
WELSH STATUTORY INSTRUMENTS

2009 No. 1267

**The Traffic Management Permit
Scheme (Wales) Regulations 2009**

PART 3

Permit Scheme Content

Specified works

6.—(1) A permit scheme must specify the works (or types of works) which that permit scheme is designed to control (which must be the “specified works” for the purposes of that permit scheme).

(2) The specified works described in a permit scheme will comprise both street works and works for road purposes.

(3) Specified works for a permit scheme must not include works executed in a street pursuant to a street works licence issued under section 50 of the 1991 Act (street works licences).

Specified area

7. A permit scheme must specify the area within which the carrying out of specified works is to be controlled (which must be the “specified area” for the purposes of that permit scheme).

Specified streets

8.—(1) Subject to the following paragraphs of this regulation, a permit scheme must specify the streets (or types of streets) within its specified area to which controls on the carrying out of specified works are to apply (which must be the “specified streets” for the purposes of that permit scheme).

(2) Subject to paragraph (3), a permit scheme may not specify any streets which are not maintainable highways as being streets to which controls on the carrying out of specified works are to apply.

(3) A permit scheme may specify a street which is not a maintainable highway as being a street to which controls on specified works are to apply if —

- (a) the Permit Authority anticipates that the street will become a maintainable highway; and
- (b) the permit scheme provides that the controls on specified works apply only in relation to works in that street which are carried out after the street has become a maintainable highway.

(4) A permit scheme may specify streets as being streets to which controls on the carrying out of specified works are to apply notwithstanding that the permit authority is not the highway authority for those streets.

Permits

9.—(1) Subject to paragraph (2), a permit scheme must include provision requiring a permit to be obtained from the Permit Authority before specified works are carried out in a specified street.

(2) A permit scheme must specify persons (or types of persons) to whom and circumstances (or types of circumstances) in which the requirement in paragraph (1) does not apply.

(3) A permit scheme must specify the information which will accompany a permit application, and may specify the manner in which, and the time within which, such applications should be submitted.

(4) A permit scheme must require each application for a permit to be limited to one street.

(5) A permit scheme must require each application for a permit or for a variation of a permit to provide an estimate of the likely duration of the works which are the subject of that application.

(6) A permit scheme must provide for each permit to specify the duration within which the specified works on a specified street are by that permit authorised.

(7) A permit scheme may provide for different classes of permit to be required in relation to different circumstances.

(8) A permit scheme may provide that where it is proposed that the relevant specified works are to be carried out in more than one phase, a separate permit must be obtained in respect of each phase.

(9) A permit scheme must include provision requiring a copy of each application for a permit to be provided by the applicant upon request to any relevant authority and to any other person having apparatus in the street to which the application relates.

Conditions attached to permits

10.—(1) A permit scheme must include provision for the Permit Authority to attach conditions to permits, and must specify the types of condition which the Permit Authority may attach.

(2) Without prejudice to the generality of paragraph (1), the types of condition which the Permit Authority may attach to permits under that paragraph include conditions relating to —

- (a) days on which permit works may not be carried out;
- (b) times of day during which permit works may not be carried out;
- (c) the area (including areas not forming part of the street) which may be occupied in connection with the permit works;
- (d) the prohibition or restriction of traffic pursuant to orders or notices under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads)⁽¹⁾;
- (e) traffic management arrangements to be made in connection with the permit works (including arrangements for the particular benefit of persons with a disability);
- (f) the manner in which the specified works are to be carried out;
- (g) consultation and publicity in relation to the specified works, including the display of information at the location of those works; and
- (h) notification of progress in relation to the specified works.

(3) The types of condition which the Permit Authority may attach to a permit in respect of permit works to be carried out by or on behalf of a highway authority may also include conditions —

- (a) requiring the highway authority to consult with any person who has apparatus likely to be affected by the permit works; and

(1) 1984 c. 27. Section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26) section 1 and Schedule 1.

- (b) requiring the highway authority to take all reasonable 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.
- (4) A permit scheme must provide that the Permit Authority may revoke a permit where it appears to the Permit authority that a condition attached to that permit has been breached.
- (5) In this regulation, “traffic management arrangements” includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

Provisional advance authorisations

11.—(1) A permit scheme may include provision requiring a provisional advance authorisation for certain specified works in specified streets to be obtained as part of the application for certain classes of permit.

(2) Where a permit scheme includes such provision, it must specify the information which must accompany an application for provisional advance authorisation, and may specify the manner in which such application is submitted and the time within which such applications must be submitted.

(3) Each application for provisional advance authorisation must be limited to one street.

(4) Where a permit scheme requires a provisional advance authorisation to be obtained as part of the application for specified works in specified streets, the Permit Authority must have regard to whether an applicant has obtained such authorisation when deciding whether to issue a permit.

(5) A grant of provisional advance authorisation does not prevent the Permit Authority from deciding not to grant the permit to which that authorisation relates.

(6) A permit scheme must include provision requiring a copy of each application for a provisional advance authorisation to be provided by the applicant upon request made by a relevant authority and to any other person having apparatus in the street to which the application relates.

Permit reference numbers

12. The Permit Authority must allocate a unique reference number to each permit it issues.

Conditions on works to which requirement to obtain permit does not apply

13.—(1) A permit scheme may —

- (a) specify conditions; and
- (b) include provision for the Permit Authority to specify conditions,

which are to apply to specified works which are carried out in specified streets to which, by virtue of provision made in the scheme under regulation 9(2), a requirement in that scheme to obtain a permit before those works are begun to be carried out is disapplied.

(2) Such conditions must be of the types specified in the permit scheme under regulation 10(1) to (3).

(3) Where a permit scheme makes such provision as is permitted by paragraph (1)(b) it must also —

- (a) specify the method by which those undertaking the works are able to identify any conditions applicable to the works before they start, and
- (b) specify how any variations to applicable conditions will be brought to the attention of those undertaking such works.

(4) Such conditions will cease to apply once any required permit is issued.

Criteria to be taken into account by Permit Authority

14.—(1) Where a notice has been issued under section 58(1) of the 1991 Act (restriction of works following substantial road works)⁽²⁾ in respect of a specified street, and an application for a permit or a provisional advance authorisation is made in respect of works to be carried out during the prescribed period, the Permit Authority must, when considering such application, have regard to —

- (a) whether the applicant received a copy of the notice; and
- (b) whether, within the period specified in the notice for responses to that notice, the applicant notified the Permit Authority (or, if different, the street authority which issued the notice) of the works now proposed.

(2) In this regulation, “the prescribed period” means the period specified in regulation 11(2) of the Street Works (Registers, Notices, Directions and Designations) (Wales) (No.2) Regulations 2008⁽³⁾.

Review, variation and revocation of permits and permit conditions

15.—(1) A permit scheme must include provision for the Permit Authority to have power to vary and revoke permits and permit conditions.

(2) A permit scheme must specify the information which accompanies an application for the variation or revocation of a permit or of permit conditions, and may specify the manner in which and the time within which such application is submitted.

(3) A permit scheme must include a statement of the Permit Authority’s policy as to the circumstances in which it will review, vary or revoke a permit and permit conditions on its own initiative.

Time limits on Permit Authority

16.—(1) A permit scheme must set time limits within which the Permit Authority must respond to applications for permits, provisional advance authorisations, variations of permits and variations to permit conditions.

(2) Different time limits may be set for different cases.

(3) If a Permit authority does not grant or refuse a duly completed application within the applicable time limit, the application will be deemed to have been granted, and any estimate of the likely duration of the works which are the subject of the application for a permit or variation of a permit provided in that application, will be taken to be a reasonable period for the purposes of section 74(1) of the 1991 Act (charge for occupation of the highway where works unreasonably prolonged).

⁽²⁾ Section 58(1) was amended by the Traffic Management Act 2004, section 51(1) and (2).

⁽³⁾ S.I. 2008/540 (W.52).