of the Code of Practice. As set out in Section 6.2 registerable activities correspond to what are "specified works" in the Traffic Management Permit Schemes (England) Regulations 2007.
The 2007 Regulations	The Traffic Management Permit Scheme (England) Regulations 2007.
Reinstatement	Has the same meaning as in Section 105(1) NRSWA, "and includes making good".
Reinstatement Category	The reinstatement category of a street in the Permit Scheme is the same as the reinstatement category under NRSWA, as defined in the Specification for the Reinstatement of Openings in Highways.
Relevant authority	Has the same meaning as in Section 49 (6) of NRSWA, ("references in this Part to the relevant authorities in relation to any works in a street are to the street authority and also (a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority; (b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and (c) where in any other case the street is carried or crossed by a bridge, the bridge authority").
Remedial works	Means those works required to rectify defects identified in accordance with the provisions of the Code of Practice for Inspections and Regulations.
Road	Means "Highway".
Road category	Means one of the road categories specified in paragraph 1.3.1 Chapter S.1 of the Code of Practice entitled "Specification for the Reinstatement of Openings in Highways" dated April 2010, or where revised or reissued from time to time.
Road works	Works for road purposes.
Schema (XML)	Schemas express shared vocabularies allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Sewer	Has the same meaning as in the Water Industry Act 1991.
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.

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Special Engineering Difficulties (SED)	Has the same meaning as in Section 63 NRSWA, and refers to streets or parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified works	Means registerable activities and comprises both street works and works for road purposes as described in the Permit Scheme.
Standard works	Standard works are those street works, other than immediate works or major works, which have a planned duration of between four and ten days inclusive.
Statutory Guidance	Means the Traffic Management Act 2004 Statutory Guidance for Permits (March 2008).
Statutory right	Has the same meaning as in Section 105 (1) NRSWA, ("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	Has the same meaning as in Section 48 (4) NRSWA, and 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".
Street	Has the same meaning as in Section 48 (1) NRSWA, and includes the whole or any part of any of the following, irrespective of whether it is a thoroughfare; (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not".
Street authority	Has the same meaning as in Section 49 (1) NRSWA.
Street managers	Has the same meaning as in Section 49 (4) NRSWA, and where used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street.
Street works	Has the same meaning as in Section 48 (3) 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	Has the same meaning as in Section 50 (1) NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
Technical Specification for EToN	Means the NRSWA (1991) Technical Specification for the Electronic Transfer of Notifications (EToN).

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Traffic Regulation Order	Means an Order made under Section 1,6,9 or 14 of the Road Traffic Regulation Act 1984.
The "Regulations" or "Regs"	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.
TMA	The Traffic Management Act 2004.
Traffic	As described in Section 105 (1) of NRSWA, includes pedestrians and animals and shall also include cyclists and other vulnerable road users.
Traffic authority	Has the same meaning as in Section 121A of the Road Traffic Regulation Act 1984.
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic Order	Means an Order made under the Road Traffic Regulation Act 1984.
Traffic sensitive street	Means a street designated by a street authority as traffic-sensitive pursuant to Section 64 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	Has the same meaning as in Section 105 (1) NRSWA, ("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	Has the same meaning as in Section 91(1)(a) NRSWA, "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 some of the activities, are carried on under statutory authority".
Trunk road	Has the same meaning as in Section 329 Highways Act 1980, "a highway, or a proposed highway, which is a trunk road by virtue of Section 10(1) or Section 19 Highways Act 1980 or by virtue of an order or direction under Section 10 Highways Act 1980 or under any other enactment".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities or works	Means immediate activities which are a) activities (not being emergency works) 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



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	avoid substantial loss to the undertaker in relation to an existing service; or iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities.
Working day	A working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and for the purposes of the Permit Scheme the commencement of a working day will be treated as being 08:00 and its end as 16:30.
Working Space	Has the same meaning as specified in the current "Safety at Street Works and Road Works, Code of Practice.
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 comment	Means an electronic communication using EToN.
Works for road purposes	Has the same meaning as in Section 86(2) 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").
Works Reference	Within the Technical Specification for EToN a works reference is detailed as "allocated by the promoter and includes Prefix and District. The works reference must be unique to an individual works".
XML	Extensible Markup Language

## Appendix B – Dis-applied Sections from the NRSWA(1991)

Where The Permit Scheme applies, the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations:

Promoters' duties - dis-applied sections of NRSWA			
NRSWA Section		Change	Permit Regulations – Revised Arrangements
S 53	The street works register	Dis-applied	Permit regulations prescribe similar provisions for permit registers.
S 54	Advance notice of certain works	Dis-applied	Replaced by applications for provisional advance authorisation.
S 55	Notice of starting date	Dis-applied	Replaced by applications for permits.
S 56	Power to direct timing of street works	Dis-applied	Replaced by permit conditions and variations, including those initiated by the permit authority.
S 57	Notice of emergency works	Dis-applied	Replaced by applications for immediate activities.
S 66	Avoidance of unnecessary delay or obstruction	Dis-applied	Replaced by equivalent provisions for permit authorities to require promoters in breach of the permit requirements to take remedial action and failing that for the authority to act. 24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances.

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## Appendix C – Modifications to NRSWA (1991)

Where The Permit Scheme applies, Permit Regulations modify the following sections of NRSWA to accommodate the issuing of permits rather than the exchange of notices:

Promoters' duties – modifications to NRSWA			
NRSWA Section		Change	Permit Regulations - Revised Arrangements
S 58	Restriction on works following substantial road works	Modified	The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58 (5) to (78). The regulations provide the equivalent of S 58A powers by allowing authorities to take into account whether promoters responded to the S 58 notice by submitting an application for their planned activities.
S 58A	Restriction on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with permits.
S 64	Traffic-sensitive streets	Modified	Permit regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.
S 69	Works likely to affect other apparatus in the street	Effectively extended	Permit regulations create an equivalent requirement on highway authority promoters.
S 74	Charge for occupation of the highway where works are unreasonably prolonged	Modified	Permit regulations make provision to operate in parallel with permits.
S 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with permits.
S 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with permits.
S 90	Provisions as to reinstatement of sewers, drains or tunnels	Modified	Modified to work in conjunction with permits.
S 93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with permits.



## Appendix D – Permit Conditions

### Standard Conditions

The Permit Authority will adopt solely the nationally agreed conditions text developed and approved by HAUC (England) as the standard conditions for the Permit Scheme, including referencing. The Permit Authority recognise that these conditions may be subject to change and may develop over time. Any future changes to the conditions text ratified through HAUC (England) formal approval process will automatically be incorporated into this scheme. Any changes will have been consulted on and agreed by the sector and we will not undertake further consultation on those agreed changes, but will inform stakeholders of their implementation date for use within our permit scheme

### Local Conditions

<b>EToN ref: Consultation and Publicity</b>	
<b>NCiC1</b>	<b>Local Condition Text</b> Whilst the activities hereby permitted are being carried out a copy of the issued Permit, including all the conditions attached must be available at the site for inspection either electronically or in hard copy form.
<b>Guidance for use of local condition</b> It is recommended that agreement be reached with works promoters such that this condition applies to all permits and does not therefore need to be added onto individual permits. The permit need only be available whilst the workforce are on site.	
<b>Suggested shorthand text:</b> NCiC1 – Copy of Permit Application available on site	
<b>NCiC2</b>	<b>Local Condition Text</b> The activities hereby permitted shall not commence unless the Promoter has consulted with public transport operators and emergency services affected by the works
<b>Suggested shorthand text:</b> NCiC2 – public transport / emergency services consulted	
<b>EToN ref: Consultation and Publicity</b>	
<b>NCiC3</b>	<b>Local Condition Text</b> The activities hereby permitted shall not commence unless the Promoter has arranged for Nottingham City Councils Traffic Control Centre to switch off or make changes to the operation of nearby permanent traffic signal equipment affected by the works.
<b>Guidance for use of local condition</b> This condition should only be attached to permits where it is necessary to switch off or make changes to the operation of nearby permanent traffic signal equipment affected by the works. For example, where temporary traffic signals will conflict with a nearby signalised pedestrian crossing or where one leg of a signalised junction is to be closed to traffic, that leg can be "written out" of the signal staging.	
<b>Suggested shorthand text:</b> NCiC3 – NCiC TCC engaged	

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## Appendix E – Conditions Upon Immediate Activities

<b>ETON Reference: Consultation and Publicity</b>	
<b>NCiCIA1</b>	<b>Immediate Condition Text</b> It is a condition of this permit that the activity promoter shall apply for a permit within 2 hours of commencing on site.
<b>Guidance for use of immediate condition</b> It is recommended that agreement be reached with works promoters such that this condition applies to all immediate activity permits and does not therefore need to be added onto individual permits.	
<b>Suggested shorthand text</b> NCiCIA1 – Permit application submitted within 2 hours	
<b>ETON Reference: Consultation and Publicity</b>	
<b>NCiCIA2</b>	<b>Immediate Condition Text</b> It is a condition of this permit that for Immediate activities on streets designated in the National Street Gazetteer as requiring early notification, the activity promoter shall telephone the number specified on the Permit Authority's website immediately the activity has been identified. The call will be logged and a unique reference number provided to the applicant, and this number should be included in the subsequent permit application.
<b>Guidance for use of immediate condition</b> This condition is applicable to high impact works that will cause significant operational issues for public transport operators and emergency services. It is not a mandatory condition to all permits.	
<b>Suggested shorthand text</b> NCiCIA2 – Permit Authority notified by telephone	
<b>NCiCIA3</b>	<b>Immediate Condition Text</b> It is a condition of this permit that portable traffic signals will be controlled manually during traffic sensitive hours as stated on the local street gazetteer.
<b>Guidance for use of immediate condition</b> This condition should be added as a standard condition on all permits for category 0, 1, 2 and traffic sensitive roads	
<b>Suggested shorthand text</b> NCiCIA3 – 2-way PLS in place, manual control 07:00 – 10:00	



## Appendix F – Streets Subject to Special Controls

This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

The Permit Authority 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.

Certain streets are designated as being subject to special controls. 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.

The first three of these categories are carried across for each street from the designations within NRSWA. The fourth is specific to The Permit Scheme.

### **Protected Streets**

By virtue of Section 61 of NRSWA, all "special roads" as defined in the Highways Act 1980 are protected streets.

Streets are designated as protected only if they serve, or will serve, a specific strategic major traffic need with high and constant traffic flows. 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. This includes services to existing or proposed properties in the street, or trunk supply routes passing through the street.

Once a street has been designated as protected, the activities of all Promoters will be severely restricted. No activities may be carried out in the street, except by way of renewal, without the Permit Authority's express consent, although lateral crossings will normally be allowed. However, should a Permit for such activities be issued with stringent conditions attached, the Permit Authority may consider a contribution to the Promoter's expenses in complying with those conditions. Any disputes that arise over designation of a protected street will be settled by arbitration.

Activities by Promoters in verges and central reservations, which do not impinge on the carriageway, will usually be acceptable. Road maintenance or repairs will in general be carried out at night, weekends, or other times with less impact upon traffic. However, working at night may cause conflict with Environmental Health Legislation and must be discussed with Nottingham City Councils Environmental Health Authority as well as The Permit Authority.

Activity Promoters must apply for a Permit for any registerable activities in a protected street covered by The Permit Scheme; the giving of a Permit has superseded the notice provisions of NRSWA. However, The 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. Promoters should therefore discuss their proposals for activities in a protected street with the Permit Authority before making an application.

Given the possible financial implications for activity Promoters, designation will be contemplated only when essential.

The decision will be taken only after consultation and after other means of reducing delay and inconvenience have been explored.

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The Highway 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). The cost-sharing arrangements for diversionary works under NRSWA do not apply.

Where a planned new street is being considered for designation, the Highway 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. Where requested and reasonably practicable, the 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.

#### **Streets with Special Engineering Difficulties**

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.

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. This remains the case where streets are subject to a Permit scheme.

The designation of streets with SED will be used only where strictly necessary. Circumstances where designation may be appropriate include:

##### Bridges

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. 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.

##### Retaining walls

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. 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.

In many cases, it will be necessary to designate only the adjacent area and not the whole width of the street. 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.

#### Cuttings and embankments

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. The whole width of street, or specific areas similar to those for retaining walls, may be designated.

#### Isolated structures

Examples of isolated structures include high-mast lighting columns and large sign gantry supports. 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.

#### Subways and tunnels

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

#### Tramway tracks in the street

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.

#### Culverts

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.

#### Undertaker's apparatus

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.

#### Pipelines

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

#### Engineering problems

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.

#### *Designation of Street as Having Special Engineering Difficulty - on request*

The Highway 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.

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The Highway Authority will consider any request carefully. It may then make the designation, with or without modifications, or decide not to do so. The Highway Authority will carefully consider the arguments for and against the proposed designation and shall always act reasonably in coming to its decision.

If the Highway Authority declines to make the designation requested, the Transport Authority or undertaker may appeal to the Secretary of State.

#### *Cellars*

Owners of cellars must notify the Highway Authority if they wish to carry out works. The Highway Authority will in turn notify interested Promoters before any activity begins.

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 frontages when they intend to carry out:

- Excavations close to cellars; or
- Extensive excavations which will impinge upon cellars.

#### **Traffic-Sensitive Streets**

Under Section 64 of NRSWA the Highway 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.

Designation highlights that activities proposed in these situations are likely to be particularly disruptive to other road users. They do not necessarily prevent occupation during traffic-sensitive times but additional requirements will be imposed on Promoters.

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.

Once a designation is made it applies to all activities taking place in the street. All activity Promoters should avoid carrying out activities in the carriageway of traffic-sensitive streets at sensitive times unless there is no alternative.

#### *The Criteria for Designation as Traffic Sensitive*

To encourage activities outside the traffic-sensitive period, the Highway Authority will not make a designation for any period longer than is strictly necessary.

One or more of the following criteria will apply before the Highway 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;



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- 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.

#### *Procedure for Making Designations*

Before making any designation, the Highway 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:
  - 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.

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

If the Authority does not receive any objections within the specified period, or if all objections have been withdrawn, the Highway Authority may make the designation. If there are outstanding objections at the end of the consultation period, the Highway 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.

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

#### *Procedure for Withdrawing Designations*

Any person entitled to a notice under the designation procedure or anybody else the Highway 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.



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

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

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

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

Many features of a street can affect the planning and coordination of activities. These may be subject to restrictions imposed by legislation other than NRSWA or TMA. Various structures in the highway may warrant extra care, even if the structures are not designated as SED. Information about such features are held as Additional Street Data in the NSG.

#### Environmentally Sensitive Areas

These include such areas as Sites of Special Scientific Interest and Ancient Monuments. The special designation description indicates the type of sensitive area.

#### Licensed Areas

These include areas of the highway where licenses have been granted for the placing temporary street furniture or goods in the highway.

#### Special surfaces

These include, but are not restricted to, such surfaces as porous asphalt, tactile, and coloured surfaces and areas of high quality paving.

#### Pipelines

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

This description indicates the extent and type of special construction.

#### Parking Bays and Restrictions

This Special Designation Description indicates streets with parking meters and residents' parking bays, parking restrictions such as red routes and other permanent parking restrictions. This assists in alerting





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Activity Promoters to plan any necessary action such as applying to the Highway Authority to have parking suspended.

Pedestrian Crossings and Traffic Signals

This Special Designation Description indicates where streets have signalled controlled pedestrian crossings and permanent traffic signals.

Speed Limits

This Special Designation Description indicates the speed limit appropriate to the street.

Transport Authority Critical Apparatus

This is 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.

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## Appendix G – Application & Responses Times

This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in the table below.

The times in the table below are measured from the time that the application is received by the Permit Authority.

A 'response' is a decision to grant or refuse a Permit. Where there are reasons for not granting a Permit on the terms applied for, then the response to the applicant will explain the reason why the Permit will not be granted on those terms.

'Days' refer to working days as defined in the regulations.

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



## Appendix H – Disruption Effect Score

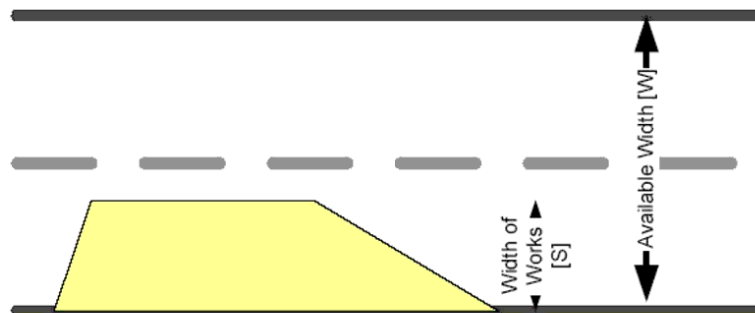
This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

### Derivation of Disruption Effect Score

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

Factor	Description
[P]	The daily traffic flow, measured as an average am/pm peak hour flow in 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 works planning process)

### Disruption Effect Score – Calculation Illustration



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**Calculation of Disruption Effect Score**

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

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

**Use of Disruption Effect Score**

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

- Derivation of the Traffic Impact Assessment,
- Objective based prioritisation of activities for co-ordination, and
- Performance indicators

**Impact Assessment**

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

**Impact on General Traffic**

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



**Impact on Buses**

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

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

**Impact on Pedestrians**

The impact assessment for pedestrian traffic is derived as follows:

Factor	Impact				
	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

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.

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.

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, railway or tram station.



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**Impact on Cyclists**

The impact assessment for cycle traffic is assessed for defined cycle route only and is derived as follows:

Factor	Impact			
	Dedicated provision on road or shared use			
	National Route (with a 1 or 2 digit number)	Regional Route (or other National Route)	Other >= 2.0m width	Other routes
Closure	Severe	Severe	Severe	Severe
Complete Diversion	Severe	Severe	Severe	Moderate
Partial Diversion	Severe	Severe	Moderate	Moderate
Narrowing >50%	Severe	Severe	Slight	Slight
Narrowing <50%	Severe	Moderate	Slight	None



## Appendix I – Traffic Regulation Orders

### Legislation

Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14–16 of the Road Traffic Regulation Act 1984, (“RTRA 1984”), as amended by the Road Traffic (Temporary Restrictions) Act 1991 and Regulations made under RTRA 1984.

### Requirement for an Order or Notice

Whenever works or other activity on the highway:

- will prevent any traffic from travelling in any direction which is usually permitted; or
- will prevent any traffic from using a special facility; or
- general waiting or loading / unloading is to be prohibited; or
- where or the use of specific parking arrangements is to be denied, in whole or part; or
- some other restriction is to be placed on traffic using the highway; or
- require the suspension of any existing prohibition/restriction and/or provision

then a Temporary Traffic Regulation Order (TTRO) will be required.

Typically, the circumstances requiring a TTRO include but are not limited to:

- Closing a road to traffic in one or more direction;
- Closing a footpath to Pedestrians/Cyclists and or Horses;
- Preventing traffic from making a turning movement;
- Closing a bus lane or cycle track;
- Requiring general traffic to travel in a bus lane or contrary to some other prohibition;
- Occupying an area within a pay and display or residents parking bay;
- Occupying a designated bus stop, taxi rank, loading bay or disabled bay;
- Preventing traffic from waiting in non-designated areas to create a works area or to enable displaced traffic to travel past the works on the same or other roads;
- Reducing the speed limit in the vicinity of works for safety purposes.

### Types of Orders and Notices

There are three types of TTRO which may be used depending upon the nature and duration of the activity. These are indicated in the table below together with details of the circumstances in which each may be used, their duration and associated minimum application period.

Different periods apply to the permitted use of each type and to the associated advance planning and preparation to reflect the significance of the activity and impact on the highway. The application periods include for advertising in local newspapers (where required), on-street publicity and liaison with key road user groups.

Applicants must be aware that due to coordination of works, the preferred dates cannot be guaranteed and that longer than standard application periods should be used whenever possible.

Where public transport routes will require diversion or suspension of services a minimum application period of 10 weeks is required.

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TTRO Type	Reason	Form of Application	Application Period	
			Public Transport Affected	
			Yes	No
TTRO (or "Order") (RTRA 1984 S15(1))	Planned activity of more than 5 days duration. The maximum duration is normally 18 months although this may be extended under certain circumstances.	In writing	10 weeks	6 weeks
5 Day Notice (RTRA 1984 S15(7)(a))	Planned activity of not more than 5 days.	In Writing	10 weeks	3 weeks
21 Day Notice (RTRA 1984 S15(7)(b))	Circumstances requiring the immediate implementation of a TTRO. The notice is valid for 21 days but may be extended where justified.	Application by telephone, confirmed in writing	-	-

Note: A 21 day notice will only be granted if there is a likelihood of danger to the public, or of serious damage to the road, which is not attributable to works that are being or are proposed to be executed on or near the road.

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

**Temporary Traffic Restriction Notice Procedure**

This procedure will normally only apply to immediate activities.

The Promoter will inform the Traffic Authority as soon as practicable if a closure or traffic restriction is needed. The 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.

The Traffic Authority must state in the notice:

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

The 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.





#### **Temporary Traffic Restriction Orders Procedure:**

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

If the order is expected to last for more than 18 months because activities are to be executed on or near the road, it is advisable to make application for a Section 15(2) RTRA 'Works Order'. Any such Orders will be revoked as soon as the activity is completed.

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

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

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

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

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

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.

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

A five-day notice cannot be extended by further notice.

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

If the original estimate of the duration of the activity changes, a request for a Permit variation will be necessary.

There will be cases where works will unavoidably overrun the temporary notice period. Where this is apparent from the beginning, Promoters must inform the Traffic Authority. The Traffic Authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted.

If the overrun becomes apparent only after the activity has started, the Promoter should immediately inform the 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.

It might not be possible to make a follow-up order before a five-day notice expires.

The activity may have to be suspended, and the site temporarily restored to traffic until the correct procedures have been followed. The Traffic Authority will try to minimise both the number of cases where this happens and, where it is unavoidable, the period of suspension involved. This problem is unlikely to arise in the case of a 21-day temporary notice.

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 Traffic Authority immediately, giving, wherever possible, at least one month's notice.

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**Temporary Traffic Restrictions - Policy guidance**

When a notice or order has been made, the Promoter must comply with the requirements of the Traffic Authority and the police for the closure of the road.

**Temporary Traffic Restrictions - Charges**

Section 76 of NRSWA allows for Traffic Authorities to recover the costs of issuing temporary notices or making TTROs.

There may also be charges made for erecting and maintaining the on-site notices that are required.

A list of up-to-date TTRO fees can be obtained from the Traffic Authority / Permit Authority.

**Parking Restrictions**

A permanent Traffic Regulation Order imposing waiting restrictions such as yellow lines on a particular street will normally include an exemption for Statutory Undertakers. However parking bays (of all types) do not include such provision and as such promoters should check whether any further dispensation is required when they make their permit application

It will be a standard condition of a permit that where parking restrictions or suspension of a Traffic Order are required the necessary Temporary Traffic order or approval permitting a vehicle to park will be in place before the activity, or relevant part of the activity, starts on site.





## Appendix J – Policy Statement: Permit Authority Review, Variation and Revocation of Permits

The Permit Authority may take the initiative to review, revoke and vary Permits; however the promoter should have a reasonable expectation that the road space will be available for the activity to be executed. It is also desirable for road users and public transport operators to have reliable information and to have an expectation that work will be executed as and when planned.

It is reasonable to expect that situations will occur, outside of the control of the Permit Authority, which may cause the Permit Authority to review the Permit and, or the conditions attached to a Permit. It is possible in some circumstances that the Permit Authority may need to change or revoke the Permit or the conditions.

It is the intended policy that the Permit Authority will avoid making such changes other than in exceptional circumstances and such changes will be based on an assessment of impact on road users. It is envisaged that in circumstances where unpredictable events occur, which result in the loss of capacity on the road network or where strategic diversion routes are required to be activated then planned activities may need to be revised, changed, postponed or cancelled.

If circumstances determine that such action is required then the Permit Authority will contact the activity promoter(s) as soon as possible to alert them to the situation and discuss the possible course of action.

If possible and practicable the Permit Authority will seek to agree changes with the activity promoter. The Permit Authority will then issue a revised Permit or the activity promoter may apply for a revised Permit.

It is anticipated that in most cases agreement will be reached, however if agreement cannot be reached and the Permit Authority issues a new Permit, the activity promoter will have the option of using the dispute resolution procedure.

The fee for revoking and varying Permits will not be charged when the Permit Authority initiates the action described above, unless the activity promoter applies for a variation which is not directly linked to the cause of the Permit Authorities initiating action.

The policy only applies to unforeseen circumstances and the actions that are reasonably necessary. It does not prevent the Permit Authority from reviewing, varying and revoking a Permit where the Permit Authority considers that an activity promoter is acting unreasonably and causing unnecessary or avoidable disruption.

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## Appendix K – Policy Statement: Sanctions

It is a criminal offence to fail to obtain a Permit for specified activities, where a Permit is required, or to fail to comply with Permit conditions.

The Permit Authority will seek to resolve problems quickly and effectively by giving direction of what is required to achieve compliance to the relevant activity promoter.

If possible situations will be informally resolved. If a quick and informal resolution is not possible then the Permit Authority will serve notice on the activity promoter giving a clear description of the non-compliance and direction as to the required remedial action to be taken by the activity promoter, with timescale for the action.

If the activity promoter does not respond by taking the required action, within the required timescale, then the Permit Authority may carry out the required action and recover all costs reasonably incurred from the activity promoter.

If non-compliance is serious or persistent then the Permit Authority may issue a Fixed Penalty Notice or initiate legal proceedings against the activity promoter.

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## Appendix L – Fixed Penalty Notice

### Fixed Penalty Notice - Part A

NOTTINGHAM CITY COUNCIL	FIXED PENALTY NOTICE The NOTTINGHAM PERMIT SCHEME for ROAD WORKS and STREET WORKS THE TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND ) REGULATIONS 2007	FIXED PENALTY NOTICE NO.
PART A		
Contact Tel. No.	Permit Reference No.	
TO:	DATE OF THIS NOTICE:	
ADDRESS:		
OFFENCE CODE (See PART B) (NB: Only one offence code per fixed penalty notice):		
LOCATION:		
DATE OF OFFENCE:		
DETAILS OF OFFENCE:		
<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 [£xxx] is paid. (See Part B for instructions on methods of payment) within the period of 36 days beginning with the day on which this notice was given. (NB: The Permit Authority may extend this period in any particular case if they consider it appropriate to do so. (See regulation 24(3))).</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 [£xxx] is paid within the period of 29 days beginning with the day on which this notice was given. (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))).</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 [£xxx] 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 [ ] at [ ] identifying the fixed penalty notice number stated above.</p>		
NAME OF AUTHORISED OFFICER (in block capitals)		
DATE		



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**Fixed Penalty Notice - Part B**

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

**Fixed Penalty Notice – Offence Codes and Description**

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



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## Appendix M – Form of Notice Withdrawing a Fixed Penalty Notice

### Form of Notice Withdrawing a Fixed Penalty Notice

NOTTINGHAM CITY COUNCIL	NOTICE WITHDRAWING FIXED PENALTY NOTICE The NOTTINGHAM PERMIT SCHEME for ROAD WORKS and STREET WORKS THE TRAFFIC MANAGEMENT PERMIT SCHEME (ENGLAND ) REGULATIONS 2007	FIXED PENALTY NOTICE No.
TAKE NOTICE that the fixed penalty notice numbered as above is hereby WITHDRAWN.		
NAME OF AUTHORISED OFFICER ( <i>in block capitals</i> ) :		
DATE:		

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## Appendix P – Paper Applications

This section should be read in conjunction with section 10 of the Permits Code of Practice.

Notifications may be given via EToN or in paper form. The term "paper" is used to mean any non-EToN method including delivery by post or in person, or other electronic methods such as fax or e-mail. All works notifications given in paper form should comply with the requirements set out in the Technical Specification for the Electronic Transfer of Notices, (EToN).

Requirements for paper notifications apply in two different situations:

1. EToN users in the event of temporary unavailability of the sender's notice management system.
2. Non-EToN users such as s50 street works licensees.

### **Paper Applications for Non-EToN Users**

In view of the relatively small numbers of such users and paper notifications, and the requirement to eventually move to electronic systems (e.g. EToN website), the layout and appearance of standard paper notification forms has not been prescribed.

Paper notifications need only contain the minimum level of information required for statutory noticing purposes, and should be supplemented with separate communications via telephone, post and e-mail etc. as necessary. There will also be greater reliance on free-text comments within the notifications.

A Permit Application form, for use in conjunction with The Permit Scheme is shown on the following page. This is intended as a common format for all works-related transactions, including Section 50 licences. Additional sheets should be used as necessary for recording site details and providing sketches of reinstatements etc.

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To:   
From:

Reference

Works Reference:

Application Sequence:  Response Sequence:

Purpose

New Activity  Activity Conf  SA Response  Cancellation

Activity Start  Activity Stop  Revised Duration  Other

Timing

Date of Issue   
Expected Start Date   
Actual Start Date   
Actual Stop Date

Time of Issue (Immediate Only)   
Expected Completion Date   
Revised Completion Date

Works Category

Emergency (2hrs after)  Urgent (2hrs after)  Minor (3 days)  Standard (10 days)  Major (10 days)

Remedial Reinstatement

Dangerous (2hrs after)  Other (3 days)

Special Engineering Difficulty

Is SED involved? (Y/N)  If YES, has the relevant authority approved the works? (Y/N)

Location Details

Description or house name or number

Street Name

Locality, town county

USRN   
Postcode   
NGR  -

Description of Works and Authority Comments



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## Appendix O – Implementation and Transition

### **Proposed Implementation Date**

It is proposed to implement the Permit Scheme on 31st March 2015.

A minimum of four weeks' notice will be given to promoters of street works and works for road purposes of the implementation of the scheme.

### **Transitional Arrangements**

The authority will liaise closely with all promoters before and during the transition period.

The Authority will advise all statutory undertakers and other works promoters; and all of the consultees as and when a formal decision has been made and provide the nominated start date (no less than 10 working weeks from the date of the response). Further notification, following the Statutory Instrument giving effect to the Permit Scheme, will confirm the start of the minimum four week period and will confirm the start date of the Permit Scheme.

Any specified activity that is planned to start after the commencement date stated in the Statutory Instrument will be required to comply with the appropriate administrative processes defined in the Permit Scheme.

Activities under sections 54 & 55 of the New Roads and Street Works Act for Major works, where the notice has been served before the commencement date; and where the planned start date is more than three months after the scheme commencement date; will need the statutory undertaker or promoter to re-submit the activities under the Permit Scheme provisions.

Activities under sections 54, 55 or 57 of the New Roads and Street Works Act for Standard, Minor or Immediate works, where the notice has been served before the commencement date; and where the planned start date is more than one month after the scheme commencement date; will need the statutory undertaker or promoter to re-submit the activities under the Permit Scheme provisions.

Other activities that are in-progress and that have started under a notice will continue under a notice.

Where on-going major schemes that will occupy various streets are in progress, the Authority will work closely with the statutory undertaker or other work promoter to apply the Permit Scheme Transitional Arrangements, as described above, to ensure continuity and progress of the whole scheme whilst changing over to the Permit administrative process.

Permit fees and Fixed Penalty Notices will be waived for the first two months of operation of the scheme to allow a settling period for systems. It is felt that this period is sufficient as much of the Permit Scheme operation is paralleled in NRSWA. Some additional testing of systems between the Permit Authority and promoters will be required during the period up to the implementation of the scheme.



## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to the Nottingham City Council Permit Scheme.

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

*Article 3* gives effect to the permit scheme, which will come into effect on 16th March 2015. The permit scheme referred to in this article is set out in the Schedule to the Order.

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

A copy of the Nottingham City Council Permit Scheme is deposited and can be inspected at the offices of Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG and is available to inspect on the Council's website <http://www.nottinghamcity.gov.uk/permitscheme>