STATUTORY INSTRUMENTS

2009 No. 3170

HIGHWAYS, ENGLAND

The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009

Made - - - - 30th November 2009

Coming into force - - 11th January 2010

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

Citation and commencement

1. This Order may be cited as The Traffic Management (Royal Borough of Kensington and Chelsea) Permit Scheme Order 2009 and is to come into effect on 11th January 2010.

Interpretation

2. In this Order—

"the Royal Borough of Kensington and Chelsea Permit Scheme" means the permit scheme set out in the Schedule to this Order in terms commonly known as the "London Permit Scheme" which was prepared and submitted to the Secretary of State by the Royal Borough of Kensington and Chelsea 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(**2**).

Commencement of Permit Scheme

3. The Royal Borough of Kensington and Chelsea Permit Scheme comes into effect on 11th January 2010.

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

[DfT 00021HL]

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 Royal Borough of Kensington and Chelsea Permit Scheme.

Signed by authority of the Secretary of State for Transport

C. D. Mole
Parliamentary Under Secretary of State
Department for Transport

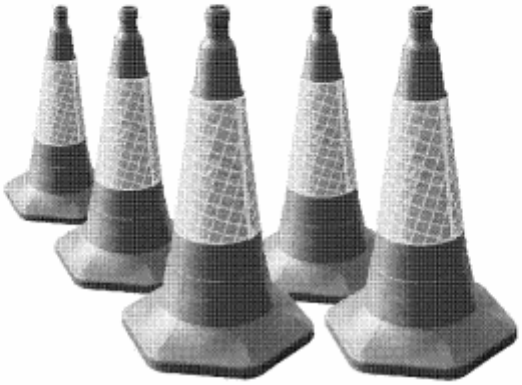
30th November 2009

SCHEDULE Article 2

ROYAL BOROUGH OF KENSINGTON AND CHELSEA PERMIT SCHEME

LONDON PERMIT SCHEME

For Road Works and Street Works



Traffic Management Act 2004

Approved Version

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1 INTRODUCTION

1.1 This is the London Permit Scheme for Road Works and Street Works, ("the LoPS"), and is made pursuant to Part 3 of the Traffic Management Act 2004 ("TMA") (Sections 32 to 39) and the Traffic Management Permit Schemes (England) Regulations 2007 ("the Regulations"), Statutory Instrument 2007 No. 3372 made on 28 November 2007. It is a Permit Scheme within the meaning of Section 32 (1) TMA.

1.2 The highway and traffic authorities in London, to which the LoPS applies, in preparing this Permit Scheme have had regard to the guidance contained in the Statutory Guidance dated March 2008 as required under Section 33 (5) (b) TMA which has been issued by the Secretary of State to assist highway authorities wishing to become Permit Authorities under the legislation indicated in Section 1.1. In addition the highway authorities have had regard to the Code of Practice for Permits dated March 2008 and the Permits Fees Guidance dated June 2008 issued by the Department for Transport.

1.3 As a Permit Scheme within the meaning of the TMA, the LoPS is a scheme which is designed to control the carrying out of specified works in specified streets in a specified area. It replaces the "notice system" under the New Roads and Street Works Act 1991 (NRSWA) whereby utility companies inform highway authorities of their intentions to carry out works in their areas. It uses similar concepts to the notice system in a number of key areas, such as road categories and works categories. This is to ensure consistency, and facilitate better co-ordination.

1.4 Those provisions of the NRSWA which are disapplied and modified in respect of works to which the LoPS applies in line with the Statutory Regulations and Guidance are set out in Appendix B.

1.5 The LoPS is a Common Permit Scheme (which may be contrasted with a Joint Permit Scheme as set out in the Glossary in Appendix A). This means that a number of highway and traffic authorities, in London in the case of LoPS, have developed a common scheme. The scheme has a single set of rules which each London highway authority operating the scheme apply independently to their own roads, subject to normal cross boundary liaison and co-operation. As individually operated schemes these have required an application and an Order for each participating authority. Where either a Design, Build, Finance and Operate (DBFO) or a Contracting out Order is in force for an organisation, then it will be necessary for the authority controlling the contracting out provision or the DBFO contract to apply to operate this Permit Scheme on their behalf or pass that arrangement to the contracted out organisation or the DBFO operator in accordance with current legislation.

1.6 Contact details for the Permit Authorities operating the LoPS may be found on the web site www.londonstreetworks.net However contact details can change regularly and activity promoters are encouraged to make full and constant use of that website.

1.7 In addition appropriate details of all registered road works and street works to which this Permit Scheme applies will be registered on the Londonworks Central Register. It is of particular importance that these details are accurate, this is because they will be available to the public, as a consequence, through the Londonworks facility and, which is more, will be relied upon especially by people with disabilities and those who are likely to be most affected by such works.

1.8 The highway and traffic authorities in London, to which the LoPS applies, in preparing this Permit Scheme have also had regard to the requirements of Section 49A of the Disability Discrimination Act 1995, compliance with which requires performance of the Disability Equality Duty.

1.9 In order to identify the nature and content of the obligation under the 1995 Act and the steps required to comply with it, particular regard has been paid both to the terms of Section 49A and to relevant codes of practice and guidance including:

a) the guidance set out in "Doing the Duty - An overview of the Disability Equality Duty for the public sector;

b) the "Duty to Promote Disability Equality: Statutory Code of Practice"; and

c) the advice and references provided on the Equality and Human Rights Commission website (www.equalityhumanrights.com).

1.10 Specific and careful consideration has been given in developing the LoPS to reflect the needs of pedestrians and motorists with disabilities. There has been wide ranging consultation with a number of groups well placed to assist on issues arising which concern, in particular, those with disabilities including The Disabled Persons Transport Advisory Committee and The Guide Dogs for the Blind Association.

1.11 The LoPS reflects the above principles and requirements and there has been full compliance with the Discrimination Equality Duty.

2 OBJECTIVES

2.1 Section 59 of NRSWA places a duty on highway authorities to co-ordinate works of all kinds on the highway. Equally important is the parallel duty on undertakers to co-operate in this process under Section 60.

2.2 The TMA and the associated Regulations widened the Section 59 co-ordination duty to include other prescribed activities that involve temporary occupation or use of road space and incorporates any activities included in a Permit Scheme.

2.3 Each of the authorities to which this Permit Scheme relates has a duty under Section 16 of the TMA, as well as the duty to co-ordinate under Section 59 of NRSWA, to manage their road network, or Network Management Duty (NMD) 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.

2.4 This Permit Scheme seeks to enable more effective co-ordination applying the following guiding principles:

a) to ensure safety;

b) to minimise inconvenience to people using a street, including a specific reference to people with a disability; and

c) to protect the structure of the street and the integrity of apparatus in it.

2.5 The LoPS has been prepared in accordance with the aforementioned statutory duties.

2.6 It is the objective of the LoPS to:

a) Provide an environment to help each of the Permit Authorities operating the LoPS to meet their NMD; and

b) Support those seeking to minimise disruption and inconvenience across London by encouraging good practices, mutual and collaborative working arrangements and a focus on co-ordination and getting it right; and

c) Encourage a high emphasis on safety for everyone including site operatives and all other road users with special emphasis on people with disabilities; and

d) Encourage a sharing of knowledge and methodology across the industries working within the London Permit Scheme; and

e) Emphasise the need to minimise damage to the structure of the highway and all apparatus contained therein; and

f) Provide a common framework for all activity promoters who need to carry out their works in London; and

g) Treat all activities covered by the scheme and activity promoters on an equal basis.

2.7 In accordance with the Regulations the Permit Authorities will evaluate these objectives so as to measure whether they are being met. The means by which that will be achieved are set out in Section 22.

3 COMMON ELEMENTS WITH NRSWA NOTICE SYSTEM

3.1 In order to facilitate working across all highway authority boundaries, this Permit Scheme uses the same or similar definitions or requirements as are used in the NRSWA notice system for:

a) Registerable activities/works;

b) Categories of activities/works (Major, Standard, Minor and Immediate);

c) Street gazetteers, including street referencing by means of Unique Street Reference Number (USRN) and Additional Street Data (ASD);

d) Street reinstatement categories as defined in the Specification for the Reinstatement of Openings in Highways;

e) The distinction between main roads and minor roads, where such distinctions are relevant; and

f) Streets designated as protected, having special engineering difficulty or traffic sensitivity.

3.2 In accordance with Regulation 39, authorities operating this Permit Scheme must be set up to receive applications, issue notices and otherwise communicate electronically. All such communications relating to works on the highway will be made using the Electronic Transfer of Notices (EToN) system where ever possible.

4 SCOPE OF PERMIT SCHEME

4.1 Registerable Activities

4.1.1 Permits are required under the LoPS in respect of all registerable activities as referred to in the Code of Practice for Permits and the Statutory Guidance both dated March 2008.

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

a) all activities that involve the breaking up or resurfacing of any street;

b) all activities that involve the opening of the carriageway or cycleway of traffic sensitive streets at traffic-sensitive times;

c) 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;

d) all activities that reduce the number of lanes available on a carriageway of three or more lanes;

e) all activities that require a Temporary Traffic Regulation Order or notice, or the suspension of pedestrian crossing facilities;

f) all activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time; and

g) pole testing which involves excavation and any reinstatement following pole testing whether it involves any of the above criteria or not.

h) Street lighting.

4.1.3 Bar Holes which are used to detect and monitor gas leaks fall into this category under particular circumstances. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under Section 70 (3) of NRSWA should be sent within 10 ten days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

4.1.4 An application for a Permit in respect of a bar hole must be made within two hours of the commencement of any other registerable activity (i.e. excavation, or any other activity defined above) associated with the bar

holes. In this latter case, these bar holes will not count as further excavations and reinstatements for the purposes of registrations but will be incorporated with the registerable activity.

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

4.2 Non Registerable Works

4.2.1 The following activities are non registerable:

a) 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;

b) pole testing which does not involve excavation does not require a Permit; and

c) road marking works that are not part of other works do not require a Permit and are not required to be registered when the above criteria does not apply.

4.3 Criminal Offence

4.3.1 All registerable activities for which a Permit is required and has not been sought and granted cannot be carried out without committing an offence (see Section 15).

4.4 Activity Categories

4.4.1 The LoPS applies to the following activity categories: Major, Standard, Minor and Immediate.

4.4.2 **Major Activities** are defined as those activities which:

a) have been identified in an activity promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity; or

b) require a Temporary Traffic Regulation Order (i.e. not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other activities other than immediate activities; or

c) have a duration of 11 days or more, other than immediate activities.

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

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

4.4.3 **Immediate Activities** are either:

a) **emergency works** which are defined in Section 52 of NRSWA, as works required to end, or prevent, circumstances, either existing or imminent, that might cause damage to people or property. This applies to both street works and works for road purposes which fall within the definition of activities. The term also includes activities not falling within that definition but which cannot be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the Permit given for the parent activity); or,

b) **urgent activities** which are defined in the Regulations as activities:

i) (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required):

- to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
- to avoid substantial loss to the promoter in relation to an existing service; or
- 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,

ii) includes works that cannot reasonably be severed from such works.

4.4.4 Any works to be carried out in the course of erecting or setting up stand-pipes or water tanks by statutory water undertakers in pursuance of an order made under Section 73 of the Water Resources Act 1991 to meet any deficiency of supplies during a drought are to be included within the definition of "emergency works" ibid. Section 132 (8), and see Schedule 8 paragraph 122 to this Act.

4.5 Dispute as to whether Activity is Immediate

4.5.1 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, as reflected in Section 52 of NRSWA the burden of proving that the activity is immediate lies on the promoter.

4.5.2 Where it transpires following such a dispute that works which have been carried out by the Promoter on the basis that they were immediate was incorrect, the Permit Authority will consider whether it is appropriate in the circumstances to apply any of the sanctions as set out in Section 15.

4.6 Specified Area and Streets/Roads

4.6.1 A Permit Authority operating the LoPS will operate the scheme across the whole of the area encompassed by that authority's boundaries. TfL will operate the scheme across the GLA area on the roads comprising the TLRN.

4.6.2 Within the Permit Authority's area Permits will be required on all types of roads as defined under Regulation 3 of The Street Works (Reinstatement) Regulations 1992 No. 1689, dated 15 July 1992, which came into force on 1 January 1993. These are shown as Road Categories in paragraph 1.3.1 in the Specification for the Reinstatement of Openings in Highways, Second Edition for each of the highway authorities operating this Permit Scheme. The only exception to this general rule is that roads not maintained at the public expense, as indicated in Regulation 8 (2) of The Traffic Management Permit Scheme (England) Regulations 2007 No. 3372, dated 28 November 2008 and coming into force on 1 April 2008 are not included.

4.6.3 To assist in this identification each London highway authority operating this Permit Scheme will provide, through any current NSG Concessionaire, an Additional Street Record for each street for which a Permit to carry out activities is required.

5 REQUIREMENT FOR A PERMIT

5.1 Any activity promoter as defined in the Glossary at Appendix A who wishes to carry out any registerable activity in a road or street, as indicated in Section 4, must obtain a Permit from the relevant Permit Authority operating the LoPS in respect of that road or street. The Permit allows the promoter to carry out the specified activity:

a) at the specified location;

b) between the dates shown and for the duration shown; and

c) subject to any conditions that may be attached.

5.2 The LoPS does not apply to anyone who is not entitled by virtue of a statutory right to carry out street works or works for road purposes who seeks to carry out such works. Such a person will require a Street Works Licence under S.50 of NRSWA.

5.3 Immediate activities can commence without the requirement for a Permit, however this is only for an initial stage. It is a requirement that Promoters in such circumstances must apply for a Permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the commencement of the next working day.

5.4 Non-registerable activities can take place without requiring a Permit. However in the event that circumstances change so that the work then becomes a registerable activity, the work must cease, the highway must be fully restored for use by all traffic, and the correct Permit obtained.

5.5 In addition to a Permit, which may be defined as a full Permit with final details required for all registerable activities, the LoPS requires a Provisional Advance Authorisation to be sought prior to an application for a Permit in respect of major activities. A Provisional Advance Authorisation (PAA) is effectively an early provisional Permit issued before the final details of an activity have been worked out. PAAs are dealt with in Section 6.

5.6 Phasing of Works or Activities (previously section 4.6)

5.6.1 Where a promoter proposes to carry out works or activities in phases then a separate Permit will be required for each phase. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works. The dates given in a Permit application and in the issued Permit will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site.

5.6.2 A promoter must clarify when an activity is to be carried out in phases on the application. Each phase will require a Permit and, if a major activity, also a Provisional Advance Authorisation (PAA), and all phases will be cross referenced to previous phases and Permits for those phases.

5.6.3 Phased activities must relate to the same works. These could be a single or multiple-but-linked excavation, or a trench dug progressively along the street as part of a continuous operation. Or they could be where an interim reinstatement is made and the permanent reinstatement is done some time later.

5.6.4 In addition where temporary reinstatement is required by the Permit Authority in particular to minimise risk to the public and allow safe passage, for example where works are sited on a street or road that will be used by people attending a sporting event, carnival, festival, the works must also be treated as being phased and therefore a separate Permit will be required for each phase.

5.6.5 Normally a fee will be required in respect of issuing each Permit for each phase, however, where the requirement for separate Permits arises solely out of the need for temporary reinstatement in order to minimise risk to the public as referred to above, then the Permit Authority will not require a fee to return and complete the phase that was interrupted at the request of the Permit Authority.

5.7 New Customer Connections

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

5.8 Reinstatements

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

5.9 Linked and Cross Boundary Activities

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

5.9.2 Even if an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street or USRN or from each permit authority where the works cross the boundary of two permit authorities in the same street.

5.9.3 Where a project with activities in more than one street straddles the boundary between one LoPS Permit Authority and another LoPS Permit Authority or an authority operating a Permit Scheme, separate Permit applications, including those for Provisional Advance Authorisation, should be submitted to both Permit Authorities. Furthermore, the project reference should be included on both applications so that each Permit Authority can consider the impact and co-ordinate the activities together.

5.9.4 If a cross boundary project involves activities on a street of an authority operating a notice system under NRSWA, then the Permit application to the LoPS Permit Authority must identify the activity in the other authority so that the LoPS Permit Authority can co-ordinate with them.

5.10 Severable Works

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

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

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

5.10.4 If the promoter leaves the site after dealing with the immediate problem, including carrying out an interim reinstatement and closing down the site, and returns later for further activities - it is clear that these are "severed" one from the other. However, even where activities are continuous, the later stages which do not relate to the immediate problem cannot be treated as part of the immediate activity.

6 PROVISIONAL ADVANCE AUTHORISATIONS (PAAs)

6.1 Regulation 11 provides that a Permit Scheme may include provision requiring a Provisional Advance Authorisation ("PAA") for certain specified works in specified streets to be obtained as part of the application for certain classes of Permit.

6.2 PAAs are a means of enabling significant activities to be identified, co-ordinated and programmed in advance, by allowing activities to be provisionally "booked in" by the Permit Authority pending the authority's subsequent decision on whether, and with what conditions, to issue a Permit for the activities. They are in many ways equivalent to advance notices issued under Section 54 of NRSWA.

6.3 It is important to ensure that PAAs can be properly considered and issued in the expectation that a Permit will ultimately be issued for the activities. The purpose of the PAA is to allow the activity promoter to advise that he has work to undertake and would like provisionally to reserve workspace on the highway, although in accordance with Regulation 11 (5) it will be made clear that the granting of a PAA does not guarantee that a Permit will subsequently be issued.

6.4 Activities or Works Requiring PAA

6.4.1 It is a requirement of this Permit Scheme for PAAs to be sought for major activities or works but not in relation to other works which will only require a Permit.

6.4.2 As with Permits a PAA can only be sought in respect of works proposed in one street.

6.5 Timing of Application for PAA

6.5.1 The PAA must be applied for, in relation to major works, not less than three months in advance of the proposed commencement date of those works or as agreed with the Permit Authority. The information required in support of an application for a PAA is set out below. Whilst the information is equivalent to that required in support of an application for a Permit it is recognised that very detailed information may not be known at this early stage.

6.6 Advanced Publicity

6.6.1 Based on the information provided within the application for a PAA the Permit Authority will be able to confirm whether the proposed activity or activities have the potential to be especially disruptive to local residents businesses and/or road users. In such circumstances the Permit Authority will require the activity promoter to provide advance publicity to nearby householders or businesses, or to traffic or pedestrians using the road.

6.6.2 A Permit Authority cannot impose a condition upon a PAA and it is not possible to incorporate additional time beyond the dates when the road will be occupied for the major works within any subsequent full Permit in order to ensure that an effective advance publicity exercise can be carried out. Where the Permit Authority therefore concludes the Promoter must provide advanced publicity prior to the works commencing they will inform the Promoter of such at the PAA stage. When the subsequent application is made for the full Permit, the Promoter will be required to supply evidence with that application that the notification exercise has been carried out and this will be reflected in a condition upon the full Permit.

6.6.3 Where the details of the major works change to any significant degree between the time the advance publicity is carried out and when the Permit is applied for, and most particularly, where the dates of the works change significantly, then the Promoter will be required to carry out a further publicity exercise. The purpose of the exercise is to ensure that the changes are publicised and that the relevant members of the public and road users are made aware of those changes. This will then be reflected as a condition on the Permit.

6.7 Content of PAA Application

6.7.1 An application for a PAA must contain the same matters required for a full Permit set out in Section 7. Reference may also be made to the relevant information set out in the Technical Specification for EToN.

6.7.2 Standard, Minor and Immediate activities do not require an application for a PAA.

6.7.3 PAA applications must contain the following:

a) location of activity;

b) proposed start and end dates (but see below);

c) an outline description;

d) times of working, including hours of the day and any weekend provisions;

e) the road space occupancy;

f) method of working; and

g) traffic management.

6.8 Decision to give PAA

6.8.1 The Permit Authority must respond to an application for a PAA within one calendar month from the date the application is received by the Permit

Authority. As with applications for a full Permit, set out in Section 7, the Permit Authority may either give the PAA, or refuse the PAA giving reasons.

6.8.2 If the Permit Authority does not respond to a PAA within the response time, the PAA, as with an application for a Permit, will be deemed to be granted.

6.8.3 The Permit Authority, when considering an application, for a PAA must act reasonably. Where the promoter has completed the application in full in accordance with the requirements set out in Section 6.7, there will be a presumption that the PAA will be granted unless relevant and material considerations in line with the NMD and objectives of the LoPS outweigh that presumption.

6.9 Fees

6.9.1 Fees are addressed in Section 13. PAAs are described in the Regulations, the Statutory Guidance and the Code of Practice as part of an application and are therefore not separate from a Permit application. The power of a Permit Authority to charge a fee for an application for a Permit where the Permit Scheme requires a PAA to be obtained as part of that application is therefore considered to mean, in accordance with the guidance in paragraph 39 of the Statutory Guidance, that a charge will be made at the time when the subsequent application for the full Permit is made and not at the time when the application for the PAA is made.

6.10 Changes to Proposed Works Subject to PAA

6.10.1 It is recognised that it may be difficult to be certain of the start date three months before the event. The proposed start date is regarded, as are all aspects of the PAA, as provisional and may be amended in the subsequent application for a full Permit.

6.10.2 In circumstances however where a PAA has been given but a full Permit has not yet been issued, and the proposals, including the proposed start and end dates change, the Promoter must inform the Permit Authority of the changes as soon as possible.

6.10.3 Following this the Permit Authority will inform the Promoter whether the changes mean either:

a) that the changes are not significant so as to warrant a new application for a PAA;

b) that the changes are significant so as to warrant a new application for a PAA; or

c) that a PAA is no longer required and an application for a full Permit only will be required.

6.11 Subsequent Application for Permit

6.11.1 Once a PAA is given the promoter is required to submit the relevant application for a full Permit at a date no later than ten days beginning with the proposed starting date set out in the PAA.

6.11.2 Where the Promoter is unable to fulfil the requirement in 6.11.1 then, following a request by the Promoter the Permit Authority may allow a further period within which the Promoter may submit the application for the full Permit.

6.11.3 Where the Promoter fails to submit an application for a Permit following and relating to a particular PAA within the relevant time period, then there will be a presumption against issuing a Permit applied for subsequently. In simple terms the PAA will be treated as ceasing to have effect and the Promoter will have to start the process again by applying for a new PAA unless the Promoter has the agreement of the Permit Authority to allow the Promoter to make an application for the full Permit.

7 PERMIT APPLICATIONS

7.1 The minimum times within which applications must be made are set out in Section 8. Activity promoters are however encouraged to contact the Permit Authority early so that conditions can be discussed and, if possible, an agreement can be reached so that the application is approved quickly. Early applications will improve the co-ordination process and enable the Permit Authority to control better all the activities that take place on the highway.

7.2 The Permit Authority will ensure that existing and potential activity promoters can access the contact details of the persons dealing with applications by publishing the relevant information on the **www.londonstreetworks.net** website as referred to in Section 1.6. Promoters are again reminded that contact details can change regularly and activity promoters are encouraged to make full and constant use of that website.

7.3 Whilst the LoPS is a Common Permit Scheme, where an activity crosses the boundary between Permit Authorities, the activity promoter must apply for a Permit from each authority. Where an activity crosses the boundary between a Permit Scheme and an area where noticing under NRSWA is used, both systems will need to be invoked. However, fees are payable only to Permit Authorities.

7.4 In both cases, early discussion with all involved will help to avoid any conflicting requirements.

7.5 Method of Making Permit Applications

7.5.1 Permit applications, wherever possible, must be made electronically using the EToN system, but where this is not possible, they may also be made by alternative means, i.e. by fax, post or hand delivery and must comply with the requirements set out in the Technical Specification for EToN. The Code of Practice for Permits states that by April 2009 all activity promoters must make electronic applications.

7.5.2 Applications containing the relevant information must be made within the timescales set out in Section 8 and are set out in the table at the end of the same Section.

7.6 Copies of Applications

7.6.1 Permit applicants must also note that in accordance with Regulations 9 (9) and 11(6), the LoPS requires promoters applying for Permits or PAAs to provide copies of their applications to any authority or undertaker that has requested to see PAAs or Permit applications on certain streets. The Permit Authority will inform the applicant of this requirement following receipt of the application.

7.6.2 In addition, in accordance with Regulation 37 (7), which imposes the equivalent requirement (through an amendment to Section 93 of NRSWA),

the LoPS also requires copies of applications for activities in the vicinity of a level crossing to be sent to the relevant transport authority.

7.6.3 Where those authorities or undertakers do not have access to EToN applicants can comply with the above by sending copies of the applications either by e-mail, fax or by post.

7.7 Format of Permit Applications

7.7.1 The definitive format and content of both paper and electronic Permit applications is given in the Technical Specification for EToN, and all applications must comply. The system will be able to print a paper application after it is received, but it is emphasised that from April 2009 all applications should be made electronically. Those using paper systems must take particular care to code Permit applications appropriately.

7.7.2 The description of activities must be in plain English without any industry specific jargon. A standard description used consistently, with added text for exceptions, allows quicker analysis resulting in clearer information and helps authorities to co-ordinate activities.

7.8 Content of Permit Applications

7.8.1 **The Street**

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

7.8.2 **Detailed Description of Activity and Collaborative Promoters**.

A detailed description of the activity, setting out what the works are and their purpose, must be provided to allow the Permit Authority to assess its likely impact (similar to that already required under NRSWA). In addition, where collaborative working is proposed the promoter must provide a detailed description of the collaborative scheme of works, the identity of the other promoter or promoters, how they may be contacted and a summary description of the work they propose within the collaborative scheme.

7.8.3 **Location**

7.8.3.1 Promoters must give an accurate location based on National Grid References (NGRs) for openings and excavations, along with the dimensions of the space taken up by the activity in the street. Where trenches are proposed then a NGR for each end of the trench must be included. Where a small opening or small excavation as defined in the Glossary in Appendix A is proposed, then a NGR in the centre of the opening or excavation must be provided.

7.8.3.2 As set out in Section 8.3.4 promoters must apply for a Permit within two hours of an immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the

commencement of the next working day as defined in the Glossary in Appendix A. Where the Promoter finds that the location in which they have started digging is not where the leak (or other emergency) actually is, a Permit is still required for those works because they have broken open the street. In such circumstances the promoter is required to have a Permit for the works already carried out and must apply for a variation of that Permit for:

a) the first excavation in each further 50 metre band away from the original opening or excavation in the same street, i.e. 50-100 metres, 100-150 metres etc, measured from the furthest point of the original hole to the nearest point of the new opening or excavation. Separate variations for further excavations or openings will be required for bands going in opposite directions;

b) if the search carries into a different street, i.e. a different USRN, or if the street changes to a different authority, then a separate Permit application is required.

7.9 Duration

7.9.1 Each application for a Permit must include proposed start and end dates of the works which in effect will be the date from which the Promoter requires the road space until the road space is no longer required. For all streets, details of the times of day when the activity is to be carried out must also be provided, including any proposal to work at night. If the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, then they must also say so. This information will be taken into account when imposing conditions on the Permit.

7.10 Illustration

7.10.1 Activity promoters must provide an illustration of the activity with their application for a Permit where the activity is significant in terms of potential disruption due to the position and size of the activity. This means that all applications for major activities and for all registerable activities undertaken on the Transport for London Road Network (TLRN) and the Strategic Road Network (SRN) must be accompanied by such an illustration. Illustrations, where provided, should be based on an extract of the plan held by the activity promoter showing the location of their apparatus at the site in question.

7.10.2 For activities other than major activities, an illustration may also be required, as a small excavation at a critical junction may be equally as disruptive or much more so than a major activity. Where an application other than a major application is not accompanied by an illustration and the Permit Authority considers that it should, then the authority will respond as soon as possible setting out that the application has to be rejected in the absence of the illustration. The promoter will then be able to amend and submit a further application with the appropriate illustration.

7.10.3 The illustration must include details of the activity, whether it is likely to affect more than one lane of the street and, if possible, a Disruption Effect Score as set out in Appendix C. The Technical Specification for EToN provides appropriate details as to the form of such illustrations, but plans, digital photographs and similar would normally be required. How the illustration is to be transmitted can also be found in the Technical Specification for EToN.

7.10.4 Activities on those streets, or parts of a street, subject to a Special Engineering Difficulty designation will in any case require a plan and section as indicated in NRSWA Schedule 4 (2).

7.11 Government Security Zone - Notification to Police

7.11.1 In London, for certain streets, it is required, for national security reasons, that the Metropolitan Police are advised before works commence. These streets are contained within what is known as the Government Security Zone (GSZ) and such information can be found on NSG and ASD information. It is a requirement that all activity promoters making Permit applications in respect of works within the GSZ indicate that they will advise the Metropolitan Police of the proposed works once the Permit has been granted.

7.12 Methodology

7.12.1 Details of the proposed techniques, such as open cut, trench share, minimum dig technique or no dig must be provided.

7.13 Traffic Management, Parking and Traffic Regulation Orders/Notices

7.13.1 Where traffic management proposals will be required as a consequence of the proposed works then a description of the proposals and when they will be instituted as part of the works must be provided in the application. Any requirement for action on the part of the highway authority such as the need to make Traffic Regulation Orders (TROs) or Notices, to suspend parking restrictions and to give approval for portable light signals, sometimes known as portable traffic signals (hereafter referred to as portable light signals), must be included or referred to, in the application. The costs associated with these are not within the scope of the Permit fees and will be separately applied.

7.13.2 Reference to the separate statutory requirements for TROs is set out in Section 17.

7.13.3 Other than immediate activities all activities requiring a TRO are categorised as major activities.

7.13.4 Activity promoters should familiarise themselves with the length of time that the relevant traffic authority needs to process such orders or approvals and build that into their application process i.e. they must apply early enough for the TRO to be made before works commence. It is expected that this will be at least six weeks beforehand.

7.13.5 Individual approval will be required, as has always been the case for portable light signals at activities across a junction, and requests for the use of portable light signals can be included in the Permit application for the relevant activities. However, for minor activities the minimum approval time for portable light signals (seven days) exceeds the minimum time for Permit applications and an earlier Permit application or separate signals approval application will be needed if both time periods are to be met.

7.13.6 Where parking bays are to be suspended, an application must be made to the relevant parking authority. This must be separate from any Permit application. It is important to fully consider the parking needs of people with disabilities when seeking the suspension of parking bays. Evidence of the agreement of the relevant parking authority must be included in the Permit application. If parking bays have been suspended, every endeavour will be made to approve the Permit for the same dates. However if this is not possible the Permit Authority will discuss this with their parking team on the activity promoter's behalf.

7.13.7 As indicated, if the advance approval notice period required for any temporary traffic restrictions is longer than that required for a Permit, such measures must be applied for separately and sufficiently early for the subsequent Permit to be issued under LoPS with the traffic management requirements assured. If this happens it will be necessary to indicate that this is the case on a Permit application, cross-referencing the earlier application for traffic management (including parking) by its unique application reference number.

7.13.8 In any event as referred to in Section 10 any subsequent Permit will reflect these matters.

7.14 Needs of People with Disabilities

7.14.1 For all works it is a requirement that full consideration is given to the needs of people with disabilities. This is particularly important in respect of the availability of road space and parking arrangements. It is important therefore at the application stage that any arrangements that will be necessary to accommodate the needs of people with disabilities as a consequence of the proposed works can be established, such as ensuring safe passage, but also whether bus stops and disabled parking bays will be affected or suspended.

7.15 Depth

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

7.15.2 Parts of London fall into areas of Outstanding Archaeological Importance as defined by English Heritage. Works on these streets that are deeper than 1.5 metres from the surface level of the highway must be reported to English Heritage prior to works commencing. It is therefore a requirement that any

Permit application in respect of such works provides evidence that English Heritage have been consulted. Such information can be found on NSG and ASD information.

7.15.3 It will be presumed that any Permit application in respect of proposed works within an area of Archaeological Importance that does not include information as to excavation depth and notification to English Heritage means that all excavations will be at a shallower depth than 1.5 metres.

7.16 Site Maintenance

7.16.1 The application must indicate what arrangements are proposed to maintain the site in a clean and tidy condition, including removal of any spillage of materials on the public highway, during and on completion of the works. Such arrangements must include the action that may be required to remove all spray paint markings of underground apparatus if such markings remain on site sixty days after the completion of the works.

7.16.2 Any subsequent Permit will reflect these matters.

7.17 Inspection Units

7.17.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and associated Regulations.

7.18 Reinstatement Type

7.18.1 The application must, wherever possible, indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If it is the latter, then details must be provided as to where interim or permanent reinstatements will be completed within that Permit. This may prevent the need for a different activity Closing Notice under the provisions of Section 74 NRSWA.

7.19 Contact Person

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

7.20 Cross Boundary, Linked Applications and/or Permits

7.20.1 As stated in Section 7.8.1 the LoPS requires a separate Permit for each street. In London, some USRNs may apply to a single street or streets that are partly maintained by separate London highway or Permit Authorities.

7.20.2 In circumstances where proposed activities are located in more than one Permit Authority's areas, an application must be made to each Permit

Authority. Where one or more of the authorities is not a Permit Authority then the NRSWA notice system will apply and be relevant only to that part of the street within that non Permit Authority.

7.20.3 The project reference must be included on every application so that the Permit Authorities can consider the impact and co-ordinate the activities together.

7.20.4 It must be noted that under no circumstances will an application containing activities in more than one street be acceptable.

7.21 Service of Permit Applications

7.21.1 The application process starts when the recipient receives the application, not when it was sent. With electronic transfer, receipt should be almost instantaneous and it is assumed an application has been received at the time it was given, unless there is evidence to the contrary.

7.21.2 Where, after three attempts to give an application by EToN (duly recorded by the person serving the application or notice), the application cannot be given (for example because the distant server is down), notification must be given by telephone or fax for immediate activities with formal EToN application or notice following as soon as reasonably practicable.

7.21.3 If applications are sent by fax, it is assumed that they have been received when the transmitting equipment records satisfactory completion of the transmission.

7.21.4 In respect of applications sent by post, it should be noted that is not guaranteed that applications sent by first-class mail will be received the following day. Promoters must take this into account.

7.22 Advanced Publicity

7.22.1 As referred to in Section 6.6 in respect of works requiring a PAA it may be considered necessary by the Permit Authority for the activity promoter to carry out an exercise publicising and/or informing members of the public and road users directly of the proposed timing and nature of the major works to which the PAA relates. Where a Promoter has been informed of such a requirement at the PAA stage, the subsequent application for a Permit must provide evidence that the relevant notification exercise has been carried out.

7.22.2 It is also possible that other proposed activities to which the LoPS applies have the potential to be especially disruptive to local residents, businesses and/or road users, despite not being major works. In such circumstances therefore it will be considered necessary for the promoter to carry out a similar exercise as referred to above, providing advance publicity to those members of the public who are likely to be affected by the proposed activities. The Permit Authority will be able to establish this either following informal pre-application discussions with the promoter or on receipt of the application and

will inform the promoter of the requirement and what form of exercise and extent the Permit Authority considers will be sufficient.

7.22.3 Applications in such circumstances will therefore have to provide evidence that the promoter has carried out the required exercise. This will be reflected in a condition on a subsequent Permit, see Section 10.

8 TIMING OF APPLICATIONS AND RESPONSES

8.1 For effective planning and co-ordination, information needs to be provided to the Permit Authority in good time. In accordance with the advice contained in the Statutory Guidance, the LoPS provides for the minimum time periods before the proposed start date of an activity by which time the relevant Permit application needs to be made and a subsequent response made to the Permit applicant. In addition the LoPS recognises that it is equally important that any applications to vary existing Permits are made in a timely manner.

8.2 The time period is measured from the time of receipt of the application by the Permit Authority. The EToN system will provide an auditable record of when an application was sent and received.

8.3 Minimum Application Times.

Major Activities

8.3.1 In respect of major activities, as set out in Section 6, the LoPS requires promoters to apply for both a Provisional Advance Authorisation at least three months in advance of the activity and a Permit ten days before the activity is due to start.

Standard Activities

8.3.2 A Permit application for standard activities is required ten days before the proposed start date.

Minor Activities

8.3.3 A Permit application for minor activities is required three days before the proposed start date.

Immediate Activities

8.3.4 In order not to prevent activities that are necessary for emergency or urgent reasons, the LoPS provides that these works can commence and for an initial stage may be exempted from requiring a Permit. During this initial stage, Section 10.5 of this scheme is applicable. Promoters must apply for a Permit within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the start of the next working day and must telephone the Permit Authority immediately works commence on such streets where such a requirement is designated by the Permit Authority and which is shown by record 63 ASD designation.

Non Compliance with Minimum Application Times

8.3.5 Normally an application that is made outside of the minimum time limits will be rejected. Where it is not possible, however, for an activity promoter to adhere to the minimum application times then the Permit Authority may still

consider applications where there are mitigating circumstances justifying the failure to apply within the minimum times. The promoter must contact the Permit Authority and seek permission to apply outside of the timescales providing reasons why it has not been possible to comply. Such permission is solely at the discretion of the Permit Authority and will only be given exceptionally. Where permission is granted to apply out of time it will be recorded by the Permit Authority. Where permission is not granted and the application has been, or is still made, it will be refused.

8.3.6 In respect of applications to vary or extend Permits (see Section 11), applications must be made by the promoter a minimum of two days before the Permit expires or at a point when the existing Permit has more than 20% of its duration to run, whichever is the longer.

8.3.7 As where the activity promoter fails to apply for a Permit within the relevant time limits, the Permit Authority may consider applications to vary or extend Permits where the promoter is able to provide mitigating circumstances justifying the failure to apply within the minimum times. It will be relevant for the Permit Authority to take account of the need to avoid the activity promoter having to leave the project site unnecessarily. It should be noted, again, that permission to apply outside of the time limits is an exception to the rule (and any rule in the LoPS as to minimum time requirements) and is solely at the discretion of the Permit Authority.

8.3.8 In these circumstances the promoter should first telephone the LoPS Permit Authority, providing reasons to justify an application outside of the time limit in order to ascertain whether the authority is prepared to grant an extension to the time limit to make the application. Where the Permit Authority accepts that those reasons do justify the requested extension to the time limit to apply, the Permit Authority will record that agreement and the promoter should then apply electronically to the Permit Authority formally to grant the variation to the Permit.

8.3.9 As set out below the Permit Authority must respond to the application to vary the Permit within two days of receipt.

8.4 Maximum Response Times

8.4.1 In accordance with Regulation 16 time limits have been set out in the LoPS committing the Permit Authority to respond to applications within set periods. It is essential that a Permit Authority replies to Permit applications within the given response times. If it fails to do so, the Permit is deemed to be granted in the terms of the application. For the sake of clarity the maximum response time period will start to run on the next day following receipt of the application.

8.4.2 A "response" for the purposes of LoPS means a decision to grant or refuse a Permit. Where there are reasons why the Permit cannot or should not be granted in the terms applied for (e.g. because of insufficient or obviously incorrect information or because of a clash with other activities), the response

indicating that a Permit will not be granted in those terms will explain the reasons to the applicant, which will enable promoters to make a revised, compliant application.

Major and PAAs

8.4.3 In respect of major activities the maximum response time for issuing a PAA is one calendar month from the date of receipt of the application and in respect of an application for a Permit, five days from the date of receipt of the application.

Standard Activities

8.4.4 In respect of applications for a Permit for standard activities, the maximum response time is five days from the date of receipt.

Minor Activities

8.4.5 In respect of applications for a Permit for minor activities, the maximum response time is two days from the date of receipt.

Immediate Activities

8.4.6 In respect of applications for immediate activities the maximum response time is two days from the date of receipt however the works may continue throughout that period.

Applications to Vary

8.4.7 In respect of applications to vary a Permit (there is no provision for the variation of a PAA) the maximum response time is also two days from the date of receipt.

8.4.8 As indicated previously, reference must be made to dates of receipt. An application for a PAA or Permit is therefore treated as properly made when it is received by the Permit Authority within the relevant time period and is treated as properly responded to when the Permit is issued or refused before the end of the relevant time period.

8.4.9 As referred to in the Statutory Guidance, "Days" in this context is a reference to working days, as defined in NRSWA and Regulations.

Table 1 Application and Response Times

ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before Permit expires for application for variation (including extension)	Maximum response times		Response times to applications for Permit variations
	Application for Provisional Advance Authorisation	Application for Permit		Application for Provisional Advance Authorisation	Application for Permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is longest	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	2 hours after		n/a	2 days	

8.5 Grounds for Refusal

8.5.1 Whilst a Permit Authority cannot refuse legitimate activities, it can refuse a Permit application if elements of the proposed activity, such as timing, location or conditions are not acceptable when measured in accordance with the relevant factors as referred to in section 9 below. In such cases the authority should contact the promoter via a works comment as soon as possible and within the response period specified in Table 1, to explain precisely why the application is not satisfactory and which aspects need modification. This is not to be treated as a refusal of the application. If agreement can be reached, and if the timescale for a formal response to the application allows, the applicant can make a modified application with proposed conditions reflecting that agreement.

8.5.2 Where a modified Permit application is submitted, the date of the original application should be used for reckoning time periods for Permit applications. If agreement cannot be reached in the time available, the Permit Authority will have no option but refuse the Permit and require the promoter to make a new application, which would then be considered in the usual way.

8.6 An applicant may withdraw or cancel an application by way of an electronic works notice at any point up until the Permit Authority has either granted or refused the application. No fee will be charged for the cancellation or withdrawal of an application under these circumstances.

9 DECISIONS IN RESPECT OF PERMIT APPLICATIONS

9.1 The Permit Authority in operating the Permit Scheme and in reaching decisions with respect to applications for a Permit must act reasonably and in particular will consider whether issuing the Permit will accord with the statutory duties to co-ordinate and to manage the network and the objectives of this Permit Scheme.

9.2 Permit Issue and Deemed Permit

9.2.1 Where the Permit Authority is content with the proposal having taken into account all relevant matters set out in an application and any other material considerations, including ensuring the statutory duties to co-ordinate and to manage the network and that the LoPS objectives are met, it will issue a Permit to the activity promoter within the response times.

9.2.2 The Permit will contain the details provided in the application, including any associated documentation such as drawings, and any conditions imposed by the Permit Authority (see Section 10). It will be issued by electronic means.

9.2.3 Where the Permit Authority fails to respond within the response times then the Permit is deemed to be granted and in such terms only as reflected in the application. In such circumstances there will be no fee charged.

9.3 Refusal or Requests for Further Information

9.3.1 Where the Permit Authority is not content with the proposal having taken into account all relevant matters as set out in the application and any other material considerations, including ensuring the statutory duties to co-ordinate and to manage the network and that the LoPS objectives are met, then the Permit Authority may;

a) request further information to be submitted as part of the application before reaching a final decision as to the application and which request must be made within the response times; or

b) refuse to issue the Permit giving reasons.

9.3.2 In both circumstances the promoter will be able to make modifications to its proposals to address the concerns raised by the Permit Authority and either make a further application in the latter scenario or modify the existing application in the former scenario.

9.3.3 Whilst the Permit Authority cannot refuse legitimate activities, it can refuse a Permit application if the relevant requirements for an application have not been complied with or elements of the proposed activity, such as timing, location or conditions are not acceptable and do not accord with the Permit Authority's statutory duties to co-ordinate and manage the network and the objectives of this Permit Scheme.

9.3.4 In all such cases the authority will contact the promoter as soon as possible, and in any event within the response period specified in Section 8, to explain precisely why the application is not satisfactory and which aspects need modification. If agreement can be reached, the applicant can make a modified application with conditions reflecting that agreement. Where a modified Permit application is submitted, the date of the original application must be used for reckoning time periods for Permit applications.

9.3.5 If agreement cannot be reached in the time available, the Permit Authority will have no option but to refuse the Permit and require the promoter to make a new application, which would then be considered in the usual way.

9.4 Examples of Reasons for Refusal

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

Overlapping Activities

9.4.2 Where other activities are scheduled to take place in the same street, or other streets affected by the proposed activity, at the same time, the authority may refuse a Permit for the period requested but propose to grant it for different times. Information about some other activities is available to the promoter through the Permit register, so in such situations the promoter must contact the authority to discuss acceptable options before applying for a Permit.

Timing and Duration

9.4.3 An activity promoter must ensure when making an application for a Permit that the proposed duration of the activity takes into account both his legitimate need to complete the activity in an efficient and economic manner and the legitimate interests of other users of the highway.

9.4.4 The Permit Authority may query the proposed duration, for example on the grounds that:

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

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

Location of Activity

9.4.5 A Permit must specify the location where the activity is to take place. The Permit Authority may refuse to issue a Permit due to the proposed location of the activity. This is a similar power to that under Section 56A of NRSWA i.e. where the location of a proposed activity is unacceptable to the authority

because the street in which the works are proposed is already heavily congested with underground services, or has an important traffic function, yet does not warrant protected street status.

9.4.6 Refusals on this basis would only apply:

a) in relation to the installation of new apparatus - it cannot be used to require existing apparatus to be moved, or

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

10 PERMIT REQUIREMENTS & CONDITIONS

10.1 Requirements

Permit Period - Road Category and Traffic Sensitive Streets

10.1.1 A Permit is valid only for the period of time given on the Permit. This will, in most circumstances, be the period of time applied for by the activity promoter. As set out in Section 9.3 when considering the application the Permit Authority may consider an alternative period is appropriate. Where the activity promoter disagrees they may appeal in line with the dispute resolution procedure set out in Section 16.

10.1.2 On main roads (i.e. category 0, 1, and 2 streets and category 3 and 4 streets that are traffic-sensitive for all or part of the time), the start and end of the Permit period will match the start and finish dates for the activity. The promoter must not carry out any activity, including delivery and storage of materials on site, outside of these times without applying for and obtaining a Permit variation from the LoPS Permit Authority.

10.1.3 In relation to category 3 and 4 streets that are not traffic sensitive, Permit start and end dates allow for flexibility in the start of the activity but once the activity is started it must be completed within the activity duration period specified in the Permit. The starting window is five working days for major and standard activities and two working days for minor activities. This is in line with the validity period within the NRSWA notice system. Thus the start date on the Permit will be the planned start date for the activity but the end date allows for the possibility of the activity starting on the last day of the starting window, noting that the last day of the starting window would then be day one of the activity duration. The maximum activity duration will be specified in the conditions of the Permit.

Days of Work

10.1.4 The start and end dates will be in calendar days, even though many aspects of Permit Schemes will operate on working days.

10.1.5 Where a Permit allows working at weekends or on Bank Holidays, then the Permit start and end dates will also accommodate that, even if those days do not count towards the reasonable period under Section 74 of NRSWA or the starting window.

Form of the Issued Permit

10.1.6 A Permit will be issued in accordance with the formats given in the Technical Specification for EToN. The Permit will be sent to the promoter electronically through the EToN system wherever possible. The issued Permit will contain all relevant conditions so that there is no ambiguity about the validity and terms of the Permit. All Permits and PAAs will also be placed on the Permit register and, where applicable will be copied to any authority, undertaker and

relevant body that has asked to be informed about PAA approvals and permits on a particular street.

10.1.7 As required under Regulation 12, all Permits will be given a unique reference number (URN) by the Permit Authority, so as to provide an effective means of cross-referencing and assist in the compilation of the register. To the same end, the EToN numbering conventions will be followed when determining reference numbers, under which variations to Permits are denoted by the use of the same unique reference with a suffix to denote the variation. The Permit Authority will also mark Permits with cross references to linked Permits and any separate approvals such as TROs which have been issued, where this is known.

Description of Activity and Location

10.1.8 For all works it will be a requirement that a description of the activity which is to be permitted will be described clearly in the Permit.

10.1.9 For all works it will be a requirement that the road or street to which the Permit applies and the location within that road or street will be described clearly on the Permit.

Contact

10.1.10 The Permit Authority must also provide its out-of-hours contact details on the Permit.

10.2 Conditions

10.2.1 The LoPS makes provision for the attachment of conditions to Permits and also specifies the types of conditions that will be applied. In simple terms any Permit issued must set out in detail the activity it allows as set out in Section 10.1.8 and the conditions attached.

10.2.2 The approach that will be taken by the Permit Authority, when granting a Permit, is to reflect in the Permit, as far as is reasonable and practicable the description of the activity, its permitted duration and any other limits or constraints as provided in the application. The Permit Authority may also vary the conditions on a Permit after it has been issued as set out in Section 11.

10.2.3 Where the Permit Authority considers it necessary and appropriate to impose conditions that differ from the proposals in the application then the Permit Authority will state the reasons for this on its refusal of the Permit, the promoter can then choose whether to apply again or dispute the matter.

10.2.4 If it appears to the Permit Authority that a condition attached to a Permit has been breached then it may decide to impose sanctions addressed in Section 15. However it is the policy of every Permit Authority operating LoPS, as set out in Section 15, that, where appropriate, before taking any action the Permit Authority will contact, by works comment or e-mail, the activity promoter and

seek to discuss the matter before deciding to take action. Alternatively the Permit Authority has the power in such circumstances to revoke the Permit under Reg 10(4). The policy that will be applied is set out in section 12.

10.2.5 There are a number of standard conditions that will be imposed on all Permits, in addition this section sets out examples of a number of further possible conditions. Appendix D contains a number of model conditions reflecting the circumstances set out below. The conditions in Appendix D are only models, and may need adaptation to the circumstances of particular cases.

10.3 Standard Conditions

The following standard conditions will be imposed upon all Permits.

10.3.1 Display of Permit and Linked Permit Reference Numbers

10.3.1.1 For all works it will be a requirement that the Permit reference number, when issued, must be prominently displayed at all times, on site for each phase of works on the site information boards. A condition in the form suggested in Appendix D Model Condition 1 will be attached to all Permits. This is to assist inspections, particularly in relation to the checking of conditions with which promoters are required to apply, and also to help identify the site for members of the public who may raise queries with Permit Authorities or activity promoters.

10.3.1.2 For all works Permits it is a requirement that, where there are any other linked Permits, references to those other linked Permits must also be included with the Permit. A condition in the form suggested in Appendix D Model Condition 2 will be attached to all Permits.

10.3.1.3 Variations to Permits, addressed in Section 11 must be denoted by the use of the same unique reference with a suffix to denote the variation.

10.3.1.4 Where remedial works are to be carried out following completion of permitted works a new Permit is required. This new Permit must contain a cross-reference to the Permit for the original activity. A condition in the form suggested in Appendix D Model Condition 3 will be attached to all Permits.

10.3.2 Duration and Timing of Permits

10.3.2.1 For all works it will be a requirement that the duration of the Permit (or period for which the Permit is valid) will be shown clearly on the Permit.

10.3.2.2 A condition in the form suggested in Appendix D Model Condition 4 will be attached to all Permits in relation to works on traffic sensitive roads however, where the Permit relates to works on non traffic sensitive roads a different condition will be attached as set out below.

10.3.2.3 As referred to in Section 10.1.3 the Permit start and end dates for works in relation to category 3 and 4 streets that are not traffic sensitive allow for flexibility in the start of the activity although it must be completed by a specific date. The start and end date of the Permit will therefore not simply match the start and finish dates of the activity. Therefore, in order to ensure that the works themselves commence within the starting window and will take no more than the total number of days the activity promoter applied for, which are not to be treated as having to be consecutive days, a condition in the form suggested in Appendix D Model Condition 4a will be added to such Permits

10.3.3 Reasonable Period for Section 74 purposes

10.3.3.1 For all works the "reasonable period" for Section 74 purposes will be the same as the duration of the activity set out in the relevant Permit condition for the activity and will be recorded as such on the Permit.

10.4 Further Possible Conditions

10.4.1 Limit on Days and Times of Day

10.4.1.1 Where it is considered necessary and appropriate to limit the days and times of day when the works may be carried out a condition in the form suggested in Appendix D Model Condition 5 will be attached to the Permit together with Condition 4 or 4A.

10.4.2 Road Space

10.4.2.1 The amount of space that activities in the highway occupy can have a major impact on congestion and disruption levels. Where the area required to carry out the actual work is relatively small then it may be that it will have little effect on traffic. However, where associated plant and excavated material take up a greater area, possibly resulting in lane restrictions and temporary traffic control measures, the impact could be magnified considerably.

10.4.2.2 In circumstances, therefore, where it is clear that there is likely to be disruption which can be minimised by the removal of plant that has become unnecessary and/or by the removal of excavated material the Permit Authority may impose a condition requiring swift removal of both plant and material, thereby reducing the area that is proposed to be occupied. In such a case a condition in the form suggested in Appendix D Model Condition 6 may be imposed.

10.4.2.3 Where it is necessary to prevent materials and plant being stored on site at all, a condition in the form suggested in Appendix D Model Condition 7 may be imposed.

10.4.2.4 Where it is considered necessary to limit the width and/or length of road space that can be occupied, including allowing for signing, lighting and

guarding - at any one time, during the period of the works, a condition in the form suggested in Appendix D Model Condition 8 may be imposed.

10.4.2.5 Where it is considered necessary to ensure that a certain width of road space is to be available to traffic (vehicles and/or pedestrians) at certain times of day, a condition in the form suggested in Appendix D Model Condition 9 may be imposed.

10.4.2.6 It is recognised that any conditions relating to the area of occupancy have to be realistic and allow for works to be carried out in compliance with statutory guidance and codes of practice, especially in relation to safety, and within the restrictions imposed by the available industry resources and technical capabilities.

10.4.3 Needs of People with Disabilities

10.4.3.1 The availability and safe use of road space and parking arrangements are particularly important for disabled persons. Where pedestrian ramps and temporary walkways are necessary as a consequence of proposed works, then it will be a condition of the Permit that all pedestrian ramps and temporary walkways are edged in yellow to assist those who have reduced sight. In such a case a condition in the form suggested in Appendix D Model Condition 9a may be imposed

10.4.3.2 In addition, while the Code of Practice for Safety at Street and Road Works indicates that one metre minimum width of footway must be available for pedestrians where footways are affected by works it will be a condition of the Permit that an absolute minimum width of 1.2 metres is maintained to facilitate the free passage of wheel chair users and powered scooters. In such a case a condition in the form suggested in Appendix D Model Condition 9b may be imposed.

10.4.4 Traffic Management Provisions

10.4.4.1 As set out in Section 7, activity promoters must submit details of any traffic management proposals with Permit applications. The way traffic is managed during the activity can have a major influence on congestion and disruption. For example a promoter may propose closing a road, and whilst this may be necessary in some cases, in others it may be possible, and less disruptive, to keep at least part of the road open. With smaller scale activities, portable light signals may be sufficient.

10.4.4.2 In such circumstances the Permit Authority may impose conditions that mean the permitted activities can only take place when the road, or relevant section of the road is closed to traffic or when portable light signals are in place. In such a case a condition in the form suggested in Appendix D Model Condition 10 or Appendix D Model Condition 11 may be imposed.

10.4.4.3 It must be noted that all uses of portable light signals require the agreement of the traffic authority. The relevant statutory provisions have been changed

in the Regulations accordingly. A condition may also be imposed reflecting shuttle working.

10.4.4.4 As set out in Section 7 if requests for the use of portable light signals, or for the suspension of parking restrictions have been made, this needs to be stated on the Permit application.

10.4.4.5 Where temporary traffic restrictions (e.g. TROs) are required as set out in Section 7 this must be noted within the application. These separate approvals will need to be in place before any of the proposed activity, or that part of the activity for which the approval is required, starts on site. In such circumstances a condition in the form suggested in Appendix D Model Condition 12 may be imposed. Activity promoters must first contact the highway authority if they think that a traffic order may be required.

10.4.4.6 It is possible that traffic management arrangements will change during the course of an activity. These changes can be included in the conditions where it is known that such changes will be needed In such a case a condition in the form suggested in Appendix D Model Conditions 13 and 14 may be imposed.

10.4.4.7 It is a requirement of the LoPS that promoters at the application stage inform the Permit Authority when changes to traffic management measures are likely to be needed during the course of permitted works so that it can inform road users and implement complementary traffic management measures to minimise disruption. Where it only becomes apparent that traffic management measures are required after the Permit has been issued then the promoter must apply for a variation to the Permit and must contact the highway authority as soon as possible.

10.4.4.8 If the activity is in a street which is traffic-sensitive in some places and/or at some times and the application stated that the activity was to be outside the traffic-sensitive places and times, then this will be a condition of the Permit. If the activity then strays into traffic-sensitive areas and/or times, it will be outside the scope of the Permit and the authority will be able to take appropriate enforcement action. To ensure that the activities do take place outside traffic sensitive places and times the Permit Authority may impose a condition in the form suggested in Appendix D Model Condition 9.

10.4.5 Methodology for Carrying Out Activities

10.4.5.1 The method the promoter proposes to employ to carry out the activity can have a significant effect on the level of disruption. A LoPS Permit Authority may therefore attach conditions relating to the methodology the Promoter must use when carrying out the activities. It is recognised that in many cases the Permit Authority would not be in a position to make an engineering judgement, however the Permit Authority must be satisfied that minimum dig technology can be employed wherever practical to minimise inconvenience to the public and reduce congestion. In order therefore to be satisfied it is a

requirement that promoters set out in their applications the methodology they propose to use.

10.4.5.2 The Permit Authority will take account of the fact that site conditions may be different to those planned for in the application and the promoter may need to revert to other dig methods. In such cases an application for a Permit Variation would be required unless the Permit Authority decides that it is not necessary in the individual circumstances.

10.4.5.3 To ensure that the Promoter employs the appropriate methodology therefore the Permit Authority may impose a condition in the form suggested in Appendix D Model Condition 15.

10.4.6 Advanced Publicity

10.4.6.1 Where activities have the potential to be especially disruptive to local residents, businesses and/or road users, the Code of Practice envisages that Permit Authorities may attach a condition requiring the promoter to provide advanced notice to nearby householders or businesses, or to traffic or pedestrians using the road.

10.4.6.2 By its nature and in order to be beneficial such an exercise has to be carried out well before the activity commences, but as set out earlier where major works require such an exercise it is not possible to incorporate the period for publicity into the permit period, which solely reflects the activity duration. The requirement for such an exercise will be identified at the application stage in respect of all non-major works and at the PAA stage for major works in order to ensure that the activity promoter has sufficient time to carry it out. In respect of applications where advanced publicity is required the application will have to provide evidence that the exercise has been carried out.

10.4.6.3 The form of condition that may be imposed where advanced publicity is required may be in the form suggested in Appendix D Model Condition 16.

10.4.6.4 Where the activity promoter has to seek a variation or an extension to a Permit, the authority will have a further opportunity to attach such a condition, if the circumstances justify it. Again, the Permit Authority must act reasonably and such conditions will be local to the site and the activity.

10.4.7 Environmental Factors

10.4.7.1 Activity promoters must contact relevant highway authorities' Environmental Health Officers (EHO) when drawing up proposals that involve carrying out works during environmentally sensitive hours. That is, hours outside of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on a Saturday (see Section 60 Control of Pollution Act 1974). This should ensure that wherever possible, and at reasonable cost, the requirements of the EHO's can be met.

10.4.7.2 The Permit Authority may need to impose environmental based conditions to protect residents or people working, as well as schools, close to the proposed

activities from disturbance particularly as a result of noise. This can be done by imposing conditions limiting the times of day when the permitted activities can take place, in such a case a condition in the form suggested in Appendix D Model Condition 5 may be imposed.

10.4.7.3 The Permit Authority may also need to impose environmental based conditions where there is concern about maintaining the site in a clean and tidy condition, including removal of any spillage of materials on the public highway, during and on completion of the works.

10.4.7.4 In such circumstances a condition requiring action at the end of any working period that the promoter must ensure that waste, whatever the source, must not be left on site may be imposed. In addition the condition may require the removal of all spray paint markings of underground apparatus. An adaption of Model Condition 6 in Appendix D would be appropriate in such circumstances.

10.4.7.5 Where trees will be affected by proposed activities, promoters must contact the Permit Authority's arboricultural consultants prior to making the application and any requirements they have must be referred to in the application and subsequently will be reflected in a condition.

10.4.7.6 A promoter considering burying plant and apparatus that is currently above ground, must contact any other utility with similar apparatus to see whether it wishes to share the underground facility. Again this must be done prior to making the application and any requirement to achieve it will be reflected on the Permit.

10.5 Conditions upon Immediate Activities before Permit Issued

10.5.1 By virtue of the Regulations and as set out earlier, activities that are necessary for emergency or urgent reasons (i.e. immediate activities) can commence and continue for an initial stage without requiring a Permit to be obtained first. Nevertheless the Permit Authority has the power under Regulation 13 to impose conditions in such circumstances upon immediate activities for the period before a Permit is finally issued for the activity.

10.5.2 Activity promoters must apply for a Permit as soon as is practicable but at least within two hours of the immediate activity commencing or, in the case of the works commencing out of normal working hours, within two hours of the commencement of the next working day and must telephone the Permit Authority immediately works commence on such streets where such a requirement is designated by the Permit Authority and which is shown by a record 63 ASD designation.

10.5.3 Until a Permit is issued following an application for a Permit for an immediate activity, a promoter will be required to work within the terms of their application; for example if the application refers to specific working hours then the promoter must work within those hours.

10.6 Imposing Conditions upon Highway Authority Works Permits

10.6.1 As referred to in 10.2.5 standard conditions will be imposed upon all Permits regardless of promoter. In addition, the Permit Authority will impose further conditions upon a Permit in respect of works to be carried out by or on behalf of a highway authority in the same form and for the same reasons referred to above

10.6.2 In addition, in accordance with Regulation 10 (3) conditions on such Permits may also require the highway authority to consult with any person who has apparatus likely to be affected by the Permit works and require the highway authority to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.

11 PERMIT VARIATIONS

11.1 In accordance with Regulation 15 LoPS allows for the variation of Permits and the conditions attached to Permits. This is important as it allows the Permit Authority, operating the LoPS, actively to manage other activities on the network in the light of changing circumstances. Variations can take place at any time after the Permit has been issued and before the activity has commenced or during the activity itself. However applications by the activity promoter, if a variation is required, must be made before the Permit end date is passed as set out below.

11.2 As set out in Section 6 PAAs cannot be varied. In circumstances where a PAA has been given but a full Permit has not yet been issued, and proposals change, the activity promoter must inform the LoPS Permit Authority of the proposed changes and the Permit Authority will indicate whether or not a new application for PAA or Permit must be made.

11.3 In accordance with Regulation 15 (2) LoPS provides that applications by the activity promoter to vary a Permit or to vary Permit conditions must be made in the following way:

a) 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; or

b) in any other case the promoter shall first telephone the Permit Authority to ascertain whether the authority is prepared to grant a variation and only apply, again electronically, if the authority is so prepared.

11.4 Activities can be particularly subject to change where an activity promoter has to make several excavations or registerable openings of the street in order to locate a fault. An example would be where gas had migrated along a duct to emerge from the ground some distance from the actual leak. The nature of searches in this sort of situation is that a series of excavations or openings are made from where the symptoms are apparent to trace back to the point where the fault is occurring. In normal circumstances each new excavation would require a Permit variation. The arrangements below aim to avoid a potential excess of Permit variations in a short space of time as each successive hole is dug. While LoPS seeks to avoid too many Permit variations, it is nonetheless important that the Permit Authority knows what is going on so that they can co-ordinate and manage these and other works in the area.

11.5 Therefore the LoPS provides that only in these fault-finding circumstances requiring a series of excavations or openings, and where the activities are immediate activities, the following arrangements will apply.

11.6 As immediate works, the promoter must submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:

a) for any further excavations on the same street within 50 metres of the original hole, the promoter will telephone the authority to inform them of the new location but no Permit variation will be needed and no Permit charge can apply.

b) the activity promoter will have to apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. The standard variation charges will be applied. Separate variations would be required for bands going in different directions along the street in question.

c) for any further excavations within each band the promoter will have to telephone the authority to inform them of the new location but no Permit variation will be needed and no Permit charge can apply.

d) if at any time the search carries into a different street, or more strictly a new USRN (including if the street changes to a different authority), then a separate Permit application must be made for the new street.

11.7 If the activity promoter cannot contact the authority by telephone they should record that and send the message electronically, for example via EToN.

11.8 The conditions imposed upon these activities can be varied, e.g. to take account of the fact that the new location, even if within the same 50 metre band, is in a potentially more disruptive location.

11.9 Variation at Permit Authority's Initiative

11.9.1 In accordance with Regulation 15 (3) the statement of policy as to the circumstances in which a LoPS Permit Authority will vary Permits on its own initiative is set out below (the issue of revocation of Permits is addressed separately in Section 12).

11.9.2 One of the main features of LoPS is that it effectively allows road space to be "booked" by promoters for their activities. Once the Permit is issued it will provide the promoter with reasonable confidence that the road space will be available for them. Nevertheless, even when a Permit has been issued in good faith by the Permit Authority, circumstances beyond the authority's control may cause the authority to have to review the Permit and may lead them to conclude that the Permit or its conditions need to be changed.

11.9.3 Such changes however will be the exception and will only happen when the new circumstances could not have been reasonably predicted or where the impact is significant. Examples of such circumstances are where, roads are

closed by floods, burst mains, a dangerous building or structure, or an unexploded bomb and significant traffic disruption has ensued or any further problems have arisen which would lead to traffic being diverted onto the road where an activity was underway or about to start but the Permit had been issued. If the consequent disruption cannot be mitigated in a better way it may then be necessary to vary the Permit for the activity e.g. by changing the time or manner of working.

11.9.4 The procedures which will apply in such circumstances are that the Permit Authority will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. Hopefully those discussions will lead to an agreement on the variations required. The Permit Authority will either then issue a new Permit in those terms, or, by agreement, the promoter may apply for a Permit variation from which the authority will issue the varied Permit. The latter will be more appropriate if the promoter needs to reconsider elements of its plans within the parameters agreed with the authority.

11.9.5 If agreement cannot be reached, the Permit Authority will then vary the Permit to reflect the terms and conditions the Permit Authority considers appropriate. The promoter would have the option of invoking the dispute resolution procedure where it disagrees, set out in Section 16.

11.9.6 No fee is payable for Permit variations initiated by the Permit Authority, unless, at the same time, the promoter seeks variations which are not the result of the circumstances causing the authority's action. In that case a variation fee would be payable, subject to the exemptions in Section 13 addressing Permit fees.

12 REVOCATION

12.1 There is no mechanism in LoPS for formally suspending or postponing a Permit only for varying or revoking one. If the 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, it will use the Permit variation provisions, as described above, to change the dates.

12.2 If the activity promoter wishes to cancel a Permit for which it has no further use, it must use the cancellation notice provided in the Technical Specification for EToN containing the relevant Permit number. There is no fee for such a cancellation notice but there will also be no refund of the fee required for issuing the Permit or any PAA as set out in Section 13.

12.3 The Permit Authority can revoke a Permit at its own initiative, in particular, it has the power to do so under Regulation 10(4) where there has been a breach of a condition (which is also a criminal offence). In such circumstances the Permit Authority may use the provisions replacing section 66 of NRSWA to clear the street, if required, namely the provisions under Regulation 18 referred to below in section 15.

12.4 In accordance with Regulation 15 (3) the statement of policy as to the circumstances in which a LoPS Permit Authority will revoke Permits on its own initiative is as follows.

(a) As with variations where circumstances arise which cause the authority to have to review the Permit, they may lead them to conclude that the Permit needs to be revoked rather than simply being varied.

(b) Revocation will be the exception and will only happen when the new circumstances could have been reasonably predicted or where the impact is significant.

12.5 The procedures which will apply in such circumstances are that the Permit Authority will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved. The aim of those discussions is to try reach an agreement and if variation is a feasible option then, as set out in Section 11, an agreement as to the form of that variation. The Permit Authority will either then issue a new Permit in those terms, or, by agreement, the promoter may apply for a Permit variation from which the authority will issue the varied Permit. The latter will be more appropriate if the promoter needs to reconsider elements of its plans within the parameters agreed with the authority.

12.6 If agreement cannot be reached, the Permit Authority will then vary the Permit to reflect the terms and with the conditions the Permit Authority considers appropriate.

12.7 No charge will be made for revocation in such circumstances, i.e. where a Permit is revoked on the Permit Authority's own initiative and the Permit Authority will also refund the promoter the fee for issuing the Permit. However no such refund will be made where the reason the Permit is cancelled was as a consequence of any action or omission on the part of the promoter which would amount to a criminal offence as set out in Section 15.

12.8 In these circumstances, revocation will only be used as an alternative to criminal action, where it is reasonable, taking into account the nature of the breach and where it is proportionate.

12.9 Where the promoter disagrees with the Permit Authority's decision in any of the above respects, then the promoter would have the option of invoking the dispute resolution procedure set out in Section 16.

13 FEES

13.1 In accordance with the provisions of Section 37 TMA 2004 and Regulation 30 Permit Authorities have the power to charge a fee for:

a) the issue of a Permit;

b) an application for a Permit, where the Permit Scheme requires a Provisional Advance Authorisation to be obtained as part of that application; and

c) each occasion on which there is a variation of a Permit or the conditions attached to a Permit unless the circumstances are as described in 13.7.4.

13.2 A fee will be charged therefore for a PAA when the subsequent application for a full Permit is made, when a Permit or Variation to any Permit is issued and when Permits (or conditions on Permits) are varied subject to the circumstances set out in Section 13.7.

13.3 Permit fees do not include costs charged or recoverable by highway authorities in relation to consents or other requirements such as for Temporary Traffic Orders or Notices or parking suspensions related to other works being carried out.

13.4 It is not the purpose of fee charging under LoPS to generate revenue for Permit Authorities, although subject to the constraints set out below an authority may cover its costs.

13.5 Fees Payable

13.5.1 In accordance with the Permit Regulations, LoPS authorities may charge undertakers but highway authorities are not charged. This is due simply to the fact that the money charged would only circulate around a highway authority.

13.5.2 To promote good practice Permit Authorities operating LoPS (and other highway authorities) are encouraged to use a shadow charging arrangement to show the cost of issuing Permits to its own activity promoters both to help understand its own costs and to set those alongside the costs to other promoters, but this is not a statutory requirement and it is not a requirement of the LoPS.

13.6 Level of Fees

13.6.1 The LoPS has set out the Permit fees for each authority operating the LoPS in Appendix E.

13.6.2 The Secretary of State in making the scheme Order will have considered the fee levels and the justification for them as part of the application to operate

the LoPS and the approved figures are included in each of the LoPS scheme Orders.

13.6.3 The Regulations and Statutory Guidance set maximum fees that Permit Authorities may not exceed. The fees are structured to reflect the greater work involved in handling larger activities and busier roads.

13.6.4 With regard to the variation of Permits, the Regulations and Statutory Guidance set a maximum flat fee for Permit variations initiated by the promoter with a lower fee for category 3 and 4 non traffic-sensitive streets and a higher fee for category 0, 1 and 2 and traffic-sensitive streets.

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

13.6.6 All the LoPS fee levels are at or within the current statutory maxima.

13.7 Circumstances where no Fee will be Charged

13.7.1 No fee will be charged in the circumstances described below.

13.7.2 Cancellation of a permit

13.7.2.1 No fee will be charged where, prior to the Permit Authority's determination, an applicant cancels or withdraws a permit application.

13.7.3 Refusal of Permit or Variation

13.7.3.1 When an application for a Permit or Variation is refused there will be no fee.

13.7.4 Cancellation or Revocation of Permit

13.7.4.1 No fee will be charged for the cancellation or revocation of a Permit as set out above. There will also be a refund of a fee already paid when the Permit is revoked on the Permit Authority's initiative except where the reason the Permit is cancelled was as a consequence of any action or omission on the part of the Promoter which would amount to a criminal offence as set out in Section 15.

13.7.5 Variation of Permit at Permit Authority's Initiative

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

13.7.6 Deemed Permits

13.7.6.1 Where the Permit Authority fails to respond to an application for a permit within the relevant response time and the permit is subsequently deemed to be granted, there will be no fee charged for issuing of the permit.

13.8 Permits for Collaborative Works

13.8.1 As set out previously it is one of the main objectives of the LoPS to encourage collaborative working and trench sharing. In such circumstances, which must be set out in a detailed scheme of works at the application stage, there must be a Primary Promoter to take overall responsibility as the agreed point of contact with the Permit Authority. The Secondary Promoter(s) retain the same responsibility for submitting Permit applications for work to be carried out by them or on their behalf.

13.8.2 To avoid any ambiguity, the Permit Authority will issue Permits to each of the promoters involved, not just the Primary Promoter. All issued Permits will record the identity of the Primary Promoter and all the Secondary Promoters.

13.8.3 In such circumstances, where at least two or more promoters intend to collaborate their works-within the same site over the same period they should submit applications at the same time or ensure the applications are at least received by the Permit Authority within three working days of each other, beginning with the day on which the first application is received (see Regulation 31). In such circumstances none of the Permits will attract a Permit fee.

13.8.4 It must be noted however that if , some or all of those promoters then fail to co-ordinate their works in accordance with the detailed scheme of works set out in the way stated in the applications, the Permit of that promoter (be they primary or secondary) may be revoked, taking into account the circumstances. New Permits may then be required which will either be in the form of individual chargeable Permits or a further collaborative Permit structure which will again attract no fee but will risk further delay.

13.8.5 Phasing of Works to Lessen Risk and Inconvenience to Highway Users

13.8.5.1 As set out in Section 4 where temporary reinstatement is required by the Permit Authority in particular to minimise risk to the public and allow safe passage for example, where works are sited on a street or road that will be used by people attending a sporting event, carnival, festival the works must also be treated as being phased and requiring separate Permits for each phase. The Permit Authority in these particular circumstances will not require a fee for issuing a Permit to return and complete the phase that was interrupted at the request of the Permit Authority.

13.8.5.2 To be clear therefore where works need to be phased for any reason other than as a consequence of the need to minimise risk to the public and allow safe passage, a fee will be charged for each Permit for each phase.

13.8.6 Highway Authority Works

13.8.6.1 As referred to previously, Permits required by the highway authority, although part of the scheme, will not attract a Permit fee. However operators of the Permit Authority will keep full records of all Permits issued and the fees that could have been paid in order to assist in the review mentioned in Section 13.9.1.

13.9 Fee Review

13.9.1 It is noted that the Secretary of State may need to review fee levels particularly closely in the first years of Permit Schemes. This is with a view to ensuring that the overall income from fees paid by undertakers and activity promoters does not exceed the prescribed costs described in Regulation 29 (the costs of operating the Permit Scheme in relation to undertakers and activity promoters).

14 INSPECTION PROCEDURES

14.1 The procedures for dealing with all aspects of inspections under the LoPS will, with the exception of those related to overrun charges under Section 74 of NRSWA and Permit condition checks, reflect the procedures set out in the current Code of Practice for Inspections dated September 2002.

14.1.1 There are four types of inspections procedure set out in the Code:

a) Sample Inspection;

b) Defect Inspection;

c) Investigatory Inspection; and

d) Inspection of works undertaken by licence under Section 50 NRSWA.

14.1.2 Inspections under the LoPS will follow the sample inspection methodology for assessing and carrying out all category A, B and C inspections which are those that are:

A) Undertaken during the progress of the works;

B) Undertaken within the six months following interim or permanent reinstatement; and

C) Undertaken within the three months preceding the end of the guarantee period.

14.1.3 In addition inspection under the LoPS will include processes for dealing with any defective signing and guarding and for reinstatements; improvement plans; together with any costs that may be recoverable, e.g. sample inspections fees from the activity promoter.

14.1.4 The procedures for inspections dealing with Section 74 and Permit Condition checks are as follows:

14.2 Section 74

14.2.1 These inspections are related to works that should have been completed by a due date or have been notified as having done so.

14.2.2 They will be randomly selected from works that fall into this availability so that the actual situation can be confirmed and as a combined total of 10% from the annual total number of actual number of inspection units, calculated using the method contained within the Code of Practice for Inspections. The individual fees charged will be as set down in Regulations from time to time by the Secretary of State and recharged using the same principles as for other sample inspections.

14.2.3 LoPS Permit Authorities will run the overrun charging scheme alongside the LoPS under Section 74 of NRSWA as set out in Section 17.22

14.3 Permit Conditions

14.3.1 These inspections will check for compliance with any Permit conditions that have been required under any particular Permit, for those conditions, which are not included in any other inspections procedures e.g. signing and guarding.

14.3.2 Similar to Section 74 checks, Permit Conditions checks will be randomly selected as a combined total of 10% from the annual total number of Permits, calculated using the method contained within the Code of Practice for Inspections, mentioned above.

15 SANCTIONS

15.1 In accordance with the Statutory Guidance and the sanctions provided by the Regulations which Permit Authorities may use to achieve compliance with Permit Schemes, the policy of the Permit Authority as follows.

15.2 Where there is proof that any undertaker has committed a criminal offence the Permit Authority, where it is both practicable and appropriate, will contact the undertaker before taking action against the undertaker and seek to discuss the matter in order to establish whether such action is required

15.3 Criminal Offences

15.3.1 Regulation 19 provides that it is a criminal offence for an undertaker or someone acting on its behalf to undertake works without a Permit. The offence carries a maximum fine of level 5 on the standard scale.

15.3.2 Permit offences apply only to undertakers and not to highway authorities. However Permit Authorities are required to monitor the performance of highway authority promoters to ensure a consistent approach and it will therefore be a matter of public record if a highway authority acts in such a way that would amount to the commission of an offence under Regulations 19 and 20 were it not the highway authority.

15.3.3 Regulation 20 provides that it is a criminal offence for an undertaker or someone acting on its behalf to undertake works in breach of a condition. This offence carries a maximum fine of level 4 on the standard scale.

15.3.4 These offences may be enforced in the following ways:

(a) Fixed Penalty Notice
(b) Prosecution

15.4 Fixed Penalty Notices

15.4.1 Regulations 21 to 28 (and Schedules 1 and 2) authorise Permit Authorities to issue Fixed Penalty Notices (FPNs) in respect of the criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.

15.4.2 A FPN may not be given more than 91 calendar days after the commission of the offence, beginning with the day on which the offence is committed. This is the maximum period allowed, but to improve co-ordination the Permit Authority, will, once it is decided that a FPN is to be given, do so soon as possible.

15.4.3 The penalty amount is £500 for working without a Permit, but a discounted amount of £300 is available if payment is made within 29 days. For working in breach of a condition the penalty is £120 and the discounted amount £80, the same as for Fixed Penalty Notices under the notices system.

15.4.4 FPNs shall be in the form set out in Schedule 1 to the Regulations (and in Chapter 18 of the Code of Practice for Permits) or in a form to substantially the like effect.

15.4.5 A FPN shall identify the offence to which it relates and give reasonable particulars of the circumstances alleged to constitute that offence. It must also state:

a) the amount of the penalty and the period within which it may be paid;

b) the discounted amount payable in accordance with Regulation 25 and the period within which it may be paid;

c) the person to whom and the address at which payment may be made;

d) the method or methods by which payment may be made;

e) the person to whom and the address at which any representations relating to the notice may be addressed; and

f) the consequences of not making a payment within the period for payment.

15.4.6 The person specified under (c) shall be the Permit Authority or a person contracted to act on its behalf.

15.4.7 FPNs will be served electronically where possible. But other means of giving the fixed penalty notice are permitted.

15.4.8 If an undertaker wishes to receive FPNs by electronic means, it must tell the Permit Authority which method (e.g. EToN, e-mail or fax) and provide details of the EToN web service URL, e-mail address or fax number to be used as appropriate. Where an address for service using a particular method for transmitting an electronic communication has been given for receipt of FPNs and the Permit Authority has not been notified that the address is withdrawn then an FPN must be given by sending to that electronic address.

15.4.9 The Permit Authority will apply the three conditions set out in Regulation 5 (3) of the Street Works (Fixed Penalty) (England) Regulations 2007 when giving an electronic FPN, "the fixed penalty notice shall be –

a) capable of being accessed by the person to whom it is being sent;

b) legible in all material respects; and

c) in a form which permits the notice to be retained for subsequent reference, and for this purpose "legible in all material respects" means that the information contained in the notice is available to

that person to no lesser extent than it would be if given by means of a notice in printed form."

15.4.10 An electronic FPN is deemed to be given on the day and at the time the transmitting apparatus records as being the day and time of satisfactory completion of the transmission, unless the contrary is proved. This is subject to Section 98 (2) of NRSWA (see below).

15.4.11 In all other circumstances, including system failures or if the Permit Authority has tried and failed to use electronic means, the fixed penalty may be given by alternative methods such as:

a) delivering it to the person to whom it is to be given;

b) leaving it at his proper address;

c) sending it by first class post to him at that address; or

d) by any other agreed means.

15.4.12 For service of a fixed penalty notice in these circumstances, the "proper address" is the postal address given by the undertaker to the street authority for those purposes, or, the registered or principal office of a corporation, or the last known address of such person.

15.4.13 Section 98 (2) of NRSWA provides that a notice given after 16:30 on a working day is deemed to have been given on the next working day.

15.4.14 The Technical Specification for EToN includes a non-mandatory message type for sending an FPN using EToN.

15.4.15 In accordance with Regulation 27 if the Permit Authority 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 notice shall be in the form set out in Schedule 2 of the Regulations (or in a form to substantially the like effect).

15.4.16 The Permit Authority in such circumstances will repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice.

15.4.17 The Permit Authority shall consider any representations made by or on behalf of the recipient of a fixed penalty notice and decide in all the circumstances whether to withdraw the notice.

15.5 Prosecution

15.5.1 If the undertaker pays either the full penalty or the discounted amount within the required period, then no further proceedings can be taken against that undertaker for that offence.

15.5.2 If the undertaker does not pay the penalty within the 36 days then the authority may bring proceedings in the Magistrates' Court for the original offence. Legal action must be taken before the expiry of the six months deadline from the date of the offence for bringing a case before the Magistrates' Court (Section 127 of the Magistrates' Courts Act 1980). This is the case even if the FPN was not given for some time after the offence was committed.

15.5.3 In circumstances where a Fixed Penalty Notice has been issued in relation to an offence, but the Permit Authority subsequently forms the view that it would be more appropriate to prosecute the offender, the authority must withdraw the Notice under Regulation 27 before bringing the proceedings.

15.5.4 Further the Permit Authority may consider the most appropriate action in the circumstances is to proceed directly to prosecution of the offence.

15.6 Application of Money by the Permit Authority

15.6.1 The Permit Authority may deduct from the fixed penalties received under Section 37 (6) of the TMA, the reasonable costs of operating the FPN scheme under which they are paid.

15.6.2 The Permit Authority shall apply any net proceeds to promoting and encouraging safe, integrated, efficient and economic transport facilities and services, to, from and within its area.

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

15.6.4 Although it is not a requirement that separate accounts should be kept for the FPN scheme, it should be possible to follow the audit trail to check income and expenditure for this scheme.

15.6.5 The Permit Authority and every Permit Authority operating the LoPS recognises that the FPN scheme is NOT intended to be an additional source of income for authorities, although some income may be generated incidentally. The objective of the FPN scheme is to enable highway authorities to manage and control activities better on the street and thereby contribute to the overall aim of the TMA, which is to minimise disruption from street works and will be operated with that in mind. LoPS authorities will therefore not expect any net proceeds emerging from the FPN scheme.

15.7 Regulation 18 – Discretionary Unauthorised Works Notices

15.7.1 There is a discretionary power under Regulation 18 (1), by which a Permit Authority may instead of proceeding by way of the criminal sanction route, issue a notice. Such a power may be used where a person undertakes works without a Permit for which a Permit is required to have been obtained or

breaches a Permit Condition. The Permit Authority will only issue such a notice where it is considered to be an appropriate response in the circumstances and not as a matter of course.

15.7.2 Where such a notice is issued it will require the person to take such reasonable steps as are specified in the notice, which may include steps to remove the works, to remedy the breach or to minimise or discontinue any obstruction to the street connected with the works, and to propose remedial action which must be undertaken within the timeframe set in the notice.

15.8 Failure to take Remedial Action

15.8.1 Where a notice is issued under Regulation 18 (1) and the relevant person has not taken the remedial action within the timeframe, the Permit Authority under Regulation 18 (3) may take such steps as it considers appropriate having regard to the original non-compliance, at the cost of the undertaker. The policy to be applied in such circumstances is that failure to comply with a Regulation 18 Notice within the relevant period will normally lead to such action being taken on the part of the Permit Authority.

15.9 Other Offences under NRSWA

15.9.1 Any offences relating to sections of NRSWA which run in parallel to Permit Schemes will continue to apply. These include offences relating to reinstatements, overrunning and failure to send appropriate notices.

15.10 Revocation of Permit

15.10.1 Whilst it is a criminal offence for an undertaker or someone acting on its behalf to undertake works in breach of a condition, as a further alternative to taking criminal action in such circumstances against the undertaker the Permit Authority has the power under Regulation 10(4) to revoke the Permit. This power is addressed in section 12.

15.11 Keeping of Records

15.11.1 The Permit Authority will keep records of all sanctions under LoPS. This information will be made available via the LoPS Business Task Force as outlined in Section 22.7.1.

16 DISPUTE RESOLUTION

16.1 The TMA provides wide 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.

16.2 LoPS Permit Authorities will and activity promoters are expected to use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. This might, for instance, be achieved by referring the issue to management for settlement.

16.3 Incidence of Dispute Resolution

16.3.1 Two stages of the Permits process provide for dispute resolution:

a) 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

b) 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.

16.3.2 Permit Authorities and Permit applicants should try, where ever possible, to resolve their disagreements between themselves. However, it is recognised that occasionally this may not be possible.

16.4 Appeals Procedure

16.4.1 The dispute resolution procedure for appeals under LoPS may be by way of dispute review, adjudication or arbitration.

16.5 Dispute Review

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

a) Straightforward issues - Where the two parties consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a 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. Both parties are recommended to accept the result as binding.

b) Complex issues - If the parties to the dispute think the issues are particularly complex, they should/will ask HAUC (UK) 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.

16.5.2 Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK). It is recommended that both parties accept the advice given by the review panel as binding.

16.6 Adjudication

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

16.6.2 Where the parties do not agree that the decision of the adjudicator is deemed to be final the promoter will the have the option of challenging the Permit Authority's decision through the administrative court by way of judicial review.

16.7 Arbitration

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

a) Section 61 (6) - consent to placing apparatus in protected streets;

b) Section 62 (5) - directions relating to protected streets;

c) Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged;

d) Section 74A (12) - charges determined by reference to duration of works;

e) Section 84 (3) - apparatus affected by major works;

f) Section 96 (3) - recovery of costs or expenses.

17 RELATED MATTERS & PROCEDURES

17.1 Road Closures and Traffic Restrictions

17.1.1. 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, as amended by the Road Traffic (Temporary Restrictions) Act 1991, and Regulations made under the 1984 Act.

17.1.2 There are two procedures:

a) Where urgent action is needed the relevant the relevant London traffic authority may issue a 'temporary notice' imposing a short-term closure or restriction. Prior notice is not necessary. The notice is limited to 21 days if there is a danger to the public or risk of serious damage to the road, independent of street works, a leaking gas main, for example. It can be extended by one further notice. The notice is limited to five days if there is no risk of danger or damage.

b) In less urgent cases the traffic authority may make a 'temporary order', which may remain in force for up to 18 months. This is limited to six months for footpaths, bridleways, cycle tracks and byways open to all traffic.

17.1.3 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.

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

17.2 Temporary Notices

17.2.1 This procedure will normally only apply to immediate activities. The promoter will inform the relevant traffic authority as soon as practicable if a closure or traffic restriction is needed. The Permit Authority will consult with the police and all relevant parties, and confirm, as soon as possible, whether or not a notice will be made.

17.2.2 The traffic authority must state in the notice:

a) the reason for issue;

b) its effect;

c) alternative routes (where applicable); and

d) the date and duration of the notice.

17.2.3 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.

17.3 Temporary Orders

17.3.1 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 Permanent Traffic Regulation Order. Any Orders should be revoked as soon as the activity is completed.

17.3.2 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.

17.3.3 A temporary traffic order is generally needed for planned activities in the street (except where the order follows a closure notice). If a closure order is needed, the promoter should notify the traffic authority at least three months in advance. This will allow the authority time to consult, and to obtain approvals and advertise the order.

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

17.3.5 The promoter must submit all the information needed to justify a road closure with the application for an order.

17.3.6 As set out above 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.

17.4 Continuation of Closures and Restrictions

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

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

17.4.3 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 authority will take the necessary follow-up action, without delay, to enable the activity to continue uninterrupted.

17.4.4 If the overrun becomes apparent only after the activity has started, the promoter should immediately inform the authority that either a further notice or an order will be required. This may be needed before the request for a Permit variation is made.

17.4.5 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 order.

17.4.6 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.

17.5 Policy Guidance

17.5.1 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.

17.6 Charges for temporary notices or TROs

17.6.1 Section 76 of NRSWA allows for traffic authorities to recover the costs of issuing temporary notices or making Temporary Traffic Regulation Orders (TROs). Upon receipt of an application for a TRO, the relevant traffic authority can provide utilities with the estimated cost. Invoices will be itemised, for example:

a) cost of order;

b) advertising in local papers; and

c) administration.

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

17.7 Maintenance of Undertakers' Apparatus

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

17.8 Practical Considerations

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

17.8.2 The relevant street authority will immediately notify the undertaker if surface apparatus is found to be defective or the cause of significant surface irregularity, or where an unexplained subsidence or other disturbance of the road surface occurs. This will be done in accordance with the protocols set out in the Technical Specification for EToN. The relevant street authority may arrange a site meeting by agreement with the undertaker.

17.8.3 If the fault identified by the street authority is for or as a result of previously un-attributable activities by undertakers, and an undertaker subsequently accepts responsibility for that activity, the undertaker must apply for a Permit for any registerable activity required to rectify the problem. The undertaker must use its own activity reference, rather than that generated by the street authority.

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

a) Dangerous defects – requires an immediate response;

b) Non-Dangerous – requires a response within the timescales agreed with the street authority.

17.9 Dangerous Occurrence or Defects:

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

17.9.2 The street authority may execute any emergency action needed to safeguard the public, for example, by fencing off the location from traffic and the general public.

17.9.3 Non-Dangerous defect or occurrence requires a response within the timescales agreed with the street authority. Non-Dangerous defective apparatus is apparatus which requires attention to comply with specifications or remove nuisance; or has the potential to escalate to "Dangerous" in the near future.

17.9.4 The decision on whether an occurrence is Dangerous or Non-Dangerous will, by necessity, have to be made on site. The relevant street authority will make the decision objectively. It should not be challenged unreasonably.

17.9.5 An undertaker may reduce the time for response, to meet operational needs for example, but must not exceed the agreed timescales. It is important that only the responsible undertaker, or a specialist contractor working on its behalf, investigates suspected damaged or defective apparatus, excluding manhole covers and frames.

17.9.6 The street authority will carry out investigations or remedial works (using appropriately trained and experienced persons) only in an emergency, or where the undertaker is unable or unwilling to use their own operatives or specialist contractor.

17.9.7 Permit applications for any necessary remedial work that is a registerable activity must be made following the rules set out in the LoPS and using the protocols set out in the Technical Specification for EToN.

17.9.8 If the street authority has opened the street or exposed an undertaker's apparatus in an emergency, or in the circumstances described above, the undertaker will assist the authority by jointly inspecting the problem, within a reasonable time agreed between them, to agree a remedial plan and timescale. The reasonable costs incurred by the street authority may be charged to the undertaker.

17.10 Working Near Rail Tracks

17.10.1 Particular attention must be given to the possible effects of activities taking place at or in the vicinity of level crossings. Promoters planning works in such locations must refer to Appendix C of the Code of Practice for Permits published in March 2008 or as subsequently amended, which sets out Network Rail's requirements.

17.11 Vehicle Parking at Street and Road Works

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

17.12 Vehicle within Activity Site

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

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

17.13 Vehicle Outside Activity Site

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

17.14 Implications

17.14.1 When assessing the impact of activities, the parking of any vehicles associated with the activity must be taken into account. This is a particular problem for activities which, but for the presence of a works vehicle, would take place entirely within the footway. If a vehicle is parked adjacent to the activity, in a place which vehicles could not normally use, then it must be part of the activity site. It must be signed and guarded appropriately. The activity is then not wholly confined to the footway but encroaches onto the carriageway. Applications for Permits must reflect this.

17.15 Parking Restrictions

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

17.15.2 It will be a condition of a Permit where parking restrictions or suspension is required that the necessary order or approval will be in place before the activity, or the relevant part of the activity, starts on site, as referred to in Section 10.4.4.5 such a condition will be in the form of Appendix D Model Condition 12.

17.16 Storage of Materials

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

17.17 Apparatus Belonging to Others

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

17.18 Assessing the Impact of Activities

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

Disruption Effect Score

17.18.2 The Disruption Effect Score as set out in Appendix C is based on a measure of congestion resulting from a restriction on the highway. It is derived from a number of simple factors that should be easily established for any given activity.

17.18.3 The nature of traffic flow and the relationship between flow, capacity, and delay are highly complex and subject to a variety of factors. However three specific factors can be used to provide an indication of congestion: the total width of a road; the extent to which the activities reduce the available width; and the traffic flow.

Impact Assessments

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

Use of Impact Assessments

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

17.19 Environmental Issues

17.19.1 As referred to earlier in the Section related to conditions, Activity Promoters are strongly advised to liaise with the authority's arboricultural consultants and other environmental officials along with any necessary authority officers when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.

17.19.2 Promoters considering burying plant and apparatus that is currently above ground should contact any other promoters with similar apparatus to see whether it wishes to share the underground facility.

17.20 Codes of Practice and Regulations

17.20.1 All relevant Codes of Practice and Regulations also apply to LoPS, including, but not restricted to:

a) The Specification for the Reinstatement of Openings in the Highways (or special or local agreement if employed by some authorities) and the appropriate current Regulations;

b) The Safety at Street Works and Road Works, A Code of Practice and the appropriate current Regulations;

c) The Section 74 Regulations will apply and an overrun charging scheme will be applied as set out in Section 17.22; and

d) A Notice of Completion must be provided, as required by Section 70 of NRSWA, within ten days of completing a reinstatement.

17.21 Notice of Completion

17.21.1 The Notice of Completion must contain the following:

a) Whether the reinstatement is interim or permanent;

b) National Grid References either:

i) one in the centre of small excavations; or

ii) one at each end of trenches. A trench is any opening over 10m in length.

c) The dimensions and description of each and every reinstatement;

d) The date the site was reinstated, which in the case of a permanent reinstatement is the start date for the guarantee period;

e) The reinstatement construction method for all the reinstatements carried out; and

f) The actual number of inspection units.

17.21.2 The Notice may also include an illustration, which may be a plan, sketch or digital photograph, showing the extent and location of the reinstatement.

17.22 Overrun Charging Scheme – Section 74 NRSWA

17.22.1 Permit Authorities operating the LoPS will each run a scheme for overrun charging under Section 74 of NRSWA to operate alongside the LoPS. Like Permit schemes, Section 74 schemes are not compulsory, however, unlike Permit schemes, an authority does not require Secretary of State approval. The details of the Section 74 scheme operating in conjunction with LoPS are set out below.

17.22.2 The Section 74 Regulations current at the time of drafting the LoPS namely the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations will apply but may be subject to change from time to time in which case the amended or replacement Regulations will apply. The operation of the overstaying regime however is modified under the LoPS to incorporate the process of setting and modifying the duration of the activity (or "works" in Section 74 terms) through the Permit application, approval and variation processes.

17.22.3 Activities carried out by an activity promoter on behalf of a highway authority or by the highway authority themselves are not subject to Section 74 overrun charges. However, under the LoPS, promoters of such activities will be required to follow the same procedures as promoters who are undertakers. KPIs as described in Section 22 provide an indication of performance in relation to overrunning.

17.23 Section 74 - Charges ~~for Unreasonably Prolonged Occupation~~

17.22.4 Section 74 of NRSWA enables highway authorities to charge undertakers if their works in the highway take longer than previously agreed.

17.22.5 The Section 74 Regulations apply to every publicly maintainable highway other than:

a) a footpath or bridleway;

b) a highway with a pedestrian planning order is in force; and,

c) a highway prohibited for use by vehicular traffic by a traffic order - unless that prohibition is only at particular times.

17.22.6 If the activities take longer than the "Prescribed Period" and also take longer than the "Reasonable Period", they become unreasonably prolonged - and the Permit Authority as highway authority may levy a charge for each day, or part of a day they over-run.

17.22.7 If the activities are prolonged due to reasonable circumstances, such as unforeseen weather or ground conditions, the Permit Authority will discuss the circumstances with the promoter and may agree an extended duration.

17.23 Exempt Activities

17.23.1 Certain types of activities are exempt from Section 74 charging:

a) activities in non traffic-sensitive streets that require opening the highway, but not breaking it up;

b) replacing manhole or chamber covers - that do not involve breaking up the street;

c) replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street;

d) pole testing that does not involve breaking up the street;

e) bar holes; and

f) works carried out on behalf of a highway authority.

17.23.2 If one of the exemptions applies, the promoter must record the appropriate charge exemption in the Permit application and Works Clear/Closed notices - see the Technical Specification for EToN.

17.24 Prescribed Period

17.24.1 The "Prescribed Period" is the period during which no overrun charges can be levied. It is set down by the Secretary of State in the Section 74 Regulations which currently (as of April 2009) provide it as two days, starting on the day works begin.

17.24.2 The prescribed period does not relate to the time required to carry out any particular type of activity. Therefore it will not be used to judge the duration of proposed activities.

17.25 Duration of Works for Section 74 Purposes

17.25.2 All Permit applications must include proposed start and end dates so that the duration can be calculated.

17.25.3 The Permit Authority may challenge the dates and duration using the application and response processes described in pervious sections. The reasonable period for Section 74 purposes will be the same as the duration of the activity set out in the relevant Permit condition on the Permit for the activity and will be recorded as such on the Permit.

17.25.4 However, the process used to assess whether the activity has overrun for Section 74 purposes, taking account of setting up the site, completion of the activity and any necessary reinstatement, will follow the requirements of the Section 74 Regulations current at the time. The notices to be given by the promoter as part of this process are detailed below.

17.25.5 Interim and permanent reinstatements are treated as separate phases in the LoPS and promoters must obtain separate Permits for each. The period between these cannot be considered as an overrun provided the site has been properly cleared. All spoil, excess materials, stores and signing, lighting and guarding must be removed from site before the activity can be regarded as finished.

17.25.6 Further activities to complete the reinstatement, for example the replacement of road markings where delay is permitted by the reinstatement specification, should be indicated by using the appropriate site status, such as 'interim reinstatement'. This includes circumstances where other materials are permanent. The replacement of road markings will be a separate phase if carried out at a separate time from other reinstatement activities.

17.26 Actual Start (Sections 74(5B) and 74(5C) of NRSWA)

17.26.2 Although the Permit start date is also the proposed start for the activity, the actual start date may differ. For category 3 and 4 non traffic-sensitive streets

a flexible starting window is explicitly provided for. On category 0, 1 and 2 and traffic-sensitive streets, although they do not have the same flexibility, there may be occasions when activities cannot start when proposed. Therefore notification of the actual start for the activity must be given to begin the reasonable period, as well as to inform the Permit Authority of what is happening on the network. Activities must not begin before the start date of the Permit; to do so would be committing an offence.

17.26.3 Once the activity has begun, a Notice of Actual Start of an activity must be given by 10:00 the next working day on category 0, 1, 2 and traffic-sensitive streets and by the end of the next working day in the case of category 3 and 4 non traffic-sensitive streets. In the case of immediate activity the Permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be “In Progress”.

17.26.4 Notice of Actual Start must be given in accordance with the requirements described in the Technical Specification for EToN. The identity of the main contractor or, if appropriate the Direct Labour Organisation ("DLO") must be provided on the Notice of Actual Start Date. This should always be the organisation with whom the undertaker has the contract, and not any subcontractor who may be actually carrying out the activity.

17.27 Revised Reasonable Period and Duration Estimate

17.27.2 Unforeseen circumstances can delay the completion of activities. A promoter must apply for and obtain a variation of its Permit, if the activity is likely to extend beyond the Permit end date or the activity duration set in the conditions is likely to be exceeded. Such an application must provide full justification for the extension. Sections 11 and 8 respectively describe the process for obtaining variations to Permits and the timing of applications. This same process must be used for making any changes to the reasonable period for Section 74 purposes, which will usually be the same as the duration given in the Permit conditions.

17.27.3 As with the original application the Permit Authority reserves the right to challenge an application for an extension to the Permit end date or activity duration. If it does, the Permit Authority will attempt to first discuss with the promoter with a view to reaching an agreed way forward, if possible. There could be circumstances where the agreed activity duration and reasonable period are not the same following a Permit variation. For example, the Permit Authority might consider that the promoter had not expedited their work and an extension to the reasonable period was therefore not justified, but that the wider network management circumstances meant that it was better to let the activity finish. In that case a longer duration could be allowed in order to avoid the promoter working illegally outside the conditions of a Permit, even though the reasonable period was not extended. If the duration and/or reasonable period are changed, the revised figures will be incorporated in the new Permit that the Permit Authority will issue following the variation

17.28 Section 74 (5C) Works Clear Notice

17.28.2 A Works Clear Notice is used following interim reinstatement. The Works Clear Notice must be given in accordance with the Section 74 Regulations and in the manner specified in the EToN specification. Where the activity is completed in different phases such as interim and permanent reinstatement, there must be separate Permits for each phase. In no circumstances should Permits be sought for more than one phase.

17.28.3 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a works clear notice. A new Permit must be obtained for any subsequent phases, such as to complete the permanent reinstatement.

17.29 Section 74 (5C) Works Closed Notice

17.29.2 A Works Closed Notice is used following permanent reinstatement. The Works Closed Notice must be given in accordance with the Section 74 Regulations, which currently state that this must be by the end of the next working day following the day on which the activity was closed, and in the manner specified in the EToN specification.

17.29.3 All spoil, excess materials, stores and all signing, lighting and guarding must be removed from site before the activity can be regarded as completed for a Works Closed Notice.

17.29.4 If temporary road markings have been used, then the activity is not complete until the permanent markings are applied and the activity duration must also cover this period or a separate Permit will be required for later placing of road markings.

17.30 Informal Warning

17.30.2 The Permit Authority may send an undertaker an informal warning, normally via a works comment, when their activity has begun to attract overrun charges. A non statutory notice has been defined in the Technical Specification for EToN for this purpose.

17.31 Charging Regime

17.31.2 Charges vary according to the type of activity, the road category and whether the street is traffic-sensitive. The charges are set down in the Section 74 Regulations.

17.31.3 The Permit Authority as highway authority will take care to ensure that the facts used for proposing charges are accurate, along with the activity type and category of road. Where there is evidence that the dates given in Section 74 notices are incorrect the charges will be based on the evidence.

17.31.4 If incorrect information has been given in a notice the Permit Authority as highway authority may issue a FPN if it considers that an offence has been committed.

17.31.5 The arrangements for inspections in relation to Section 74 are reflected in the Code of Practice for Inspections in relation to Street Works and any Code of Practice that supersedes it. The same rules apply to Section 74 when applied in conjunction with the LoPS as would apply under a noticing regime under NRSWA.

17.32 Remedial Works

17.32.2 Remedial works to rectify defective reinstatements will be dealt with as a new activity with its own Permit, following the full procedures accordingly.

17.32.3 Any overrun on remedial works will be charged at the rate appropriate to the activity category, as set out in the Section 74 Regulations.

17.33 Keeping Accounts

17.33.2 Section 74 overrun charges and Permit fees will be kept in separate accounts.

18 CHANGES TO THE LoPS

18.1 It may be necessary to change LoPS from time to time.

18.2 As the LoPS is a Common Scheme it will only be possible to change the principal LoPS where a unanimous decision is reached in favour of the change by all the Permit Authorities operating the LoPS.

18.3 To do so the Permit Authority, under Regulation 5, must ask the Secretary of State to agree to such a change to the scheme with an explanation and justification of the change(s) proposed. The Secretary of State will then consider whether the proposed changes can be agreed. Thereafter, in accordance with Regulation 5, the Permit Authorities must ask the Secretary of State to agree to such a scheme.

18.4 Currently there is no time limit within which agreed changes may be brought into effect. The LoPS Permit Authorities will liaise with the Department for Transport about this at an early stage.

18.5 In accordance with Regulation 5 and Regulation 3, prior to applying to the Secretary of State the proposed changes to the LoPS will be subject to consultation with the same consultees (if they still exist) as the original scheme; although the appropriate consultation period may be less depending on the nature and significance of the change.

19 CEASING TO RUN LoPS

19.1 If a Permit Authority operating the LoPS wishes to cease to run the LoPS, they will first consult all interested parties and then apply to the Secretary of State to revoke the scheme, in so far as their roads are concerned, in accordance with Regulation 5. Where more than one Permit Authority wishes to cease to run the LoPS then each Permit Authority must make an individual application to the Secretary of State.

19.2 Until an Order is made by the Secretary of State revoking their operating of the LoPS it will continue in operation in that Permit Authority's area. A Permit Authority cannot, therefore, discontinue their operation of the LoPS in their area and re-establish a notice system without the approval of the Secretary of State.

20 CREATING AND UPDATING the LONDON AREAS of the NATIONAL STREET GAZETTEER (NSG)

20.1 National Street Gazetteer NSG

20.1.1 The LoPS recognises that a key element of controlling or managing activities is knowing accurately where the activities are to take place, in which street and where in the street. There is already a nationally consistent street gazetteer system for identifying streets that is used under NRSWA whereby every highway authority produces a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Concessionaire. Each of these local gazetteers shall contain the information, required by and defined in the Technical Specification for EToN, about the streets in that authority's area.

20.1.2 Permit Authorities and activity promoters must obtain full copies and updates of the street data from the NSG Concessionaire's website.

20.1.3 Under this system each street has a Unique Street Reference Number (USRN). LoPS provides for the same system to be used, along with the Additional Street Data linked to those streets.

20.1.4 USRNs can refer to a whole street (as identified on the ground) or, if the street is long, to part of a street between significant junctions. Under LoPS a "street" refers to that length of road associated with a single USRN, i.e. to part of a whole street where a street is subdivided.

20.1.5 It is the responsibility of the highway authority (which in the case of LoPS are the Permit Authorities), either individually or jointly with others, to create, maintain and publish street gazetteer data for all streets within their geographical area, whether or not they are the street authority for any particular street.

20.1.6 The specification for street gazetteers is set out in British Standard BS 7666. The Standard specifies three levels of detail; the highest, level 3 includes the geospatial representation of the centre-line of the street as well as the end points. With the degree of attention which will be exercised by the LoPS authorities operating a Permit Scheme, accurate locations will often need the centre-line information if the impact of activities are to be properly assessed.

20.1.7 In light of this and the guidance in the Code of Practice for Permits, the London highway authorities have been working together on producing the Pan-London, Level 3, Street Gazetteer.

20.2 Additional Street Data (ASD)

20.2.1 Additional Street Data (ASD) refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data. Highway authorities, activity promoters and other interested and approved parties, may obtain copies and updates to this data from the concessionaire.

20.2.2 LoPS authorities will provide the following information for the ASD:

a) the street authority responsible for maintaining the street;

b) whether the street is publicly maintainable, prospectively publicly maintainable, or private;

c) whether the street, or part of the street, is covered by a Permit scheme or NRSWA notification regime, who the Permit Authority is or street authority is, details of shared streets if this applies, and whether it is an individual, common or joint scheme;

d) any other authorities and activity promoters with an interest in the street;

e) the street reinstatement category;

f) designations of protected streets;

g) designations of streets with special engineering difficulty; and

h) designations of traffic-sensitive streets.

20.2.3 LoPS authorities may also provide the following information for the ASD which is optional:

a) whether the street is subject to early notification of immediate activities;

b) where possible, streets on which it might be expected that conditions relating to the non use of that street for new apparatus, but not the maintenance of existing apparatus, may be used; and

c) other features of the street, such as structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc.

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

20.3 Responsibility for Creating and Updating ASD

20.3.1 Where the street authority is also the highway authority, it creates the ASD together with the NSG.

20.3.2 Where the street authority is not the highway authority, it may create and submit its own ASD to the NSG Concessionaire. This will be referenced to the highway authorities' gazetteers. Organisations that fall into this category are:

a) The Highways Agency (which manages the motorway and trunk road network in England)

b) Transport for London (which manages the main road network within London) which is a Permit Authority operating LoPS

c) Network Rail (which is the street authority for level crossings between the barriers).

20.3.3 Any other authority, activity promoter or interested party must send their records to the NSG Concessionaire to ensure that their interest in a street is logged. The interest records should/will be entered into the ASD maintained by the highway authority. This is particularly appropriate to neighbouring authorities in the exercise of their network management duty. The NSG Concessionaire will administer this process.

20.4 Use of ASD and Pan-London, Level 3, Street Gazetteer

20.4.1 All activity promoters are advised to use the level 3 gazetteer and this ASD information when making their Permit applications.

20.4.2 Activity Promoters' attention is particularly drawn to the fact that many streets in London are partly maintained by the authority who will have what is currently known as a "Type 61" in their ASD record. This reference may be subject to a change. This record indicates the area of the street that the authority maintains. Similarly Transport for London will have produced a "Type 61" record in their ASD for the area of street that they maintain. Activity Promoters must ensure that they make their Permit application to the appropriate Permit Authority.

21 REGISTERS

21.1 In accordance with Part 7 of the Regulations the Permit Authorities operating LoPS will maintain a register in connection with their Permit Scheme. Each LoPS Permit Authority will maintain its own local register for its own geographic area. It will include information on all streets other than those streets that are the responsibility of another authority

21.2 London Permit Authorities will also maintain a street works register required under Section 53 of NRSWA for any private streets and for historic information.

21.3 Details in respect of registers are also shown in Chapter 3 of the Code of Practice for Permits 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.

21.4 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 co-ordination of activities and to provide information to road users.

21.5 Form of Registers

21.5.1.1 The registers will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the LoPS registers will use Geographic Information System (GIS) by October 2008/April 2009. 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.

21.5.2 It will include:

a) vector objects (polygons, lines and points) representing real-world geographical features and boundaries, each with well-defined lifecycles and royalty-free unique identifiers suitable for referencing; and

b) road centreline geometry objects, each with royalty-free unique identifiers, which reference the road surface and form a complete and fully consistent topological network with no breaks or misalignments at administrative boundaries. All LoPS authorities will synchronise their holdings of the common digital map data so that they all contain the same version of the data at any given point in time.

21.5.3 The minimum specification of the common map base is as follows:

a) Scale Urban areas: 1:1250;

b) Rural areas: 1:2500;

c) Remote areas: 1:10000;

d) Accuracy Urban areas: ± 1.0m;

e) Rural areas: ± 2.0m;

f) Remote areas: ± 4.0m;

g) Coverage: National and seamless, exhausting space over all land areas;

h) Geometry Types: Point, Line and Polygon;

i) Classification:Objects classified by physical form; and

j) Update Cycle: 8 weeks (max.).

21.5.4 All streets in Local Street Gazetteers will reference the road centreline geometries in the common map base (using royalty-free unique identifiers), which will in turn reference polygons representing the road surface. Such a structure promotes consistency and maximises the possibility for interoperability between applications, both in the highway's arena and in a wider context.

21.5.5 LoPS will provide the USRN definitions and attribution as defined in BS7666, while the geometries will be recorded by referencing the road centreline objects in the digital map base. This will promote reuse and consistency between datasets. All data will follow the principles of the Digital National Framework (www.dnf.org).

21.6 Content of Registers

21.6.1 The LoPS Permit registers will record:

a) copies of all Provisional Advance Authorisation, Permit and Permit variation applications submitted to the Permit Authority relating to registerable activities in any street;

b) 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" to be granted (see Section 7.9);

c) copies of all revoked Permits, refused Provisional Advance Authorisations and refused Permits, together with the reasons for such refusals;

d) copies of all notices, consents and directions served by a street authority under Sections 58 or 58A of NRSWA;

e) copies of all notifications served by a promoter / undertaker under Sections 58 and 58A of NRSWA;

f) copies of all notices given under Section 74 of NRSWA;

g) description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);

h) particulars of notices given by any relevant authority under Schedule 4 of NRSWA;

i) 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;

j) information under Section 70 (3) and (4A) of NRSWA as to completion of reinstatements;

k) particulars of apparatus notified to the street authority under Section 80(2) of NRSWA;

l) every notice of works pursuant to Section 85 (2) of NRSWA;

m) details of every street for which the highway authority are the street authority;

n) details of every street which is a prospectively maintainable highway over which a Permit scheme would operate;

o) details of every street over which a Permit scheme would operate, of which the highway authority is aware, which is a highway but for which it is not the highway authority; and

p) details of every street which is a:

i) protected street;

ii) street with special engineering difficulties; or

iii) traffic-sensitive street.

21.6.2 Authorities should/will ensure that their register also includes the following items, which are contained within the ASD:

a) the road category of each street; and

b) details of every street where early notification of immediate activities is required.

21.7 Access to Registered Information

21.7.1 Everyone has a right to inspect the register(s), free of charge, at all reasonable times, except as noted below where there are restrictions. "All reasonable times" may be taken to mean normal office hours (e.g. 08:00 to 16:30, Monday to Friday except Bank Holidays).

21.7.2 Every Permit Authority operating LoPS will publish their register on their public website. This will be available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance. This work will, wherever possible, be done outside normal office hours.

21.7.3 Much of the detailed information in the register is unlikely to be of interest to the public and it is the responsibility of each Permit Authority to decide how much information to make available in this way. Permit applications and notices contain confidential information such as names and telephone numbers of contacts in organisations. The Permit Authority will ensure that such information remains confidential. The Permit Authority will also make it clear that they are not responsible for the accuracy of information concerning those activities for which they are not the promoter.

21.7.4 The websites will allow records to be searched by the USRN or the "street descriptor" (the street name, description or street number) as given in the NSG. The Highways Agency has its own methods of disseminating such information on trunk roads and motorways. Public access to websites will be read-only to prevent unauthorised amendment to records.

21.8 Restricted Information

21.8.1 Restricted information is anything certified by the Government as a matter of national security, or information which could jeopardise the promoter's commercial interests such as details of a contract under negotiation. The promoter must indicate restricted information on the application.

21.8.2 The approach taken is that restrictions on the release of information should be as limited as possible. In particular, it will not be assumed that because some item of information about an activity needs to be restricted, all information about it needs to be. For example, a PAA might need to be restricted for commercial reasons, whereas a later Permit need not be. The case for restriction will be considered on an item-by-item rather than an activity-by-activity basis.

21.8.3 The right of access to restricted information is limited to:

a) persons authorised to execute any type of activity in the street; or

b) persons "otherwise appearing to the authority to have a sufficient interest".

21.8.4 Any person wishing to see restricted information must satisfy the Permit Authority, as a minimum, that his interest is greater than the general interest of the ordinary member of the public.

22 MONITORING AND EVALUATION OF OBJECTIVES

22.1 The objectives of the LoPS are set out in Section 2

22.2 In accordance with the Regulations, the Permit Authorities operating the LoPS will seek to evaluate the Permit scheme so as to measure whether the objectives are being met.

22.3 As the London Permit Scheme is a common scheme, which in itself means that the objective of providing a common framework for all activity promoters who need to carry out their works in London will be met. However a formal evaluation process for all the objectives is recognised as being required.

22.4 Specific guidance is provided by the Department for Transport in respect of the objective of ensuring parity of treatment, under Regulation 40, for all types of works and promoters/undertakers and in respect of the evaluation of that and which is addressed below.

22.5 In relation to the other LoPS objectives however it is necessary to establish a new means of monitoring and evaluation. The LoPS therefore will establish separate forums as shown below to enable discussion and deliberation of the LoPS objectives by the Permit Authorities operating the LoPS and stakeholders and assess whether the LoPS objectives are being met.

22.6 The outputs from these forums which will meet on a quarterly basis will thereafter feed into the annual reports of each Permit Authority via the LoPS Working Group shown below, and any reports published from such meetings will be available on www.LondonStreetworks.net. This will therefore enable each LoPS Permit Authority to reflect and assess whether the objectives of the LoPS are being met through their own annual report.

22.7 LoPS Objectives Committees and Task Forces

22.7.1 An Operational Committee consisting of representatives of Permit Authorities operating the LoPS will be formally set in place within two months from the time LoPS is implemented to evaluate the overall objectives of the scheme. The proposed means that will be adopted by the task forces to make this assessment have been set out in a separate document attached to the Scheme. The information flowing from this Operational Committee will be discussed with stakeholders. In addition Task Forces, reporting to the LoPS Operational Committee, will be established at the same time as follows:

LoPS Business Task Force

This Task Force will consist of representatives of Permit Authorities operating the LoPS. This Task Force will provide an environment to help each of the Permit Authorities operating the LoPS to meet their NMD and coordination duty and will also encompass the sharing of knowledge, business working practices and methodology of approach across all members of LoPS. This

Task Force will particularly consider whether this encourages a common framework for all those carrying out work in London.

LoPS Works Task Force

This Task Force will consisting of representatives of Permit Authorities operating the LoPS and London Utility representatives. This Task Force will support those seeking to minimise disruption and inconvenience across London by encouraging good practices, mutual and collaborative working arrangements and a focus on getting it right. This Task Force will particularly consider whether all activity promoters are being treated in a fair and equitable way.

LoPS Site Planning Task Force

This Task Force will consist of representatives of Permit Authorities operating the LoPS and London Utility representatives, together with co-opted members from outside the immediate industry. This Task Force will encourage a high emphasis on safety for everyone including site operatives and all other road users with particular emphasis being given to the needs of more vulnerable highway users.

LoPS Assets Task Force

This Task Force will be placing emphasis on the need to minimise damage to the structure of the highway and all apparatus contained therein. Membership of this Task Force will consist of LoPS representatives, London Utility representatives, Transport Authority representatives and Bridge Authority representatives.

22.8 Non–Discrimination: Parity in Relation to Registerable Activities and Activity Promoters/Undertakers

22.8.1 A key principle and objective of the LoPS is that it treats all activities covered by the scheme on an equal basis. The present 2007 Permit Regulations provide for permit schemes to include both street works by statutory undertakers, as defined in NRSWA (but street works licensed under Section 50 of NRSWA are excluded), and highway works, defined in Section 86 (2)of NRSWA as works for road purposes. Although the term “specified works” is used generically in the Regulations, “activities” is used in this 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 and this is set out in Section 4.

22.8.2 Whilst not all activities require a Permit, activity promoters are strongly recommended to check on the London Works Central Register to ensure that they are not planning to work at the same time as other works in that street.

22.8.3 As noted above, Permits will be required for all qualifying street works and works for road purposes, and all applications, which can only be made by

licensed undertakers or highway authorities, will be treated in a non-discriminatory way, as required in Regulation 40. In other words the highway authority's activities and their applications will be treated in exactly the same way as those of a licensed undertaker's with regard to co-ordination and the setting of conditions.

22.8.4 In order to show that the Permit Authorities operating LoPS are operating the scheme in a fair and equitable way each Permit Authority's Permit Officer (that is the person responsible for granting Permits) will be separated from the highway activities of the authority.

22.8.5 In addition each Permit Authority will apply a set of Key Performance Indicators (KPIs) developed by the DfT and set out in the Code of Practice. Each Permit Authority operating the LoPS must report against these KPIs on an annual basis and this will feed into the annual report referred to in section 22.6, along with the outputs from the other LoPS Objectives forums set out above.

22.8.6 The KPI reports will also be published on the www.londonstreetworks.net. Quarterly Co-ordination Meetings (as defined under the NRSWA) as well as other regular meetings with promoters such as London Highways Authorities Utilities Committee, will provide the forum for monitoring compliance with Regulation 40.

22.8.7 Each Permit Authority operating the LoPS must apply the following two mandatory KPI's :

KPI 1 The number of Permit and Permit variation applications received, the number granted and the number refused; and

KPI 2 The number of conditions applied by condition type.

22.8.8 In addition each LoPS Permit Authority will also apply the optional KPIs 4 and 5 from the Permit Code of Practice to demonstrate parity of treatment between their own road works and streets works undertaken by statutory undertakers. These are as follows:

KPI 4 The number of occurrences of reducing the application period; and

KPI 5 The number of agreements to work in Section 58 and Section 58A restrictions. (Details of Section 58 and 58A restrictions will be provided as required under Section 8.3 of the Code of Practice for Permits.).

22.8.9 These KPIs apply to both Road Works and Street Works and will be produced at least once a year and will be discussed at co-ordination or similar meetings. KPIs 1, 2, 4 and 5 will also be used to measure parity in respect of the application of the provisions of the Permit Scheme. If any promoter considers that they are not being treated in accordance with Regulation 40 then they can take the matter up either through the regular co-

ordination or similar meeting or the dispute resolution procedures highlighted in Section 16.

23 TRANSITIONAL ARRANGEMENTS

23.1 The basic rules of transition will apply on all roads where the permit scheme operates:

a) The Permit regime as provided for herein will apply to all activities where the administrative processes, such as an application for a Permit or Provisional Advance Authorisation, start after the commencement date;

b) Activities which are planned, or will start on site more than one month after the changeover date for Standard, Minor and Immediate activities or three months for Major activities, shall operate under the LoPS Permit Scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the promoter will have to apply for a Permit; and

c) Any other activities which started under the notices regime will continue under that regime until completion.

23.1 Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, promoters must contact the Permit Authority so that discussions can take place to ensure a practical way of dealing with the activities can be resolved.

APPENDIX A GLOSSARY

Term	Explanation
Above Ground Works	Any works (not being overhead works) which do not involve the breaking up or opening of the street or tunnelling or boring under it.
Activities	Means street works as in Part 3 of NSWRA, except for works by licensees under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA.
Activity Promoter	Means a person entitled by virtue of a statutory right to carry out street works or works for road purposes.
Additional Street Data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG adjudication.
Apparatus	As defined in Section 105 (1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus".
Appeal	Where there is an unresolved disagreement between the activity promoter and the Permit Authority about a Permit Authority's decision or actions the promoter may appeal using the procedure in Section 15 of LoPS.
Arbitration	As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers".
Bank holiday	As defined in Section 98 (3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Bar hole	A bar hole is used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge	As in Section 88 (1) (a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street".
Bridge authority	As defined in Section 88 (1) (b) of NRSWA, "bridge authority means the authority, body or person in whom a

	bridge is vested".
Bridleway	As defined in Section 329 of the Highways Act 1980, "bridleway means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway".
BS7666 - British Standard number 7666	Relating to gazetteers.
Carriageway	As defined in Section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles".
Central Register	A central register is a register covering two or more street authority areas that is maintained by one single authority, the 'register authority'. For example, a central register could include all authorities in a metropolitan area.
Code of Practice for Permits	As published by Department for Transport March 2008.
Co-ordination Meetings	Quarterly meetings to co-ordinate works in highway authority 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	As defined in Section 329 of the HA 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot".
Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Distribution Network Operator (DNO)	Operator of an electricity distribution network.

Disability	As defined in Section 105 (5) of NRSWA, "Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act".
Disability Equality Duty	Means the duty under Section 49A of the Disability Discrimination Act 1995, inserted by the Disability Discrimination Act 2005 which requires that "(1) Every public authority shall in carrying out its functions have due regard to— (a) the need to eliminate discrimination that is unlawful under this Act; (b) the need to eliminate harassment of disabled persons that is related to their disabilities; (c) the need to promote equality of opportunity between disabled persons and other persons; (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons; (e) the need to promote positive attitudes towards disabled persons; and (f) the need to encourage participation by disabled persons in public life. (2) Subsection (1) is without prejudice to any obligation of a public authority to comply with any other provision of this Act.
e-government	The Government objective to deliver efficiency savings while improving the delivery of public services by joining up electronic government services around the needs of customers.
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property".
EToN	Electronic Transfer of Notices System
Excavation	"Breaking up" (as defined above).
Extensible Markup Language (XML)	A self-describing data format providing (amongst other things) a method of transferring data between systems. Note that the UK Government eGIF standard mandates XML for this purpose.
File transfer protocol (FTP)	A method of transferring data between computers defined by RFC959 (RFCs - Request for Comments) are the standard documents that define the operation of the internet).

Fixed Penalty Notice	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty".
Footpath	As defined in Section 329 of the HA 1980, "footpath means a highway over which the public have a right of way on foot only, not being a footway".
Footway	As defined in Section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only".
Frontager	A person or body occupying premises abutting the street.
Geographical information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.
HA 1980	The Highways Act 1980.
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Heavy commercial vehicle	As defined in Section 138 of the Road Traffic Regulation Act 1984, "heavy commercial vehicle means any goods vehicle which has an operating weight exceeding 7.5 tonnes".
Highway	As defined in Section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highways Act 1980	(dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway"
Highway authority	As defined in Sections 1 and 329 of the HA 1980.
Highway works	"works for road purposes" or "major highway works".
Immediate activities	As stated in Section 4.11.5, immediate activities or works are either emergency works as defined in Section 52 of NRSWA or urgent activities or works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.

In	As defined in Section 105 (1) of NRSWA, "in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it".
Joint Permit Scheme	Where several authorities have submitted a joint application to operate a Permit scheme over their combined areas. Such a scheme will either be administered by one authority on behalf of all the others or by each authority retaining responsibility for the scheme within its boundaries.
Land	As defined in Section 329 of HA 1980, "land includes land covered by water and any interest or right in, over or under land".
Local authority	As defined in Section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local highway authority	As defined in Section 329 of HA 1980, "local highway authority means a highway authority other than the Minister".
Local planning authority	Has the same meaning as in the Town and Country Planning Act 1990.
Local register	A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority.
Local street gazetteer	A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility.
Main roads	Category 0, 1 and 2 streets and category 3 and 4 streets that are traffic-sensitive for all or part of the time.
Maintainable highway	As defined in Section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of Section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense".
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly".

Major activities	Activities which have been identified in an Activity 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	As defined in Section 88 (2) of NRSWA, "major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge".
Major highway works	As defined in Section 86 (3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway – (a) reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway".
Major transport works	As defined in Section 91 (2) of NRSWA, "major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking".
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	Minor works are those street works other than immediate works or major works where the planned duration is three days or less.
National Grid Reference	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)	A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard.
Network management duty	As set out under Section 16 of the TMA is a duty imposed upon the local traffic authority to manage their road network 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 Concessionaire	The body appointed to manage the NSG on behalf of the local highway authorities.
ODD	Operational District Data.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Ordnance Survey Grid	A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.
OSGR	Ordnance Survey Grid Reference.

Passenger Transport Authority	One of seven authorities (Greater Manchester, Merseyside, South Yorkshire, Strathclyde, Tyne & Wear, West Midlands and West Yorkshire) made up of representatives from local authorities in the area, responsible for public transport in their area.
Passenger Transport Executive	The executive arm of a Passenger Transport Authority.
Pedestrian Planning Order	This refers to an order made under Section 249(2) or (2A) of the Town and Country Planning Act 1990.
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases".
Promoter	Means the same as Activity Promoter.
Protected street	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. See Section 61 of NRSWA.
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	Public sewer has the same meaning as in the Water Industry Act 1991.
Railway	As defined in Section 105(1) of NRSWA, "railway includes a light railway other than one in the nature of a tramway".
Reasonable period	As defined in Section 74(2) of NRSWA, "a reasonable period means such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question".
Reasonable times	A reasonable time may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)
REC	Regional electricity company 10 *The Town and Country Planning Act 1990 c.8.*
Registerable activities	As set out in Section 4 registerable activities correspond to what are "specified works" in the Traffic Management Permit Schemes (England) Regulations 2007.
Reinstatement	As defined in Section 105 (1) of NRSWA, "reinstatement includes making good".

Relevant authority	As defined in Section 49 (6) of NRSWA, "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	remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and Regulations.
Road	Means "Highway".
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002 and approved by the Secretary of State for Transport on 30 June 2002, as revised or reissued from time to time.
Road works	Works for road purposes.
Schema (XML)	Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.
Sewer	As defined in the Water Industry Act 1991 "includes all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings".
Small Openings and Small Excavations	All openings with a surface area of two square metres or less.
Special Engineering Difficulties (SED)	By virtue of Section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets 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 LoPS.

Standard works	Standard works are those street works, other than immediate works or major works, that have a planned duration of between four and ten days inclusive.
Statutory right	As defined in Section 105 (1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence".
Strategic Road Network (SRN) (in Greater London)	The network of roads designated as strategic roads for the purposes of sections 301A of the Highways Act 1980 and 121B of the Road Traffic Regulation Act 1984 in Greater London by the Secretary of State by virtue of Section 60 of the Traffic Management Act 2004,which are roads other than roads for which he or Transport for London ("TfL") is the traffic authority.
Street	As defined in Section 48 (1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not".
Street authority	As defined in Section 49 (1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority; and (b) if the street is not a maintainable highway, the street managers".
Street managers	As defined in Section 49 (4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"
Street works	As defined in Section 48 (3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".

Street works licence	As stated in Section 50 (1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
The Regulations	Means the Traffic Management Permit Schemes (England) Regulations 2007 SI 2007 No. 3372.
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105 (1) of NRSWA, "traffic includes pedestrians and animals".
Traffic authority	As defined in Section 121A of the Road Traffic Regulation Act 1984: " (1)(a)The Secretary of State is the traffic authority for every highway in England for which he is the highway authority within the meaning of the Highways Act 1980 (1A) Transport for London is the traffic authority for every GLA road; (2) In Greater London, the council of the London borough or the Common Council of the City of London are the traffic authority for all roads in the borough or, as the case may be, in the City that are not GLA roads and for which the Secretary of State is not the traffic authority; (3) In England and Wales outside Greater London, the council of the county or metropolitan district are the traffic authority for all roads in the county or, as the case may be, the district for which the Secretary of State is not the traffic authority.
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.
Traffic order	This means an order made under Section 1, 6 or 9 of the Road Traffic Act 1984.

Traffic sensitive street	This means a street designated by a street authority as traffic-sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64 (3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport for London Road Network (TLRN)	The description the Mayor of London chose for those roads in London designated as Greater London Authority (GLA) Roads by virtue of Orders under Ss.14A and 14B of the Highway Act 1980 (as inserted by Sections 260 and 261 of the Greater London Authority Act 1999) (see Schedule to the The GLA Roads Designation Order 2000 Statutory Instrument 2000 No. 1117 and subsequent amendments)
Traffic sign	As defined in Section 105 (1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984".
Tramway	As defined in Section 105 (1) of NRSWA, "tramway means a system, mainly or exclusively for the carriage of passengers, using vehicles guided, or powered by energy transmitted, by rails or other fixed apparatus installed exclusively or mainly in a street"
Transport authority	As defined in Section 91 (1) (a) of NRSWA, "transport authority means the authority, body or person having the control or management of a transport undertaking".
Transport undertaking	As defined in Section 91(1)(b) of NRSWA, "transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority".
Trunk road	As defined in Section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of Section 10 (1) or Section 19 above or by virtue of an order or direction under Section 10 above or under any other enactment".
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
Undertaker	As defined in Section 48 (4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Unique street reference number (USRN)	As defined in the British Standard BS7666.

Urgent activities or works	are 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 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.
Undertaker	As defined in Section 48 (4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
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 this Permit Scheme the commencement of a working day will be treated as being 08:00 and its end as 16:30.
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	As defined in Section 86 (2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles".
XML	Extensible Markup Language

APPENDIX B DISAPPLICATIONS and MODIFICATIONS

B1 NRSWA 1991

The Permit Regulations disapply or modify certain sections of NRSWA.

Promoters' Duties – Disapplied Sections of NRSWA

In Permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Regulations.

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 53	The street works register	Disapplied	Permit regulations prescribe similar provisions for Permit registers.
Section 54	Advance notice of certain works	Disapplied	Replaced by applications for provisional advance authorisation
Section 55	Notice of starting date	Disapplied	Replaced by applications for Permits
Section 56	Power to direct timing of street works	Disapplied	Replaced by Permit conditions and variations including those initiated by the Permit Authority
Section 57	Notice of emergency works	Disapplied	Replaced by applications for immediate activities
Section 66	Avoidance of unnecessary delay or obstruction	Disapplied	Replaced by equivalent provisions for 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.

Promoters' Duties – Modifications to NRSWA

The Permit Regulations modify the following sections of NRSWA to accommodate the issuing of Permits rather than the exchange of notices:

NRSWA Section		Change	Permit Regulations Revised Arrangements
Section 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 S58 (5) to (78). The Regulations provided the equivalent of S58A powers by allowing authorities to take into account whether promoters responded to the S58 notice by submitting an application for their planned activities.
Section 58A	Restrictions on works following substantial street works	Modified	Schedule 3A is modified to work in conjunction with Permits.
Section 64	Traffic-sensitive street	Modified	Permit Regulations provide that Permit applicant are notified of proposal to designate streets as traffic-sensitive streets.
Section 69	Works likely to affect other apparatus in the street	Effectively extended	Permit Regulations create an equivalent requirement on highway authority promoters
Section 74	Charge for occupation of the highway where works are unreasonable prolonged	Modified	Permit Regulations make provision to operate in parallel with Permits
Section 88	Bridge, bridge authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 89	Public sewers, sewer authorities and related matters	Modified	Modified to work in conjunction with Permits.
Section 90	Provisions as to reinstatement of sewers, drains or tunnels	Modified	Modified to work in conjunction with Permits.

B2 **The Crossrail Act 2008**

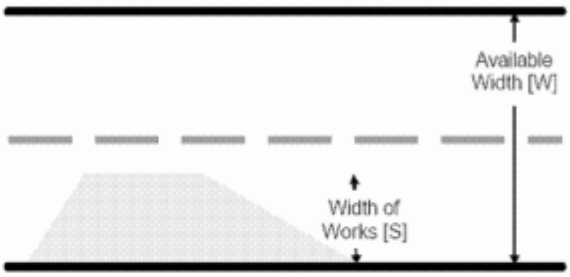
The provisions of the LoPS shall not apply in relation to works proposed to be, or being carried out under powers contained in the Crossrail Act 2008 and the relevant provisions of the National Roads and New Street Works Act 1991 subject to Schedule 14 paragraph 14 of the Crossrail Act 2008 shall still apply to the execution of works under the powers conferred by the Crossrail Act 2008.

APPENDIX C DERIVATION OF DISRUPTION EFFECT SCORE

C1 Input Factors

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



C2 Calculation of Disruption Effect Score

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

Disruption Effect Score = [(P x100)/(1600x(W-S)/3.65)]

C3 Use of Disruption Effect Score

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

a) Derivation of the Traffic Impact Assessment;

b) Objective based prioritisation of activities for co-ordination; and

c) Performance indicators.

However, this is not a mandatory requirement.

C4 Impact Assessment

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

C5 Impact on General Traffic

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

C6 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, tube, railway or tram station.

APPENDIX D SUGGESTED MODELS OF ACCEPTABLE CONDITIONS

Notes:

a) Conditions will only be imposed in accordance with the approach set out in Section 10.

b) This list is not exhaustive, and it will be possible to word many acceptable conditions to meet issues that may arise which are not mentioned here.

c) Entries [thus] are words in the models which will commonly need variation, or alternative wording.

D1 Display of Permit Reference Number

Model Condition 1

"*The activities hereby permitted shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public, clearly displaying the correct Permit reference number*".

Model Condition 2 Reflection of other linked Permits

"*The activities hereby permitted shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public, clearly displaying the correct Permit reference number and the following linked Permit references…*".

Model Condition 3 Permit for Remedial Works with cross-reference ~~on its face~~ to the Permit for the original activity

"*The activities hereby permitted which are remedial works following the activities permitted under Permit reference…,shall not commence until a site information board has been erected on the site in a prominent place so that it may be read easily by the public displaying of the Permit reference number*".

D2 Duration and Timing of Works

Model Condition 4 Duration

"*The activities hereby permitted shall not commence before [calendar date] and shall cease by [calendar date]*"

Model Condition 4a Category 3 and 4 Street Duration

"The activities hereby permitted shall not commence before [calendar date] and must commence by [calendar date i.e. starting window date], once the activities have commenced the activities must take no more than [x number

of] days in total to be completed and in any event must cease by [calendar date i.e. end of Permit]".

Model Condition 5 Where need to limit the days and times of day

"*None of the activities hereby permitted shall take place before [time in the morning] on weekdays and [time in the morning] on Saturdays nor after [time in the evening] on weekdays and [time in the evening] on Saturdays, nor at any time on Sundays or Bank Holidays*".

D3 Road Space and Needs of People with Disabilities

Model Condition 6 To minimise disruption by the swift removal of plant that has become unnecessary and/or by the removal of excavated material thereby reducing the area occupied

"*The activities hereby permitted shall occur only within the area marked Y upon the map in connection with this Permit. Excavated material as a consequence of the activities may be stored in the further area marked X for [limited period] following its extraction and plant may be stored when it is required for the carrying out of the permitted activities. Once the plant is no longer required or is not required for [x period] then it must be removed from area Y as soon as practicable".*

Model Condition 7 where it is necessary to prevent materials and plant being stored on site at all

"*The activities hereby permitted shall occur only within the area marked Y upon the map connected to this Permit. Plant and materials could be kept within the area within the times specified but they should not be kept within that area outside of the times specified and they should not be kept in other areas of the highway without a Permit".*

Model Condition 8 where it is necessary to limit the width and/or length of road space that can be occupied, including allowing for signing, lighting and guarding, at any one time during the period of the works

"*The activities hereby permitted shall occur only within the area marked Y upon the map connected to this Permit including the relevant and required signing, lighting and guarding".*

Model Condition 9 where it is necessary to ensure that the road space is to be available to traffic (vehicles and/or pedestrians) at certain times of day (this condition leaves the promoter scope to work out how best to achieve this)

"It is a condition of this Permit that the activities hereby permitted shall on [days various] between [T hour and U hour] may only occur when road space

of [M] is available to road traffic [as marked on the attached plan] [and /or road space of [M] is available for pedestrian traffic [as marked on plan]".

Model Condition 9a Where it is necessary to have pedestrian ramps and temporary walkways as a consequence of proposed works

"It is a condition of this Permit that all pedestrian ramps and temporary walkways necessary as consequence of the activities hereby permitted must be edged in yellow".

Model Condition 9b

"It is a condition of this permit that the activities hereby permitted may only occur when a minimum road space of 1.2 metres is available to all pedestrian traffic".

D4 Traffic Management Provisions

Model Condition 10 Where it is necessary to ensure that the permitted activities can only take place when the road, or relevant section of the road is closed to traffic

"It is a condition of this Permit that the activities hereby permitted shall only take place when [the road the subject of], [or the relevant section as marked on the plan or map connected to] this Permit is closed to traffic".

Model Condition 11 where it is necessary to ensure that the permitted activities can only take place when portable light signals are in place

"*It is a condition of this Permit that the activities hereby permitted shall only take place when portable light signals are in place".*

Model Condition 12 where temporary traffic restrictions (e.g. TROs) and any other separate approvals are required and have not been approved by the time the Permit is issued:

"The activities hereby permitted shall not commence until approval for [temporary traffic restrictions] has been given and the correct reference title and number for such approval can be displayed on the site information board".

Model Condition 13 where traffic management arrangements need to change during the course of an activity

"*The works comprised in* [*specified part B*] *of the activities hereby permitted shall not be commenced before the works comprised in [specified part A] are completed.*"

Model Condition 14 where traffic management arrangements need to change during the course of an activity

"The works comprised in [specified part A/B] of the activities hereby permitted shall be subject to and shall occur only when the following traffic management measures are in place [or as attached in schedule..]".

D5 Methodology

Model Condition 15 where it is necessary to ensure that the Promoter employs the appropriate methodology:

"It is a condition of this Permit that the methodology employed for the activities hereby permitted throughout the duration of this Permit will be as follows: [insert description as per application]".

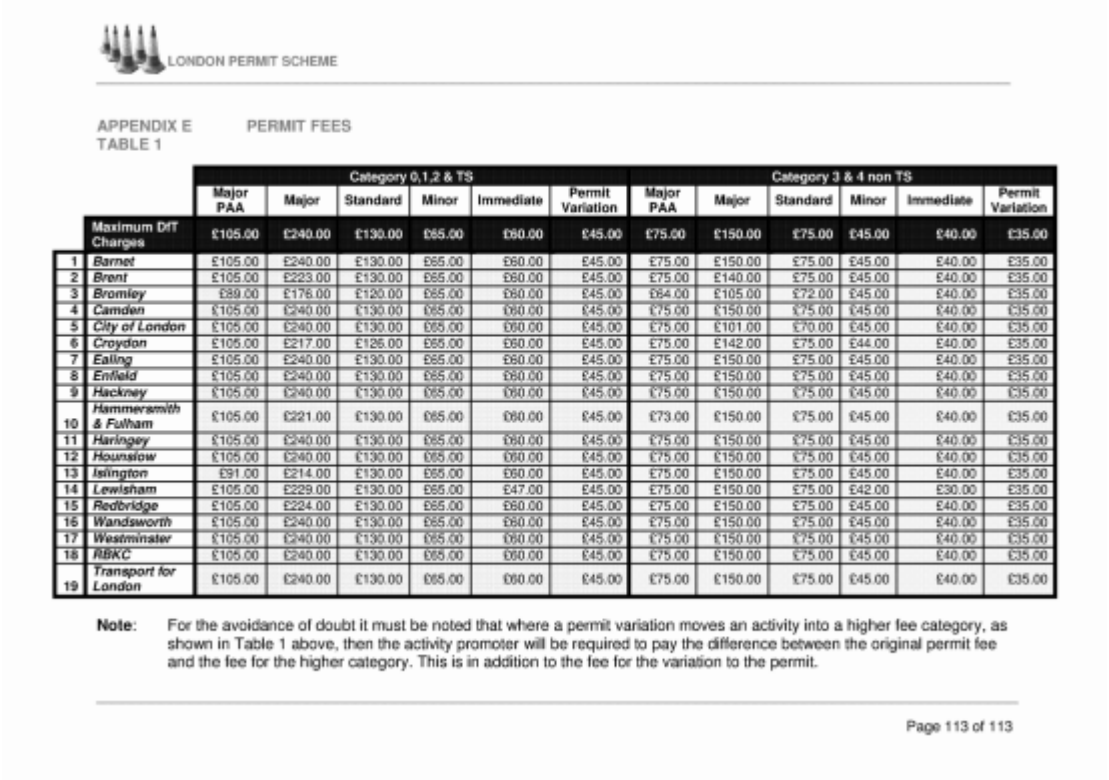
D6 Advance Publicity for Works other than Major Works

Model Condition 16 where it is necessary for the proposed works to be publicised

"The activities hereby permitted shall not commence unless the Promoter has:

a) provided written notice to all individual properties and businesses [on X roads] setting out where the works will take place; the nature of the works; the duration of the works; [etc] and contact details of a representative of the promoter ; and

b) provided written notice to all individual properties and businesses [on X roads]containing a copy of the Permit or setting out the means by which a copy of the Permit may be obtained electronically".



LONDON PERMIT SCHEME

APPENDIX E PERMIT FEES
TABLE 1

		Category 0,1,2 & TS						Category 3 & 4 non TS					
		Major PAA	Major	Standard	Minor	Immediate	Permit Variation	Major PAA	Major	Standard	Minor	Immediate	Permit Variation
	Maximum DfT Charges	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
1	Barnet	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
2	Brent	£105.00	£223.00	£130.00	£65.00	£60.00	£45.00	£75.00	£140.00	£75.00	£45.00	£40.00	£35.00
3	Bromley	£89.00	£176.00	£120.00	£65.00	£60.00	£45.00	£64.00	£105.00	£72.00	£45.00	£40.00	£35.00
4	Camden	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
5	City of London	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£101.00	£70.00	£45.00	£40.00	£35.00
6	Croydon	£105.00	£217.00	£126.00	£65.00	£60.00	£45.00	£75.00	£142.00	£75.00	£44.00	£40.00	£35.00
7	Ealing	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
8	Enfield	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
9	Hackney	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
10	Hammersmith & Fulham	£105.00	£221.00	£130.00	£65.00	£60.00	£45.00	£73.00	£150.00	£75.00	£45.00	£40.00	£35.00
11	Haringey	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
12	Hounslow	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
13	Islington	£91.00	£214.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
14	Lewisham	£105.00	£229.00	£130.00	£65.00	£47.00	£45.00	£75.00	£150.00	£75.00	£42.00	£30.00	£35.00
15	Redbridge	£105.00	£224.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
16	Wandsworth	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
17	Westminster	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
18	RBKC	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00
19	Transport for London	£105.00	£240.00	£130.00	£65.00	£60.00	£45.00	£75.00	£150.00	£75.00	£45.00	£40.00	£35.00

Note: For the avoidance of doubt it must be noted that where a permit variation moves an activity into a higher fee category, as shown in Table 1 above, then the activity promoter will be required to pay the difference between the original permit fee and the fee for the higher category. This is in addition to the fee for the variation to the permit.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to the Royal Borough of Kensington and Chelsea Permit Scheme.

The Royal Borough of Kensington and Chelsea Permit Scheme is designed to control the carrying out of works in specified streets in Kensington and Chelsea by imposing an obligation to obtain a permit from the Royal Borough of Kensington and Chelsea before undertaking the works.

Article 3 gives effect to the permit scheme, which will come into effect on 11th January 2010. 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 Royal Borough of Kensington and Chelsea Permit Scheme.

A copy of the Royal Borough of Kensington and Chelsea Permit Scheme is deposited and can be inspected at the offices of the Royal Borough of Kensington and Chelsea, Council Offices, 37 Pembroke Road, London, W8 6PW and is also available to inspect on the London Councils' website www.londoncouncils.gov.uk.