



LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS to be made by the Lead Member for Transport and Environment,
Councillor Carl Maynard

MONDAY, 14 SEPTEMBER 2015 AT 10.00 AM

COMMITTEE ROOM, COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 20 July 2015 (*Pages 3 - 6*)
- 2 Disclosure of Interests
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3 Urgent items
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Uckfield High Street improvements - Stage 2 (*Pages 7 - 16*)
Report by Director of Communities, Economy and Transport
- 5 Your Energy Sussex (*Pages 17 - 18*)
Report by the Director of Communities, Economy and Transport
- 6 Capital Budget for speed management 2015/16 (*Pages 19 - 32*)
Report by the Director of Communities, Economy and Transport
- 7 Council Order for The East Sussex Permit Scheme (*Pages 33 - 90*)
Report by the Director of Communities, Economy and Transport
- 8 Station Road, Lewes - Experimental Traffic Regulation Order (TRO) (*Pages 91 - 94*)
Report by the Director of Communities, Economy and Transport
- 9 Environment Agency proposals for the Ouse, Cuckmere and Pevensey Internal Drainage Districts (*Pages 95 - 108*)
Report by the Director of Communities, Economy and Transport
- 10 Bexhill to Hastings Link Road - Contractual Arrangements for Archaeology Post Excavation Assessment, Analysis, Reporting and Archiving (*Pages 109 - 110*)
Report by the Director of Communities, Economy and Transport
- 11 Any other items previously notified under agenda item 3

PHILIP BAKER
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4 September 2015

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LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Carl Maynard, on 20 July 2015 at County Hall, Lewes

Councillor Bennett spoke on item 5 (see minute 16)

Councillors Earl, Ensor, Maynard and Philips spoke on item 8 (see minute 14)

Councillor Stogdon spoke on items 6, 8 and 7 (see minutes 13, 14 and 17)

10 MINUTES

10.1 Councillor Maynard approved as a correct record the minutes of the meeting held on 22 June 2015.

11 DISCLOSURE OF INTERESTS

11.1 Councillor Maynard declared a personal interest in item 7 as the Leader of Rother District Council, but did not consider this to be prejudicial. He also declared a prejudicial interest in item 8 as Leader of Rother District Council. Councillor Elkin, Lead Cabinet Member for Resources, considered the item on his behalf.

12 REPORTS

12.1 Reports referred to in the minutes below are contained in the minute book.

12.2 It was RESOLVED to amend the agenda order. The revised order of items to be considered was: item 6; item 8; item 4; item 5; item 7.

13 ROAD SAFETY PRIORITIES

13.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

DECISION

13.2 RESOLVED to (1) approve the process of prioritisation relevant to each scheme type; and

(2) approve the Road Safety Team to assess requests for road safety and traffic management interventions on a regular basis and progress the highest priority scheme(s) within the available budgets.

Reason

13.3 The Road Safety Engineering and Local Traffic and Safety Teams receive in excess of 4,000 logged enquiries each year. The vast majority of these enquiries are requesting that some form of intervention is undertaken. The Road Safety and Local Traffic and Safety Teams are unable to address all concerns that are brought to their attention and so need to prioritise their workload. An approved prioritisation process would provide a consistent approach and ensure an efficient use of the limited resources.

13.4 An approved prioritisation approach would give clarity to members of the public, Town and Parish Councils and Local Members about the scale of the requests received and ensure that priority is given to road safety and the reduction of crashes occurring on our road network.

NOTE

Councillor Elkin considered item 8 on behalf of Councillor Maynard (see minute 14).

14 BEXHILL PARKING REVIEW

14.1 The Lead Member for Resources, on behalf of the Lead Member for Transport and Environment who had declared a prejudicial interest in the item, considered a report by the Director of Communities, Economy and Transport.

14.2 Rother District Councillors Abul Azad, Simon Elford, Ian Hollidge, Brian Kentfield and Doug Oliver spoke to bring particular concerns within Bexhill to the Lead Member's attention, and to encourage Sussex Police to commit resources to enforcement.

DECISION

14.3 **RESOLVED** to (1) approve the re-assessment of outstanding requests for parking restrictions in Bexhill, to identify those sites that will contribute to the reduction of an identified road safety issue; and

(2) approve the progression of sites identified as being a top priority within the resources available.

Reasons

14.4 There are presently a total of 269 individual sites identified for investigation as part of a Bexhill Parking review. As the level of enforcement that Sussex Police will devote to parking restrictions within Rother is minimal, to the degree that there is no effective enforcement regime, it is unreasonable to commit limited public resources to the management of parking restrictions within the district. It is therefore proposed to only prioritise requests for parking restrictions within Rother if they will positively contribute to the reduction of an identified road safety issue.

15 PETITION CALLING ON THE COUNTY COUNCIL TO REDUCE THE SPEED LIMIT ON STATION ROAD, GROOMBRIDGE TO 20MPH

15.1 The Lead Member considered a report by the Director of Communities, Economy and Transport which provided a response to a petition presented to the County Council in February.

DECISIONS

15.2 **RESOLVED** to advise the petitioners that a 20mph speed limit on Station Road, Groombridge is not a priority for the County Council at the present time.

Reasons

15.3 To introduce an effective 20mph speed limit on Station Road, Groombridge it would be necessary to introduce engineering measures to help reduce the drivers' speed in accordance with the lower speed limit. As the road has a relatively good safety record, and considering the circumstances of the injury crashes on the C70 Station Road, a 20mph speed limit is not a priority for the County Council at the present time.

16 PETITION CALLING ON THE COUNTY COUNCIL TO IMPROVE SAFETY ON THE ROADS AND LANES AROUND ARLINGTON, DUE MAINLY TO THEIR USE AS A 'RAT RUN' FROM THE A27 TO THE A22 AT HAILSHAM

16.1 The Lead Member considered a report by the Director of Communities, Economy and Transport which provided a response to a petition presented to the County Council in February. Mr Keogh, spoke in support of the petition on behalf of the petitioners, and to present further evidence of crashes in the vicinity. Mr Stenning and Mr Johnson also spoke in support of the petition.

DECISION

16.2 RESOLVED to advise the petitioners (1) that a lower speed limit on the roads and lanes around Arlington is not presently a priority for the County Council; and

(2) that a review of warning signs, road markings and verge marker posts in the area will be undertaken to help make drivers more aware of the alignment of the road.

Reasons

16.3 To improve safety on The Street, Wilbees Road and Caneheath it would be more appropriate to ensure that appropriate warning signs, road markings and verge marker posts are in place to help make drivers more aware of the alignment of the road.

17 PRE APPLICATION CHARGES FOR DRAINAGE ADVICE

17.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

DECISION

17.2 RESOLVED to (1) agree the schedule of charges set out in Appendix 1 as the County Council's tariff for pre-application advice and the provision of data; and

(2) delegate authority to the Director of Communities, Economy and Transport to agree annual reviews of the tariff.

Reasons

17.3 The County Council as Lead Local Flood Authority is a statutory consultee on major applications having drainage implications; the response is provided free of charge. However, it is appropriate to charge for other actions which are not part of the statutory consultee role, but still contribute to the management of flood risk. The tariff reflects current hourly rates, makes allowance for costs and does not seek to place an undue burden on the development industry which is recovering from a protracted down turn.

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Report to: Lead Cabinet Member for Transport and Environment

Date of meeting: 14 September 2015

By: Director of Communities, Economy and Transport

Title: Uckfield High Street Improvements – Stage 2

Purpose: To seek approval to progress the Stage 2 Improvements, including the length of parking duration and preferred traffic management solution for Stage 2 following local consultation.

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Agree in principle to the implementation of the Uckfield High Street Improvement Scheme Stage 2; and**
 - (2) Agree that the Scheme progresses with a 30 minutes stay for the 23 parking spaces on the High Street; and**
 - (3) Support the provision of up to two parking bays for blue badge holders on the High Street; and**
 - (4) Authorise the use of a one-way traffic management scheme to be utilised during the construction period subject to further consideration in conjunction with the appointed contractor, and delegate power to the Director of Communities, Economy and Transport to authorise the final scheme.**
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1. Background Information

1.1 Uckfield is a vibrant and flourishing town, but it suffers from traffic congestion in the High Street. With more housing already being built and further construction anticipated, congestion will get worse without significant traffic management improvements in the town centre.

1.2 Contributions from development in Uckfield and the surrounding settlements have been secured by Wealden District Council (WDC) by means of Section 106 legal agreements. This money needs to be used to mitigate the impact of development generated traffic on the roads in the town centre. To date, East Sussex County Council has received £2.5m from WDC for Stages 1 to 3. WDC continue to hold a further £1m which is potentially available for the delivery of Stages 2 to 3. Therefore the total available funding for the scheme (including interest and indexation) is £3.5m. Expenditure on Stages 2 and 3 will be managed in line with the remaining funding.

1.3 An action plan for addressing congestion in Uckfield Town Centre was agreed by the County Council's Lead Member for Transport and Environment in July 2011. The Uckfield Town Centre Project Board agreed for a public exhibition to be held in March 2012 showing four different options for addressing town centre congestion as a result of current and proposed development in the town.

1.4 The consultation results showed that improving car parking opportunities was the favoured choice and there was also support to incorporate elements of sustainable travel choices into the proposed scheme.

1.5 A further consultation, with more detailed proposed measures, was held in March 2013. The consultation outcome shaped the Uckfield Town Centre - Highway Improvement Scheme (UTC-HIS), which is being delivered by the County Council as Highway Authority on behalf of the Project Board. The project is managed by the Project Board, which is made up

of officers and Local Members of the County Council, Wealden District Council and Uckfield Town Council.

1.6 As part of the management of the project, Network Rail is constructing a new 174 space car park near Uckfield Railway Station. WDC is also making improvements to the layout and controls to the Luxford Fields Car Park so long stay use is restricted to 10 hours, therefore freeing up space that is currently filled by commuters from early morning to early evening.

1.7 The overall situation in Uckfield once the High Street Improvements are completed and the Network Rail car park is open, will be a major increase in the number of car parking spaces compared to the existing situation. Although some spaces will be removed from the High Street, there will be a net gain of 150 spaces.

1.8 The Town Centre Scheme has been split into three stages;

Stage 1 Improvements to High Street from Framfield Road to Bell Lane - completed in November 2014 at a cost of approximately £1m.

Stage 2 Improvements to High Street north of Bell Lane up to Church Street, along Bell Lane to junction with Bell Farm Lane. This includes introduction of a 20 mph limit, resurfacing of footways, new kerb lines with local realignment, upgrading of signal equipment and street lighting, new street furniture, tree pits incorporating drainage measures, Real Time Passenger Information (RTPI) with bus shelters and a reduction of on-street car parking.

Stage 3 Improvements to the Bus Station – to commence after the completion of Stage 2.

2. Supporting Information

2.1 With respect to the proposals which were developed at the exhibition in March 2013, residents and traders organised a town poll on 12 March 2015 to highlight their concerns about the proposals for a reduction to 8 on-street parking spaces (20mins loading and disabled only) in the High Street. The current provision on the High Street is 43 parking spaces.

2.2 The Scheme Project Board listened to the feedback from all sources and took on board the strength of feeling in the town. The revised Scheme now balances the demand for High Street parking spaces while still allowing for a reduction in congestion and improving the town centre. The final proposals now provide for 23 on-street parking spaces, which is felt to be the maximum number of spaces on the High Street that can be accommodated while still meeting the scheme requirements related to road safety, mitigation of congestion and funding.

2.3 The final version of the scheme was presented in a public exhibition which was held on 26 and 27 June 2015. A total of 510 people attended the exhibition, and a total of 332 responses were received. These consisted of both completed questionnaires and emails.

2.4 In summary, the consultation results were as follows;

- For the 23 High Street short stay parking spaces, 183 (55%) respondents wanted 30 minutes duration for the bays. Comments highlighted that 59 (18%) wanted parking enforcement measures in place.
- For the question relating to how many parking spaces should be dedicated for disabled use only and which spaces; 67 (20%) respondents did not want any spaces allocated

for the disabled. However 26 (8%) wanted less disabled spaces in Luxford Fields car park, 30 (9%) felt that disabled blue badge holders can park anywhere normally and if any disabled only spaces were introduced then 29 (9%) wanted them to be spread evenly in the High Street.

- For the traffic management options during the construction period, 147 (44%) respondents preferred a one-way system as their first choice, with northbound (marginally, by 1) as the preferred diversion route. 73 respondents (22%) provided no preference on their preferred choice of traffic management, and 72 (22%) preferred a partial closure. 24 people (7%) requested a full close of the High Street during the construction of the highway improvements.

2.5 Uckfield Town Council and the Chamber of Commerce have submitted their views on the scheme and these are provided in full in Appendix 1.

2.6 On the 10 August 2015 the County Council reported to the Uckfield Town Centre Regeneration Joint Committee (TCR) on the results of the consultation along with addressing the comments and concerns of Uckfield Town Council and Uckfield Chamber of Commerce.

The TCR Joint Committee resolved to agree that:

- 1a. the scheme progresses with a 30 minute stay for the 23 parking spaces.
- 1b. there will be no allocated spaces for disabled badge holders.
- 1c. further work is carried out to explore the use of a one-way traffic management solution.
2. A recommendation is made to the East Sussex County Council Lead Member of Transport and Environment to support the progress of the scheme as detailed above.
3. A formal response is provided to Uckfield Town Council including the offer of a further meeting to discuss the traffic management options for the Stage 2 work.

2.7 The County Council has consulted with the Wealden Disability Involvement Group regarding disabled only bays and it was recommended by the Group that up to two spaces be solely allocated for blue badge holders only, these bays could each be located at the northern and southern end of the High Street. Including this provision within the current proposals would demonstrate under the provisions of the Equality Act 2010 that the Scheme makes reasonable provision for the needs of disabled users within Uckfield High Street especially as Blue Badge holders can park under certain circumstances in restricted areas.

2.8 The recommendation for the 23 High Street on-street parking bays to be reduced from 60 minutes to 30 minutes waiting period will require an Experimental Traffic Regulation Order. This Order will give notice of introduction. The first 6 months of operation is then the 'objection period', after which any unresolved objections would need to be referred to Planning Committee. This Order will run for a maximum of 18 months and can be modified which will allow the County Council to monitor the effectiveness of the revised waiting period.

2.9 With regard to traffic management arrangements, the Census data for both the number of households and car ownership (2001-2011) north and south of the town showed an increase south of the town, but generally similar overall numbers. However, it is recognised that in both the north and south of the town there are attractors such as school, colleges, hospitals, retail/industry and a railway station.

2.10 Analysis of the existing 2014 flow data demonstrated that the diversion route in either direction would result in delays due to having to give-way for priority flows at the roundabouts along the A22 and A26. For the southbound traffic management option, queues would result along Bell Lane. In comparison, the northbound traffic management option would have queues at points along the A26 and A22 bypass. Therefore it is recommended that prior to construction, further consideration of a one-way diversion route should be undertaken in conjunction with the appointed contractor. This will provide the County Council with a diversion route which considers speed of construction, the contractor's specific requirements and cost implications along with the impact on the surrounding road network. The final authorisation of the traffic management arrangements can be delegated to the Director of Communities, Economy and Transport.

3. Conclusion and Reasons for Recommendation

3.1 The Stage 2 Improvement Scheme for Uckfield High Street should be progressed. Based on the consultation responses and the analysis provided above, the Lead Member is therefore recommended to agree that the Scheme progresses with a 30 minutes stay for the 23 parking spaces introduced by means of an Experimental Traffic Regulation Order. There will also be up to two allocated bays reserved for blue badge holders.

3.2 Further work will be carried out to explore the use of a one-way traffic management solution during the construction period with consideration given to determining whether a northbound or southbound direction is the optimum solution. It is recommended that one-way working is pursued with the decision for the best direction of travel (north or southbound) to be identified following discussions with the appointed contractor with delegated power being given to the Director of Communities, Economy and Transport to authorise the final scheme.

RUPERT CLUBB
Director of Communities, Economy and Transport

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LOCAL MEMBERS
Councillor Claire Dowling

BACKGROUND DOCUMENTS
Stage 2 outline design

UCKFIELD TOWN COUNCIL



Minutes of the meeting of **UCKFIELD TOWN COUNCIL** held in the Council Chamber, Civic Centre on Friday 10th July 2015 at 7.00 pm

PRESENT:

Cllr. L. Eastwood (Town Mayor)	Cllr. D. Bennett (Deputy Town Mayor)
Cllr. P. Meakin	Cllr. M. Dean
Cllr. P. Sparks	Cllr. J. Beckford
Cllr. D. Ward	Cllr. I. Smith
Cllr. B. Mayhew	Cllr. K. Everett
Cllr. J. Love	Cllr. J. Anderson
Cllr. D. French	

IN ATTENDANCE:

Cllr. C. Reynolds Wealden District Council
15 members of the public
2 members of the press

Ashley Serpis - Town Clerk

Minutes taken by Ashley Serpis

1.0 DECLARATIONS OF INTEREST

Members and officers were reminded to make any declarations of personal and/or prejudicial interest that they may have in relation to items on the agenda but none were forthcoming.

2.0 STATEMENTS FROM MEMBERS OF THE PUBLIC ON MATTERS ON THE AGENDA AT THE MAYOR'S DISCRETION

Several members of the public asked to speak on the item on the agenda.

FC.30.07.15 It was **RESOLVED** to suspend Standing Orders to allow members of the public to speak.

A number of members of the public representing a number of organisations, individual shop owners and residents commented extensively on the proposals put forward.

FC.31.07.15 It was then **RESOLVED** to reinstate Standing Orders.

3.0 APOLOGIES FOR ABSENCE

Apologies for absence were received from:
Town Councillors H. Firth and C. Macve

District Councillor P. Waldock

4.0 TO CONSIDER THE SECOND PHASE OF THE HIGH STREET IMPROVEMENTS WORKS

Members then also undertook extensive discussions on the proposals submitted and a variety of different suggestions and opinions were put forward and differing points and comments made.

FC.31.07.15 Subsequently it was **RESOLVED** that:-

- (i) Uckfield Town Council ask East Sussex County Council and the Project Board to look at a further set of plans for the High Street improvements needed with a minimum of 30 car parking spaces on the High Street plus loading bays.
 - (ii) East Sussex County Council are also asked to review the traffic management options as set out to include phased works to minimise disruption to businesses.
 - (iii) If East Sussex County Council cannot accommodate such further changes, that the S106 monies are returned to developers without any detrimental financial impact on Uckfield residents.
- and
- (iv) Under the circumstance it is felt it would be inappropriate for Uckfield Town Council to respond to the questionnaire.

The meeting closed at 20.36 pm.

Feedback from Uckfield Chamber Committee on plans for High Street improvements and traffic flow options further to meeting on 11 June 2015

The revised plans

Whilst we recognise that you asked us to comment on the traffic flow issues rather than the revised plans, we believe it is appropriate for us to formally address the concerns we have regarding the revised plans both from our personal perspectives and in relation to our perceived response from our members.

Whilst we appreciate that you have been prepared to reconsider the plans in the light of reaction from the townspeople and traders and the referendum on parking, we do not believe that the revised plans make a sufficient retention of parking or that the proposed work justifies the significant impact it will have on the town's retailers and whilst we accept that they are an improvement we remain opposed to them.

Parking

The plans allow for the retention of 23 parking places from the current 43. Of these we note that only 5 spaces are retained on the East side of the main High Street. One reason for this appears to be to move the bus stop from its current location outside Lloyds Bank to a site much further down the High Street. Given the new site's proximity to the bus station we question the need for a bus stop so near the bus station.

It appears generally that the spaces being retained are those that were to be designated as loading bays and disabled spaces. This raises the question of how the disabled who struggle to walk from the disabled spaces in Luxford Field car park to and around a hilly High Street will manage. Given that one purpose of the High Street revisions is to speed up flow on the High Street it also suggests that delivery vehicles will continue to double park and block the High Street and thus cause traffic delays.

We are still unclear why more spaces cannot be retained in the High Street. You stated that it is necessary for buses to have pull ins at the bus stops but our experience is that buses do not cause any significant delay on the High Street. (We also fail to see the need for bus shelters to be provided on the High Street).

Whilst we acknowledge that a few spaces (such as the one outside Superdrug) do cause delays and can be dangerous, we do not believe that applies to most spaces and indeed that there are a couple of places where new spaces could be created.

We are concerned that some of the tree pits will be placed where parking spaces could be placed and question whether the flooding issue could either be addressed by upgrading and cleaning the current drainage system or by building the pits but without the need to plant a tree on top. We also have concerns that the trees will attract birds that would then defecate on the new paving.

We still have some uncertainty over exactly what the Board is seeking to achieve by removing the parking. There is a strong indication that the main purpose is to improve traffic flow and clearly where spaces are dangerous to improve safety but there was also mention at last week's meeting of the need for buses to pull in (which I presume also improves traffic flow) and there is some debate

over whether there is a desire to improve the shopping experience and access. It would be helpful if you could comment on this and provide a breakdown of the reasons for removal of each of the 20 spaces that are being lost.

Necessity for the works at current spec

At the meeting you commented that the surveys of townspeople in 2012 indicated that there was a desire for an upgrading of the look of the town. Whilst we acknowledge that there is room for an improvement to the appearance of the town, the nature of the buildings in the town and the lack of historic interest and other draws for the town means that the main reason people will come into the town other than to work or to commute will be because they are interested in visiting certain shops, banks or other retailers. Whilst this experience may be enhanced by attractive paving, safe road crossings, street furniture and improvements to the bus service, these will be of no value if the shops are empty. Our professional experiences and the impact of just nine weeks' of works in Autumn 2014, have shown that many retailers will be unable to survive the huge fall in takings that they will experience both during and for some time after the works take place. In addition, landlords are already experiencing uncertainty and concerns from potential tenants and existing tenants whose leases are facing renewal. Many will chose not to come to Uckfield or will look to move out of town when under the threat of extensive roadworks. This would produce a vicious circle that as more and more shops are vacated there will be less and less interest in taking out new leases and the High Street will increasingly become a retail ghost town.

We would also note that whilst the works in Autumn 2014 only physically took place in a small area of the High Street between Bell Lane and Framfield Road the financial impact of both the drop in footfall and the huge delays and traffic jams caused by the diversions impacted across the industrial estate and upper High Street and beyond.

Whilst we do not wish to suggest a Luddite attitude towards the improvements and we do appreciate the interest in upgrading the town, we have some concerns whether the upgrades are worth the pain that will fall particularly on the High Street retailers and as we stated at the meeting whether they should be performed to a lower specification, for example by the use of tarmac rather than York Stone paving, which will both reduce the work timescale and allow the moneys saved to be used to pay for night time and weekend working.

Business Rate Rebate

Whilst it will have only a small impact compared to our perception of the fall in footfall during the works, it would be very helpful if we could work with Wealden District Council to agree a basis for rate reduction for High Street businesses on a calculated methodology rather than an individual application, ideally before the works commence.

Traffic flow options

At the meeting Graeme Lake asked our views on the options for traffic movement during the period of roadworks. Whilst we would ideally ask that the plans are reconsidered to account for our views above and indeed further comments from the Town Council and public in due course, we have given some consideration to this matter and we appreciate you allowing us to comment.

The options presented were as follows:

- Contra flow with the use of traffic lights

- One-way traffic either North or South with the other directional flow being diverted via the bypass
- Evening working only
- Complete closure of the High Street
- Completion of small stretches of road at one time retaining two way traffic via traffic lights

As Mr Lake stated some of these options may not be financially viable.

Whilst as stated above we would ideally like to see the time period of the works reduced by reconsideration of the finish for the pavements to a lower specification which would be faster to build, our prime concern is that the substantial delays experienced particularly on the industrial estate by the works in Autumn 2014 are avoided. Whilst we appreciate Mr Lake has considerable experience in dealing with traffic delays caused by roadworks we are concerned that many of his views on the different options appeared to be based on a gut instinct and “back of a fag packet” estimates rather than full projections. Having said that we believe the delays caused in Autumn 2014 were not predicted by the traffic projection software which was applied.

We do not profess to be experts in this area. However we believe that a closure of the entire High Street albeit for a shorter period than the other options is unacceptable. Whilst we can see the logic of having one-way traffic as was applied in Autumn 2014, we feel there is a psychological impact in retaining the feel that there is a traffic flow and that the town is still open if two way traffic is retained. We do however have reservations on how severe the delays could be implementing this option.

Impact of Station car park

We would also express concerns regarding the impact which the opening of the new station car park will have on commuter parking combined with the enforcement of 3 hour restrictions in the off-street parking. We are aware that many commuters currently use Luxford Field car park as an all day car park whilst others use the roads in the lower part of New Town (around Bridge Farm Road) and Bell Lane. We believe that many commuters will not be prepared to pay to park at the station car park and on-street parking will increase. We hope that the Council will keep this under review and consider whether it is appropriate to introduce a means of parking restriction which will prevent commuter parking whilst still allowing the Bell Walk business employees to park. This could run along the lines of a parking restriction for a short period in the middle of the day or by restricting parking on one side of the road in the morning and the other in the afternoon. We do appreciate that to be effective such a restriction needs to be enforced which has cost implications though it is possible this could be covered by fines imposed.

There is also concern that the increased ability to park at the station (albeit at a cost) may attract more commuters to the town, for example to avoid the higher parking charges and fares at Haywards Heath, and that the net gain in spaces you have referred to will be offset by the increase in users and indeed drivers through the town. Network Rail’s plans to lengthen the platform seems to support the view that they are expecting use to increase.

Ridgewood Farm approval

Whilst this is a separate issue, we also note that planning has been granted for the building of 1,000 new homes at Ridgewood Farm. As has been stated in the Chamber’s letter of 28 March 2015 to Wealden District Council, whilst we recognise that a larger population will bring more opportunities

into Uckfield, we do not believe the current infrastructure can cope with this additional number of cars even with the proposed improvements to the High Street. Specifically we believe it is critical that the parts of the A22 which bypass Uckfield is dualled to prevent gridlock.

Canvassing views

As you will see from the attached Press release we are calling an emergency full meeting of our members on 8 July to allow our members to express their views and to assess the feelings of the full membership on the revised plans and the proposals for traffic management.

As you are aware many High Street traders are not members of the Chamber and there is of course impact on residents and other traders so we would respectfully suggest that you consider calling a public meeting to allow these people a voice.

Committee: **Lead Cabinet Member for Transport and Environment**

Date: **14 September 2015**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Your Energy Sussex**

Purpose of Report: **To recommend to Lead Member that East Sussex County Council becomes an Affiliate Partner in the Your Energy Sussex Partnership**

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Note the expected benefits of becoming an Affiliate Partner;**
 - (2) Agree that the County Council becomes an Affiliate Partner rather than a Strategic Partner; and**
 - (3) Delegate to the Director of Communities, Economy and Transport authority to take all actions necessary to give effect to the decision to become an Affiliate Partner including authority to enter into all necessary agreements.**
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1. Background Information

1.1 On 28 January 2014 Cabinet agreed that the County Council should join the Your Energy Sussex (YES) Partnership (previously called the Sussex Energy Saving Partnership) as a Strategic Partner. The YES Partnership is led by West Sussex County Council (WSCC) and is open to all Sussex Local Authorities. The YES Partnership has been set up to:

1. reduce fuel poverty;
2. support local businesses that are part of the energy efficiency supply chain;
3. help local residents and businesses cut their energy bills;
4. help Local Authorities to cut their own energy bills.

Therefore, the YES Partnership provides the opportunity to:

- 1) support the County Council's core priorities to drive economic growth, help residents and businesses to become more resilient, and to make better use of its own resources;
- 2) benefit from the economies of scale to be gained from working in a partnership covering the whole of Sussex.

1.2 WSCC procured the services of a private sector partner, Carillion, through a competitive dialogue process, to set up and manage a local supply chain to deliver the benefits outlined above. WSCC proposed that partner Local Authorities join YES as either Affiliate or Strategic partners, based on the different levels of resource and commitment that partners wished to contribute.

1.3 Following receipt of independent legal advice, procured jointly by the County Council, Eastbourne Borough Council, Brighton & Hove City Council and Crawley Borough Council, it is considered that the contract between WSCC and Carillion does not allow other Local Authorities to appoint Carillion to carry out any works or services on their behalf in a manner which is compliant with procurement Regulations. Consequently, the County Council would not be able to directly engage Carillion, through the YES Partnership Agreement, to cost up and carry out works on its own estate. Instead, a new and separate procurement process would be required to appoint a contractor for such works. As such, it is considered that it would not be appropriate to join YES as a Strategic Partner as the County Council could not lawfully comply with the obligations that such a membership status would entail.

1.4 However, the the County Council can lawfully join YES as an Affiliate Partner, as the obligations of this category of membership are significantly less onerous. Membership as an Affiliate Partner would enable the County Council to:

- signpost residents and businesses to Carillion, as the branded delivery partner for YES, for energy efficiency retrofit and renewable energy measures on their property;
- refer residents in fuel poverty to Carillion's local supply chain for the installation of new boilers and/or insulation;
- work across Sussex with the existing network of community energy groups;
- work across Sussex on joint bids for external funding to help deliver this agenda;
- Benefit from the size, expertise and experience of Carillion to ensure value for money, use of local businesses, and consumer protection through appropriate quality control.

1.5 The County Council will not be required, by virtue of becoming an Affiliate Partner, to contribute any finance to the YES Partnership. In addition, the County Council can withdraw from the YES Partnership at any time.

1.6 The main risk from becoming an Affiliate Partner is to the County Council's reputation, should Carillion fail to deliver a good quality service. This risk can be managed through the existing terms and conditions of the contract between WSCC and Carillion.

1.7 There are no direct financial implications for the County Council from the recommendations in this report. However, there is the cost of existing officer time to participate in the Your Energy Sussex Partnership ('the YES Partnership').

2. Conclusion and Reason for Recommendation

2.1 It is no longer appropriate for County Council to sign up to the Yes Partnership as a Strategic Partner. However, there are considerable potential benefits to the County Council and East Sussex businesses and residents, from the County Council joining the YES Partnership as an Affiliate Partner. This does not require the County Council to contribute any finance to the YES Partnership.

2.2 Lead Member is recommended to:

- 1) note the expected benefits of becoming an Affilate Partner in the YES Partnership;
- 2) agree that the County Council becomes an Affiliate Partner in YES rather than a Strategic Member;
- 3) delegate to the Director of Communities, Economy and Transport authority to take all actions necessary to give effect to the decision to become an Affiliate Partner including authority to enter into all necessary agreements.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Andy Arnold

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Email: Andy.Arnold@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None

Committee: **Lead Cabinet Member for Transport and Environment**

Date: **14 September 2015**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Capital Programme for Speed Management in 2015/2016.**

Purpose of Report: **To seek approval for the capital programme for Speed Management for the 2015/2016 financial year.**

RECOMMENDATION: The Lead Member is recommended to agree the Capital Programme for Speed Management for the 2015/2016 financial year as outlined in Appendix 1.

1. Background Information

1.1 At the meeting on 27 April 2015 the Lead Member for Transport and Environment considered a report by the Director of Communities, Economy and Transport that provided an update of the village assessment and review of speed limits on rural A and B class roads. At the meeting the Lead Member noted the progress that has been made and approved the approach indicated in Appendix 4 of that report (included as Appendix 2 with collision data plans).

1.2 The report confirmed that £125,000 of Public Health Grant Funding had been made available for speed management to help reduce the number of injury crashes in the County. The Lead Member agreed that the Road Safety Team should continue to work closely with Sussex Police to identify a priority list for lower speed limits.

2. Supporting Information

2.1 The Road Safety Team have now carried out speed surveys in the locations identified in the 27 April report. They have also met with Sussex Police to discuss the survey results and to consider the most appropriate approach for each location. The recommended priority list agreed with Sussex Police and the level of funding being allocated to each scheme are illustrated in Appendix 1.

3. Comments/Appraisal

3.1 The following priority list has been agreed with Sussex Police:

- Priority 1 - A259 Buckle Bypass near Bishopstone

To propose a 50mph speed limit on the A259 at Bishopstone to start to the west of the junction with Bishopstone Road. The work would also include some safety improvements on the more rural part of the road between Bishopstone Road and the Denton roundabout in response to the injury crashes that have been identified here.

- Priority 2 - B2112 Ditchling Road near Wivelsfield

To provide a 40mph speed limit and safety improvements on the B2112 Ditchling Road between the existing 30mph speed limit at Wivelsfield and a point just south of the Janes Lane junction. This is because the majority of the crashes have occurred on the bend in the road by the former Royal Oak Pub and the Janes Lane junction. The part of the road to the south of Janes Lane does not give the driver the visual message to support a 40mph speed limit as it is too rural in nature, so it was agreed that the existing speed limit should remain unaltered.

- Priority 3 - C27 Powdermill Lane near Battle

The speed survey results carried out on the C27 Powdermill Lane, Battle supported a 50mph speed limit on the straighter parts of the road. However, it was agreed that a 50mph speed limit was not appropriate as it would be set too high for the sharp bends in the road where the majority of the crashes have occurred. It was therefore agreed that it would be most appropriate to combine a Local Safety Scheme on the bends with a Safer Route Study on the other parts of Powdermill Lane.

- Priority 4 - A264 at Blackham

It was agreed that the character and appearance of the A264 at Blackham would not support a 40mph speed limit. In principle a 50mph speed limit could be considered, but there was concern that this approach would increase the speed of traffic as it would be posted above the average speed that drivers are already choosing to travel. It was therefore agreed to include the A264 at Blackham into the Safer Route Study that had already been identified for the A264 at Holtye.

- Priority 5 - A271 Magham Down to Herstmonceux

It was agreed to introduce a 50mph speed limit on the A271 between the existing 40mph speed limits at Magham Down and Herstmonceux. The speed survey results showed that the average speed of traffic was higher on the part of the road between Coopers Croft and Magham Down where the majority of the crashes had occurred. It was therefore agreed to proceed with a 50mph speed limit and to make some improvements to the warning signs and lines on both approaches to the Coopers Croft crossroads.

- Priority 6 - C33 at Ringles Cross

The speed survey results and existing speed limits on the C33 at Ringles Cross were carefully considered at the meeting. It was agreed that the short length of road between Ringles Cross and Uckfield would not support a 30mph speed limit. There was also a system of street lights along the road, so it would not be possible to use 30mph repeater signs to remind drivers of the lower limit. We would therefore need to provide expensive engineering measures on this part of the road to ensure compliance with the lower limit. This could not be justified as there have not been any crashes recorded on this section of road. It was therefore agreed that it would be most appropriate to carry out a Local Safety Scheme on the C33 at Ringles Cross near the Snatts Green and Coopers Green Road junctions to address the crashes that have occurred here.

- Speed Surveys

Speed surveys were undertaken at each of the sites identified in the Priority List for Further Investigation (Appendix 2 to this report). The results of the surveys were used to inform the discussions undertaken with Sussex Police as part of the prioritisation process. Details of the speed surveys are given on the collision data plans for each site in Appendix 2.

3.2 It was noted at the meeting with Sussex Police that the A267 at Argos Hill has the same casualty weighting of 9 as the A271 and the C33 indicated above. The principle of a 40mph speed limit has previously been agreed with the Police. However, the speed survey results indicate that a 40mph speed limit at Argos Hill would require expensive engineering measures on the straighter, more built up, part of the road to slow down traffic in accordance with the lower speed limit. A preliminary cost estimate carried out in February 2014 indicated that the speed reducing measures required to lower the full length of the existing 50mph limit to 40mph would cost in the region of £80,000.

3.3 The majority of injury crashes on the A267 at Argos Hill occur on the more rural part of the road to the south of The Bicycle Arms (B2101) junction. A 40mph speed limit supported by traffic signs and road markings on this part of the road could be supported, however; it was recognised that this would not be in accordance with the County Council's policy on setting local speed limits as it would not include the more built up part of the road to the north. If the County Council were to lower the speed limit on the more rural part of the A267, in response to the identified injury crashes, it is likely that the straighter, more built up part of the road would not be a priority in future financial years, as it has a relatively good safety record. It is therefore recommended to hold this scheme in reserve pending funding becoming available from developer contributions should development exacerbate the need or as part of a future year's programme of speed management.

4. Conclusion and Reason for Recommendation

4.1 To ensure the £125,000 of Public Health Grant Funding is targeted at the locations that offer the most benefit and value in terms of casualty reduction, it is recommended that the Lead Member for Transport and Environment approves the priority list indicated in Appendix 1 of the report.

4.2 It is recommended that a 40mph speed limit on the A267 at Argos Hill be considered again when the County Council have a clearer idea of the cost of the road safety improvements in the six locations identified in Appendix 1 of the report or the availability of additional funds.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Michael Higgs

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Tel. No. 01273 482106

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

Capital Programme for Speed Management 2015/2016 Financial Year Lead Member for Transport and Environment Report 27 April 2015.

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Appendix 1 – Priority List for Public Health Funding

Priority	Location and Road Number	Casualty Weighting	Proposed Safety Measures Agreed with the Police	Proposed Public Health Funding Allocation
1	A259 Buckle Bypass near Bishopstone	21	Proposed 50mph Speed Limit between existing Seaford 30mph and junction of Bishopstone Road.	£20,000
2	B2112 Ditchling Road near Wivelsfield	20	Proposed 40mph Speed Limit between existing Wivelsfield 30mph and junction of Janes Lane.	£20,000
3	C27 Powdermill Lane near Battle	15	Combine a Local Safety Scheme on the sharp bend in the road with a Safer Route Study.	£20,000
4	A264 at Blackham	13	Combine with Safer Route Study on A264 at Holtye	£20,000
5	A271 Magham Down to Herstmonceux	9	Proposed 50mph Speed Limit and improved signing at Cooper's Cross	£10,000
6	C33 at Ringles Cross	9	Introduce a Local Safety Scheme at the junction of Cooper's Green Road and Snatt's Road.	£20,000
7	Speed Surveys	N/A	Speed surveys in 5 locations	£5,000
Total				£115,000
Contingencies at 8%				£10,000

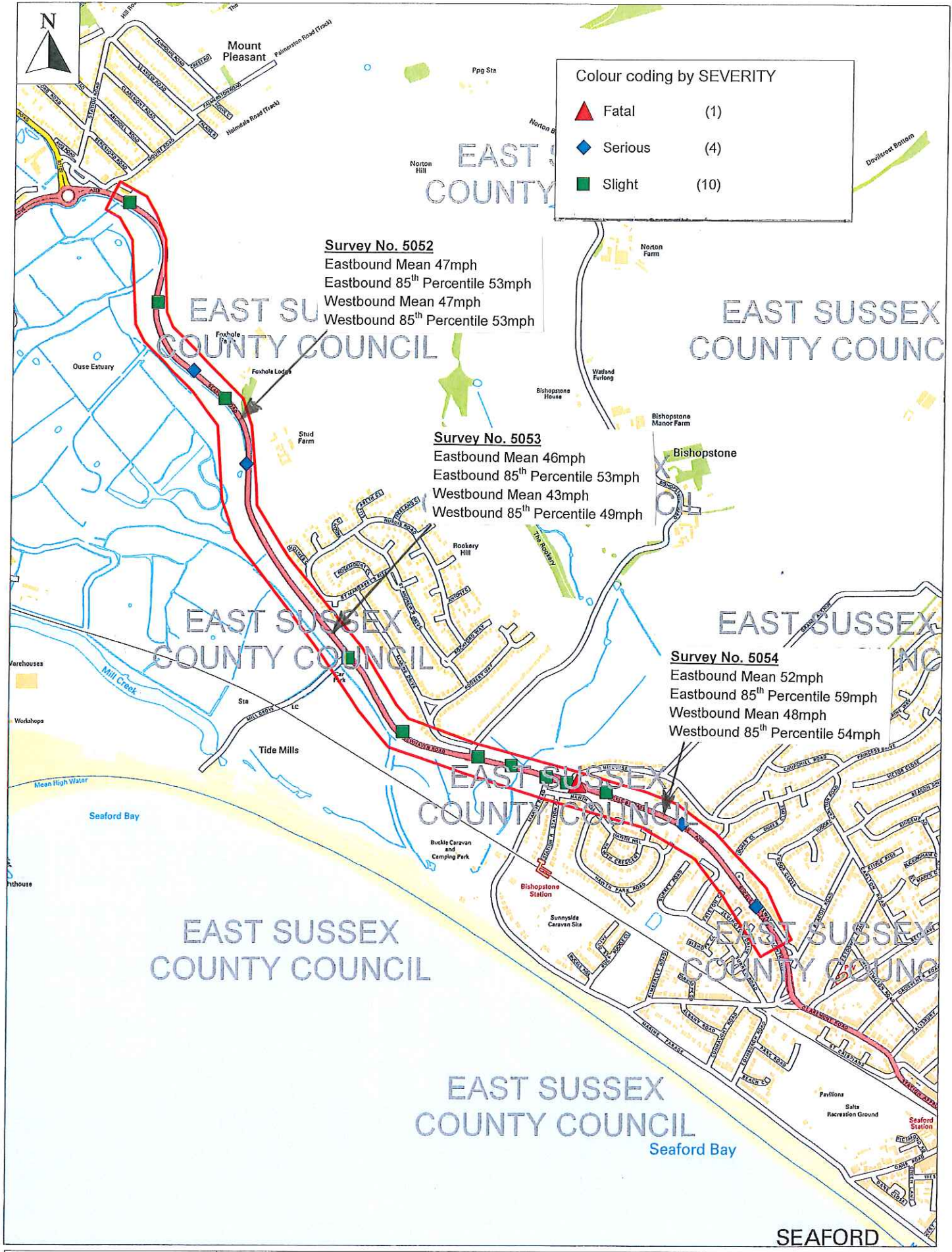
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Appendix 2 (LM Report 27 April 2015 - Appendix 4)

Priority List of Speed Limits for Further Investigation

	Location	Existing Speed Limit	Road No.	Number of Crashes	Crash Severity	Casualty Weighting	Comments
1	Buckle By-Pass/Bishopstone	60	A259	15	1fa, 4Se, 10SI	21	Consider 50mph speed limit
2	Ditchling Road	60	B2112	17	1Fa, 1Se, 15SI,	20	Consider speed limit and other safety improvements
3	Herons Ghyll	50	A26	11	4Se 7SI	15	40mph speed limit in progress
4	Powdermill Lane	60	C27	11	4Se, 7SI	15	Get speed surveys
5	Poundgate	60	A26	10	3Se 7SI	13	50mph speed limit in progress
6	North Street	50	A267	9	4Se 5SI	13	Reduced 60mph speed limit to 50mph in April 2014
7	Blackham	60	A264	8	5Se 3SI	13	Get Speed Surveys
8	High Street/Uckfield	30	C41	10	2Se 8SI	12	Transport Development Control 20mph in progress
9	Magham Down to Herstmonceux	60	A271	7	2Se 5SI	9	Get Speed Surveys
10	Ringles Cross	40	C33	6	3Se 3SI	9	Get Speed Surveys
11	Holtye	50	A264	5	4Se 1SI	9	Identified for a Safer Route Study
12	Argos Hill	50	A267	5	4Se 1SI	9	Consider 40mph speed limit
13	N Chailey to Scaynes Hill	60	A272	7	1Se, 6 SI	8	50mph speed limit in progress
14	Punnetts Town	30	B2096	7	1Se 6SI	8	Reduced 40mph speed limit to 30mph in March 2015
15	Five Ash Down	60	A26	6	1Se 5SI	7	50mph speed limit in progress
16	Wallsend Road	30	A259	6	1Se 5SI	7	Reduced 60mph speed limit to 30mph in August 2014
17	N Chailey to St Peters School	60	A275	4	1Fa, 1Se, 2SI	7	Get Speed Surveys
18	Common Lane	60	B2112	4	1Fa, 1Se, 2SI	7	Consider as part of B2112 Ditchling Road

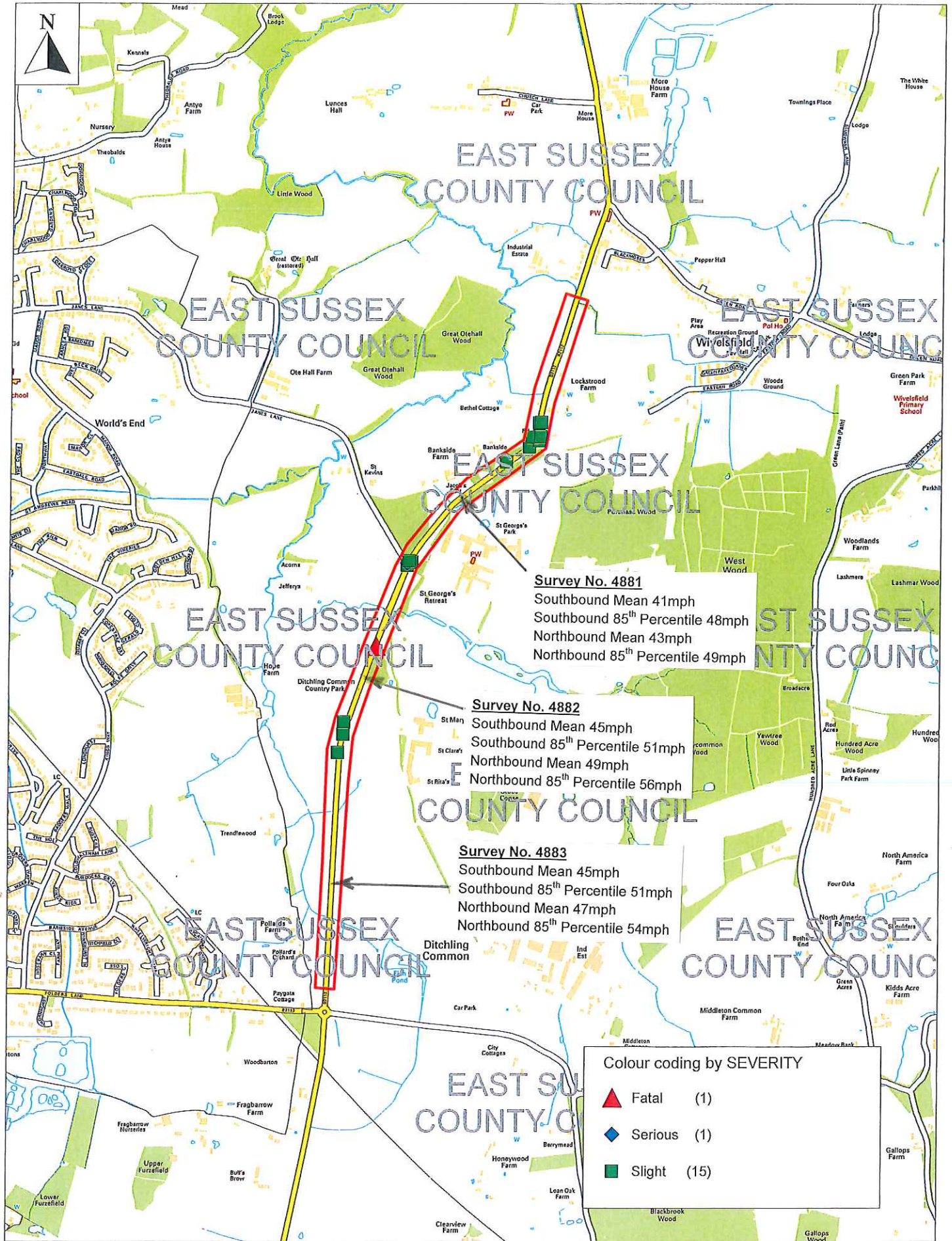
Fa = Fatal crash
 Se = Serious injury crash
 SI = Slight Injury crash



A259 Buckle Bypass near Bishopstone
 3 Year Crash Data
 Type of Crash : Injury Only

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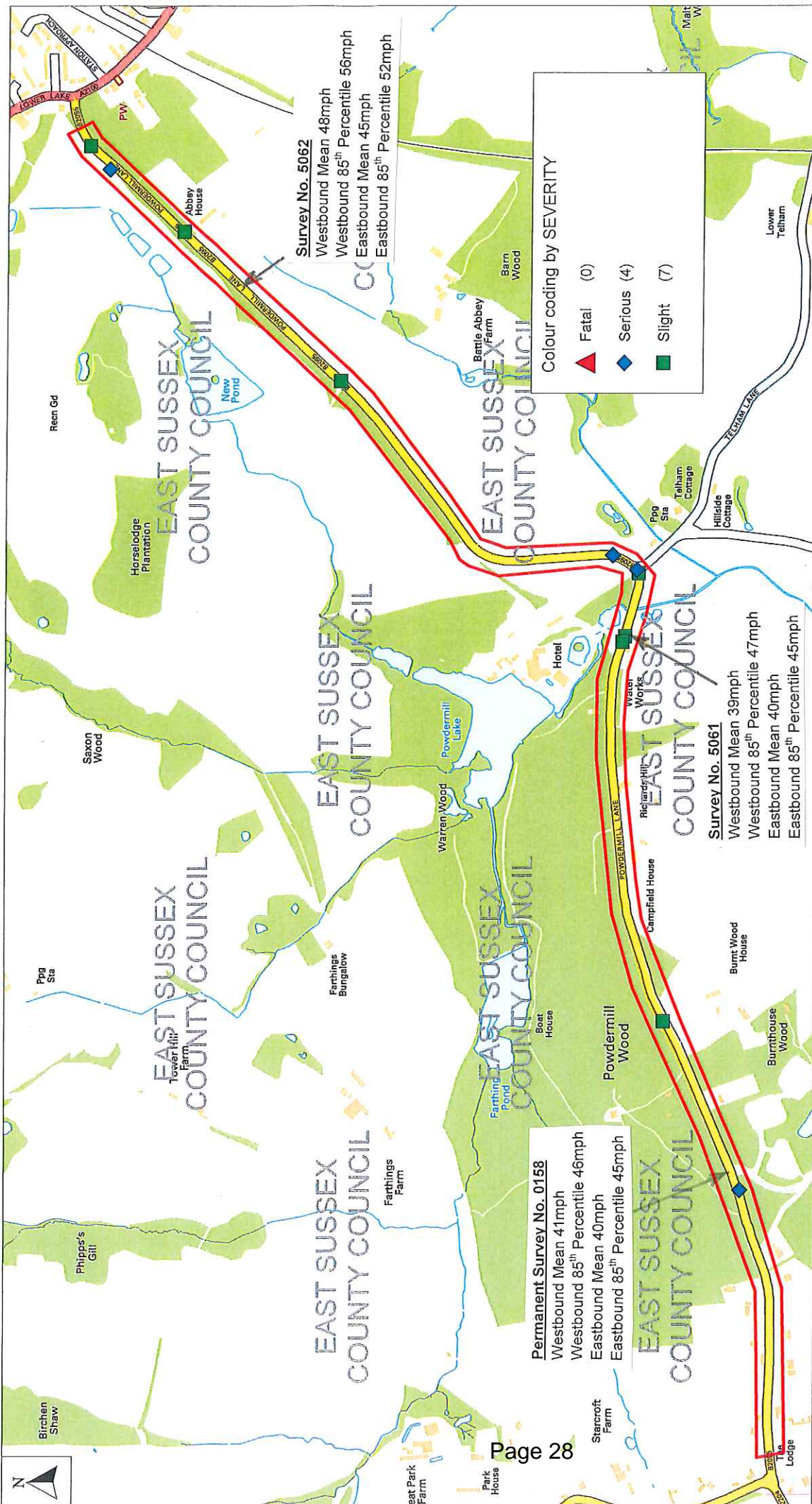
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DATE	06/08/2015
DRAWING NO.	
DRAWN BY	MJH
ORIGINAL SIZE	A4



B2112 Ditchling Road
 3 Year Crash Data
 Type of Crash : Injury Only

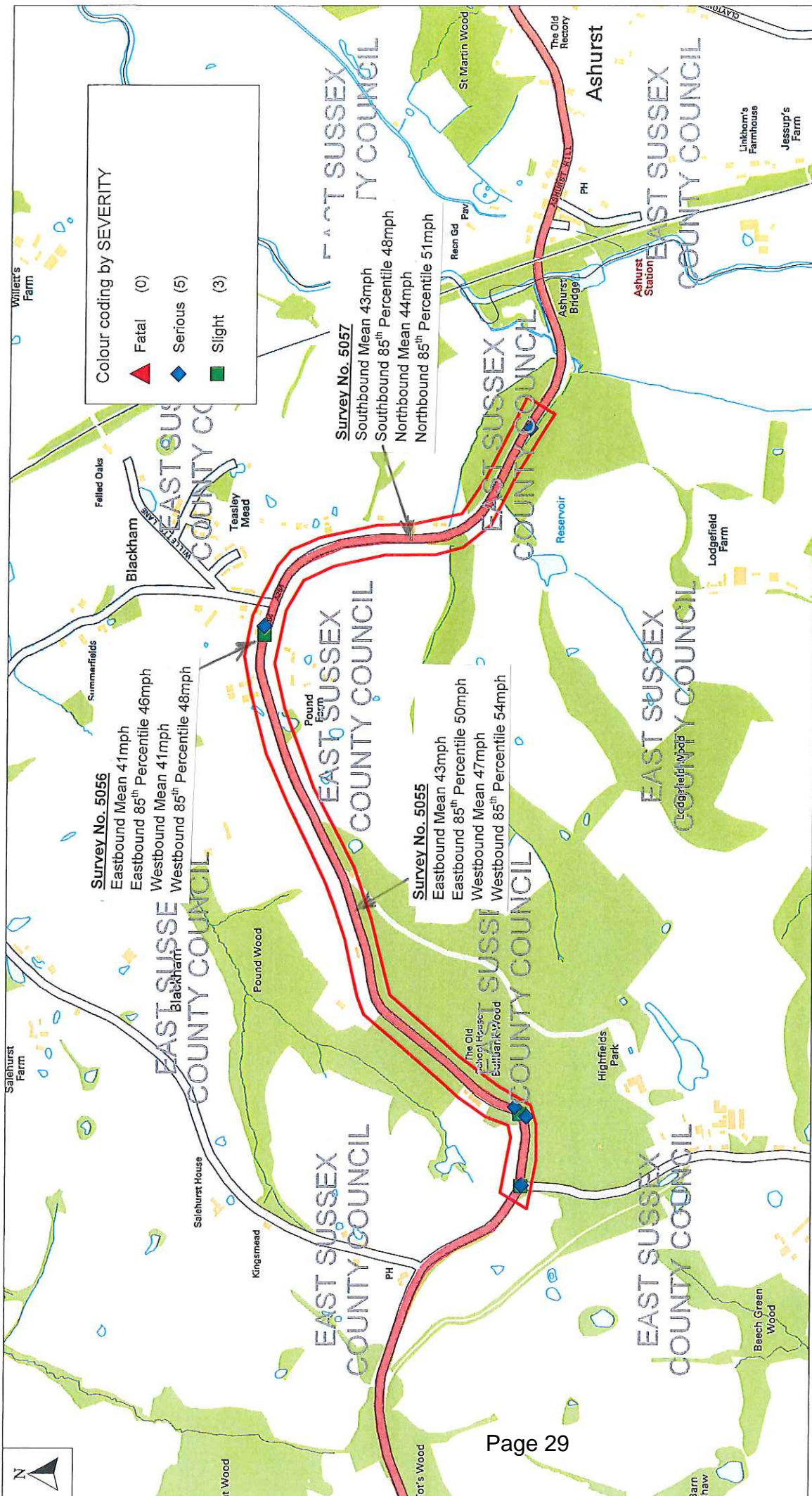
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SCALE	1 : 15000
DATE	06/08/2015
DRAWING NO.	
DRAWN BY	MJH
ORIGINAL SIZE	A4



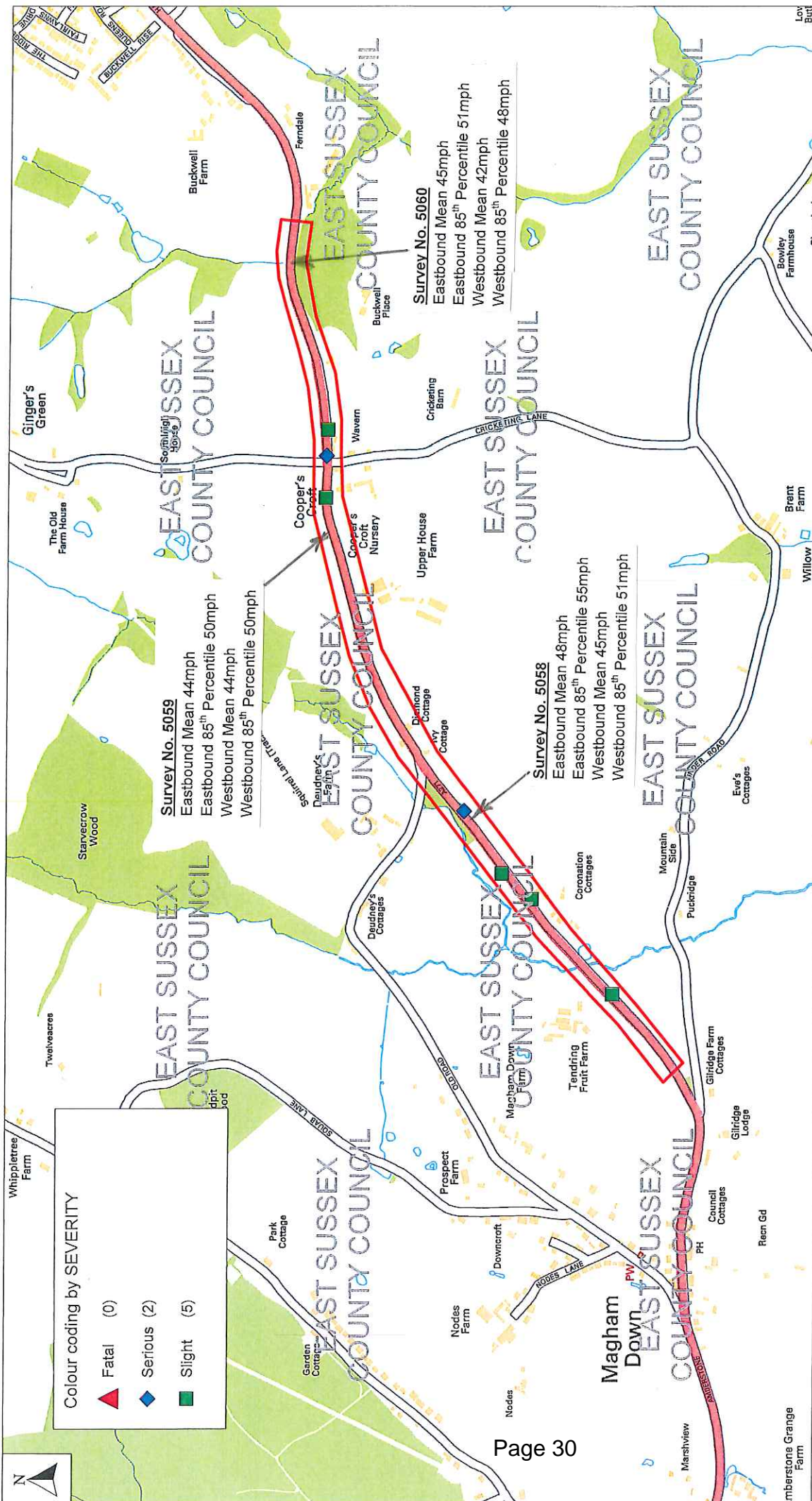
	C27 Powdermill Lane		SCALE	1 : 10000
	3 Year Crash Data		DATE	06/08/2015
Type of Crashes: Injury Only		DRAWING NO.		
		DRAWN BY	MJH	
		ORIGINAL SIZE	A4	

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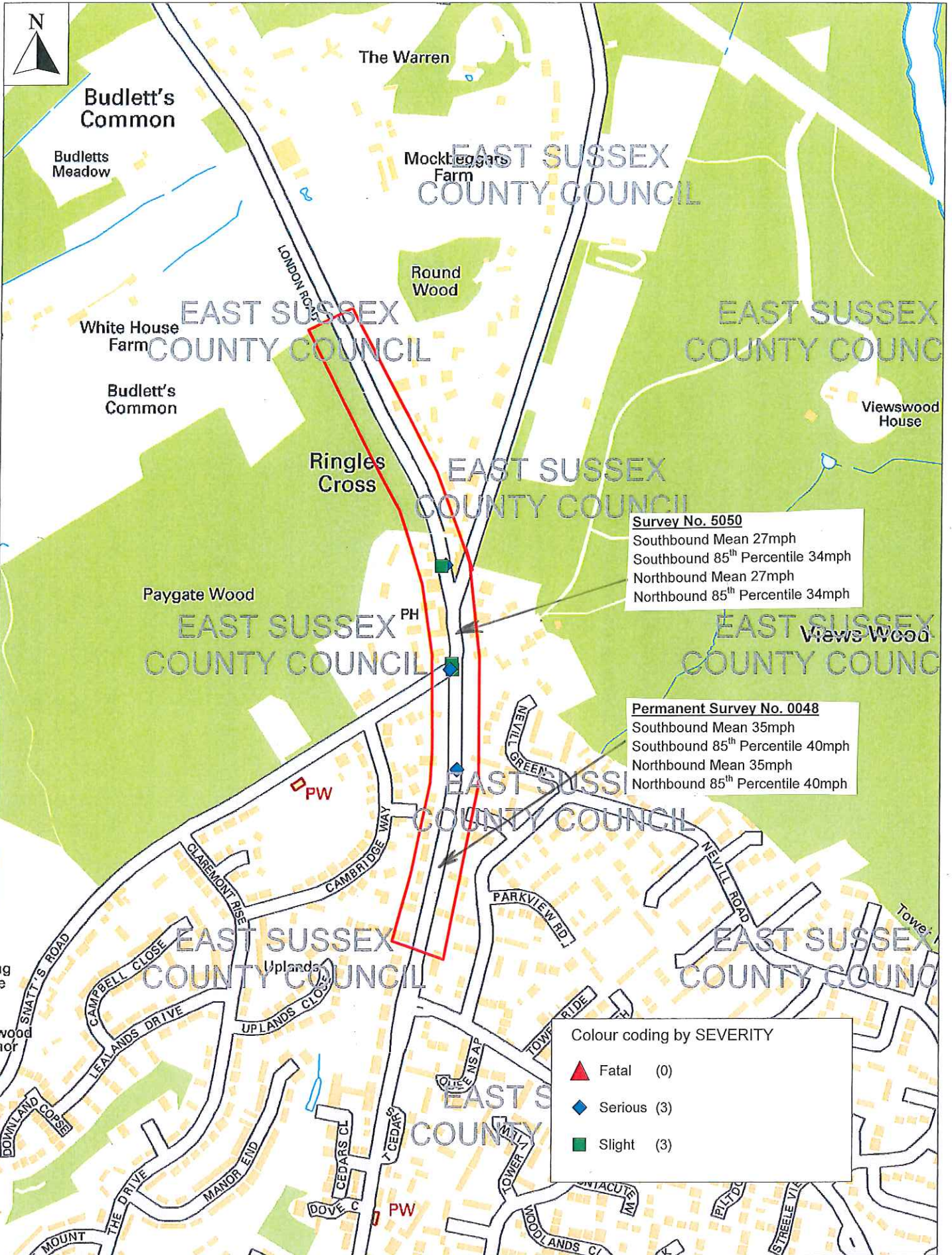
	A264 at Blackham		SCALE	1 : 10000
	3 Year Crash Data		DATE	06/08/2015
Type of Crashes: Injury Only		DRAWING NO.		
		DRAWN BY	MJH	
		ORIGINAL SIZE	A4	

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	<p>A271 Magham Down to Herstmonceux 3 Year Crash Data Type of Crashes : Injury Only</p>		SCALE	1 : 10000
			DATE	06/08/2015
		DRAWING NO.		
		DRAWN BY	MJH	
		ORIGINAL SIZE	A4	

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Survey No. 5050
 Southbound Mean 27mph
 Southbound 85th Percentile 34mph
 Northbound Mean 27mph
 Northbound 85th Percentile 34mph

Permanent Survey No. 0048
 Southbound Mean 35mph
 Southbound 85th Percentile 40mph
 Northbound Mean 35mph
 Northbound 85th Percentile 40mph

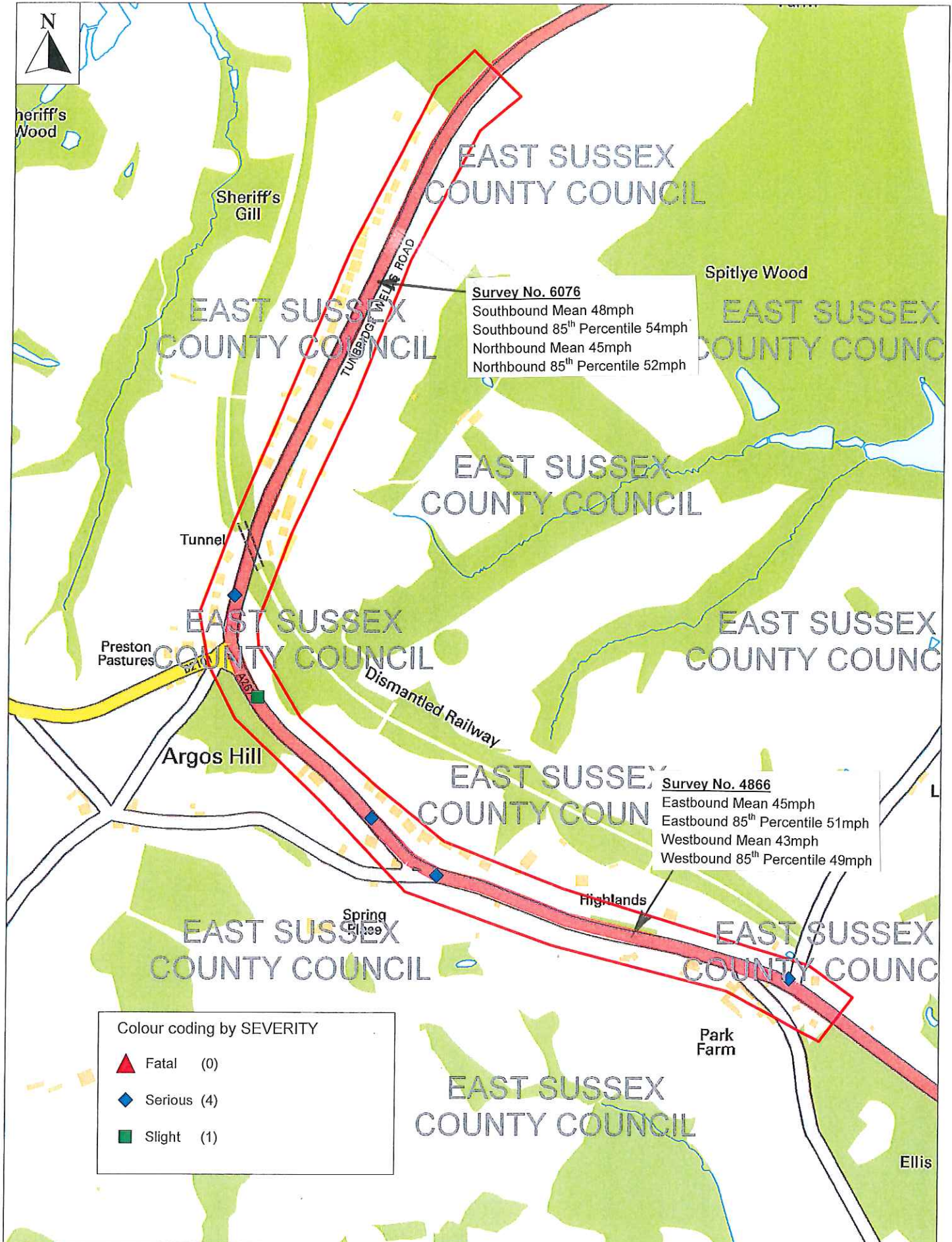
Colour coding by SEVERITY

- ▲ Fatal (0)
- ◆ Serious (3)
- Slight (3)



C33 at Ringles Cross
 3 Year Crash Data
 Type of Crash : Injury Only

SCALE	1 : 6000
DATE	06/08/2015
DRAWING NO.	
DRAWN BY	MJH
ORIGINAL SIZE	A4



Colour coding by SEVERITY

	Fatal	(0)
	Serious	(4)
	Slight	(1)



A267 at Argos Hill
 3 Year Crash Data
 Type of Crash : Injury Only

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SCALE	1 : 6000
DATE	06/08/2015
DRAWING NO.	
DRAWN BY	MJH
ORIGINAL SIZE	A4

Agenda Item 7

Report to:	Lead Cabinet Member for Transport and Environment
Date of meeting:	14 September 2015
By:	Director of Communities, Economy and Transport
Title:	Council Order for The East Sussex Permit Scheme
Purpose:	To comply with recent legislation it is necessary to make a Council Order to continue to operate our current Permit Scheme with the required statutory amendments.

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Authorise a Council Order to be made to continue the East Sussex Permit Scheme with the amendments as required by legislation (Deregulation Act 2015); and**
 - (2) Note the legislation requires the Council Order to be in force by 1 October 2015.**
-

1 Background Information

1.1 The Traffic Management Act 2004 empowered Highway Authorities to operate a Permit Scheme whereby all public utilities and statutory undertakers had to secure a permit before working in the public highway.

1.2 In August 2011 a business case for a Permit Scheme was approved by the Lead Member for Transport and Environment in the Transport Operations Service Plan 2010/2011.

1.3 To better co-ordinate and manage works in the highway network, East Sussex County Council secured approval from the Secretary of State in July 2013 for a Permit Scheme, which began operation in November 2013.

1.4 Statutory Undertakers now have to apply for a permit to work on traffic sensitive roads. This encourages improved planning and allows better coordination, reducing congestion so the County Council can deliver their Network Management duty to secure the expeditious movement of traffic.

1.5 As more highway authorities have begun to operate a permit scheme, the Department for Transport (DfT) considered it necessary to de-regulate permit schemes, therefore approval from the Secretary of State is no longer required. In addition, the DfT have made some amendments that all permit schemes (existing and new) must comply with, for the purposes of clarity and uniformity for utility companies that work across highway authority boundaries (see Appendix 1 Summary of changes to legislation by DfT).

1.6 The continuation of a permit scheme will aid the movement of traffic and help deliver the County Council's promise to support economic growth as well as deliver their statutory duties.

2 Supporting Information

2.1 The income from Permits (approximately £620K in the 2014/15 financial year) pays for the operation of the Permit Scheme.

2.2 Recent legislation requires the County Council's current Permit Scheme to be amended and re-issued by a Council "Order" by 1 October 2015 if it is to continue to operate. "Order" is defined in the legislation as "a document signed by the Permit Authority to give effect to, vary or revoke a permit scheme".

2.3 The amended East Sussex Permit Scheme is included as Appendix 2.

2.4 The current Permit Scheme has been a success, improving planning by utility companies and their execution of necessary works in our highway, leading to reduced congestion.

3 Conclusion and Reasons for Recommendations

3.1 The Lead Member is recommended to approve the amended Permit Scheme (attached in Appendix 2) and authorise the re-issuing of the full scheme documentation and an Order (as defined in the legislation) in order to comply with recent legislation.

RUPERT CLUBB

Director of Communities, Economy and Transport

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LOCAL MEMBERS

ALL

BACKGROUND DOCUMENTS

<http://www.eastsussex.gov.uk/roadsandtransport/roads/roadworks/permits/default.htm>

East Sussex County Council Web Page containing details on the Permit Scheme (including links to:

- The Traffic Management Act 2004
- The Traffic Management (East Sussex County Council) Permit Scheme Order 2013
- Permit Scheme Fees

Appendix 1 – Summary of Changes to Legislation from DfT



Department
for Transport

Anthony Boucher
DEPUTY DIRECTOR
TRAFFIC POLICY
DEPARTMENT FOR TRANSPORT

To the Joint Chair of the Highway
Authorities and Utilities Committee
(England)

DIRECT LINE: 020 7944 2149

Web Site: www.dft.gov.uk

14 April 2015

Mr David Latham of Kent County
Council and
Peter Loft of Thames Water

By email

Dear David and Peter,

As you know the consultation on a final amendment to the permit scheme regulations closed on 9th March, and the Government response was published on 17th March. This confirmed the Minister's decision that all permit schemes would, by 1st October 2015, be required to apply the Amended Regulations.

The consultation responses sought further information about the 'powers' and 'process' for the change. I have provided information on these matters in [Annex A](#) to this letter, which I would be happy for you to forward to your members.

Additionally, as an aide-mémoire I attach, at [Annex B](#), a list of the amendments to the regulations. I would be happy to meet with you in the summer to discuss any remaining concerns you may have.

Yours sincerely,

Anthony Boucher

Copy by email to: Jane Smith Utilities Side Secretariat at jane@political-intelligence.com

Dave Capon Local Authorities-side Secretariat JAG (UK) at
David.Capon@geoplace.co.uk

Annex A

Information on changes to Local Highway Authority Permit Schemes

Scheme Approval - Until now, permit schemes were brought into operation after receiving the approval of the Secretary of State. Each individual highway authority being provided with a Statutory Instrument for their scheme, even where they were members of a joint or common scheme. Only the Secretary of State can make a 'Statutory Instrument' and the changes to the Traffic Management Act provide for a new approval process.

Powers - The Deregulation Act 2015 (the 2015 Act), which received Royal Assent on the 26th March, removes the requirement for permit schemes to be approved by the Secretary of State and given effect to by Statutory Instrument (SI). The 2015 Act amends the Traffic Management Act 2004 to enable authorities (local highway authorities or strategic highway companies) to approve their own schemes and to vary or revoke existing schemes.

The 2015 Act enables schemes, previously approved by an SI made under s.34 (4) of the Traffic Management Act 2004, to be treated as if it had been made by the highway authority or a strategic highways company by order under section 33A (2) of that Act. From 30 June 2015 each highway authority (permit authority) will need to make, vary, or revoke their permit schemes by order. The Permit Scheme (England) Regulations 2007 ("the 2007 Regulations") have been amended by The Traffic Management Permit Scheme (England) (Amendment) Regulations 2015 (S.I 958 / 2015) ("the amendment Regulations") to reflect that and other changes to the operation of permit schemes. From 30 June there will still be one set of permit regulations, namely the 2007 Regulations, as amended. Therefore, it isn't strictly accurate to talk in terms of "new" regulations. The Amendment Regulations provide, amongst other things, a definition of 'order', by which permit schemes can be made, varied or revoked by a permit authority. The Amendment Regulations contain the requirement that all schemes adopt the changes brought in by the Amendment Regulations by 1st October 2015, but exempt existing permit schemes from undertaking most obligations which arise for new schemes, such as detailed stakeholder consultation, before the amendments come into effect (other than giving 4 weeks' notice of the implementation date). The mechanism for dealing with issues related to interpretation of the regulations has not changed.

Process - Permit authorities will need to inform stakeholders of all the amendments made to their scheme to meet the regulation amendments, and could choose to do this by:

- Amending and reissuing full scheme documentation by 'order'; or
- Providing an 'order' setting out the necessary changes.

Summary - Although Local Highway Authorities now have powers (within the legislation) to develop; approve; and operate a permit scheme, as well as vary schemes already in operation or revoke them, they still have a duty to act reasonably and should be able to demonstrate this. The changes do not alter this overarching duty or other specific duties.

No	Reg	Subject	Notes
1.	2 AM3	<p>Definition change</p> <p>“Guidance” - Permit Schemes – refers to Permit Scheme Conditions dated March 2015.</p> <p>“Permit Authority”, in relation to a permit scheme, means the relevant highway authority etc. which has prepared a scheme under section 33(1) or (2) of the 2004 Act.</p>	<p>Regulation 3 amends regulation 2 inserting a revised definition of “Guidance” and “Permit Authority” (reflecting the creation of a strategic highway company under the Infrastructure Act 2015).</p>
2.	2 AM	<p>New Definitions</p> <p>“Order” means “a document signed by a person authorised by the Permit Authority to give effect to, vary or revoke a permit scheme;”</p> <p>Definition provision</p> <p>“traffic-sensitive street” means a street designated as traffic-sensitive under section 64 of the New Roads and Street Works Act 1991 (a) – footnote provided</p> <p>“traffic-sensitive time”, in relation to a traffic-sensitive street, means –</p> <ul style="list-style-type: none"> • The times or dates specified in the case of limited designation; and • Any time in any other case. 	<p>Regulation 3 amends regulation 2 providing:</p> <ul style="list-style-type: none"> • a definition of “order” for the purposes of giving effect to, varying or revoking a permit scheme. • a definition of “traffic-sensitive street” and “traffic-sensitive time”.
3.	3 AM5	<p>Before giving effect to a scheme a Permit Authority shall consult – (g) any other persons specified in the Guidance as being persons to be consulted prior to giving effect to a permit scheme;</p>	<p>Regulation 5 amends regulation 3 by making a change to the consultation process to add those persons to be consulted to include any person named in the Guidance</p>
4.	4 AM6	<p>4. Procedural requirements for commencing permit schemes</p> <p>(1) Prior to giving effect to a permit scheme by Order in accordance with section 33A of the 2004 Act, the Permit Authority shall have considered the following -</p> <p>(e) the costs and benefits (whether or not financial) which the Permit Authority anticipates will result from that permit scheme and how such costs and benefits will be demonstrated when the permit</p>	<p>Regulation 6 amends regulation 4. It substitutes a new paragraph (1) and makes some changes to the factors which must be considered by a permit authority before giving effect to a permit scheme. There is also inserted a new paragraph (2) requiring that the Permit Authority confirms in their schemes its compliance with both the 2007 Regulations and the Guidance.</p>

		<p>scheme is evaluated in accordance with regulations 16A;</p> <p>(2) The Permit Authority shall confirm in the permit scheme that the scheme has been prepared in accordance with these Regulations and that it had regard to the Guidance.</p>	
5.	5 AM7	<p>Varying and revoking permit schemes</p> <p>5. Before varying or revoking a permit scheme the Permit Authority shall consult the persons referred to in regulation 3(1).</p>	Regulation 7 provides full rewording for Regulation 5
6.	9 AM8	<p>Permits scheme provision</p> <p>9.—(1) Subject to paragraph (2), a permit scheme shall include provision requiring a permit to be obtained by electronic communication from the Permit Authority before specified works are carried out in a specified street.</p> <p>(10) A permit scheme shall set out the ground on which a permit can be refused.</p> <p>(11) Where an application for a permit meets the relevant requirements of the permit scheme, the Permit Authority shall grant the permit.</p>	Regulation 8 amends regulation 9. It provides a new title and substitutes a new paragraph (1), which requires that requests for a permit be made via electronic communication. New paragraphs (10) and (11) require that the grounds on which a permit can be refused are set out in the permit scheme and that a Permit Authority must grant a permit where the application meets the requirements for the scheme.
7.	10 AM9	<p>10 Conditions attached to permits</p> <p>(6) Where a condition is to be specified in a permit the Permit Authority shall use the wording and numbering for that type of condition set out in the Guidance.</p>	Regulation 9 amends regulation 10. A new paragraph (6) provides that where a Permit Authority wishes to impose a condition in a scheme it must use for the relevant type of condition the numbering and wording set out in the Guidance.

8.	16 AM1 0	<p>Evaluation of permit schemes</p> <p>16A – (1) A permit scheme shall contain information on how the Permit Authority will evaluate that scheme.</p> <p>(2) A permit scheme shall evaluate each permit scheme following – (a) the first, second and third anniversary respectively of the date on which the permit scheme came into effect; and</p> <p>(b) every third anniversary thereafter.</p> <p>(3) In carrying out the evaluation, the Permit Authority shall include consideration of –</p> <p>(a) whether the fee structure needs to be changed in light of any surplus or deficit;</p> <p>(b) the costs and benefits (whether or not financial) of operating the scheme; and</p> <p>(c) whether the permit scheme is meeting the key performance indicators where these are set out in the Guidance.</p> <p>(4) The outcome of each evaluation shall be made available to the persons referred to in regulation 3 (1) within three months of The relevant anniversary.</p>	<p>Regulation 10 inserts a new regulation 16A. This new regulation makes provision for the content and timing of permit scheme evaluations. It provides that permit schemes are evaluated following the first, second and third anniversary of the scheme's commencement and then following every third anniversary. It also requires that the outcome of each evaluation be made available within three months.</p>
9.	17 AM1 1	<p>Notification of permit scheme (AM11)</p>	<p>Regulation 11 is largely a rewording as a consequence of other changes.</p>
10.	30 AM1 2	<p>(1A) Where a Permit Authority is an Approved Authority for the purposes of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012(a), a fee may not be charged in relation to a permit for works on a street for which a charge falls due under those Regulations.</p> <p>(3A) A permit scheme shall include discounts for works which take place on streets subject to designation as traffic-sensitive, where the works take place wholly outside traffic-sensitive times.</p> <p>(7) Where a permit is granted but subsequently revoked by the Permit Authority before commencement of the specified works, the Permit Authority shall</p>	<p>Regulation 12 amends regulation 30, and inserts new paragraphs (1A), (3A) and (7). Paragraph (1A) prevents a permit fee being charged in circumstances where a fee would fall due under the Street Works (Charges for Occupation of the Highway) England Regulations 2012 (lane rental).</p> <p>Paragraph (3A) requires discounts to be offered for works in traffic-sensitive streets where those works take place wholly outside traffic-sensitive times.</p> <p>New paragraph (7) requires that where a permit is granted but</p>

		refund in full any fee charged in accordance with this regulation, provided the revocation is not the fault of the permit holder.	then revoked by the Permit Authority before the works have commenced and that revocation is not the fault of the permit holder, any fee paid should be refunded.
11.	35 AM1 3	In regulation 35, for 34 (4) substitute 33A(2)	Regulation 13 makes a consequential amendment.
12.	14 AM1 4	Transitional Provision 14. (1) Subject to paragraph (2), Permit Authorities operating permit schemes in effect on the day on which these Regulations come into force must ensure that, by 1st October 2015, those schemes comply with the Traffic Management Permit Schemes (England) Regulations 2007, as amended by these Regulations.	Regulation 14 is new and is in two parts. Part (1) requires that by 1st October 2015 Permit Authorities must ensure that existing permit schemes are compliant with the 2007 Regulations, as amended by these Regulations.
13.	AM1 4	Transitional Provision – AM14 (2) The requirement set out in paragraph (1) does not apply in relation to consultation or other procedural provisions with which a Permit Authority must comply before a permit scheme comes into effect.	Regulation 14 is new and is in two parts. Part (2) clarifies that an authority with an existing scheme does not have to consult just to make the changes needed to comply with the amended regulations.

APPENDIX 2

THE SOUTH EAST PERMIT SCHEME FOR ROAD WORKS AND STREET WORKS THE PERMIT SCHEME

DOCUMENT SUMMARY

Document History

The South East Permit Scheme submitted to the Secretary of State has been given Version 1.0. Any further developments as a result of the review process will be detailed below:

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06 June 2013	v2.0	Minor updates for clarification requested by DfT
15 July 2015	v3.0	LHA order to comply with 2015 amendment regulations

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1 INTRODUCTION

1.1 Background

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

1.2 Relationship to NRSWA

The scheme provides a change from the 'notification system' of the New Roads and Street Works Act 1991 (NRSWA). Instead of informing the street authority about its intention to carry out works in the area, a statutory undertaker will need to book time on the highway through a permit, as would the highway authority, its partners and agents, for its own works.

Under the scheme both statutory undertaker's activities and highway authority activities are treated in the same way with regard to co-ordination and the setting of conditions. The Permit Authority shall demonstrate at all times parity between activity promoters ensuring non-discrimination between permit applicants.

1.3 The Permit Scheme

This permit scheme, to be known as the South East Permit Scheme, (hereinafter referred to as The Permit Scheme) which will be operated under the powers of the Traffic Management Act 2004 (TMA) as amended, has been introduced, to enable any South East Local Highway Authority (hereinafter referred to as the Permit Authority) to better manage activities on their highway network, as well as minimising disruption from utility companies' street works and the Council's own highway works, both of which are covered by the scheme.

It is based on Part 3 of the TMA and the Traffic Management Permit Schemes (England) Regulations 2007 as amended, (hereinafter referred to as the regulations) and has been prepared with regard to the Statutory Guidance issued by the Secretary of State and in accordance with the requirements set out in the Regulations. Promoters should make themselves aware of the content of these documents and also The Code of Practice for Permits alongside which the Permit Scheme will be operated. For consistency with the Statutory Guidance and Code of Practice, in the Permit Scheme the term "promoters" is used where the sense includes both utility companies and highway authorities, and "activities" is used rather than "works", even though the scheme applies at present only to street works and highway works.

2 SCOPE OF PERMIT SCHEME AND DEFINITIONS

2.1 Areas and Streets

2.1.1 A Permit Authority operating the Permit Scheme will operate the scheme across the whole of the area encompassed by that authority's boundaries. The area covered by the Permit Scheme is the Permit Authority's geographical area of operation; this is the "specified area" as set out in the Regulations.

2.1.2 All streets, for which the Permit Authority is the highway authority, i.e. publicly maintained by or on behalf of the highway authority, are included in the Permit Scheme; these are the "specified streets" as set out in the Regulations.

2.1.3 Trunk roads and motorways for which the Highways Agency is the highway authority are not included in the scheme.

2.1.4 Privately maintained streets are also not included in the scheme, but will be added if they are subsequently adopted by the highway authority and shown as such in the street gazetteer.

2.1.5 **Street Gazetteer**

The street gazetteer for the street authority, used for NRSWA, will be used for the Permit Scheme, including the Unique Street Reference Numbers (USRN) and the Additional Street Data. This forms part of the National Street Gazetteer (NSG) held centrally on behalf of all local highway authorities by a concessionaire. Streets subject to the Permit Scheme will be identified in the Additional Street Data. In relation to permits, the term "street" refers to an individual USRN.

2.1.6 Streets with special controls designated under NRSWA as protected streets, streets with special engineering difficulty (SED) and traffic-sensitive streets will have the same designations under the Permit Scheme. Where those designations are revised, the criteria and procedures in the NRSWA Code of Practice for the Co-ordination of Works will be followed.

2.1.7 In addition to the designations carried across from NRSWA, the Permit Authority may designate in the Additional Street Data certain streets as especially vulnerable to traffic disruption and where an early warning of immediate activities on streets is required. In these cases, the promoter must telephone the authority's specified number given in the Additional Street Data as soon as it is identified that an activity becomes necessary.

2.1.8 Reinstatement categories of streets, where used in the Permit Scheme, are the same as the reinstatement categories under NRSWA, as defined in the Specification for the Reinstatement of Openings in the Highway. If there are revisions to the definitions of category 0 – 4 streets in the Specification, these will be translated into the Permit Scheme.

2.1.9 **Main and minor roads**

The Permit Scheme distinguishes between main roads and minor roads in certain circumstances.

- Main roads – all streets with reinstatement category 0, 1, or 2 and streets in reinstatement category 3 and 4 that are designated as traffic-sensitive for all or part of the time.
- Minor roads – streets with reinstatement category 3 or 4 which are not designated as traffic-sensitive at any time.

2.2 Activities Covered by the Permit Scheme

2.2.1 Subject to the exemptions in 2.2.7 below, permits must be obtained from the Permit Authority by activity promoters for

- street works – as defined in section 48 of NRSWA;
- works for road purposes – as defined in section 86 of NRSWA

This includes all activities comprising “registerable works” in terms of The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007 and any subsequent amendments. These are the “specified works” as set out in the Regulations.

2.2.2 Further details of what is covered by registerable activities and where there are exemptions is given in the NRSWA Co-ordination of Works Code of Practice: these exemptions are carried across into the Permit Scheme.

2.2.3 Except for immediate activities, promoters must obtain a permit before starting their activities. The Permit Authority, when granting a permit may require specific conditions to be included in a permit application before it will be granted. Promoters must comply with the terms of the permits and any conditions.

2.2.4 One permit can only cover one activity on one street.

2.2.5 Although, street lighting works for the Permit Authority as highway authority are works for road purposes and require a permit, street lighting works and repairs for District and Parish Councils, acting on their own account and not on behalf of Highway Authority, should be treated as street works

2.2.6 **Activities not requiring a permit before they start**

Immediate activities do require a permit but, because such activities are concerned with emergency or urgent situations, a promoter can start work before applying for a permit provided they apply for a permit from the Permit Authority within 2 hours or, in the case of the activity commencing out of normal working hours, within two hours of the commencement of the next working day and comply with any conditions specified by the Permit Authority, whether generic for such activities or specific to one activity.

2.2.7 Works under a street works licence (under section 50 of NRSWA) do not require a permit but have to follow the normal NRSWA procedures through the street authority.

2.2.8 **Categories of activities**

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

Permit for Major Activities

Major activities would be those which:

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

Permit for Standard Activities

Standard Activities are those activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive. (Activities lasting less than 10 working days will be classified as major activities if they require a temporary traffic regulation order, e.g. to close a street or ban a turn.)

Permit for Minor Activities

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

Permit for Immediate Activities:

Immediate Activities comprise:

- Emergency works as defined in section 52 of NRSWA; and
- Activities (not being emergency works) whose execution at the time they are executed is required (or which the person responsible for the works believes on reasonable grounds to be required)—
 - (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the promoter;
 - (ii) to avoid substantial loss to the promoter in relation to an existing service; or
 - (iii) to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; including works that cannot reasonably be severed from such works.

These are the equivalent of “urgent works” as defined in the 2007 Notices Regulations under NRSWA

These permit categories of major, standard, minor and immediate activities, have broadly the same definition, as those given in the “interpretation” for works categories in The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007, with the following amendments;

- 'streetworks' replaced with 'activity'
- 'undertaker' replaced with 'promoter' and
- 'street authority' replaced with 'permit authority'

It should be noted that The Street Works (Registers Notices Directions and Designations) (England) Regulations 2007 are subject to change from time to time, and it is the intention of the Permit Scheme that the above permit definitions may change, in line with any changes to these Regulations.

2.3 Phasing of Activities

- 2.3.1 One permit can only contain one phase of an activity. A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the activities, where all the works described in the works description are completed, unless it can be demonstrated that those works have been legitimately interrupted. 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.
- 2.3.2 A promoter must clarify that an activity is planned to be carried out in phases on the application. Each phase will require a permit. With the exception of remedial activities (see 2.5) and the permanent reinstatement of interim works, a major activity will require a Provisional Advance Authorisation (PAA), which will be cross referenced to the subsequent permits.
- 2.3.3 If a promoter is unable to complete all the activity in the permit in one phase for operational or weather reasons and will require a subsequent permit at a later date to complete the activity, they must advise the permit authority and seek agreement on the timing of the subsequent permit. Failure to do so could result in the permit authority treating the subsequent application as an illegitimate use of activity phases (see 5.2.3).
- 2.3.4 Phased activities must relate to the same works. These could be a single or multiple-but-linked excavation, or a trench dug progressively along the street as part of a continuous operation. Or they could be where an interim reinstatement is made and the permanent reinstatement is completed at a later date.

2.4 Linked Activities

- 2.4.1 Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. However, unconnected activities carried out by the same promoter in one street must not be treated as parts, or phases, of a single set of works. A new main or cable run, which includes new customer connections, can be classed as one activity if all the work is completed in a single occupation of the street.
- 2.4.2 Even if an activity involving more than one street forms part of one project in management and contractual terms, separate permits and PAAs must be obtained for each street or USRN.

2.5 Remedial Works

- 2.5.1 Remedial works will require a new permit. Applications for remedial works should be submitted as a new phase of the original activity using the same activity reference. Where remedial works fall within the definition of a major activity then a PAA will not be required.

2.6 Interrupted Activities

- 2.6.1 In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while specialist apparatus is acquired, the promoter shall contact the Permit Authority to agree what action should be taken. Where no works activity takes place for 24 hrs on a permitted working day (unless further activity is waiting materials curing) the promoter must contact the Permit Authority within 2 hours of the start of the next working day to agree what action should be taken
- 2.6.2 Where the Permit Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required. However, where it is considered that the opening should be reinstated and the road returned to full traffic use then the promoter will need to apply for a further permit to complete the work at a later date.

- 2.6.3 If an activity is interrupted at the request of the Permit Authority, the Authority will discuss this with the promoter and agree to a variation to cover the situation, or if necessary grant a further permit to allow the activity to be completed later.
- 2.6.4 Whenever an activity is interrupted, the promoter must first agree a way forward with the Permit Authority before starting any of the processes above.
- 2.7 Collaborative Working
- 2.7.1 Collaborative working means more than just trench sharing. It includes situations when one of the activities is works for road purposes and the other street works. It also includes multi-utility working, multi-utility tunnels and compliance testing.
- 2.7.2 The Permit Authority strongly encourages promoters to consider collaborative working. It is accepted that there are often issues in such arrangements, particularly contractual complications. Nevertheless every opportunity should be sought to minimise the disruption to users of the highway.
- 2.7.3 **Responsibilities - primary and secondary promoters**
- 2.7.3.1 In the event of collaborative working, one of the promoters must take on the role of primary promoter and 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.
- 2.7.3.2 If the nature of collaborative working is trench sharing, the primary promoter will excavate the trench and install its own apparatus. The secondary promoters will install their apparatus in the same trench. The primary promoter will then backfill and reinstate the trench. In this case the responsibility for the quality of the reinstatement will lie with the promoter that completed it. A similar approach to primary and secondary promoters will be followed for other forms of collaborative working.
- 2.7.3.3 Where the work is trench share only those permit applications submitted by the primary promoter are required to show the estimated inspection units attributable to the street works. The primary promoter must detail the other promoters involved and the scope of the collaborative working in the initial application. The primary promoter must also ensure that estimates of works duration are agreed and/or confirmed with the secondary promoter(s) when submitting permit applications. This is necessary in order to comply with the overrun charging requirements in the permit regulations.
- 2.7.4 **Granting permits**
- 2.7.4.1 To avoid any ambiguity, the Permit Authority will grant permits to all the promoters involved, not just the primary promoter. However, the fees will be adjusted by the amount provided for in the permit regulations to reflect the collaborative approach; provided all the applications meet the criteria set out in the regulations (see 8.3.3). Further reductions can be made at the discretion of the Permit Authority where the collaborating promoters can demonstrate to the Permit Authority significant benefits in terms of the Permit Scheme objectives. All granted permits shall record the identity of the primary promoter and all the secondary promoters.
- 2.8 Duration of Activities
- 2.8.1 In a permit the duration of an activity is the number of consecutive calendar days between the start and end of the activity, whether or not work is actually taking place on all those calendar days, and where the activity includes all setting up and clearing of the site and all associated storage.

- 2.9 Working Days
 - 2.9.1 Working days are used for calculating certain time periods in the Permit Scheme. The same definition of working days is used as for NRSWA. Note that permit start and end dates are not restricted to working days.
- 2.10 Restrictions on Further Activities
 - 2.10.1 The provisions of sections 58 and 58A of NRSWA (restrictions on activities following substantial road works or substantial street works) will operate alongside permits in the Permit Scheme. The processes are slightly modified to reflect the way that the permit scheme operates, but otherwise the same principles apply, including the variable restriction periods on different streets. Details of the modified procedures and the lengths of restrictions are given in Chapter 8 of the Permits Code of Practice
- 2.11 Charges for Over-running Activities
 - 2.11.1 Charges for over-running street works, under section 74 of NRSWA, will be made alongside the Permit Scheme. The procedures are modified slightly to work with the Permit Scheme, in particular to integrate the establishing of the reasonable period into the permit application and issuing process. But the principles otherwise remain the same as under NRSWA, including the penalty charges. Details of the modified procedures are given in Chapter 16 of the Permits Code of Practice. Where the permit Authority has reason to believe that overrun charges are being avoided by mis-use of permit phases, it will treat a subsequent permit application as an illegitimate use of activity phase (see 5.2.3).
- 2.12 Relationship with NRSWA and Changes to Legislation
 - 2.12.1 The Permit Scheme will replace the part of NRSWA dealing with notices under sections 54, 55 and 57. Other elements of NRSWA, for example in relation to inspections, reinstatements and diversionary works, remain to operate in parallel with the Permit Scheme, modified as necessary so the two, can operate effectively together.
 - 2.12.2 The Order for the Permit Scheme disapplies, and modifies in relation to the scope of the Scheme, all those elements of the NRSWA and associated NRSWA regulations identified in Part 8 of the Permit Regulations, namely: Sections of NRSWA disapplied – s53, s54, s55, s56, s57, s66; Sections of NRSWA modified – s58, s73A, s74, s88, s89, s93, s105, Schedule 3A NRSWA Regulations modified – The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
 - 2.12.3 The notification regime in NRSWA will continue to apply to activities (“works” in NRSWA terminology) where permits are not required. The Permit Scheme, in line with the Statutory Guidance, contains key features which are the same as in the NRSWA notification regime which will allow the two regimes to operate effectively alongside each other.

3 HOW TO MAKE PERMIT APPLICATIONS

3.1 General

3.1.1 **Co-ordination and forward planning information**

3.1.1.1 The Permit Authority will use the processes and principles in the co-ordination process in the Permits Code of Practice issued by the Department for Transport (DfT). Forward planning by all promoters is an essential part of co-ordination, therefore activity promoters must follow the forward planning information process in the Permits Code of Practice issued by the DfT. They are encouraged to maximise use of non-statutory Forward Planning Information Notices (FPIN) to better aid co-ordination.

3.1.2 **Requirement to obtain a permit**

3.1.2.1 Any promoter of a registerable activity, who wishes to carry out such an activity on a street designated as requiring a permit must obtain a permit from the Permit Authority. The permit will allow the promoter to:

- carry out the specified activity;
- at the specified location;
- between the dates shown; and
- subject to any generic condition that may apply to the permit and
- any specific conditions that may be included in the permit.

3.1.2.2 Any permit granted by the Permit Authority will include all of the information as supplied by the promoter in the application to which it refers.

3.1.2.3 The intention is to better control activities to minimise disruption and inconvenience and for these activities to be carried out in a manner that takes account of the needs of others.

3.1.2.4 Although the Permit Scheme applies to all registerable activities on both main and minor roads, the Permit Authority will not levy a fee for permits granted for those activities which are less likely to have significant impact on the Authority's Road Network; standard, minor and immediate activities undertaken on Non Traffic Sensitive Type 3 and 4 Roads

3.1.3 **Types of permit application**

3.1.3.1 The Permit Scheme contains two types of permit applications:

- Provisional Advance Authorisation (PAA) – only required for major activities, i.e. those which are large and/or likely to be more disruptive. Effectively this is an early provisional permit issued before the final details of an activity have been worked out. For street works PAAs are similar to section 54 notices under NRSWA, in terms of providing early information about planned activities;
- Permits – full permits with final proposed details -for all registerable activities. For street works these are similar to section 55 notices under NRSWA in terms of providing full details of the proposed activities.

3.1.4 **Timing of permit applications**

3.1.4.1 The timing of applications will vary according to the proposed activity. Larger activities and those taking place on busier roads, which thus have the potential to be more disruptive to road users, require more time and effort for co-ordination and planning and hence applications should be submitted earlier than the minimum period required by the scheme. Permit approvals will be based on conditions under which the work may take place, so it is in the best interests of the promoter to contact the Permit Authority early. That way conditions can be discussed and, if possible, an agreement can be reached so that the application contains the required conditions and is approved quickly. Early applications will improve the co-ordination process; it will enable the Permit Authority to better control all the activities that take place on the highway and will help promoters

plan their works more effectively. Table 1, within section 4.3 shows permit application and response times.

3.2 Method of Making Permit Applications

3.2.1 Permit applications, including PAAs and variations, must be made to the Permit Authority by electronic communication via Electronic Transfer of Notifications (EToN) unless there is a failure in the electronic system, or the applicant is a one-off promoter, whereby e-mail applications are acceptable.

3.2.2 Recipients of copies of permit applications or of other material relevant to those applications, e.g. transport authorities or frontagers, are unlikely to have access to EToN. In such circumstances applications or other information will be given either by e-mail or by post.

3.2.3 **System failures**

3.2.3.1 Failure lasting up to 24 hour duration - The Permit Authority will accept applications for permits for immediate works only by e-mail following pre-agreement with the Permit Authority. These applications must be accompanied by a telephone call to the appropriate contact number.

3.2.3.2 Failure lasting between 24 hours and 3 days - The Permit Authority will accept applications for permits for immediate works and works of Activity Type Minor only by email following pre-agreement with the Permit Authority. These applications must be accompanied by a telephone call to the appropriate contact number.

3.2.3.3 For both failure durations following recovery of service, a copy of the application or notice should then be sent through EToN to ensure that the information on the works is correctly recorded. To avoid receiving erroneous FPNs, activity promoters should endeavour to advise the Permit Authority of any significant system downtime.

3.2.3.4 In the event of system failure, any permit variation applications or to seek further information or discussion should be made by telephone to the appropriate contact number. The officer concerned will issue an individual reference number. This number must be displayed on an electronic application through EToN following recovery of service to ensure correct cross referencing.

3.3 Content of Permit Applications

3.3.1 All applications must comply with the definitive format and content of both paper and electronic permit applications given in the Technical Specification for EToN. The description of activities and other information should be in plain English without any industry specific jargon.

3.4 An Application Must Contain Only One Street

3.4.1 Each application must contain information about one activity in one street, where a street equates to a single USRN. To improve co-ordination, projects covering more than one street must cross-reference all related applications. This is particularly important when applying for PAAs. Under no circumstances will an application containing activities in more than one street be acceptable.

3.5 Applications Involving Other Interested Parties

3.5.1 Parties other than the Permit Authority may wish to be informed about activities on a street. Such parties should make sure that their interest is entered in the ASD in the NSG.

3.5.2 Before making a permit application, promoters should check whether any parties have registered such an interest in the street. Where the ASD indicates other interested parties, applications for permits, PAAs and variations, and any response

to them, must be copied to those parties. Electronic systems meeting the Technical Specification for EToN should deal with this automatically. However, some interested parties may not have access to the electronic systems so they should be sent copies by an alternative method.

- 3.5.3 In addition, within the Permit Scheme, NRSWA sections 88, 89 and 93 are amended as provided for in the Permit Regulations. These sections, along with s90 and s91, deal with notifications to bridge, transport and sewer authorities. The amendments ensure that the same consultation takes place prior to a permit application as under the NRSWA notice regime. The duties on undertakers in relation to streets with special engineering difficulty also remain under the Permit Scheme and the approval to plans and sections from the relevant authorities still has to be obtained. These procedures should take place before the permit application is made. The application should state that the consultation has taken place and where appropriate the necessary approvals have been obtained from the other parties.
- 3.5.4 Works for Road Purposes activity promoters must follow equivalent processes for activities under the Permit Scheme in such situations, and state that they have fulfilled the requirements of these sections in their applications.
- 3.5.5 The consultation requirements with Network Rail are the same as with the NRSWA. These are set out in Appendix C of the Code of Practice for Permits, published in March 2008. Promoters should make themselves aware of these requirements.
- 3.6 Provisional Advance Authorisation Applications – Timing and Content
 - 3.6.1 The promoter shall apply to the Permit Authority for a PAA at least three months before the proposed start of major activities. This replaces the Advance Notice under s54 of NRSWA. Each permit for a major activity must have an equivalent PAA, i.e. one PAA per street.
 - 3.6.2 A PAA must always specify proposed start and end dates. However, it is accepted that it may be difficult for a promoter to be certain of the start date three months before the event, so the proposed start date is regarded as provisional and may be amended in the application for a final permit.
 - 3.6.3 While it is anticipated that under the Permit Scheme a granted PAA will normally carry through to a successful permit application, the granting of a PAA does not preclude the Permit Authority deciding not to grant a permit for the activity to which the PAA relates.
 - 3.6.4 Permit regulations provide that failure to apply for a PAA can be used as a factor in deciding whether or not to grant a permit for a major activity. Under the Permit Scheme the absence of an application for a PAA for a major activity will lead to a presumption against granting a full permit for that activity. Following representation from a promoter the Permit Authority may if it is considered appropriate agree that a PAA is submitted and an early start agreed to enable the submitted permit to be granted.
 - 3.6.5 The information to be supplied by a promoter for a PAA is set out in the Technical Specification for EToN. Standard, minor, immediate, remedial and interim to permanent activities do not require an application for a PAA.
- 3.7 Timing of Permit Applications
 - 3.7.1 The time requirements for submitting permit applications are set out in (Table 1 in 4.3).
 - 3.7.2 **Special requirements for immediate activities**
 - 3.7.2.1 The Permit Authority may designate streets that are particularly vulnerable to activity related congestion on the ASD, to indicate that the Permit Authority requires early warning by telephone of immediate activities on these streets immediately after the activity has been identified. Upon receipt of a telephone

call, the officer concerned will issue an authorisation code number for the immediate activity. Where such a number is given, this number must be included on the subsequent electronic permit application. Only those streets that are most susceptible to unplanned disruption will be designated.

- 3.7.2.2 Any immediate activity can adversely affect traffic (including pedestrians) on the street with the activity and on other alternative routes onto which traffic may divert. Even if the street is not designated, where an immediate activity is likely to cause significant disruption, the promoter should telephone confirmation of the commencement of the activity at the earliest opportunity and in any event within 2 hours of the activity being identified.
- 3.7.2.3 Examples of situations where significant disruption is likely to occur include: immediate activities on traffic sensitive streets in traffic sensitive times; on streets where traffic is likely to be diverted onto a traffic sensitive street at a traffic sensitive time; on streets that are already in use as a diversion route. Promoters should be especially alert in such circumstances.
- 3.7.2.4 Permits for immediate activities can contain the same conditions as permits for other activities -subject to obvious variations, such as omitting when activities may start. The exact location may not be known when the application is made.

3.8 Permit Start and End Dates and Activity Durations

- 3.8.1 A permit will allow an activity to be carried out for a specific duration between the start and end date on the permit. An activity promoter working outside those dates would not have a valid permit and potentially would be committing an offence. It should be noted that if the work should start on a Monday and finish on a Friday, the subsequent weekend cannot be used as additional days without the express approval of the Permit Authority through a permit variation.
- 3.8.2 Section 74 of NRSWA still applies to statutory undertakers' activities and the noticing requirements of s74 still apply. The Highway Authorities own activities will be subject to equivalent notices. Therefore, when they began the activity the promoter would have had to submit the s74 Start of Works Notice (or highway activity equivalent) giving the actual start date of the activity. The duration (reasonable period) for s74 purposes must be the same as the duration given in the permit, unless the application granted by the Permit Authority has limited the duration for s74 purposes to a period less than the permit period, or where a duration variation has been granted and the Permit Authority has issued a Duration Challenge to limit the Reasonable Period.

3.8.3 **Main roads**

- 3.8.3.1 On main roads, i.e. all category 0, 1 & 2 streets and category 3 & 4 streets that are traffic-sensitive for all or part of the time, the duration of the activity will exactly match the time from the start date to the end date unless the Permit Authority has limited the duration for s74 purposes (see 3.8.2).
- 3.8.3.2 For example: start date Wednesday 1st June, end date Friday 10th June, duration eight (working) days. The permit start date will be the proposed start date of the activity. If the activity cannot begin on the permit start date, the promoter should, where it is known, inform the Permit Authority the day before the permit start date by means specified by the Permit Authority at its co-ordination meetings. This must be confirmed via an EToN works comment. There is no automatic extension of the permit in these circumstances. If the promoter thinks that they could still complete the work before the permit end date, then they could begin the activity on a subsequent day, submitting a start of works notice under section 74 of NRSWA.
- 3.8.3.3 If the promoter could not complete the activity before the permit end date, they must apply for a permit variation. This would be required even if the extra days were at a weekend (in the above example the permit expires at midnight on Friday night). The Permit Authority may or may not agree to an extension, depending on the circumstances, and the activity promoter may be subject to over-run charges if the over-run days are working days.

3.8.4 **Minor roads**

- 3.8.4.1 On minor roads, i.e. category 3 and 4 streets that are not traffic-sensitive at any time, the permit will be issued with start and end dates, and implied duration for the activity. The start date will allow for a flexible window of 5 working days for major and standard activities and 2 working days for minor activities, from the initial estimated start date. The end date will be amended accordingly depending on the original duration.
- 3.8.4.2 Unless the Permit Authority has limited the duration for s74 purposes (see 3.8.2), or a duration variation has been granted and the Permit Authority has issued a Duration Challenge to limit the Reasonable Period, the duration will be the time from the actual start date to the appropriate end date.
- 3.8.4.3 Thus the start date on the permit will be the planned start date for the activity but the end date may subsequently change due to the activity starting on any day up to the last day of the starting window.
- 3.8.4.4 Once the promoter has notified the actual start of the activity within the window, the permit start and end dates will be re-set so that the permit start date is now the actual start date and the permit end date is then fixed by the duration from the actual start.
- 3.8.4.5 The normal working day rules apply, i.e. weekdays, although there may be conditions placed on the permit that affect the ability of an activity promoter to make use of weekends or Bank Holidays to work.
- 3.8.4.6 The activity start date cannot be later than the last day of the starting window.
- 3.8.4.7 If the promoter could not complete the activity before the permit fixed end date (following the submission of the actual start date) they must apply for a permit variation. This would be required even if the extra days were at a weekend. The Permit Authority may or may not agree to an extension, depending on the circumstances, and the promoter may be subject to over-run charges if the over-run days are working days.

3.9 Information Required in a Permit Application, Including PAA Applications

- 3.9.1 In deciding whether to include any conditions in a permit; the Permit Authority will consider the information that has been provided in support of the application. The Permit Authority recognises that full information may not be fully known at the time an application for a Provisional Advance Authorisation is made. However, activity promoters should make every effort to provide the most accurate information available at each stage. Required information should be provided in the appropriate EToN field or in the description text where no field exists.
- 3.9.2 Each application must include a unique reference number. Details of the numbering system are given in the Technical Specification for EToN.
- 3.9.3 A detailed description of the activity must be provided to enable the Permit Authority to assess its likely impact -similar to that already required under NRSWA.
- 3.9.4 **Location**
- 3.9.4.1 Activity promoters must provide the USRN and also an accurate location based on NGR, for small excavations this must be one NGR in the centre of the excavation and, where there are trenches, this must be a number of co-ordinate pairs representing a poly-line, as detailed in the technical specification for EToN. This requirement is a minimum and may not be sufficient to indicate the space to be occupied, so the Permit Authority may seek additional information by way of descriptive text or a works plan (if not provided with the application).
- 3.9.4.2 Ideally the dimensions of the total space taken up by the activity in the street in the form of a polygon (also covered in the Technical Specification for EToN) should be provided. That space needs to cover all the area used by the activity, including for storage of materials, working space, safety zone, provision for pedestrians and traffic management, but excluding advance warning signs such as road works ahead.
- 3.9.4.3 Promoters applying for permits for immediate activities should do so only once they have begun excavation (see 2.2.6). Even if they find that the location in which they have started digging is not where the activity is ultimately required, a permit is still required because they have broken open the street. A permit variation must be obtained if the location has to be changed as the activities progress (see 5.2.6 multiple excavations).
- 3.9.5 **Timing and duration**
- 3.9.5.1 Each application for a permit must include proposed start and end dates and a proposed duration, where the duration is inferred from the start and end dates. If the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity and reduce disruption, then they must specify this in their application.
- 3.9.5.2 To assist the Permit Authority when determining permit dates and requiring a condition on duration, the following information must be supplied.
- For traffic-sensitive streets, indicate if the activity will take place within or outside traffic sensitive times.
 - For all streets indicate if the start or finish time for any activity is to be carried out outside the normal working day* 8:00am to 6:00pm or if the activity requires night working.
 - If, for a major activity, the dates on a permit application differ from those on the preceding PAA, the promoter must explain the reason(s) for the change.
- *The normal working day referred to in the bullet point above is not the working day defined in section 98(2) of NRSWA, as any day except weekends and public and bank holidays.

That working day is assumed to be 08:00 to 16:30. The times are significant only for calculating notice periods. It does not define the day for any other purposes.

In order to allow the Permit Authority to identify works which may have detrimental environmental impacts to residents/businesses, and for it to place conditions on works as appropriate it is essential for them to know if works are proposed to be executed outside the times specified.

3.9.6 **Illustration**

3.9.6.1 PAA applications and 'Major over 10 days' Activity Permit applications must be accompanied by an illustration(s) of the works and should include details of the activity, the extent of highway occupancy, and where the relevant traffic flow information is available to promoters via the Permit Authority website, a disruption effect score as defined in Appendix G of the Permits Code of Practice. The illustration will comprise plans, sections, digital photographs and similar material.

3.9.6.2 Illustrations may be required for more than just major activities as a small excavation in a critical junction may well be much more disruptive. Therefore where it appears to the promoter that any activity may be significant in terms of potential disruption, due to the position or size of the activity, an illustration should be included with the permit application. If the Permit Authority considers that any particular activity may potentially be significant in terms of disruption they may request an illustration as further information to enable them to consider the application.

3.9.6.3 Activities on those streets or parts of a street, subject to a SED designation will in any case require a plan and section or other specified information. Approvals for an SED must be obtained before the full permit application is made. The preferred method of submitting the plan and section is via an EToN illustration. Details of how illustrations can be transmitted as attachments can be found in the Technical Specification for EToN.

3.9.7 **Technique to be used for underground activities**

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

3.9.8 **Traffic Management, Parking and Traffic Regulation Orders**

3.9.8.1 The activity promoter must supply details of traffic management proposals together with any requirement for action by the traffic authority including, but not limited to:

- the need for Temporary Traffic Regulation Orders (TTROs);
- the lifting of any parking restrictions; and
- notification or approval for portable light signals.

Where applications for these have already commenced prior to the permit application being sent these must be clearly referenced within the application.

3.9.8.2 These must be included in the permit application, or referred to when submitting a PAA, and an allowance must be made for the additional costs associated with them.

3.9.8.3 For the requirements for TTROs (see 12.1). All activities requiring a TTRO are categorised as major activities. A separate application for a TTRO must be made as well as the PAA or Permit Application.

3.9.8.4 The Permit Authority's agreement is required (in its capacity as Traffic Authority) for all temporary traffic signals unless an individual permit authority has granted a general permission in such particular circumstances as are specified. The Traffic Signs Regulations and General Directions 2002 (the TSRGD) Part II Direction 53

provides the requirement that permission is required from a traffic authority for the placement of portable light signals on the highway.

- 3.9.8.5 The appropriate flag in the permit application indicating the proposed use of 2 way or 3 way portable traffic lights must be used.
- 3.9.8.6 The current procedure for additional information is the South East Highway Authorities and Utilities Committee (SEHAUC) procedures for Portable Traffic Signals or an equivalent local process agreed with each Local Highway Authority as outlined at Quarterly Co-ordination meetings and on the Authority's website, which could include the use of a standalone electronic system to process such applications.
- 3.9.8.7 On the commencement of any subsequent EToN revisions which include provision for Portable Traffic Signals functionality the procedure for detailed information will be: All additional information will be submitted through EToN using the appropriate notification.
- 3.9.8.8 Where parking bays are to be suspended, 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.
- 3.9.8.9 If the advance approval notice period required for any traffic management is longer than that required for a permit, traffic management can be applied for separately. 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.

3.9.9 **Needs of people with disabilities**

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.

3.9.10 **Depth**

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

3.9.11 **Reinstatement type**

The application must indicate whether the activity is intended to be completed with interim or permanent reinstatement or a mixture of both. If it is the latter, then promoters must provide details as to where interim or permanent reinstatements will be completed within that permit.

3.9.12 **Inspection units**

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. Where there is trench sharing, only the primary promoter is required to give the inspection units (see 2.7.3 on Collaborative Working).

3.9.13 **Contact person**

3.9.13.1 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 any provision made by the promoter for out-of-hours contact, by use of the Promoter or Contractor contact fields in EToN

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

3.10 **Early Starts**

3.10.1 An activity must not start before the expiry of the application period except where an early start has been agreed via EToN with the Permit Authority, and any other interested parties. The Permit Authority will give consideration to allowing early starts (i.e. proceeding before the end of the full application period set out in Table 1 in 4.3), provided it is established that;

- I. there is no reason not to do so, or it is actually beneficial to do so,
- II. the activity promoter requesting the early start is able to demonstrate a legitimate reason for the request.
- III. every effort has been made to adhere to the specified minimum advance notice periods specified in the Permit Scheme Regulations,
- IV. There is no history of continual requests for early starts from the activity promoter.

3.10.2 An activity promoter may request an early start at the same time as or after applying for a PAA or a permit application, as appropriate. Where an early start is agreed after the permit has been issued, the promoter must submit a variation to the permit, or in the case of a PAA include the revised dates on the application for the permit.

3.10.3 If an activity promoter requests an early start after the initial permit has previously been issued, and this is agreed by the Permit Authority, then there will be a charge for the associated permit variation. Where the early start request is submitted as part of the initial application, no variation is required (See 5.2.4.1).

3.11 **Error Correction**

3.11.1 The process detailed in the Permits Code of Practice and the EToN specification must be followed.

4 ISSUE OF A PERMIT AND INCLUSION OF CONDITIONS

4.1 General

4.1.1 When considering applications for permits, including PAAs, and deciding the terms of a permit and of any specific conditions, The Permit Authority will act reasonably, for example:

- taking account of the proposed activity's potential to cause congestion and disruption;
- recognising the needs of other users of the highway, and the integrity of the highway itself;
- taking account of how feasible it is for the activity promoter to comply e.g. given the area of occupancy and the restrictions imposed by the available industry resources and technical capabilities;
- allowing works to be carried out in compliance with statutory guidance and codes of practice especially in relation to safety (such as *Safety at Street Works and Road Works*).

4.1.2 The permit for an activity will specify the activity it allows in detail and will include any specific conditions. This information will be drawn from the application. As a minimum, any constraints in the original application will be reflected in the terms of the permit. A typical example would be, 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, this would then become a term of the permit; or if a minimum dig method is proposed then that would become a term. However, this does not restrict the Permit Authority from imposing such conditions as it considers appropriate, taking all factors into account.

4.2 Granting Approved Permits

4.2.1 When the Permit Authority is satisfied that an application from an activity promoter meets the scheme requirements, it will issue a permit in accordance with paragraph 4.4.1. Each application will lead to a separate permit. The permit will contain the location and description of the activity, the start and end dates of the period for which the permit is valid, the implied duration and any conditions imposed by the Permit Authority. The permit will also include reference to any associated documentation such as drawings. Where the drawings have been submitted as EToN attachments they will be accessible electronically through the permits register.

4.2.2 The Permit Authority will grant permits electronically using EToN. If the electronic system is down or unavailable for any reason then permits will be issued by e-mail. Each permit will be given a unique reference, which must be displayed on the site information board. Variations to permits will be denoted by the use of the same unique reference with a suffix to denote the variation.

4.2.3 Where other parties have expressed an interest in a street and the application for a permit has been copied to them, the permit will also be copied to those parties by the Permit Authority when it grants the permit to the activity promoter.

4.3 Response Times

4.3.1 The Permit Authority intends to respond to all permit applications and PAA applications within the timescales set out in Table 1 below. That response will be to approve the permit, or to refuse the permit. Prior to refusing the Permit Authority will contact the promoter to discuss possible variations to the permit or to seek further information or clarification about the application. If the further information or clarification cannot be resolved within the response time scales, the permit will have to be refused until the matter is settled satisfactorily. In the event that no

response is received either granting or refusing the permit within the set timescales, the permit will be deemed to have been approved (see 4.5).

- 4.3.2 For approved permits the Permit Authority will respond by granting the permit through the EToN system.
- 4.3.3 For refused permits the Permit Authority will respond through the EToN system, but this will be in conjunction with a discussion of the reasons for refusal and what changes would be needed to achieve a successful application.
- 4.3.4 For discussions or further information the Permit Authority will respond by EToN comment, telephone, email, in writing or by other means, as appropriate, and may arrange a meeting. Any dialog /agreement will be recorded in an EToN comment.

Table 1: Application and Response Times

APPLICATION AND RESPONSE TIMES (in working days)						
Activity Type	Minimum application periods ahead of proposed start date **		Minimum period before permit expires for application for variation (including extension)	Response times for The Permit Authority for, issuing or refuse a permit (seeking further information or discussion must be done prior to issue or refusal)		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 the longest	1 month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	2 hours after		n/a	2 days	

** note that if an activity requires approvals for TTRO or temporary traffic signals or parking suspension then the relevant timescales for these need to be taken into account. (see 3.9.8)

4.4 Permit Applications not approved

4.4.1 **Refusing a permit**

4.4.1.1 The Permit Authority recognises that legitimate activities cannot be refused, however the Permit Authority will refuse a permit application if elements of the proposed activity are not acceptable. In such circumstances the Permit Authority will contact the activity promoter as soon as possible, and within the period specified in Table 1 above, to explain precisely why the application is not satisfactory and which elements needs modification. If agreement can be reached, the activity promoter will be able to submit a modified application with conditions reflecting that agreement, and if necessary with an early start

agreement to reflect the reduced notice period. Otherwise, the work may need to be rescheduled.

4.4.1.2 Grounds for refusal of a scheme compliant permit application will always relate to the Permit Authority's responsibility to discharge its Network Management Duty and are set out below. In an exceptional circumstance, where a specific situation affects, or will affect the Highway Network, the Permit Authority may invoke other grounds for refusal.

- Conflicting activities/events
- Environmental considerations
- Conflict with other Statute
- Accuracy of/Conflicting/missing information
- TTRO/PTS approvals
- Works Methodology
- Timing
- Location
- Duration
- Section 58/58A restrictions
- Traffic Management
- Road Occupation dimensions
- Traffic Space dimensions
- Consultation and publicity
- Missing Conditions

4.4.1.3 In the event of refusing a permit, or requesting changes or further information, the Permit Authority will contact the activity promoter to discuss the application, as described above and will seek to agree an acceptable way forward. When an agreement is reached, the promoter must make a modified permit application. Where a modified permit application is submitted, and the original application has not been refused or deemed the later of the response time for the permit and variation will be used for reckoning time periods for responding to the application. Where the original application was refused, the modified application must be submitted as if it were a new application in terms of time scale or include an early start request.

4.4.1.4 If agreement cannot be reached in the time available, the Permit Authority will refuse the permit and the promoter must make a new application, which would then be considered in the usual way.

4.4.1.5 The activity promoter has a right of appeal if it is unable to reach agreement with the Permit Authority over the terms of the permit or the conditions. In the case of immediate activities it may be that work has to stop, if it is safe to do so, until the issues are resolved. The Permit Authority will decide on a case by case basis if that is necessary, but will always seek to discuss the situation with the activity promoter and will take into account all the relevant factors in coming to a reasonable decision. For full details of dispute procedures, refer to section 7 (Dispute Resolution) of this document.

4.5 Permit Application Deemed to be Approved

4.5.1 If the Permit Authority fails to reply to a permit application (approving or refusing the permit) within the response times given in Table 1 in 4.3, the permit will be deemed to be granted in the terms of the application. The proposed start and end dates, description, location, duration, etc. will be carried across into the permit and any condition in the application will become conditions for that activity. Those permit terms and the conditions will then be binding on the activity promoter as

they would for a permit actively issued by the Permit Authority; breaching them will be an offence.

4.6 Time when a Permit is Valid

- 4.6.1 A permit is valid only for the period between the start date and end date (inclusive) on the permit.
- 4.6.2 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 activity 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 Permit Authority.
- 4.6.3 Activities on minor roads (i.e. category 3 and 4 streets that are non traffic-sensitive streets at any time) will be less disruptive. On these streets the promoter will be allowed some flexibility in the start date but once the activity is started it must be completed within the activity duration period specified in the permit. The start date will allow for a flexible window of 5 working days for major and standard activities and 2 working days for minor activities, from the initial estimated start date. The end date will be amended accordingly depending on the original duration. Noting that the last day of the starting window would then be day 1 of the activity duration.
- 4.6.4 The permit start and end dates will be in calendar days. This will prevent ambiguity as to whether the permit is valid, even at weekends or on Bank Holidays.
- 4.6.5 The permit terms will always include the duration of the activity which is automatically derived from the Start and End dates i.e. the number of consecutive calendar days that the activity can take place.
- 4.6.6 If the permit allows working at weekends or on Bank Holidays, then the permit start and end dates will accommodate that, even though those calendar days will not count towards the activity's duration or, on category 3 and 4 non traffic sensitive streets, the starting window.

4.7 Location and Description

- 4.7.1 The permit will contain the location of the activity, including national grid reference(s) and a description of the activity. This information is drawn directly from the application information.

4.8 Contact Details

- 4.8.1 Contact details for the activity promoter will be included on the permit.
- 4.8.2 The Permit Authority will provide its contact details, including the out of hours contact information, on its website.

4.9 Conditions Included in Permits

- 4.9.1 A permit granted by the Permit Authority will specify in detail the activity that has been allowed. Except in the case of an Authority-imposed variation, the entire promoter's information contained within the permit will be taken from the application, including any associated conditions.
- 4.9.2 The categories of conditions listed below are included in the Permit Scheme and shall be utilised as required.
 - Timing and duration of activity
 - Road space
 - Traffic management provisions
 - Manor in which specified works are to be carried out
 - Consultation and publicity

- Environmental conditions
- Conditions as to progress

4.9.3 Where there exists Statutory Guidance or a Code of Practice relating to a condition that the permit authority wishes to impose, they will not impose conditions that contradict the requirements of that guidance or CoP.

4.9.4 However, under the Permit Scheme certain conditions contained in the DfT guidance will be applied to all permits. An example is the display of permit reference numbers.

4.9.5 **Conditions wording**

When applying a condition to a permit the Permit Authority will use the wording and numbering for that type of condition set out in DfT statutory guidance. The conditions contained within the statutory guidance may be amended from time to time.

4.10 Conditions Attached to Permits for Highway Works

4.10.1 The Permit Authority may require the activity promoter to:

- consult with any person likely to have apparatus affected by the proposed works,
- comply with any reasonable requirement of the apparatus owner to protect the same.

4.11 Conditions for Immediate Activities

4.11.1 Certain conditions contained in the DfT guidance will apply to immediate activities for the period before a permit is issued. Following discussions with the promoter, the Permit Authority may require additional conditions for individual immediate activities before a permit is issued.

5 VARIATIONS TO PERMITS

5.1 General Principles

5.1.1 Within the Permit Scheme the Permit Authority has the powers under Permit Regulation 15, to review, vary or revoke permits and permit conditions. However, the Permit Authority is under no obligation to allow activities to continue beyond the permitted period.

5.1.2 A PAA cannot be varied. If a full permit has not yet been issued, and the activity promoter needs to make changes, then the promoter must inform the Permit Authority of the proposed changes and make a revised application for a PAA or permit. If the Permit Authority requires changes to the PAA then, after discussion with the promoter, the promoter must make a new application but in this case no fee will be charged.

5.2 Variations Initiated by the Activity Promoter

5.2.1 **For a variation – by promoters**

5.2.1.1 From time to time an activity promoter may need to apply for a justifiable variation to a permit and/or its conditions, including an extension of the agreed duration.

5.2.1.2 Grounds for refusal of a scheme compliant variation application will always relate to the Permit Authority's responsibility to discharge its Network Management Duty as set out in 4.4.1.2.

5.2.2 **Extensions**

5.2.2.1 The Permit Authority is under no obligation to let works run beyond the permitted period.

5.2.2.2 Whilst the Permit Authority will grant the extension to minimise disruption in many cases, there may be occasions where the activity promoter will have to vacate the street to allow other activities to take place and submit an application for a new permit to complete their activity at a later date. Plating of excavations may be appropriate where agreed with the Permit Authority.

5.2.2.3 Activities which exceed the duration in the permit without good reason will potentially be subject to overrun charges under s74 of NRSWA. In these instances, the Permit Authority may decide to extend the end date of the permit to allow the activity to be completed, depending on the co-ordination of other works in the area. However the reasonable period for s74 purposes will not be extended, and the issue of a Duration Challenge will enable s74 charges to apply even though a valid permit is in force.

5.2.3 **Illegitimate phasing of activities**

Where the Permit Authority can establish to its reasonable satisfaction that a subsequent permit application has been made at any given location as a result of:

- The closure of works following a refusal by the permit authority to grant an extension to the duration of a previous permit, or
- The premature closure of the activity by the promoter, before all those works specified in the activity description given by the promoter are completed, to avoid an overrun under s74 occurring.

The Permit Authority may grant a subsequent permit with start and finish dates to allow the initial activity to be completed. However, the duration for this subsequent permit will reflect the illegitimate phasing of activities for these works and overrun charges will be applied in accordance with the current s74 regulations.

5.2.4 **Fees for activity promoter initiated variations**

- 5.2.4.1 In order to incentivise works promoters to plan and submit permits accurately in the first instance, a fee is levied by the Authority for all granted promoter initiated permit variations regardless of road type, with the exception of early start requests which are submitted as part of the permit application.
- 5.2.4.2 The current fee charges are published on the Permit Authorities website.
- 5.2.5 **Applying for a variation**
- 5.2.5.1 The Permit Authority may need to investigate before granting a variation, so it is strongly recommended that all requests for permit variations are made as soon as it becomes clear that the activity will overrun or otherwise change. Prior discussion by activity promoters with the Permit Authority is also recommended so that variation applications can be dealt with quickly.
- 5.2.5.2 An activity promoter may apply to vary an existing permit at any time before it expires as follows:
- where the existing permit has more than 20% of its duration or more than two days to run, whichever is the longer, the promoter must apply for a variation electronically;
 - in any other case the activity promoter should first contact the Permit Authority by means specified by the Permit Authority at its co-ordination meetings to ascertain whether the authority is prepared to grant a variation, and apply again electronically only if the authority agrees;
- 5.2.5.3 The Permit Authority will respond to the request within two days of receipt.
- 5.2.5.4 If the electronic systems fail, then applications may have to be sent another way, such as e-mail.
- 5.2.5.5 Where an activity promoter applies for a variation, the application must contain sufficient information to show precisely the nature and implications of the changes. Providing insufficient or inadequate information will lead to delays as the Permit Authority will need to go back to the promoter to obtain further information or clarification. In all circumstances the application must include the proposed dates and duration of the activity, whether or not they have changed.
- 5.2.5.6 Applications for permit variations must follow the procedures for permit applications outlined earlier in this document, including copying the application to parties which have expressed an interest in that street.
- 5.2.6 **Multiple excavations**
- 5.2.6.1 The Permit Scheme includes the following arrangements for Immediate activities requiring a series of fault-finding excavations or registerable openings. The activity promoter must submit the first permit application containing the location of the initial excavation or opening within two hours of the activity commencing;
- for any further excavations on the same street within 50 metres of the original hole, the promoter must contact the Permit Authority by the agreed method with the new location. No permit variation will be needed and no permit charge will apply,
 - the promoter must apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. Standard variation charges will apply
 - for additional excavations within each band the promoter will contact the Permit Authority by the agreed method with the new location. No permit variation is needed and no permit charge will apply,
 - if the search carries into a different street, or a new USRN (including if the street changes to a different authority), then the promoter must make a

separate permit application or NRSWA notice, as appropriate.

5.3 Variations Initiated by the Permit Authority

5.3.1 The Permit Authorities may review the permit and associated conditions in the event of circumstances beyond its control having a significant impact. An example would be if extra traffic was diverted onto the road for which the permit has been issued due to another road being unexpectedly closed for any reason such as; floods, burst mains or a dangerous building. If the consequent disruption cannot be mitigated in another way, it may be necessary to vary aspects of the permit, such as the time or manner of working.

5.3.2 If the Permit Authority considers that a variation is necessary, it will first contact the promoter to discuss the best way of dealing with the situation whilst meeting the co-ordination duties and other statutory requirements of those involved.

5.3.3 No fee will be payable for permit variations initiated by the Permit Authority, unless, at the same time, the activity promoter seeks variations which are not the result of the circumstances causing the Permit Authority action. In that case a variation fee would be payable (subject to standard exemptions).

5.3.4 If the Permit Authority has been unable to contact the activity promoter to discuss the variation they should record that and send a message electronically.

5.4 Suspension, Postponing, Revoking or Cancellation of Permits by the Permit Authority

5.4.1 **Suspending or postponing an activity**

5.4.1.1 There is no mechanism in the TMA or Permit Regulations for formally suspending or postponing a permit, only for varying or revoking them.

5.4.1.2 If the Permit Authority intends to suspend or postpone an activity for which it has already granted a permit but which it intends should happen at a later date, it will use the permit variation provisions, as described in 5.3, to enforce a change of dates. The promoter would then need to submit a further variation application relating to the new dates and any other requirements; in this case, the fees for the variation would be waived.

5.4.1.3 If the need for suspension is due to the activity promoter failing to comply with the permit terms or conditions, then the Permit Authority may use the provisions in Permit Regulation 18 which is similar to s66 of NRSWA.

5.4.1.4 If the Permit Authority considers that an activity promoter is failing to comply with the terms or conditions of a permit imposed under Permit Regulation 10 or 13, and the Permit Authority considers a condition has been breached, it may invoke the powers in Permit Regulation 10(4) which are incorporated into the Permit Scheme.

5.5 Cancelling a Permit or Withdrawing a Permit Application

5.5.1 If a promoter wishes to cancel a permit or withdraw a permit application for which they have no further use, they should use the cancellation notice containing the relevant number (see Technical Specification for EToN for more details). There is no cancellation fee.

5.5.2 Where a permit has been issued, the fee for the cancelled permit will normally remain payable. However, if a permit is cancelled through no fault of the promoter, the fee will be credited back to the promoter.

5.5.3 An activity promoter will be committing an offence if it works or continues to work after cancelling a permit.

6 CONFLICT WITH OTHER LEGISLATION AND LEGAL LIABILITY

- 6.1 The Permit Authority will try to ensure that any conditions applied to a permit do not conflict with the activity promoter's obligations under separate legislation. The Permit Authority's intention is that an activity promoter should not be put in a position where they cannot escape being in breach of either permit conditions or other relevant legislation.
- 6.2 The activity promoter should bring such conflicts or potential conflicts to the attention of the Permit Authority as soon as is practicable. The Permit Authority will be responsible for resolving the issue with the other body or bodies concerned, e.g. Environmental Health officials, and amending the permit conditions accordingly.
- 6.3 The applicant will be liable for all actions, costs, claims, demands, charges and expense arising out of any activity covered by Permit Scheme, including those which may arise out of, or be incidental to, the execution of the works.
- 6.4 Part 8 of the Regulations provides for the disapplication of certain sections of NRSWA, details of which are contained in section 2.12 of this document.

7 DISPUTE RESOLUTION

7.1 Introduction

7.1.1 In the event of any dispute between the Permit Authority and an activity promoter in connection with any matter related to the Permit Scheme, the parties shall use every endeavour to resolve the matter between them. However, it is recognised that this may not always be possible.

7.2 Appeals Procedure

7.2.1 If agreement cannot be reached locally on any matter arising in relation to the Permit Scheme, the dispute will be referred for review on the following basis:

7.2.2 Where the Permit Authority and the activity promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of SEHAUC (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. The Permit Authority will accept the result as binding.

7.2.3 If the Permit Authority and the activity promoter(s) involved in the dispute consider the issues are particularly complex, HAUC (UK) will be asked to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (UK) joint chairs. 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). The Permit Authority will accept the conclusions of the review panel as binding.

7.3 Adjudication

7.3.1 If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication. Adjudication within the Permit Scheme will only be used if both parties agree in relation to the matter under dispute, that

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

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

7.4 Arbitration

7.4.1 Disputes relating to matters covered by NRSWA may be settled by arbitration, as provided for in s99 of NRSWA:

8 PERMIT FEES

8.1 Introduction

8.1.1 The Permit Authority has set its permit fees in accordance with the Permit Regulations and statutory guidance published by DfT in July 2008.

8.2 Fee Levels

8.2.1 The figures for permit and PAA fees for different categories of streets and activities can be found on the Permit Authority website.

8.2.2 The figures for Permit variation fees for activities on both major and minor roads can be found on the Permit Authority website.

8.2.3 In addition to the permit variation fee itself, if a permit variation moves an activity into a higher/chargeable fee category, the activity promoter must pay the difference in permit fee as well as the permit variation fee. This includes the situation where a variation moves an activity from a zero fee category on a minor road to a category where a fee is payable.

8.2.4 No fee is payable if a permit variation is initiated by the Permit Authority.

8.3 Waived and Reduced Fees

8.3.1 There is the opportunity for an activity promoter to take advantage of various discounts that are offered as part of the Permit Scheme and these discounts relate both to the PAA and the permit.

8.3.2 An activity promoter will not be charged a fee;

- Where the permit is for a standard, minor or immediate activity on a minor road;
- if the promoter is a highway authority or is carrying out WFRP * on behalf of a highway authority (see example in 8.3.4);
- if a permit is deemed to be granted because the authority had failed to respond to an application in the time required;
- if a permit variation is initiated by the Permit Authority;
- where the Permit Authority has to revoke a permit through no fault of the activity promoter there will be no charge for a replacement application. If there is no subsequent replacement application, the original fee will be credited to the promoter;
- there will be no fee applicable for the maintenance of fire hydrants carried out by the fire service or a contractor designated by the fire service to carry out this work on their behalf, and,
- Where the works are Diversionary Works as a result of a Major Highway or Bridge works, Initiated by the Highway Authority, as described in s86 of NRSWA

8.3.3 When the Permit Authority is satisfied that applications for two or more permits (including PAAs)

- are submitted within 3 working days of each other, beginning with the day on which the first permit application is received; and
- are the result of the applicant or applicants working together so as to produce the least impact for users of the streets.

8.3.4 There will be a reduction in line with current DfT Statutory Guidance for the permit, and when submitted, the PAA fee for all applicants working together. All

* (WFRP) Works for Road Purposes as defined in NRSWA s86(2)

applications, including the first to be received, must indicate that they are being submitted together (within 3 days).

Examples of such situations could be;

- Where a promoter submits several permit applications at the same time for activities which are part of the same project but which are carried out in more than one street. The term “project” does not cover area-wide activities but activities of a scale which could be carried out in one street, but which happens to cover two or more streets;
- Where several activity promoters working within the same site submit applications at the same time. The primary promoter will require a permit with full information about the activities, and the other promoters will also require a permit each so that the authority knows who is working there. If in these circumstances one of the promoters is the highway authority, the utility company promoters will be eligible for the reduced fee.

8.3.5 When a promotor makes a permit application on a traffic sensitive street and indicates as per the current EToN specification that the activity is to take place wholly outside traffic sensitive times, the activity will be treated as qualifying for a discount in line with any DfT Statutory Guidance. Any granted permit will be on the terms that works will not be carried out in traffic sensitive times.

8.4 Fee Reviews

8.4.1 The Permit Authority will review fees in line with current regulations and DfT Statutory Guidance Any significant variation between the expected income and expenditure in operating the Permit Scheme will be dealt with in accordance with review arrangements in effect at the time.

8.4.2 The Permit Authority is committed to adjust fees if either a surplus or deficit exists between costs and income. In the event that there is a surplus in a given year, the money should be applied towards the costs of the scheme in the next year and the fee levels adjusted accordingly. If a sustained surplus/ deficit occur the fee levels will be adjusted accordingly.

8.4.3 The outcome of annual fee reviews will be displayed on the Permit Authority’s public website.

9 OVERRUN CHARGING SCHEME

- 9.1. The Permit Authority intends to run a scheme for overrun charging under s74 of NRSWA to operate alongside the Permit Scheme. The requirements for overrun charging are set out in regulations made under s74 of NRSWA (the s74 regulations as amended by the permit regulations). The procedure is contained in Chapter 16 of the Permits Code of Practice.
- 9.2. Where the permit Authority has reason to believe that overrun charges are being avoided by mis-use of permit phases, it will treat a subsequent permit application as an illegitimate use of phases (see 5.2.3).
- 9.3. Activities carried out by an activity promoter on behalf of a highway authority or by the highway authority themselves are not subject to s74 overrun charges. However, under the Permit Scheme, promoters of such activities will be required to follow the same procedures as promoters who are statutory undertakers. Key Performance Indicators (KPIs), as described in section 13, provide an indication of performance in relation to overrunning works.

10 USE OF SANCTIONS FOR PERMIT OFFENCES

10.1 Introduction

10.1.1 The Permit Authority will work with activity promoters to try to minimise congestion and disruption on the road network. As far as possible this will be done on a collaborative basis, involving consultation, dialogue and improvement, but the Permit Authority recognises that at times it may need to invoke sanctions to ensure the effective management of activities on the network. There are three types of sanction available to the Permit Authority:

- an intervention power;
- criminal proceedings; and
- power to revoke a permit

10.2 Intervention and Remedial Action Powers

10.2.1 Part 5 of the Regulations empower the Permit Authority to issue a notice requiring remedial action within a set timeframe if an activity promoter is working without a permit or in breach of any conditions. The Permit Authority will use this power if it considers it necessary.

10.2.2 The remedial action could include removing the activity, remedying the breach of conditions or discontinuing any obstruction. The Permit Authority will set out in the notice the reasonable steps the promoter must take and the timeframe.

10.2.3 Where a promoter does not take the remedial action within the specified timeframe, the Permit Authority will take such steps as it considers appropriate to achieve the outcome in the notice, and, where the promoter is a statutory undertaker, may recover any reasonable costs.

10.3 Permit Offences

10.3.1 The Permit Regulations create two offences which apply to statutory undertakers, these are:

- where a statutory undertaker carries out registerable activities on the street without a permit, except where immediate activities to take place before a permit is issued, provided a permit is applied for within 2 hours of the activity starting; and;
- where a statutory undertaker carries out registerable activities on the street in a way that contravenes any of the conditions attached to a permit, or the conditions that are applied to an immediate activity before a permit is issued for those activities.

10.3.2 These offences can be dealt with by the giving of a Fixed Penalty Notice (FPN) (see section 11) or by prosecuting the offences through the courts, following the usual processes. The Permit Authority in each case elects whether an offence will be dealt with by FPN or through the courts.

10.4 Working without a Permit

10.4.1 Once a permit has been issued it will be placed on the permit register. This will include permits deemed to have been granted. The Permit Authority will check against the register for the existence of a valid permit.

10.4.2 A permit will cover a specified activity at a specified location at specified times. These are referred to in the scheme as the permit terms and any activity that contravenes them is an offence. All elements of the activity must be completed within the dates on the permit – this includes not only the opening of the street, but all the ancillary work as well, such as stockpiling materials, setting up and disbanding traffic management and clearing the site.

10.4.3 A permit cannot be varied once it has expired. If a variation is necessary the activity promoter must apply in good time (see 5.2.5).

- 10.4.4 A promoter can begin immediate activities without a permit but must apply for a permit within two hours of starting work to avoid committing an offence. Once issued, the promoter is bound by the terms of the permit and its conditions.
- 10.5 Breaching the Conditions of a Permit
 - 10.5.1 The conditions included in a permit will be recorded in the Permit Scheme permit register. If a permit is varied a new permit will be issued and any new conditions will be included and recorded. The Permit Authority will seek to ensure that conditions are precise so that both the Permit Authority and the activity promoter can easily check performance on site against the approved conditions.
 - 10.5.2 Certain conditions contained in the DfT guidance will apply to immediate activities for the period before a permit is issued. Following discussions with the activity promoter, the Permit Authority may decide to impose specific conditions for individual immediate activities before a permit is issued. These will be recorded on the register against the reference number given to those activities.
- 10.6 Revoking a permit
 - 10.6.1 Regulation 10(4) of the Permit Regulations provides a power to revoke a permit where it appears to the Permit Authority that the conditions included in a permit have been breached. The Permit Authority will use this power where it considers it appropriate but before doing so will discuss the situation with the activity promoter. The Permit Authority's policy in relation to the use of this power is set out in 5.4.
- 10.7 Permit Authority's Policy on the Use of Sanctions
 - 10.7.1 Decisions on the prosecution of alleged offences are for the Permit Authority and each offence will be dealt with individually. Prosecution will not necessarily be the preferred option, the Permit Authority may take a decision to give a Fixed Penalty Notice in respect of a criminal offence or consider other courses of action depending on the seriousness and persistence of offences.
 - 10.7.2 The Permit Authority will pursue the following policies on how sanctions will be employed. The steps will be followed as set out below, at the Permit Authority's discretion, with reference to the Traffic Management Permit Scheme (England) Regulations 2007.
 - 10.7.2.1 For persistent offender or individual serious offences The Permit Authority will normally give a FPN but may choose to prosecute the offence through the courts, in accordance with regulations 19 and 20 of the Permit Regulations
 - 10.7.2.2 For offences: where it is possible for some corrective action to be taken.
 - If a noncompliance occurs, a notice may be issued under regulation 18(1) proposing the reasonable steps to be taken within a defined timeframe.
 - If action is not taken within the timeframe given in the notice, or subsequently agreed timeframe, the Permit Authority under regulation 18(3) of the Permit Regulations will take actions as appropriate to the original noncompliance at the cost of the undertaker
 - 10.7.2.3 For offences where it is NOT possible for some corrective action to be taken, an FPN will be given at the Permit Authority's discretion
- 10.8 Other NRSWA Offences
 - 10.8.1 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.

11 MONITORING

The Permit Authority will evaluate the permit scheme as per the current Permit
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12 FIXED PENALTY NOTICES

12.1 Introduction

12.1.1 The Permit Regulations provide for FPNs for permit schemes. The Permit Authority intends to use FPNs in conjunction with this Permit Scheme

12.1.2 These permit regulations provide for two offences to become fixed penalty offences. This means that they can be dealt with by FPNs, although prosecution through the Magistrates' Courts remains an option for the Permit Authority.

12.1.3 FPNs apply only to statutory undertakers and not to highway authorities, but the Permit Authority will monitor highway activities to ensure equal treatment across promoters. Situations will be recorded where highway activities would have been subject to a FPN, had they been carried out by an undertaker. The Permit Authority will use electronic FPNs where possible because they can be processed more easily, but other methods will be used if necessary. An example of a FPN form is in the permit regulations

12.2 Payment of the fixed penalty notice

12.2.1 Part B of the FPN sets out the methods by which the penalty may be paid. The permit regulations schedule 1 gives more information about the arrangements for payment.

12.3 Giving an FPN

12.3.1 The process for giving an FPN is in Chapter 18 of the Permits Code of Practice

13 RELATED MATTERS

13.1 Road Closures and Traffic Restrictions

13.1.1 Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in sections 14 to 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.

13.1.2 **There are two procedures;**

- Where urgent action is needed the Permit Authority as 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 calendar 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 calendar days if there is no risk of danger or damage.

- 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.

13.1.3 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.

13.1.4 In extraordinary circumstances, the Road Traffic Act 1991 s49(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 activity promoters carrying out emergency works.

13.1.5 When a notice or order has been made, the activity promoter must comply with the requirements of the Permit Authority as the traffic authority and the police for the closure of the road.

13.1.6 S76 of NRSWA allows for traffic authorities to recover the costs of issuing temporary notices or making TTROs. Upon receipt of an application for a TTRO, the Permit Authority can provide utilities with the estimated cost. Invoices will be itemised, for example:

- cost of the order;
- advertising in local papers;
- administration fees.

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

13.2 Maintenance of Undertakers' Apparatus

13.2.1 Undertakers have a duty, under s81 of NRSWA and the Streetworks (Maintenance) Regulations 1992, to maintain apparatus in the street to the reasonable satisfaction of the Permit Authority as 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.

- 13.2.2 Most undertakers have statutory obligations to maintain their networks -quite apart from which, they must maintain systems in efficient working order to properly discharge their safety and service obligations to their customers.
- 13.2.3 Thus the Permit Authority and all promoters have a shared interest in the proper maintenance of apparatus in the street.
- 13.2.4 The Permit Authority will report any apparatus in an unsatisfactory condition quickly and accurately to the apparatus owner, including the level of severity of the problem. The owner must respond and carry out any necessary remedial works within the reasonable timescales agreed with the Permit Authority as the street authority.
- 13.2.5 The Permit Authority as street authority will follow s81 of NRSWA, the Streetworks (Maintenance) Regulations 1992, chapter 19.2 of the Code of Practice for Permits and any subsequent revisions, when dealing with undertakers' apparatus requiring maintenance.
- 13.3 Working Near Rail Tracks
 - 13.3.1 Particular attention must be given to the possible effects of activities taking place at or in the vicinity of level crossings. Promoters planning activities 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.
- 13.4 Vehicle Parking at Street and Road Works
 - 13.4.1 This is not safety advice. The Code of Practice on Safety at Street Works and Road Works should always be consulted.
 - 13.4.2 When activity promoters require the presence of a vehicle at the activity site they should refer to the guidance in chapter 19.4 of the Permits Code of Practice. Particular consideration should be given to the effect any vehicle will have when assessing the impact of the activity using the disruptive effect score in Appendix G of the Permits Code of Practice.
- 13.5 Storage of Materials
 - 13.5.1 Activity promoters and the Permit Authority 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 on 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 permission from the Highway Authority if it is separate from the activity site, and this should be referenced in the permit application for the activity.
- 13.6 Apparatus Belonging to Others
 - 13.6.1 There may be other apparatus where activities are planned and under s69 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.
- 13.7 Assessing the Impact of Activities
 - 13.7.1 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.
 - 13.7.2 When applying for a permit for major works over 10 days duration, where the relevant traffic flow information is available to promoters via the Permit Authority website, a disruption effect score as defined in Appendix G of the Permits Code of Practice is required.
- 13.8 Environmental Issues
 - 13.8.1 Activity promoters are strongly advised to liaise with the authority's arboriculture consultants and other environmental officials along with any necessary borough or

district council officers when drawing up their proposals. This should ensure that wherever possible, and at reasonable cost, their requirements can be met.

- 13.8.2 A promoter considering burying plant and apparatus that is currently above ground should contact any other utility with similar apparatus to see whether it wishes to share the underground facility.

14 KEY PERFORMANCE INDICATORS FOR THE PERMIT SCHEME

14.1 Background

14.1.1 One requirement for permit schemes is to ensure that authorities apply a consistent approach to all activities and activity promoters.

14.1.2 The Permit Authority for the Permit Scheme is also a promoter of its own maintenance and other highway and traffic activities in its role as highway authority.

14.2 Parity of Treatment

14.2.1 The Permit Authority will demonstrate parity of treatment for all activity promoters, particularly between undertakers and its own activities as highway authority. The issue of equal treatment is emphasised in the Guidance on the Network Management Duty introduced under the TMA.

14.2.2 Parity will be measured through KPIs. The Permit Authority will produce an annual set of KPIs that identify the treatment of individual activity promoters. These results will be published.

14.3 KPIs for the Permit Scheme

14.3.1 The Permit Authority will use any mandatory KPIs, in the DfT statutory guidance and others as required. These will be published on the Permit Authority web site to demonstrate parity of treatment of promoters across the scheme.

14.3.2 The results of these KPIs will be published on an annual basis but will be transparent and available to any activity promoter at other times. The KPIs will be provided and discussed at the quarterly co-ordination meetings and other regular meetings held with promoters.

14.3.3 The Permit Authority will make the KPI data available to Government and other regulatory bodies

15 PERMIT SCHEME TRANSITIONAL ARRANGEMENTS

15.1 Introduction

The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.

The Permit Authority will give a minimum of 4 weeks' notice of the commencement date to promoters and other interested parties after the order is made. The Permit Authority will facilitate discussions with all promoters during the introductory period to ensure that, as far as possible, issues are picked up early and problems dealt with quickly.

15.2 Transition from NRSWA Notices

15.2.1 The basic rules of transition will apply to all activities which would be covered by the scope of the Permit Scheme.

15.2.1.1 The permit regime will apply to all activities which come within the scope of the Scheme at the changeover date where the administrative processes for those activities, such as application for a permit or PAA, start after the changeover date.

15.2.1.2 Activities which are planned to start on site more than one month after the changeover date (for standard, minor and immediate activities) or three months after (for major activities) must operate under the permit scheme. This means that even if the relevant s54 or s55 NRSWA notice has been sent before the relevant changeover date, the promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a permit. If the promoter has not substantially begun the activity (or phase of activity) by the time limit for the notice, 1 month or 3 months as appropriate, then again the promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a permit.

15.2.1.3 Any other activities which started under the notices regime and which will start on site less than one month or three months after the changeover date (according to activity category) will continue under that regime until completion.

15.2.2 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 under s58 or s58A of NRSWA might be such a situation. In those few cases, the Permit Authority will discuss the situation with the promoters concerned to work out a practical way of dealing with the activities.

Appendix A - Glossary

Activity, activity promoter	Covers both utilities' street works and highway authorities' own works. See Promoter.
Additional street data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG.
Bank Holiday	As defined in section 98(3) of NRSWA
Bar hole	A bar hole is used to detect and monitor gas leaks as described in the code of practice for permits.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street).
Bridge, Bridge authority	As defined in section 88(1)(a) of NRSWA
BS7666	British Standard number 7666 relating to gazetteers.
Code of Practice for Permits	As published by Department for Transport March 2008.
Conditions Permit Conditions	Conditions applied by the Permit Authority to all permits or specific conditions to an individual permit. Contained in the EToN activity conditions field
Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Disability	As defined in section 105(5) of NRSWA, "section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define "disability" and other expressions) applies in relation to the provisions of this Part as to the provisions of that Act".
Emergency works	As defined in section 52 of NRSWA
EToN	Electronic Transfer of Notifications, the system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between promoters and the Permit Authority.
Excavation	"Breaking up" (as defined above).
Fixed Penalty Notice (FPN)	As defined in schedule 4B to NRSWA,
Footpath	As defined in section 329 of the HA 1980,
Frontagers	A person or body occupying premises abutting the street.
HA 1980	The Highways Act 1980.
Highway	As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highway Authority	As defined in sections 1 and 329 of the HA 1980.
Highway works	"works for road purposes" or "major highway works".

Immediate activities	immediate activities are defined in 2.2.8
In	As defined in section 105(1) of NRSWA
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 and includes the Common Council of the City of London.
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time.
Maintainable highway	As defined in section 329 of HA 1980
Maintenance	As defined in section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly".
Major activities	Are defined in 2.2.8
Major highway works	As defined in section 86(3) of NRSWA
Minor activities	Are defined in 2.2.8
Minor roads	Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.
National Grid Reference	Location reference using nationally defined eastings and northings The format in which it is presented must in all cases match that required by the Technical Specification for EToN.
National Street Gazetteer (NSG) –also referred to as <i>Nationally Consistent Street Gazetteer</i>	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 stated in Part 2 of TMA.
NRSWA	New Roads and Street Works Act 1991.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street.
Permit	The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions.
Permit application	See section 3. The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (section 55 of NRSWA) given under the Co-ordination regime.

Permit Authority	A local highway authority or other "highway authority" which has prepared a permit scheme under section 33 on all or some of its road network.
Permit Scheme	A scheme which has given effect by authority order under which permits for activities are sought and given.
Promoter	A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority.
Protected street	are defined in NRSWA s61 (1)
Provisional Advance Authorisation (PAA)	The early provisional approval of activities in the highway. See 3.6.
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,
Registerable	Registerable activities correspond to street works or other descriptions of works that are required to be shown on the register in. <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i> .
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good".
Relevant authority	As defined in section 49(6) of NRSWA,
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations.
Road	"Highway".
Road category	This means one of the road categories specified in Chapter S.1 of the code of practice entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002, as revised or re-issued from time to time.
Road works	Works for road purposes.
SEHAUC	South East regional group of the Highway Authorities and Utilities Committee.
Sewer	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".
Sewer authority	As defined in section 89(1)(b) of NRSWA,
Special Engineering Difficulties (SED)	by virtue of section 63 of NRSWA,

Standard activities	Are defined in 2.2.8
Street	As defined in section 48(1) of NRSWA
Street authority	As defined in section 49(1) of NRSWA,
Street works	As defined in section 48(3) of NRSWA,
Street works licence	As stated in section 50(1) of NRSWA,
Terms Permit terms	The works promoter specified activity at the specified location at specified times executed in a specified way etc. as defined in a granted, deemed or varied permit
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:
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.
Temporary Traffic Regulation Order	This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984.
Traffic-sensitive street	This means a street designated by a street authority as traffic-sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Traffic sign	As defined in section 105(1) of NRSWA, "traffic sign has the same meaning as in the Road Traffic Regulation Act 1984"
Trunk road	As defined in section 329 of the HA 1980,
Type 1 (or 2, or 3) gazetteer	As defined in the British Standard BS7666.
Undertaker	As defined in section 48(4) of NRSWA,
Unique street reference number (USRN)	As defined in the British Standard BS7666.
Urgent activities	Are defined in 2.2.8
Working day	As defined in section 98(2) of NRSWA,

Works	Street works or works for road purposes.
Works clear	A notice under NRSWA s74(5C) following interim reinstatement.
Works closed	A under NRSWA s74(5C) following permanent reinstatement.
Works for road purposes	As defined in section 86(2) of NRSWA,

APPENDIX B -PERMIT REGISTER

B.1 Introduction

The Permit Authority will maintain a register of each street covered by the Permit Scheme. The register will contain information about all registerable activities on those streets. The permit register will also include forward planning information about activities and other events which could potentially affect users of the streets and promoters of activities in those streets.

The Permit Authority will still retain a register under s53 of NRSWA for street information. This will cover those streets that are not part of the permit scheme, i.e. non-maintainable streets.

The Permit Authority will maintain the two registers in such a way that they can effectively be treated as one and information can be accessed seamlessly, where necessary, to aid the co-ordination of activities and to provide information to road users.

B.2 Form of Registers

The Permit Authorities permit register and street works registers will be kept on an electronic system and maintained against the same digital map base to ensure consistency between all holdings of street-related data. This common geographical dataset will be vector-based, nationally consistent, maintained and seamless, with changes published on a regular update cycle.

The Permit Authority will provide the Unique Street Reference Number (USRN) definitions and attribution as defined in BS7666, while the geometries will be recorded by referencing the road centreline objects in the digital map base. All data will follow the principles of the Digital National Framework.

B.3 Content of Registers

The permit register held by the Permit Authority will record:

- (i) copies of all Provisional Advance Authorisation (PAA), permit and permit variation applications submitted to the Permit Authority relating to activities in any street;
- (ii) copies of all permits and PAAs given by the authority, including conditions as well as all variations to permits and conditions including any permits "deemed" granted;
- (iii) copies of all revoked permits, refused PAAs and refused permits, together with the reasons for such refusals;
- (iv) copies of all notices, consents and directions served by a street authority under s58 or s58A of NRSWA;
- (v) copies of all notices served by a promoter under s58 and s58A of NRSWA;
- (vi) copies of all notices given under s74 of NRSWA;
- (vii) description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
- (viii) particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
- (ix) particulars of street works licences under s50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licences;
- (x) information under s70(3) and (4A) of NRSWA as to completion of reinstatements;
- (xi) particulars of apparatus notified to the street authority under s80(2) of NRSWA;
- (xii) every notice of works pursuant to s85(2) of NRSWA;
- (xiii) details of every street for which the Permit Authority is the street authority;
- (xiv) details of every street which is prospectively maintainable by the Permit Authority;
- (xv) details of every street of which the Permit Authority is aware over which the Permit

Scheme would operate, which is a highway but for which it is not the highway authority;

- (xvi) details of every street which is a) a protected street; b) a street with special engineering difficulties; c) a traffic-sensitive street;
- (xvii) the road category of each street; and;
- (xviii) details of every street where early notification of immediate activities is required.

B.4 Access to registers

The Permit Authority will publish elements of their register's information on a public website in order that the information is available 24 hours a day, seven days a week, except for those occasional times when it will be unavailable due to upgrade and maintenance. Upgrading and maintenance will, wherever possible, be done outside normal office hours.

B5 Restricted information

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 relevant permit or PAA application. Restricted information will not be shown on the public websites.

B.6 Retention of information

Information about activities provided by means of or in relation to any permit application under the TMA (including for a PAA or permit variation) or notice under NRSWA will be retained on the register for at least six years after completion of the guarantee period of the activity referred to in the application or notice. Information about other activities will be retained on the register for at least six years after completion.

APPENDIX C - PAYMENT METHODS FOR PERMIT FEES AND FPNs

Utility companies will be required to pay fees for permits to the Permit Authority and may have to pay a penalty to the Authority if they receive a Fixed Penalty Notice (FPN) for a permit related offence. Although the Permit Authority will keep the permit fees and FPN penalties separate for accounting purposes it is expected that utility companies will use the same means of paying for both. In most cases utility companies will already have arrangements in place for payments to the Permit Authority in relation to NRSWA e.g. for inspection or for s74 overrun charges and these arrangements can be used for permit fees and FPNs provided there is transparency over precisely which permit or which FPN a payment is for.

Payment for permit fees and any FPN should be made by means specified by the Permit Authority at its co-ordination meetings;

When the use of electronic payment methods is the required method, if a utility company normally uses that method and there is a system failure, paying by an alternate options is possible by contacting the Finance Department of the Permit Authority.

The utility company must set up payment facilities, provide contact details and agree methods of payment with the Finance Department of the Permit Authority and clarify what arrangements for payment will apply.

It is important that the authority is informed which FPNs or permit fees are being paid. This will not only provide an audit trail but will also ensure that payments can be made quickly and with the minimum of queries.

Therefore:

- For BACS, the utility company must support payment with details of the Permit or FPN numbers covered by the payment and the amount being paid in relation to each (including, for FPNs, the discounted or full amount).
- For any alternate option the payment must be accompanied by a list of the Permit or FPN numbers covered by the payment and the amount being paid in relation to each (including, for FPNs, the discounted or full amount).

END OF DOCUMENT

Report To: **Lead Cabinet Member for Transport and Environment**

Date: **14 September 2015**

By: **Director of Communities, Economy and Transport**

Title: **Station Road, Lewes – Experimental Traffic Regulation Order (TRO)**

Purpose: **To seek approval to advertise an Experimental Traffic Regulation Order to introduce parking restrictions in Station Road, Lewes in support of the Lewes Station forecourt improvement scheme.**

RECOMMENDATION: The Lead Member is recommended to authorise the making of an Experimental Traffic Regulation Order (TRO) to allow waiting restrictions and loading, disabled and taxi bays to be introduced in the Lewes Station forecourt area.

1 Background Information

1.1. An improvement scheme for the Lewes Station forecourt area in Station Road, Lewes, has been designed as part of the Lewes Steps Forward programme, aimed at improving conditions for pedestrians and cyclists in the town. It forms one of a number of schemes funded from capital funding awarded to East Sussex County Council in July 2012 from the Government's Local Sustainable Transport Fund (LSTF). The programme has already delivered footway improvements in Station Street, new areas of cycle parking in the town centre and new 20mph speed limits in five residential areas.

1.2. The Lewes Station Forecourt Improvement Scheme aims to improve facilities for pedestrians and bus users and introduce more effective parking and traffic management arrangements in the area. The current arrangements are unsatisfactory particularly for pedestrians accessing the station and the forecourt area can become congested during busy periods of the day.

1.3. The scheme includes a new pedestrian (zebra) crossing outside the station immediately south of the railway bridge and a pedestrian island at the southern extent of Station Road. A plan of the proposed arrangement is shown at (Appendix 1). An area of widened footway has been introduced outside the station building and raised kerbs have been introduced at the bus stops on either side of the road. The existing short stay parking bays will be reconfigured and dedicated disabled and loading bays provided. The taxi bay layouts will also be altered. A 20mph speed limit will be introduced on Station Road to link the existing 20mph speed limits on Priory Street and Station Street.

1.4. The new zebra crossing requires zig-zag road markings to be provided on both approaches to ensure that vehicles do not park near to the crossing. These markings have reduced the amount of on-street parking on the western side of the carriageway adjacent to local shops and businesses. It has therefore been necessary to provide a dedicated loading bay as close as possible to ensure that delivery vehicles can service these businesses. In order to ensure that the loading bay is used appropriately, it is proposed that appropriate restrictions be introduced that will enable Civil Enforcement Officers (CEOs) to undertake enforcement when necessary. The introduction of the TRO will also enable the disabled, taxi and short stay parking bays to be enforced. Enforcement of the current parking bays is carried out by Southern Railway on an ad hoc basis.

1.5. It is proposed that the restrictions are introduced under an Experimental Traffic Regulation Order (TRO). The use of an Experimental Order will enable the County Council to undertake monitoring of the new layout of the station forecourt area to see if it is working effectively and to make appropriate revisions to road markings and time restrictions if required. Experimental Orders can operate for a period of up to 18 months, during which a decision would need to be made as to whether the Order should be made permanent, revised or revoked. Objections to the Order can be made within the first six months from the date that it is made. Any objections to the experimental order must be considered before a

decision is made as to whether the order giving permanent effect to its provisions should be made. The 20mph speed limit will be introduced through a separate permanent TRO.

1.6. The cost of advertising the TROs and introducing the associated signage will be £5K and will be met from the 2015/16 capital programme for local transport improvements.

2 Supporting Information

2.1. A public consultation exercise was undertaken on the Lewes Station Forecourt Improvement scheme in September 2013 as part of the wider Lewes Steps Forward programme. The results of the consultation showed that 84% of respondents supported or strongly supported the proposals. Details of the proposed layout were also discussed directly with stakeholders and their representatives, and there has been ongoing liaison with these stakeholders including representatives of the taxi trade, local businesses, Southern Railway and Network Rail.

2.2. The extent of Station Road that includes the Station Forecourt area is owned by Network Rail and is not adopted highway. In order to advertise the experimental TRO, the County Council needs Network Rail's approval. This consent has not yet been obtained and discussions with Network Rail are currently taking place. A verbal update will be provided at the Lead Member meeting.

3 Conclusion and Reason for Recommendation

3.1. The Lewes Station Forecourt Improvement scheme will provide significant improvements for pedestrians and better traffic management in Station Road. Introducing the scheme under an experimental TRO will enable the necessary parking restrictions to be monitored and reviewed before a decision is made as to whether they should be made permanent with or without modifications or revoked. I therefore recommend that approval be given for the Experimental Traffic Regulation Order required to introduce the parking restrictions.

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officer: Andrew Keer

Tel. No. 01273 336682

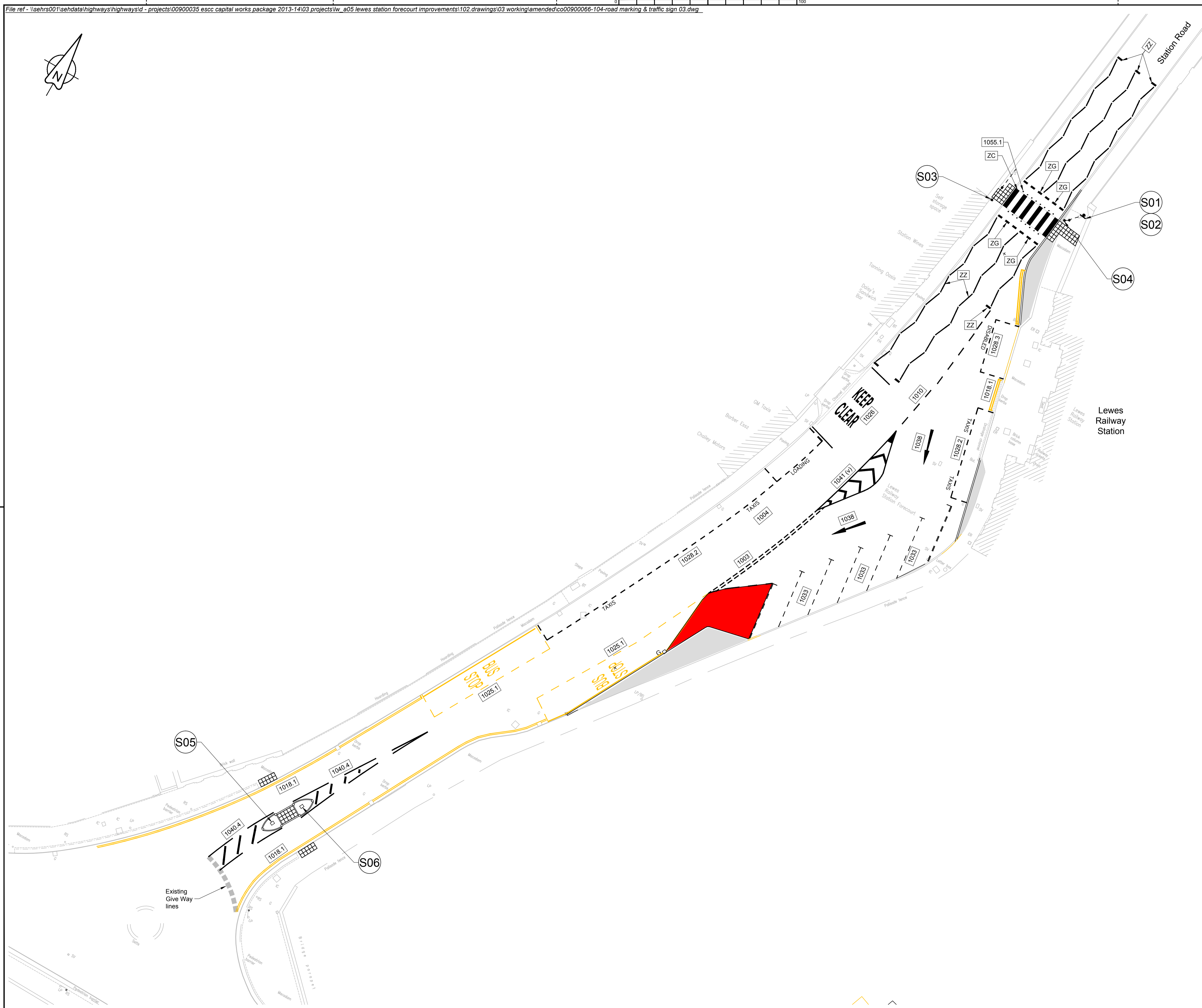
Email: Andrew.Keer@eastsussex.gov.uk

LOCAL MEMBERS

Councillor Ruth O'Keeffe

BACKGROUND DOCUMENTS

None



RESIDUAL DESIGN HAZARDS
 No hazards that a competent contractor could not be expected to identify have been recorded.

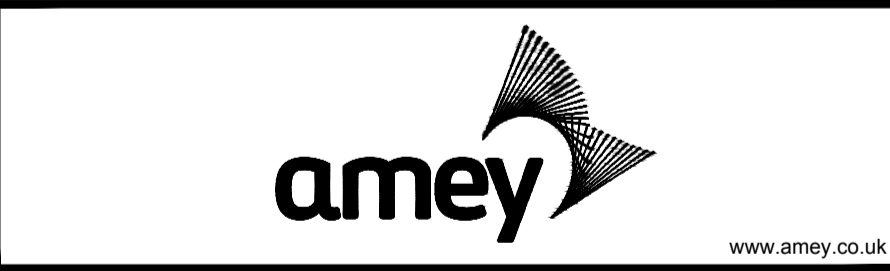
NOTES
 1. All dimensions are in metres unless shown otherwise.
 2. For details of traffic signs see Appendix 12/1.
 3. For details of road markings see Appendix 12/3.

KEY

- 1028.3 Road Marking Reference
- S04 Traffic Sign Reference
- - - Electrical Connection
- Red Coloured Surfacing

03	Amendment to Double Yellow line back to existing, Disabled Bay back to existing, 2nd amendment to echelon parking bays and taxi rank	NF	NF	AUG 15
02	Addition of Double Yellow Line and amendment to echelon parking bays	NF	NF	JUL 15
01	Setts Removed	BDB	NF	DEC 14
Rev	Revision details	Chkd	Appd	Date

Drawn:	JH	Preliminary
Design:	GS	For comment
Chkd:	BDB	For tender
Appd:	NF	For construction
Date:	June 2014	As constructed
		Other



Client

Project Name
Lewes Railway Station Forecourt Improvements, Lewes

Drawing Title
Highways
Traffic Signs and Road Markings

Original Drawing Size : A1	Dimensions : m
Scale : 1:200	Copyright © Amey

Drawing No CO0900066/104	Rev 03
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Report to: Lead Cabinet Member for Transport and Environment

Date of meeting: 14 September 2015

By: Director of Communities, Economy and Transport

Title: Environment Agency proposals for the Ouse, Cuckmere and Pevensy Levels Internal Drainage Districts

Purpose: To determine the County Council's view on the Environment Agency's proposals for the three Internal Drainage Districts and agree a formal response.

RECOMMENDATIONS: The Lead Member is recommended to:

- (1) Support the Environment Agency's proposals to dissolve the Cuckmere and Pevensy Levels Internal Drainage Districts and re-establish the Cuckmere and Pevensy Levels Districts with one Internal Drainage Board;**
 - (2) Accept the dissolution of the Ouse Internal Drainage District in principle subject to further discussions with Lewes District Council on flood risk management priorities within the area, and, further negotiations with the Environment Agency and others on funding for the County Council's additional burden of Ordinary Watercourse Consenting and enforcement in the Ouse District; and**
 - (3) Authorise the Director of Communities, Economy and Transport (in consultation with Lead Member for Transport and Environment) to:**
 - a. Agree the final response to the Environment Agency on this matter; and**
 - b. Agree the County Council's representation on the proposed Pevensy and Cuckmere Water Level Management Board.**
-

1 Background Information

1.1. Three Internal Drainage Districts (IDDs) administered by the Environment Agency (EA) exist in East Sussex. The boundaries of the Ouse, Cuckmere, and Pevensy Levels IDD are shown in Appendix 1. The EA's Management Board acts as the internal drainage board (IDB) for the three IDDs. In terms of local accountability and transparency, this is not an ideal situation.

1.2. The purpose of an IDB is to manage water levels and local drainage in areas of drainage need. An IDB is funded by a special levy paid by the districts and boroughs, and rates charged to landowners. The County Council's interest as a Lead Local Flood Authority is derived from the potential drainage impact any proposals may have. The County Council does have a separate responsibility for Ordinary Watercourse Consenting (OWC) and enforcement which is undertaken outside an IDD. As a land owner within the current IDDs, the County Council pays on average £600 a year in rates to the EA.

1.3. In July 2012 the EA commenced initial discussions with the local authorities in East Sussex on its intention to withdraw from its role in managing the IDDs through its Management Board. The EA has proposed three options for future management:

Option 1: Dissolve the existing IDDs and re-establish the IDDs with a new independent IDB.

Option 2: Dissolve the existing IDDs and revert to usual roles and responsibilities (including the County Council responsibility for OWC and enforcement).

Option 3: Dissolve the existing IDDs, with communities and other interested parties establishing alternative non statutory arrangements.

1.4. Appendix 2 provides background information on the Options and the consultation process. Given the tight reporting deadlines, this Report has been drafted in anticipation of the advertisements, rather than in response to them.

2 Supporting Information

2.1. The principal contributors to the IDD in East Sussex and their approximate contributions are Eastbourne Borough Council (EBC) - £215,000, Wealden District Council (WDC) - £57,000, and, Lewes District Council (LDC) - £131,000. Rother District Council, Hastings Borough Council and Mid Sussex District Council contribute to a much smaller degree. Details of contributions and expenditure are included at Appendix 3. EBC, WDC and LDC have established their formal positions on the proposals. EBC and WDC are not opposed to the retention of all three Districts. LDC will not instigate or lead on the establishment of an IDD for the River Ouse or join with the wider East Sussex IDD.

2.2. The expectation is that there will be two sets of statutory advertisements (consultations) on the future of the IDDs. One advertisement will be for the dissolution of the River Ouse IDD (with no replacement), and the second for the dissolution and replacement of both the Cuckmere and the Pevensey Levels IDDs, managed independently by a new board, covering both IDDs.

2.3. We anticipate the publication of the “advertisements” to take place in September and a subsequent publication of revised proposals later in the autumn. Appendix 4 provides a broader consideration of the implications of the EA’s proposals.

Cuckmere and Pevensey

2.4. Although not a continuation of current arrangements, the EA’s proposal ensures that a body is in place to manage water levels and drainage within these sensitive areas. This provides the co-ordination necessary to manage the biodiversity value of the Pevensey Levels, and an additional resource to assist with land drainage matters within those low lying parts of Eastbourne Borough and Southern Wealden. Such a proposal should be supported.

2.5. The EA has recently offered the County Council a seat (as a rate payer) on the new Board. At the time of writing this report, the EA has yet to confirm the commitment required of such a role, but the idea can be supported in principle.

Ouse

2.6. With the decision of LDC’s Cabinet not to support the establishment of a new IDB, there is a risk that the County Council, as the Lead Local Flood Authority, would be passed an additional burden in the form of Ordinary Watercourse Consenting and enforcement within the IDD, but outside the main river, which had previously been undertaken by the EA. A review of the EA’s OWC records for the Ouse IDD reveals that only three consents have been issued since 2007. Beyond this limited evidence, the EA has not provided data which accurately records the extent of work associated with OWC and enforcement which the County Council would have to take on with the dissolution of the Ouse IDD.

2.7. In its resolution not to support the one board three district model, LDC’s Cabinet committed the savings it would make (as result of not paying an IDB levy) to mitigating flood and coastal erosion risk more widely within the Lewes District. This is a welcome decision, and although the extent and nature of Lewes District’s flood risk management work programme has yet to be fully developed, this presents an opportunity for greater collaborative working with the District Council on flood risk issues.

2.8. The approach should therefore be to accept the dissolution of the Ouse IDD but have further discussions with LDC on flood risk management priorities in the area, and further negotiations with the EA and others on funding the additional burden to ESCC to undertake OWC and enforcement.

3 Conclusion and Reasons for Recommendations

3.1 The dissolution of the Cuckmere and Pevensey Levels IDD and replacement with one Board can be supported. The dissolution of the Ouse IDD could be accepted in principle, subject to further discussions with LDC on flood risk management priorities in the area, and further negotiations with the EA and others on funding for the County Council's additional burden on OWC and enforcement in the Ouse IDD outside the main river. Given the County Council's interest in the delivery of flood risk management services, the EA's invitation for County Council to take a seat on the new Internal Drainage Board for Cuckmere and Pevensey Levels should be accepted in principle, subject to further investigations.

RUPERT CLUBB

Director of Communities, Economy and Transport

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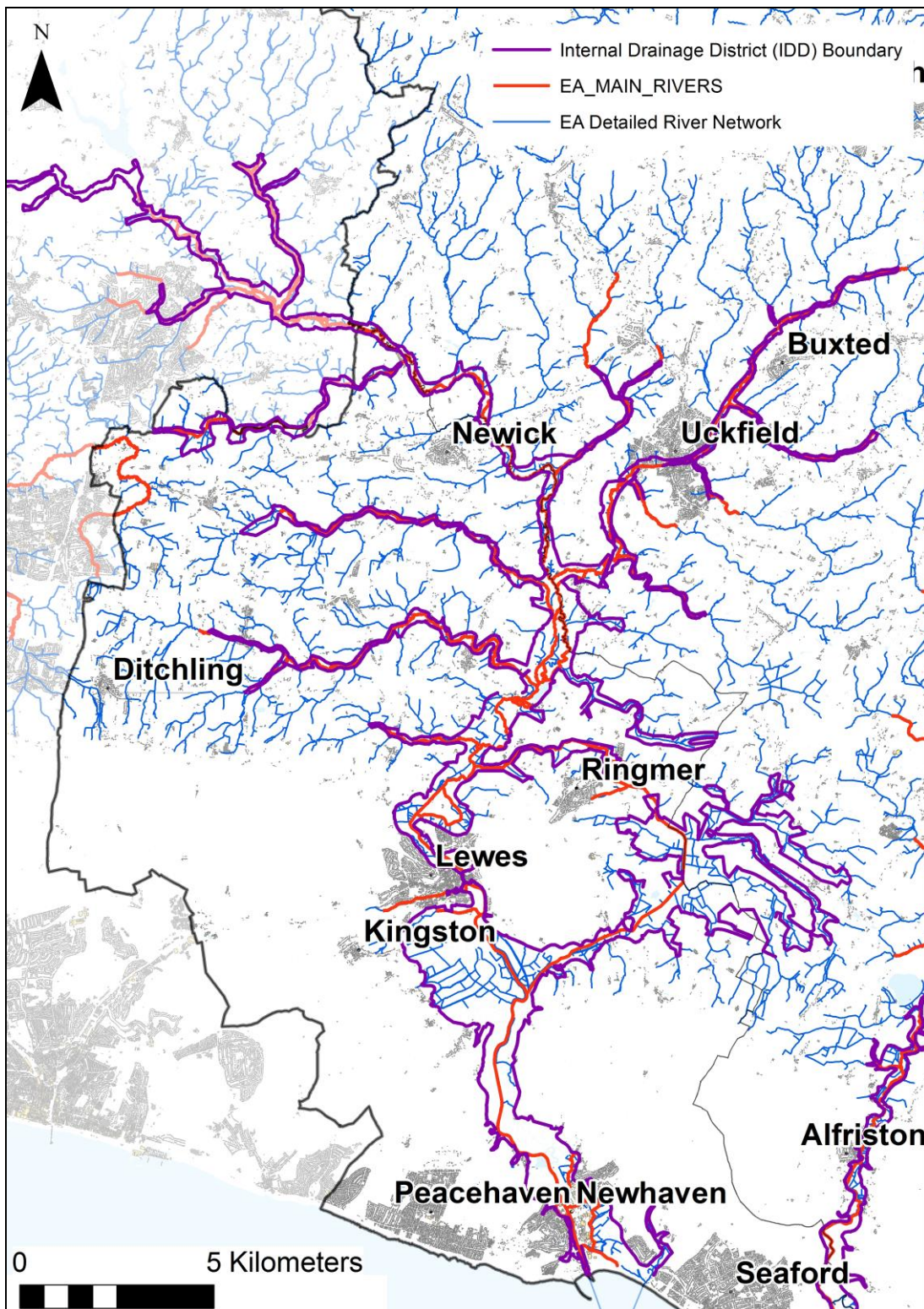
LOCAL MEMBERS

Cllrs Belsey, Bennett, Bentley, Blanch, Butler, Carstairs, Charlton, Clark, Chris Dowling, Claire Dowling, Earl, Elkin, Ensor, Field, Forward, Galley, Keeley, O'Keeffe, Phillips, Pursglove, Rodohan, Sheppard, Daniel Shing, Stephen Shing, Shuttleworth, St. Pierre, Tutt and Wallis.

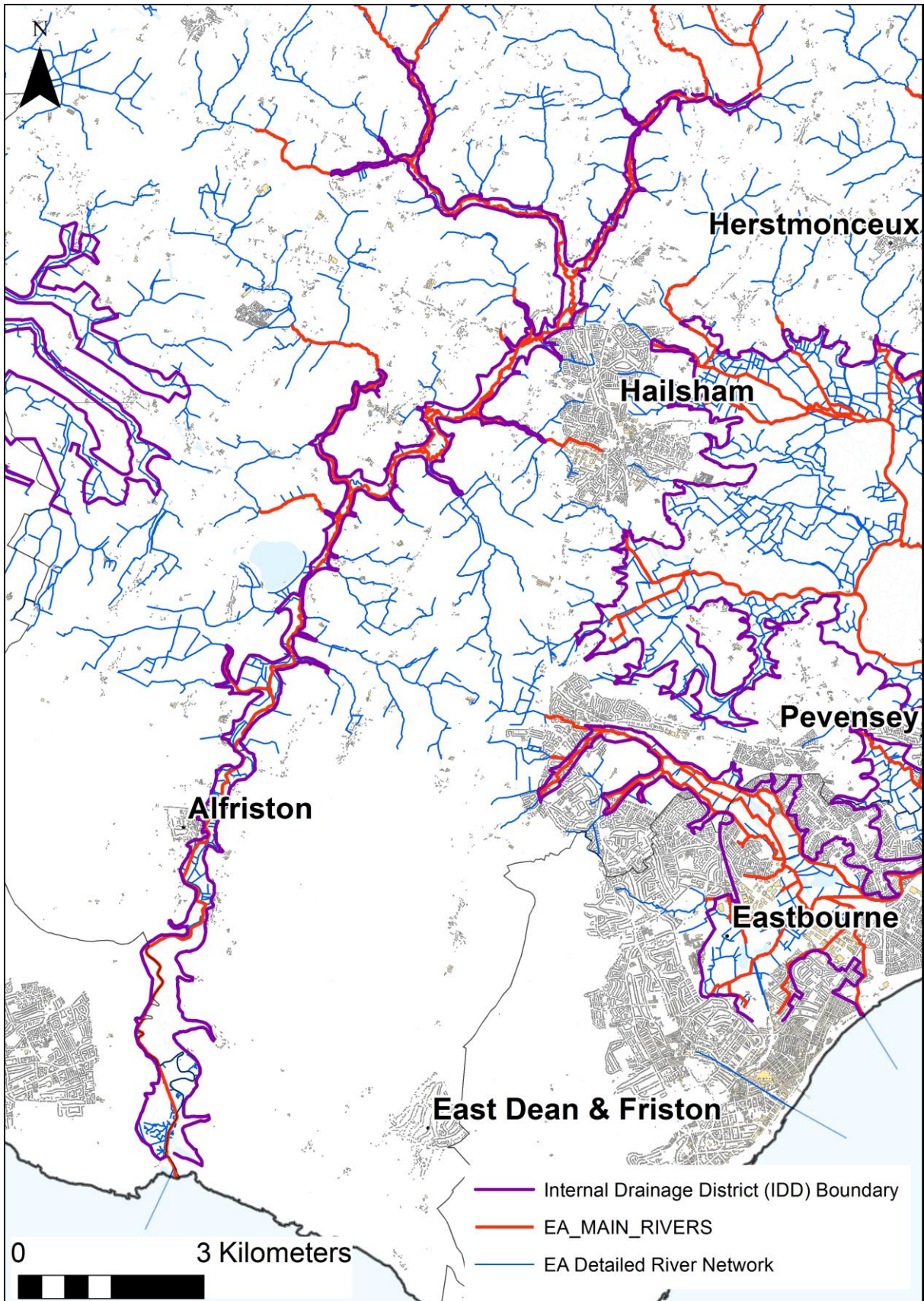
BACKGROUND DOCUMENTS

Environment Agency published proposals for the East Sussex Internal Drainage Districts

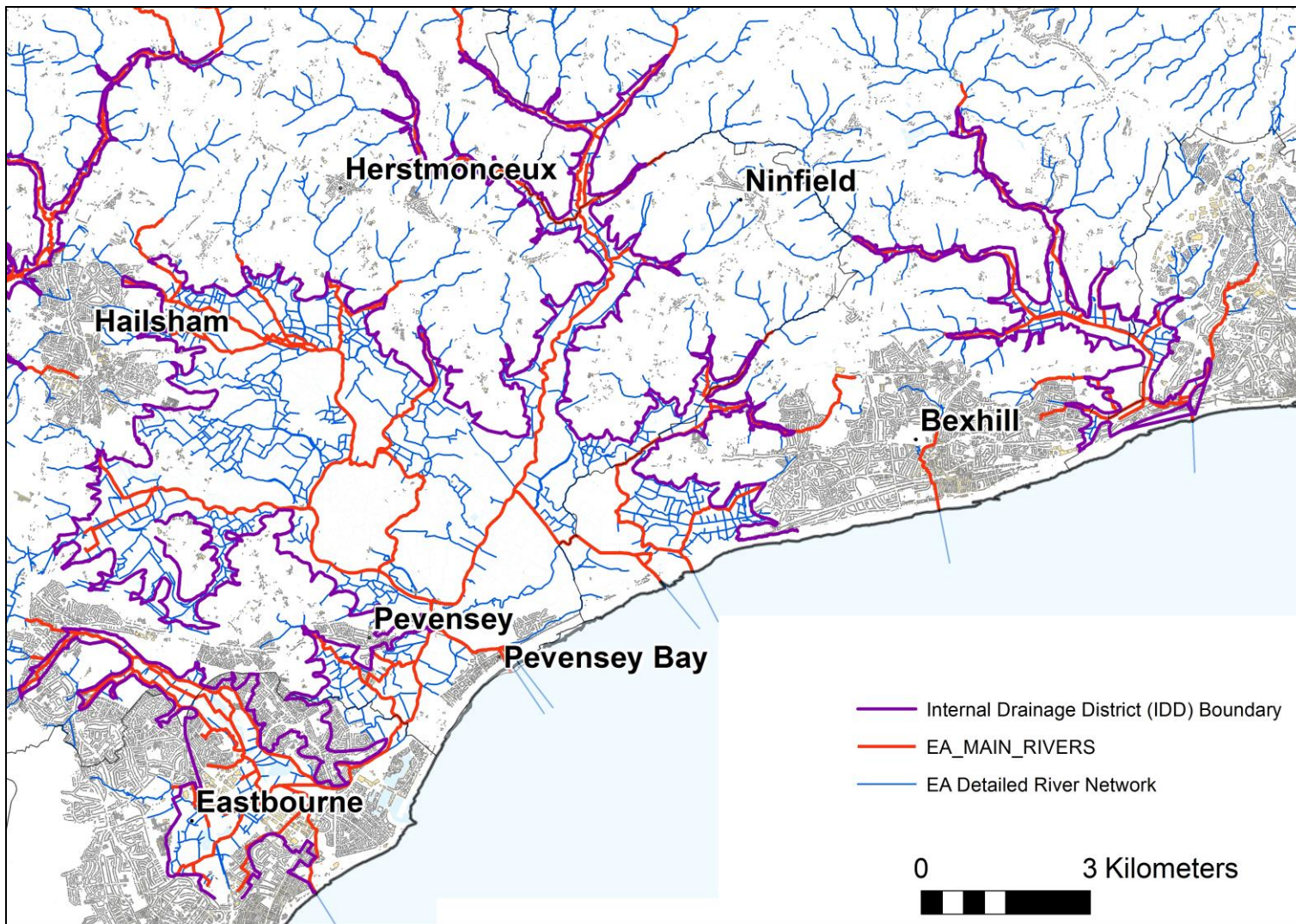
APPENDIX 1 – THE INTERNAL DRAINAGE DISTRICTS



1a: The Ouse



1b: The Cuckmere



1c: The Pevensey Levels (and the Combe Haven)



1d: The Ouse IDD at Newhaven

APPENDIX 2 – BACKGROUND TO THE CURRENT PROPOSALS

1 Background to the current proposals

1.1 In July 2012 the EA commenced initial discussions with the East Sussex local authorities on its intention to withdraw from its role in managing the IDD. The main objective of the EA in this process was to establish a consensus of opinion on a preferred option amongst the local authorities. This option would then be recommended to central government.

1.2 The proposed three options for the management of the three IDDs were:

Option 1: Communities or other suitable organisations set-up a new independent IDB to take over some or all of the interests of the existing IDDs.

Option 2: Dissolve the existing IDDs so that normal roles and responsibilities exist for which:

- Riparian landowners are responsible for the maintenance of the watercourse and structures (including pumping stations);
- District and borough councils have permissive powers to undertake maintenance; and
- The lead local flood authority (LLFA) is responsible for enforcement and consenting on ordinary watercourses.

Option 3: Dissolve the existing IDDs, with communities and other interested parties working in partnership to establish alternative arrangements (outside a resourced IDD structure).

1.3 Irrespective of the outcome of this process the EA will remove itself from the management of the internal drainage districts. To request its continued involvement is not an option.

1.4 The EA established a working group comprised of local authority officers and key stakeholders such as the National Farmers' Union and the Countryside Landowners Association to recommend a way forward to the local authorities. The working group concluded that the "three district one board" model was one which the Districts and Boroughs could endorse (i.e. option 1).

1.5 The IDB would be an independent corporate body, overseen by a "Board" comprising 49% land owner representation and 51% local authority representation (this would not include East Sussex County Council).

1.6 The principal contributors to the IDDs in East Sussex are Eastbourne Borough (EBC) and Wealden (WDC) and Lewes District (LDC) Councils. All three have their formal positions with LDC not supporting the establishment of a replacement District or Board.

1.7 Consequently, the expectation is that there will be two sets of statutory advertisements (consultations) on the future of the IDDs. One advertisement will be for the dissolution of the River Ouse IDD (with no replacement). The second will be for the dissolution and replacement of both the Cuckmere and the Pevensey Levels IDDs based upon the current boundaries, managed independently by a new Board, covering both IDDs.

1.8 It is proposed that the replacement IDD will be named the Pevensey and Cuckmere Water Level Management District.

2 Consultation stages and timetable

2.1 The EA has indicated that the "advertisement" procedure will involve a two stage process.

Stage 1- The EA formally submits a draft scheme to Defra, setting out its intention to dissolve the IDD(s) and providing details (if any) of future management.

Stage 2 – Defra considers comments submitted as part of stage 1 and reissues the scheme for a second and final round for comment.

2.2 There is no confirmed timetable, but we anticipate the first “advertisement” to be in September 2015 and the second following later in the autumn of 2015.

Pevensey Levels Internal Drainage Board – Combined Owners/Occupiers Account

Actual 2013/14 £	Forecast Outturn 2014/15 £		Budget Estimate 2015-16 £
		EXPENDITURE	
109,370	109,370	Contributions to Flood Defence (the Agency)	109,370
119,884	130,000	Maintenance Works	160,000
0	0	Transfer costs	20,000
600	700	Audit Fees	800
14,951	11,500	Support Costs	21,563
15,883	15,500	Operational Costs	20,000
2,958	2,958	Cost of Collection	2,958
263,646	270,028	TOTAL EXPENDITURE	334,691
		INCOME	
0	0	Capital Grant	
20,000	60,000	Contribution from the Agency	60,000
20,000	60,000	TOTAL INCOME	60,000
		NET AMOUNT TO BE MET FROM DRAINAGE RATES AND LEVY	274,691
		DRAINAGE RATE	
2.85	2.85		3.19
£	£		£
9,413	9,516	Income from Drainage Rates on Agricultural Land	11,127
244,984	244,984	Levy on District Councils	273,564
		Amount (Added to)/Taken From Balances	(10,000)
254,397	254,500		274,691
1,266	45,738	Balance Carried Forward	55,738

1,266 Actual balance as at 31/3/14

Actual 2013/14 £	Estimate 2014/15 £	Levy Apportionments	Estimate 2015-16 £
38,435	38,435	Wealden D.C.	42,919
9,779	9,779	Hastings B.C.	10,919
3,584	3,584	Rother D.C.	4,002
193,186	193,186	Eastbourne D.C.	215,724
244,984	244,984		273,564

River Ouse Internal Drainage Board – Combined Owners/Occupiers Account

Actual 2013/14 £	Forecast Outturn 2014/15 £		Budget Estimate 2015-16 £
		EXPENDITURE	
58,353	58,353	Contributions to Flood Defence (the Agency)	58,353
103,892	75,000	Maintenance Works	90,000
0	0	Transfer costs	10,000
400	500	Audit Fee	600
10,711	9,200	Support Costs	11,500
11,749	11,500	Operational Costs	12,500
3,849	3,849	Cost of Collection	3,849
188,954	158,402	TOTAL EXPENDITURE	186,802
		INCOME	
17,880	20,000	Contribution from the Agency	20,000
17,880	20,000	TOTAL INCOME	20,000
		NET AMOUNT TO BE MET FROM DRAINAGE RATES AND LEVY	
157,078	173,302		166,802
		DRAINAGE RATE	
3.84	3.83	Area A	4.09
2.56	2.55	Area B	2.72
£	£		£
10,203	11,623	Income from Drainage Rates on Agricultural Land	13,203
144,004	144,005	Levy on District Councils	153,599
0	0	Amount (Added to)/Taken From Balances	0
154,207	155,628		166,802
3,583	20,809	Balance Carried Forward	20,809

3,583 Actual balance as at 31/3/14

Actual 2013/14 £	Estimate 2014/15 £	Levy Apportionments	Estimate 2015-16 £
11,640	11,640	Mid Sussex D.C.	12,416
8,835	8,834	Wealden D.C.	9,423
123,530	123,530	Lewes D.C.	131,761
144,005	144,005		153,599

River Cuckmere Internal Drainage Board – Combined Owners/Occupiers Account

Actual 2013/14 £	Forecast Outturn 2014/15 £		Budget Estimate 2015-16 £
		EXPENDITURE	
1,578	1,578	Contributions to Flood Defence (the Agency)	1,578
2,396	10,000	Maintenance Works	10,000
0	0	Transfer costs	2,000
0	100	Audit Fees	200
343	850	Support Costs	1,594
370	1,000	Operational Costs	1,000
1,219	1,219	Cost of Collection	1,219
5,906	14,747	TOTAL EXPENDITURE	17,591
		INCOME	
3,000	3,000	Contribution from the Agency	3,000
3,000	3,000	TOTAL INCOME	3,000
		NET AMOUNT TO BE MET FROM DRAINAGE RATES AND LEVY	
2,906	12,782		14,591
		DRAINAGE RATE	
12.81	12.81		16.69
£	£		£
4,515	4,353	Income from Drainage Rates on Agricultural Land	6,121
3,814	3,814	Levy on District Councils	4,969
0	0	Amount (Added to)/Taken From Balances	3,500
8,329	8,167		14,591
13,104	9,524	Balance Carried Forward	6,024

13,104 Actual balance as at 31/3/14

Actual 2013/14 £	Estimate 2014/15 £	Levy Apportionments	Estimate 2015-16 £
3,814	3,814	Wealden D.C.	4,969
3,814	3,814		4,969

APPENDIX 4 – IMPLICATIONS OF THE EA’S PROPOSALS

1 The implications of alternative IDD management arrangements

Opportunities and Risks

1.1 In developing a formal response, consideration should be given to the opportunities and associated risks presented by IDD and their effect on the statutory Lead Local Flood Authority role. Opportunities focus on the additional local resources a new IDB could bring to bear to inform the planning system, manage local flood risk issues, and liaise with local communities and stakeholders on land drainage matters.

1.2 Internal Drainage Boards are designated Risk Management Authorities under the Flood and Water Management Act, and as such can prove to be helpful sources of expertise and local knowledge when dealing with local flood risk issues.

1.3 It is important to note that the realisation of opportunities depends upon the priorities of the Board and that in any event action will not be immediate as the IDB will need to get up to speed.

1.4 The costs and associated risks with these anticipated proposals relate to not having an IDB resource and are simply the reverse of the benefits. Having no IDB at all may generate pressures on the Flood Risk Management Team in relation to OWC and enforcement.

1.5 The financial costs to ESCC are the payments it makes as a land owning ratepayer (which currently stand at £600), and, the increased burden that would exist in staff costs etc in undertaking OWC and enforcement in the Ouse IDD outside the main river if no replacement IDB is set up.

Cuckmere and Pevensey

1.6 The risks associated with the proposal to re-establish the Pevensey and Cuckmere Districts with one IDB are limited and these lie with the Districts and Boroughs which will (with the assistance of the EA) set up the new Board. Although not a continuation of current arrangements, it does ensure that a body is in place to manage water levels and drainage within the two districts. This provides the necessary co-ordination to manage the biodiversity value of the Pevensey levels, and a resource to assist with land drainage matters within those low lying parts of Eastbourne Borough and Southern Wealden.

1.7 It should be noted that both districts are within catchments where a great deal of development will take place over the coming decades. It will be in the interest of the new Drainage Board to be fully engaged in the planning process and provide advice to the Local Planning Authorities. This has the potential to complement the County Council's role as a statutory consultee to the planning system on sustainable drainage and local flood risk matters

Ouse

1.8 LDC's established view is that it will not support a proposal which would include the Ouse District. Having reviewed the EA's evidence on the costs and risks associated with Ouse IDD it was considered that the costs of contributing to an IDB outweighed the benefits.

1.9 As it would be the majority contributor (the others being Wealden and Mid Sussex district councils) to the Ouse District there is not the necessary support to secure a three district IDB.

1.10 At its meeting of 19 March 2015, Lewes District Council's Cabinet agreed that the savings the Council would make from the dissolution of the Ouse District (some £131 000) would be focussed on managing flood risk within Lewes District, including the creation of a fund to assist with unlocking central funding for larger flood and coastal erosion mitigation projects.

1.11 LDC recognises that there remains a need to manage flood risk (beyond the statutory responsibilities of ESCC as LLFA) within Lewes District as a whole; not just within the limited boundaries of the Internal Drainage District.

1.12 Whilst LDC will review this position in 2020/21, in consultation with key stakeholders (including the County Council), when the government will “reset” the local authority allocation for contributions to Internal Drainage Districts, it still represents a significant development in managing flood risk in this part of East Sussex. It recognises that the role of the Lead Local Flood Authority is constrained by statute and that District Councils also have a major role to play in the management of local flood risk (alongside their role in managing coastal erosion).

1.13 Nevertheless, this district wide focus on flood risk has yet to be defined and preliminary discussions have commenced between ESCC and LDC officers on this might entail, following the dissolution of the IDB in 2016/2017.

1.14 The primary concern for ESCC has been the impact on its role in Ordinary Watercourse Consenting and enforcement. With the dissolution of the Ouse IDD the EA will no longer undertake this role outside main river which, in turn, will revert to ESCC.

1.15 The key flood risk facing the Ouse District as a whole is a combination of fluvial and coastal; in other words those sources of flooding which are the responsibility of the EA to manage. This flood risk principally, but not exclusively, affects the towns of Newhaven, Lewes and Uckfield. Allied to this is the fact that the Ouse District is tightly drawn around the main river network, which means that the length of ordinary watercourse compared to main river is much less than one would expect in an IDB.

1.16 One part of the District which is of concern, however, is Newhaven where the drainage of the eastern and low lying side of the town represents a risk that ESCC may have to manage. Ordinary Watercourse Consenting in the Ouse IDD as a whole has been low, but as we have discovered since this role was passed to ESCC for the areas outside IDBs, the EA's records do not necessarily represent a detailed account of the resources required for the task.

1.17 Given such uncertainties over the true extent of workloads we can expect from the dissolution of the Ouse IDD, it is important that both ESCC and, the EA and others come to an agreement prior to the dissolution on how the OWC and enforcement will be funded.

Committee: **Lead Cabinet Member for Transport and Environment**

Date: **14 September 2015**

Report By: **Director of Communities, Economy and Transport**

Title of Report: **Bexhill to Hastings Link Road – Contractual Arrangements for Archaeology Post Excavation Assessment, Analysis, Reporting and Archiving**

Purpose of Report: **To agree alternative arrangements for the completion of the Bexhill to Hastings Archaeology Post Excavation Assessment, Analysis, Reporting and Archiving**

RECOMMENDATION: The Lead Member is recommended to authorise the novation of the Bexhill to Hastings Link Road Archaeology Subcontract over to East Sussex County Council to be overseen by the County Archaeologist.

1. Background Information

1.1 In determining the planning application for the Bexhill Hastings Link Road (BHLR), it was recognised that the Combe Haven Valley was of potential significant archaeological value. The wet areas in the Valley were thought to contain significant archaeological deposits relating to prehistoric activity. The higher ground was also felt to have potential for archaeological deposits relating to Roman, Medieval and later periods. English Heritage (now Historic England) at the time emphasised how critical a satisfactory archaeological investigation would be.

1.2 The planning permission therefore included considerable requirements for archaeological investigation. This approach has now been shown to have been justified due to the enormity of the finds that have emerged from the archaeological investigations. In particular, the numerous flint scatters demonstrated occupation of the area over a period of more than 5,000 years, and each scatter represents specific and potentially unique evidence of how people lived in the area in the past. As a result of this, the archaeological findings are of a magnitude that was not originally envisaged.

1.3 The BHLR contractor, Hochtief Taylor Woodrow Joint Venture (HTWJV), has been managing this archaeological investigation by using Oxford Archaeology (OA) to undertake the detailed work.

1.4 We are now in the position where considerable Post Excavation Assessment is required which will ultimately produce the Post Excavation results. This work will need to be undertaken over several years, and is in excess of current budgetary provision. There is a need, therefore, to manage this situation going forward.

2. Supporting Information

2.1 The National Planning Policy Framework (NPPF) provides the Government's policy for archaeological investigations. The NPPF states that the planning process should conserve heritage assets in a manner appropriate to their significance (paragraph 17). The more significant the heritage asset, the higher the level of mitigation required. Where finds can not be preserved *in situ*, they should be recorded in a manner appropriate to their significance.

2.2 In relation to the planning permission HTWJV submitted Written Schemes of Investigation (WSIs) for the archaeological work. This has guided the archaeological works in the field associated with the construction of the BHLR. The WSIs set out the Post Excavation work which entails scoping the archive, a Post Excavation Assessment (the detailed process of assessing the archive), reporting the outcomes, production of a leaflet / booklet, and, transferring the archive to the Bexhill Museum.

2.3 It is proposed that the management of the next stages of archaeological work should be undertaken directly under County Council control. This would require the novation of the BHLR Archaeology subcontract to the County Council. HTWJV is content with the proposed course of action as they can see that they will not have to tie up a technically competent resource to administer the remaining archaeological works going forward. The County Council would utilise OA to undertake the assessments but under County Council control. OA is considered a suitable organisation to undertake the work. The County Archaeologist is appropriately qualified to manage the work and will aim to achieve a proportionate Post Excavation Assessment that complies with all the planning requirements, and to the satisfaction of Historic England. This might then provide the circumstances whereby the County Council could bid for other match funding, which would then be able to fund the total archaeological work going forward.

2.4 The cost associated with the remaining Post Excavation Assessment will be tracked once the contract has been novated to the County Council.

2.5 Legal advice is that it is possible to novate the contract if:

- The need for the modification for the contract has been brought about by circumstances which a diligent contracting authority could not have foreseen
- The modification does not alter the overall nature of the contract
- Any increase in price does not exceed 50% of the value of the original contract or framework agreement

2.6 In adopting this proposal the County Council would be required to issue a procurement notice in accordance with the Procurement Regulations, but the risks of challenge are considered low.

3. Conclusion and Reason for Recommendation

3.1 The Lead Member for Transport and Environment is recommended to approve the novation of the remainder of the BHLR Archaeology Subcontract over to the County Council, and for the County Archaeologist to oversee the remaining Post Excavation Assessment, Analysis, Reporting and Archiving activities. This will also provide the County Council with direct control of the work which means it can be undertaken at an affordable cost, proportionate to the significance of the findings of the fieldwork, and to spread the cost over a longer period of time during which alternative sources of funding may be sought.

RUPERT CLUBB
Director of Communities, Economy and Transport

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LOCAL MEMBERS
All

BACKGROUND DOCUMENTS
None