



Southampton permit scheme for roads and street works

Traffic Management Act 2004

CONSULTATION DRAFT

Southampton Permit Scheme – Consultation Draft

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Authors:	Mark Robinson, Highways Network Manager, Project Lead Jason Setford-Smith, Scheme Consultant
SRO:	John Harvey, Traffic Manager
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1 FOREWORD

- 1.1.1 Situated on Southampton Water at the confluence of the Rivers Test and Itchen, Southampton is the principal city in central southern England and the third largest city in the South East outside London. The city covers an area of approximately 5,181 hectares. It is predominantly urban in character but with a greater amount of green space than is typical in a major UK city. The built up area extends beyond the administrative boundary of the city. The suburbs of West End and Hedge End form part of a continuous suburban area adjoining the city, whilst Totton, Eastleigh, Netley and Bursledon are separated from the city by only short undeveloped gaps.
- 1.1.2 There are approximately 370 miles of roads and 734 miles of footway that are managed and maintained by the Council. The city centre services a city population of some 236,700 people (2011 Census) and a sub-regional catchment of 850,000 people.
- 1.1.3 Southampton is one of the fastest growing in the UK and is a key hub for commerce and shipping. It is a key international gateway and handles one fifth of the UK's trade by value. The Port of Southampton handles more than 42 million tons of cargo per year. Much of this cargo is delivered to Southampton via the transport network managed by Southampton City Council and its partners. The Port is of great economic importance making a significant contribution to employment and business in the City and across the wider region. The Council will continue to work alongside the Port to ensure smooth access into the docks for both cruise passengers and goods vehicles.
- 1.1.4 Southampton is also known as the cruise capital of Europe and handling over 1 million cruise liner passengers each year. Southampton is a key national, regional and local transport hub. The location of Southampton at the centre of the Solent means that many trips within and across the Solent area pass through the city and its surrounding area. Along with the major international sea port the City has a key regional airport on its doorstep, serving 1.7 million passengers per annum, and is a major point of access to the Isle of Wight, all of which contribute to the economic health of the city.
- 1.1.5 There are some 40,000 students at the city's two universities, with Southampton Solent University based in the city centre. Considerable development of Solent is planned including the establishment of some leading teaching and sports establishments. The University of Southampton is also due to complete development of large halls of residence providing 1,000+ flats by Southampton central station.
- 1.1.6 The city is also home to WestQuay shopping centre, opened in 2000 and the major regional shopping centre, attracting millions of visitors each year. Works are due to start on WestQuay Watermark in 2014, a leisure led regeneration scheme adjacent to WestQuay. This together with development at Ocean Village and the growth of restaurants and bars in the city centre will increase Southampton's evening economy.
- 1.1.7 The city also has magnificent theatres, unique galleries and museums, plus lots of music and comedy venues for its tourists and residents alike. The award winning parks make Southampton the greenest city in Southern England and Southampton Common has over 300 acres of flora and fauna. The Southampton Core Strategy underpins our aspirations for the development of the city over the next 20 years. The strategy sees Southampton as: "The major city in central southern England, recognised as the region's economic, social and cultural driver, and building on its role as an international seaport, centre for cutting edge research and leading retail centre."
- 1.1.8 Business in Southampton published "A Transport Vision for the Southampton Region" in 2009 and identified that there needed to be a change in 'mindset' towards the issues of transport and Infrastructure, as well as the need for a collaborative approach by both the public and private sector to many of the transport issues in the city.

2 INTRODUCTION TO THE PERMIT SCHEME

- 2.1.1 The Southampton Permit Scheme is a Single Permit Scheme for the purposes of Part 3 of the Traffic Management Act 2004 (TMA) and the Traffic Management Permit Schemes (England) Regulations 2007 (the Permit Regulations).
- 2.1.2 A Permit Scheme is an important development for Southampton City Council and the surrounding area. The development of the scheme shows how the Council, working together with communities and stakeholders, expects to support and deliver the wider aims and priorities that the city has, by investing in the management of its transport network.
- 2.1.3 This includes coordinating essential works, supporting businesses, economic growth, getting people into work, getting children safely to school, improving air quality and protecting and enhancing our unique natural and built local environments.
- 2.1.4 We must maintain, manage, protect and improve the transport network because it is such a valuable asset to our. This represents a big challenge. By making sure the network works safely and efficiently for everybody, we can also enable people to make the right transport and route choices and we want those choices to be, first and foremost, efficient, sustainable, healthy and convenient.

2.2 BACKGROUND

- 2.2.1 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 better managed and to improve Authorities' abilities to minimise disruption from street and road works.

2.3 THE PERMIT SCHEME

- 2.3.1 This Permit Scheme, to be known as the **Southampton Permit Scheme (SPS)**, and hereinafter referred to as the 'Permit Scheme', is made under Part 3 of the TMA and the Traffic Management Permit Scheme (England) Regulations 2007, (the Regulations), and has been prepared with regard to the Statutory Guidance issued by the Secretary of State to assist Highway Authorities wishing to become Permit Authorities and in accordance with the requirements set out in the Regulations.
- 2.3.2 The Permit Scheme will be operated solely by Southampton City Council as a Single Permit Scheme.
- 2.3.3 Promoters should make themselves aware of the content of these documents and also the Code of Practice for Permits (Department for Transport) alongside which the Permit Scheme will be operated.
- 2.3.4 All current New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) legislation, codes of practice, etc. and any future amendments to that legislation, apply to this Permit Scheme.
- 2.3.5 The scheme has taken into account any major known projects such as Cross Rail, Olympics, TIF projects, Thames Gateway projects etc.
- 2.3.6 In accordance with Regulation 4 (g) it is intended that the Permit Scheme is going to start operation in April 2015.

2.4 THE PERMIT AUTHORITY

- 2.4.1 The Permit Scheme will be operated as a Single Permit Scheme by Southampton City Council, as the Highway Authority for Southampton, hereinafter referred to as the 'Permit Authority'.

2.5 ACTIVITIES

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- 2.5.1 For consistency, the generic term ‘activities’ has been used rather than “works” to reflect the fact that the Scheme may eventually cover more than street and road works in subsequent Regulations. These are the specified works as set out in the Regulations.
- 2.5.2 The term ‘Promoters’ will be used for both Statutory Undertakers (including Utility companies) and the Southampton Highway Authority as well as other instigators of possible congestion issues such as Event Organisers.
- 2.5.3 A glossary of the main terms contained within this document is provided in Appendix A.

2.6 RELATIONSHIP TO NRSWA

- 2.6.1 Permit Schemes provide an alternative to the existing notification system of the New Roads and Street Works Act 1991 (NRSWA), whereby, instead of informing a Highway Authority about its intention to carry out works in its area, a Statutory Undertaker has to book time on the highway by obtaining a Permit from the Permit Authority.
- 2.6.2 Under a Permit Scheme, the activities undertaken by the Highway Authority, its partners or agents are also treated in exactly the same way as a Statutory Undertaker.
- 2.6.3 The Permit Authority may apply conditions, attached to Permits, which impose constraints on the dates and times of activities and the way that work is carried out.
- 2.6.4 The Permit Authority’s control over variations to Permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.
- 2.6.5 A Highway Authority may choose to implement a Permit Scheme on all or some of the roads under its control.
- 2.6.6 Southampton City Council has decided to implement a Permit Scheme on all of the roads under its control.

2.7 EQUIVALENT DEFINITIONS

- 2.7.1 As the Permit Scheme will operate alongside the NRSWA noticing system, the same or equivalent definitions and requirements are used as in the NRSWA notice system, namely:
- Registerable activities/works
 - Categories of activities/works, (major, standard, minor and immediate activities/works)
 - Street gazetteers, including street referencing by means of a Unique Street Reference Number (USRN) and Associated Street Data (ASD)
 - Street reinstatement categories as defined in the NRSWA Reinstatement Specification
 - The distinction between main roads and minor roads where such distinctions are relevant
 - Streets designated as Protected Streets, streets having Special Engineering Difficulties, (SED), or a Traffic Sensitive Street

2.8 CHANGES TO NRSWA LEGISLATION

- 2.8.1 Where it is implemented on the specified streets, (See section 4.34 below), and in accordance with the Regulations, the Permit Scheme will result in the disapplication and modification of the following sections of the NRSWA:
- Sections of NRSWA disappplied: s53; s54; s55; s56; s57; s66

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- Sections of NRSWA modified: s58; s58A; s64; s69; s73A; s74; s88; s89; s90; s93; s105; Schedule 3A
 - Regulations modified: The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 SI 2007/1951
- 2.8.2 Changes to Section 58 (restrictions on works following substantial road works) and Section 74 (charges of occupation of the highway where works are unreasonably prolonged) apply only to Statutory Undertakers activities.
- 2.8.3 The Permit Scheme makes arrangements so that similar procedures are followed for Highway Authority Promoter activities in relation to timing and duration, in order to facilitate the operation of the Permit Scheme and ensure there is parity of treatment for all Promoters.

3 OBJECTIVES OF THE SOUTHAMPTON PERMIT SCHEME

Delivering collaboration to ensure optimised capacity of the highway network and reliable access to City destinations.

- 3.1.1 All activities on highways can reduce the width of the street available to traffic, pedestrians and other users and can also inconvenience businesses and local residents.
- 3.1.2 The scale of disruption caused is relative to the type of activities being undertaken and the capacity of the street. Activities where the traffic flow is close to, or exceeds, the physical capacity of the street will have the potential to cause congestion, disruption and delays.
- 3.1.3 The objective of the Southampton Permit Scheme is to improve the strategic and operational management of the highway network through better planning, scheduling and management of activities to minimise disruption to any road or pavement user.
- 3.1.4 The Southampton Permit Scheme will enable better coordination of activities throughout the highway network, ensuring those competing for space or time in the street, including traffic, to be resolved in a positive and constructive way.
- 3.1.5 The objectives and benefits of the Southampton Permit Scheme are:
- Reduced disruption on the road network
 - Improvements to overall network management
 - A reduction in delays to the travelling public
 - A reduction in costs to businesses caused by delays
 - Promotion of a safer environment
 - Reduced carbon emissions
- 3.1.6 The Permit Scheme objectives will be facilitated by improving performance in line with the Authorities' Network Management Duty in relation to the following key factors:
- Enhanced coordination and cooperation
 - Encouragement of partnership working between the Permit Authority, all Promoters and key stakeholders
 - Provision of more accurate and timely information to be communicated between all stakeholders including members of the public

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- Promotion and encouragement of collaborative working
- Improvement in timing and duration of activities particularly in relation to the busiest streets within the network
- Promotion of dialogue with regard to the way activities are to be carried out
- Enhanced programming of activities and better forward planning by all Promoters

3.2 ALIGNED OBJECTIVES

3.2.1 The Permit Scheme objectives align with the Transport Policies contained within the Southampton Local Transport Plan 3:

- Work with the Highways Agency, Network Rail, Ports and Airports to ensure reliable access to and from South Hampshire's three international gateways for people and freight.
- To optimise the capacity of the highway network and improve journey time reliability for all modes
- To achieve and sustain a high-quality, resilient and well-maintained highway network for all
- To deliver improvements in air quality

4 SCOPE OF THE PERMIT SCHEME

4.1 AREA COVERED BY THE PERMIT SCHEME

4.1.1 The Permit Scheme applies within the boundaries of Southampton City Council.

4.2 DEFINITION OF THE TERM “STREET”

4.2.1 For the purposes of the Permit Scheme, the term “street” refers to that length of road associated with a single Unique Street Reference Number (USRN). Where a single street on the ground has more than one USRN, separate Permits will be required for each USRN to which an activity relates (activities being the specified works as set out in the Regulations).

4.3 STREETS COVERED BY THE PERMIT SCHEME

4.3.1 The Permit Scheme will apply to adopted and publicly maintainable streets identified on the National Street Gazetteer (NSG).

4.3.2 The Permit Authority will create, maintain and publish the Street Gazetteer to Level 3.

4.3.3 The Street Gazetteer will be maintained and updated with relevant information. The Street Gazetteer will be available to all Promoters via the National Street Gazetteer Concessionaire's website.

4.4 STREETS NOT COVERED BY THE PERMIT SCHEME

4.4.1 Streets that are not highways maintainable at public expense are not included in the Permit Scheme.

4.5 MOTORWAYS AND TRUNK ROADS

4.5.1 Motorways and trunk roads for which the Highways Agency is the Highway Authority are excluded from the Permit Scheme.

4.6 NON-MAINTAINABLE HIGHWAYS

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- 4.6.1 Privately maintained streets and other roads not maintained by the Highway Authority are 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.

4.7 STREETS TO BE ADOPTED AS A MAINTAINABLE HIGHWAY

- 4.7.1 Where a street is expected to become a maintainable highway, controls on specified activities under the Permit Scheme will only apply after the street has become a maintainable highway.

5 ACTIVITIES COVERED BY THE PERMIT SCHEME

5.1 ACTIVITIES REQUIRING A PERMIT

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

- i. Street works as in Part 3 of NRSWA, as defined by s48, except for works by licensees under section 50 of NRSWA
- ii. Works for road purposes as defined by section 86 of NRSWA – maintenance and improvement works to the road itself, carried out by, or on behalf of, the Highways Authority
- iii. Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980)
- iv. Other activities that may be introduced under future regulations

- 5.1.2 The following activities defined in the Regulations as specified works are Registerable for all Promoters and information related to them has to be recorded on the register:

- (a) Involve the breaking up or resurfacing any street
- (b) Involve opening the carriageway or cycleway of traffic-sensitive streets at traffic-sensitive times.
- (c) Require any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works.
- (d) Reduce the lanes available on a carriageway of three or more lanes.
- (e) Require a temporary traffic regulation order or notice, or the suspension of pedestrian facilities.
- (f) Require a reduction in the width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time

5.2 WORKS FOR ROAD PURPOSES

- 5.2.1 The requirements of the Permit Scheme apply equally to both works undertaken by the Highway Authority and Statutory Undertakers with the one exception, that fees will not be charged for Permits issued for the Highway Authority's own works for road purposes.
- 5.2.2 To demonstrate parity of treatment for all Promoters, particularly between the Highway Authority and Statutory Undertakers, Key Performance Indicators will be used.
- 5.2.3 Highway Authorities and Promoters of works for road purposes must ensure that they have followed the equivalent Provisional Advance Authorisation (PAA) and Permit application processes for activities.

5.3 STREET LIGHTING

- 5.3.1 The definition of works for road purposes may include some works carried out by Undertakers, such as street lighting. It is for Promoters to ensure that Permit

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applications for such activities are made and that the activity is registered, as appropriate.

6 EXEMPT ACTIVITIES

6.1.1 Certain types of activities are exempt from requiring a Permit.

6.2 NON REGISTERABLE ACTIVITIES

6.2.1 The following activities are non Registerable and do not require a Permit:

1. Traffic Census Surveys

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

2. Pole testing

Pole testing involving excavation requires registration and therefore needs a permit; as would be the case with other excavations, when one or more of rules 2 – 6 above apply. However, in all circumstances the work must be registered using section 70 (3) under NRSWA for the purpose of reinstatement inspections within 10 days of completion.

3. Fire service vehicles

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

6.2.2 Other activities that do not require a Permit:

- Replacing manhole or chamber covers - that do not involve breaking up the street
- Replacing poles, lamps, columns or signs in the same location where that does not involve breaking up the street
- Bar holes

6.3 ACTIVITIES NOT REQUIRING A PERMIT BEFORE THEY START

6.3.1 Immediate activities do require a Permit but as such works are concerned with emergency or urgent situations, a Promoter can start work before applying for a Permit provided they apply for a Permit within 2 hours of the works commencing.

6.3.2 Immediate activity Permit applications must comply with any specified conditions, whether Mandatory, Immediate or Standard for such activities or particular to that activity.

6.3.3 If the work commences out of working hours, then a Permit must be applied for by 10am the next working day.

6.4 ACTIVITIES FOR WHICH NO PERMIT IS REQUIRED

6.4.1 Activities executed in a street pursuant to a street works licence issued under section 50 of the NRSWA are not included in the Permit Scheme but will have to follow the normal NRSWA procedures.

7 PERMITS – GENERAL

7.1 REQUIREMENT TO OBTAIN A PERMIT

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7.1.1 Any Promoter of specified activities who wishes to carry out such an activity on a specified street **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 for the duration shown
- Subject to any conditions that may be attached or required

7.2 APPLICATION REQUIREMENTS

7.2.1 Each application for a Permit must include the information indicated in Section 11.

7.3 ACTIVITIES COVERING SEVERAL STREETS

7.3.1 Only one application per street can be made.

7.3.2 Where the specified activity involves a number of specified streets, a separate PAA or Permit will be required for each street.

7.3.3 Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

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

7.4 MULTIPLE STAGE ACTIVITIES

7.4.1 Where the specified activity is carried out in more than one stage, such as with separate interim and permanent reinstatements, each stage will require a separate Permit.

7.4.2 Each Permit must relate to the original activity by using the original EToN activity reference number used in the first and subsequent phases.

7.4.3 A Major activity will require a Provisional Advance Authorisation, (PAA). The EToN reference number must be cross referenced to the other.

7.4.4 A Promoter is required to clarify to the Permit Authority that an activity is to be carried out in stages on the application. A stage of an activity is a period of continuous occupation of the street, or part thereof, whether or not the work is taking place for the whole time, between the start and completion of the activity.

7.5 LINKED ACTIVITIES

7.5.1 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.

7.5.2 Even if an activity involving more than one street forms part of one project in management and contractual terms, separate Permits and Provisional Advance Authorisations must be obtained for each street or USRN.

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

7.5.4 Customer connections associated with the installation of a new main or cable run or the replacement or renewal of existing assets will be considered to be linked activities when the work is completed as a single occupancy of the street. If the installation of

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customer connections is undertaken at a later date then the Promoter shall apply for a separate Permit.

7.6 INTERRUPTED ACTIVITIES

- 7.6.1 In the event of an activity being interrupted and delayed, for instance due to damage to a third party's plant or while missing apparatus is acquired. It is the responsibility of the Promoter to contact the Permit Authority to agree what action should be taken.
- 7.6.2 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 and an extension to the Permit will be granted.
- 7.6.3 However, where the Permit Authority considers 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. A Permit fee may be charged for the new Permit.

7.7 CROSS BOUNDARY ACTIVITIES

- 7.7.1 Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Permit Authority, separate Permit applications, including any PAA, should be submitted to both Authorities.
- 7.7.2 If a cross boundary project involves activities on a street of a Street Authority operating a notice system under NRSWA, then the Permit application to the Permit Authority must identify the activity in the other Authority area so that the Permit Authority can liaise with them.
- 7.7.3 A single project reference should be included on applications and all notices so that both Authorities can consider the impact and coordinate the activities together.

7.8 COLLABORATIVE WORKING

- 7.8.1 The Permit Authority encourages collaborative working between Promoters for both street works and works for road purposes. 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.
- 7.8.2 Where two or more Promoters decide to enter into such arrangements, one must take on the role of the Primary Promoter with the overall responsibility for the activities and will be the point of contact with the Permit Authority. While the Secondary Promoter(s) will be required to make a Permit application for the activity for which they are responsible, only the Permit application made by the Primary Promoter will need to show the number of estimated inspection units.
- 7.8.3 The Primary Promoter's Permit application must give details of the other Promoter(s) involved and the extent of the collaborative working.
- 7.8.4 The Primary Promoter must also ensure that the estimates of works duration are agreed and confirmed with the Secondary Promoter(s) when submitting the PAA and/or Permit applications. This is necessary in order to comply with the overrun charging requirements in the Permit and NRSWA Regulations.
- 7.8.5 While the Permit Authority will issue Permits to all the Promoters involved, not just the Primary Promoter, the fees will be discounted to reflect the collaborative approach.
- 7.8.6 The Primary Promoter will excavate the trench and install its own apparatus with the Secondary Promoter(s) installing their apparatus in the same trench.
- 7.8.7 The Primary Promoter will backfill and reinstate the trench unless it has previously been agreed with the Permit Authority and the Secondary Promoter(s) that the Secondary Promoter(s) will carry out the reinstatement. In which case, the

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responsibility for the reinstatement will rest with the Promoter who undertook this work.

7.9 REMEDIAL WORKS

7.9.1 In the event of remedial works being required after the expiry of a Permit, an application must be made for a new Permit. This Permit must be cross referenced to the Permit using the EToN reference number for the original activity.

7.10 PERMIT VALIDITY

7.10.1 Permits will only be valid from the start date to the end date of the Permit and will be in calendar days. This will prevent ambiguity as to whether the Permit is valid, even at weekends or on Bank Holidays.

7.10.2 The Permit conditions will always include the duration of the activity i.e. the number of consecutive working days that the activity can take place, and if the Permit allows, working at weekends or on Bank Holidays.

7.11 START AND END DATES

7.11.1 The planned commencement date and finishing date for the activity are the start date and end dates respectively on the Permit. The Permit will not be valid before the start date on the Permit and will cease to be valid once the end date has passed. A Promoter working outside these dates will not have a valid Permit and would be therefore committing an offence.

7.11.2 If the activity cannot commence on the proposed start date, when known the Promoter must inform the Permit Authority by telephone no later than the preceding day. If the Promoter believes that the work could still be completed before the Permit end date then they can begin the work on a subsequent day having submitted a start of works notice under section 74 of the NRSWA.

7.11.3 There will be no automatic extension of the Permit duration under these circumstances.

7.11.4 If the activity cannot be completed before the Permit end date, the Promoter must apply for a variation. The Permit Authority may or may not agree to an extension, depending on the circumstances, and if not the Promoter may be subject to section 74 overrun charges.

7.12 EARLY START

7.12.1 The Permit Authority will consider a Promoter's request for an early start before or after applying for a Provisional Advance Authorisation or a Permit application.

7.12.2 Where this is agreed, the Promoter shall submit a variation to a Permit, or in the case of a Provisional Advance Authorisation, include the revised dates on the application for the Permit. If the Permit has already been granted or deemed, a variation charge will apply.

7.12.3 A reference number will be issued by the Permit Authority, and must be quoted on the Permit application or Permit variation application.

7.12.4 Requests for early starts may or may not be agreed by the Permit Authority at their discretion but will not be unreasonably refused, and it is the responsibility of the Promoter to satisfy the Permit Authority as to the necessity for any proposed early start.

7.13 CHARGES FOR OVER RUNNING STREET WORKS

7.13.1 Charges for over running street works, under section 74 of the NRSWA, will be made alongside the Permit Scheme although these regulations are modified to incorporate

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the process of setting and modifying the duration of the activity through the Permit application, approval and variation processes.

7.14 WORKING WITHOUT A PERMIT

- 7.14.1 It is an offence for a Statutory Undertaker or a person contracted to act on its behalf to undertake specified works in a specified street without a Permit, except to the extent that the Permit Scheme provides that this requirement does not apply.
- 7.14.2 Where it is believed that such an offence is being committed, the Permit Authority may impose a fixed penalty notice and require the party concerned to remove the works and return the street to full use.

8 PERMITS - TYPES

8.1 TYPES COVERED BY THE PERMIT SCHEME

- 8.1.1 There are two types of Permit covered by the Permit Scheme:
- Provisional Advance Authorisation (PAA)
 - Permit

8.2 PROVISIONAL ADVANCE AUTHORISATION (PAA)

- 8.2.1 A PAA replaces the Advance Notice under section 54 of NRSWA.
- 8.2.2 PAAs are a means of enabling significant activities to be identified, coordinated and programmed in advance by allowing activities to be provisionally reserved by the Permit Authority pending the Authority's subsequent decision on whether, and with what conditions, to grant a Permit for the activities.
- 8.2.3 A Promoter who wishes to undertake Major activities, on a specified street **must** apply for a PAA at least 3 months in advance of those activities starting on the highway, or as agreed with the Permit Authority.
- 8.2.4 The promoter is required to provide the final detailed information in support of its application for a Permit at least 10 working days before the activity is due to commence.
- 8.2.5 Subsequent applications for Permits for Major activities that have not been preceded by a PAA, will not, except in exceptional circumstances, be accepted by the Permit Authority.
- 8.2.6 Each application for a PAA will be limited to one street.
- 8.2.7 An application for a PAA must include a full description of the activity and specify start and end dates, although the start date may be considered as provisional and can be amended in the application for a final Permit.
- 8.2.8 A fee will be charged for a PAA in addition to the fee which is charged for the granting of the Permit.
- 8.2.9 The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a Permit to which the PAA relates. If circumstances change drastically an explanation will be provided.
- 8.2.10 A copy of each application for a PAA is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.

8.3 PERMITS

- 8.3.1 These are full Permits with final details of the Registerable activities on a specified street.

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- 8.3.2 The information required to support an application for a PAA should be equivalent to, but should not exceed, that required in support of an application for a Permit.
- 8.3.3 The timing of Permit applications to the Permit Authority will depend on the proposed activity.
- 8.3.4 A copy of each application for a Permit is to be provided by the applicant upon request by a relevant Authority and by any person having apparatus in the street to which the application relates.

9 PERMITS – CLASSES

9.1 CLASSES COVERED BY THE PERMIT SCHEME

9.1.1 There are four classes of Permit covered by the Permit Scheme:

- Major
- Standard
- Minor
- Immediate

9.2 PERMITS FOR MAJOR ACTIVITIES

9.2.1 Major activities are those which:

- Have been identified in an organisation's annual operating programme, or if not identified in that programme, are part of a scheme which is planned or known about at least 6 months in advance of the proposed start date, but only includes activities on the affected streets and locations within that scheme that have been identified at least 6 months advance stage as likely to require Permits; 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

9.2.2 Major activities are split into 3 sub-categories:

- Over 10 days and all major works requiring a traffic regulation order
- Works 4 to 10 days
- Up to 3 days

9.2.3 Major Activity Permits are required for the most significant activities on the Highway and require the Promoter to obtain a Provisional Advance Authorisation as part of the application process for a Major Activity Permit.

9.2.4 An application for a Major Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and must include a description of the proposed activity together with the proposed start and end dates of the activity. Where these differ from those given in the PAA application, the applicant must explain the reasons for any variation.

9.2.5 Major activities will be subject to conditions.

9.3 PERMITS FOR STANDARD ACTIVITIES

9.3.1 Standard Activities are those activities, other than immediate, minor or major activities, that have a planned duration of between 4 and 10 working days inclusive. Activities lasting less than 10 working days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 9.2 above.

9.3.2 An application for a Standard Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and must include a

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description of the proposed activity together with the proposed start and end dates of the activity.

9.3.3 Standard activities will be subject to conditions.

9.4 PERMITS FOR MINOR ACTIVITIES

9.4.1 Minor Activities are those activities, other than immediate, standard or major activities, where the planned working is 3 working days or less. Activities lasting less than 3 working days but which require a traffic regulation order, such as a temporary road closure, will be classified as a Major Activity and will be subject to the requirements in 9.2 above.

9.4.2 An application for a Minor Activity Permit shall be submitted to the Permit Authority in accordance with the timescales given in Table 1 below and must include a description of the proposed activity together with the proposed start and end dates of the activity.

9.4.3 Minor activities will be subject to conditions.

9.5 PERMITS FOR IMMEDIATE ACTIVITIES

9.5.1 Immediate Activities are either:

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

9.5.2 Given the nature of immediate activities, work may commence without a Permit. However, where it is necessary to carry out excavation in the Highway, Promoters of such activities must contact the Permit Authority by telephone **immediately**.

9.5.3 A link must be made between the immediate activity and the conditions attached to it prior to a Permit being issued with the application for a Permit for that immediate activity when it is made.

9.5.4 Where the activity is identified within the normal working day (i.e. after 08.00 hours and before 16.30 hours), a Permit application must be made as soon as reasonably practicable and in any event, within two hours of the activity starting.

9.5.5 If the activities are out of working hours, the Promoter must leave a message with the Permit Authority providing the details of the activity including location, time, contact details and nature of the work.

9.5.6 If the Permit Authority disputes whether an activity, or part of an activity, is immediate, the Promoter must demonstrate conclusively that it is. Failure to do so may constitute as an offence and result in the Permit Authority taking action against the Promoter.

9.5.7 Immediate activities will be subject to conditions.

10 PERMIT APPLICATIONS

10.1 APPLICATION TIMING AND RESPONSE TIMES

- 10.1.1 The timing of applications for Permits and PAAs and the Permit Authority's response will vary according to the proposed activity. The **minimum** times are given in Table 1 below and Promoters should give as much notice as possible to ensure that the coordination process can be facilitated effectively.
- 10.1.2 Where the activity is dependent on a Temporary Traffic Regulation Order (TTRO), temporary traffic signal approval, or the suspension of parking regulations, the relevant timescales should be taken into account by the Promoter, and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.
- 10.1.3 The application process will begin at the time of receipt of the application by the Permit Authority. The EToN system will provide an auditable record of when an application was received.
- 10.1.4 The Permit Scheme sets down the application and response times for dealing with Permit applications and variation applications in Table 1 below.
- 10.1.5 In all cases given in Table 1, the time period is measured from the time of receipt of the application by the Permit Authority.
- 10.1.6 A “response” means a decision to grant, refuse or request a modification to a Permit application. Where there are reasons why the Permit cannot be granted in the terms applied for, the response indicating that a Permit will not be granted in those terms will explain the reasons to the applicant.
- 10.1.7 The term “days” in Table 1 below refer to working days as defined in NRSWA and the Regulations.

10.2 SUBMITTING AN APPLICATION

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

10.3 SYSTEM FAILURE

- 10.3.1 In the event of a system failure, Promoters shall adopt the following procedure:
- Where after three attempts to give an application or a notice by EToN (duly recorded by the person serving the application or notice), the application or notice cannot be given, notification should be given by telephone, email or fax for immediate activities with formal EToN application or notice following as soon as reasonably practicable
 - Other applications or notices may be given by other electronic means, (e.g. e-mail or fax), or may be sent by post or delivered by any other method agreed with the Permit Authority
 - Following recovery of the service a copy of the application or notice should be sent through EToN to ensure information on the works is correctly recorded in the register
 - Where applications or notices are sent by first class post, Promoters should take into account that there is no guarantee that they will be delivered to the Permit Authority the next day

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10.3.2 In regards to variations during a system failure, Promoters should also make contact with the Permit Authority by telephone to the contact number provided on the relevant section of www.southampton.gov.uk

10.3.3 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.

10.4 COMPLIANCE WITH ETON

10.4.1 All applications must comply with the definitive format and content given in the current Technical Specification for EToN.

10.5 USE OF PLAIN ENGLISH

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

10.6 ONE APPLICATION PER STREET

10.6.1 Each application shall refer to activities in only one street. Where a project covers more than one street, all related applications must be cross-referenced and the project reference included on each application.

10.7 APPLICATION COVERING MORE THAN ONE STREET

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

10.8 NOTIFICATION TO INTERESTED PARTIES

10.8.1 Where the Associated Street Data (ASD) indicates other interested parties, Permit applications should be copied to those parties by the Permit Authority and Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

10.9 CONSULTATION REQUIREMENTS

10.9.1 Promoters must carry out the necessary consultations as set down in sections 88, 89 and 93 (as amended) and sections 90 and 91 of the NRSWA.

10.10 TABLE 1 – APPLICATION TIMINGS

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

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10.11 REFUSAL OF APPLICATION

10.11.1 The Permit Authority reserves the right to refuse or request a modification to an application for a Permit or PAA where it considers that elements of the application (e.g. timing, location or conditions) are not acceptable.

10.11.2 If the Permit Authority decides to refuse the application or request a modification, it will contact the Promoter within the response time given in Table 1 above to explain why the application is not satisfactory and what amendments are needed in order to achieve a successful application.

10.12 RESTRICTIONS ON FURTHER ACTIVITIES

10.12.1 Where a Promoter wishes to apply for a Permit to carry out specified activities on a specified street where a notice has been issued under sections 58 or 58A of the NRSWA, and the activities are not covered by the specific exemptions of that notice, the Promoter must make an application for the Permit Authority's consent specifying the grounds on which the consent is sought.

10.13 ERROR CORRECTION

10.13.1 Where the Permit Authority identifies an error in data recorded in, or submitted for recording in, the Permit register, it will contact the Promoter to discuss and agree the corrections to be made.

10.13.2 Where the Promoter identifies an error, they will contact the Permit Authority to discuss and agree the corrections to be made. If an error has been identified on an application, the Promoter shall submit a Permit variation request by the end of the next working day following the agreement of the correction.

10.13.3 This Permit variation request should include the corrected data and the name of the person in the Permit Authority who agreed that the correction should be made.

10.13.4 The error correction process is described in the Technical Specification for EToN.

10.13.5 This procedure cannot be used without the prior agreement of both parties.

10.13.6 A variation fee will be payable where the identified error has been caused by the Promoter.

11 INFORMATION REQUIRED IN A PERMIT APPLICATION

11.1 PERMIT AUTHORITY REQUIREMENTS

11.1.1 To enable the Permit Authority to determine the granting of a Permit and any conditions that may be attached to the Permit, Promoters may be required to supply the following information which is covered in more detail below:

- Contact details
- USRN
- Description of activity
- Location
- Timing and duration
- Illustration
- Technique to be used for underground activities
- Traffic management and traffic regulation orders
- Depth
- Reinstatement type

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- Inspection units

11.1.2 In the case of Provisional Advance Authorisation applications, the Promoter should provide the most accurate information available at the time of making the application.

11.1.3 Quality of the information provided will allow the Permit Authority to make an informed decision and coordinate the activity effectively.

11.2 CONTACT PERSON

11.2.1 All Permit applications must include the contact details, if different from the normal contact number, of any person appointed by the Promoter to deal with any problems that may occur during the activity, including any provision made for out-of-hours contact of the Promoter.

11.2.2 This must include details for Secondary Promoters if collaborative working is in place.

12 USRN

12.1.1 Each application must relate to a single street only.

12.1.2 Where a single street has more than one USRN, separate Permit applications will be required for each USRN to which an activity relates.

12.2 DESCRIPTION OF ACTIVITY

12.2.1 A sufficiently detailed description of the activity, in plain English, must be provided to allow the Permit Authority to assess the impact of the activity.

12.2.2 In regards to collaborative working, all Promoters must be identified and details of the scheme must be provided.

12.3 LOCATION

12.3.1 The Promoter must give an accurate location based on National Grid References, (NGR).

12.3.2 In the case of Major works, start and end NGRs must be supplied as a minimum. If the proposed works deviates from a straight line, for example, follow the curvature of a street, a poly line (line centre of site) will be preferred.

12.3.3 For Standard, Minor and Immediate works, a centre point NGR must be supplied as a minimum. As with Major works, a poly line will be preferred when:

- The activity are or trenches are expected to be over 10 metres in length
- Activity locations on the application in the same street are separated
- Activity areas or trenches deviate from a straight line.

12.3.4 In addition, if required, dimensions should be given of the space that will be taken up by the activity in the street including space for the storage of materials, working space, safety zone, provision for pedestrians and traffic management.

12.4 TIMING AND DURATION

12.4.1 Each Permit application must include the proposed start and end dates of the activity and the times of the day when the activity is to be carried out. The applicant must also indicate if it is intended for work to continue over weekends and bank holidays and if night working is required.

12.5 ILLUSTRATION

12.5.1 Provisional Advance Authorisation applications and Major Activity Permit applications must be accompanied by an illustration(s) of the works and should include details of the activity and the extent of Highway occupancy. The illustration will comprise plans, sections, digital photographs and similar material as appropriate.

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12.5.2 Illustrations must also be submitted with the application for standard and minor activities where the activity is significant in terms of potential disruption due to the position and size of the activity, or where the Permit Authority consider an illustration is necessary.

12.6 TECHNIQUE TO BE USED FOR ACTIVITIES

12.6.1 Details of the planned techniques, including open cut, trench share, minimum dig technique or no dig must be provided. This information should be provided in the 'Works Description' section until there is an appropriate field within EToN.

12.7 TRAFFIC MANAGEMENT AND TRAFFIC REGULATION ORDERS

12.7.1 The Promoter must supply full details of their traffic management proposals including any requirement for action by the Highway Authority such as the need for Temporary Traffic Regulation Orders (TTROs) and approval for portable light signals. Evidence of application/agreement for a TTRO must be provided with the PAA/Permit application.

12.7.2 In the case of the suspension of a parking bay being required, an application by the Promoter must be made to the Highway or Permit Authority as Parking Authority. This must be separate from any Permit application and evidence of the agreement by the relevant Parking Authority must be included in the Permit application.

12.7.3 Applicants should be aware that such action by the Highway Authority may involve additional costs and Promoters should familiarise themselves with the timescales relating to TTRO and parking applications.

12.8 DEPTH

12.8.1 Promoters must provide their best estimate of the excavation depth of the activity. This may be expressed as a range where appropriate. This information should be provided in the 'Works Description' section until there is an appropriate field within EToN.

12.9 REINSTATEMENT TYPE

12.9.1 Permit applications must indicate whether the proposed activity is intended to be completed with interim or permanent reinstatement or a mixture of both.

12.9.2 Where the activity will be completed with a mixture of both interim and permanent reinstatement the applicant must give details of where these methods will be used within the Permit Application.

12.9.3 Where the activity is completed with an interim reinstatement, a separate Permit application will be required for the permanent reinstatement where this is to be undertaken outside the duration of the Permit.

12.10 INSPECTION UNITS

12.10.1 The Promoter is required to indicate the provisional number of inspection units appropriate to the activity in accordance with the rules laid down in the Inspections Code of Practice and in The Street Works (Inspection Fees)(England)(Amendment) Regulations 2004.

12.10.2 Where there is trench sharing, only the Primary Promoter is required to give the inspection units.

13 PERMIT CONDITIONS

13.1 APPLYING CONDITIONS

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- 13.1.1 The Permit Scheme allows for the attaching of conditions to Permits. These will be specified in detail on the Permit and will reflect any constraints on the original application.
- 13.1.2 Not all types of conditions will necessarily be applied to all Permits or PAA's.
- 13.1.3 In general, conditions will be varied for each Permit, as each set of circumstances will be different. The detailed 'Standard' wording of all conditions will be made available to all Promoters as a separate document.
- 13.1.4 However, the Permit Authority can define conditions that will be applied to all Permits.

13.2 CONDITIONS APPLIED TO ALL PERMITS

- 13.2.1 The Permit reference number must be prominently displayed on the site information board for each set of works.
- 13.2.2 The Promoter must have a copy, either electronic or hard copy, of the current Permit on site for inspection.
- 13.2.3 If the Promoter finds that the activity cannot be completed within the timeframe specified in the Permit or by a Permit condition, an application must be made for a Variation.
- 13.2.4 Anticipated Traffic Management/Road Closure during the works – if it is anticipated that the traffic management is likely to change during the life of the activities, for example, starting with 2 way traffic lights, followed by a road closure then back to 3 way traffic lights, the Promoter must stipulate this on the Permit application.
- 13.2.5 The Promoter must indicate the location and if required specify the anticipated impact on the surrounding area, for example, on schools, hospitals, crossings, bus routes, traffic lights, critical junctions, traffic loops, resident parking or pay and display parking, special engineering difficulties such as Bridge, retaining walls, level crossings etc

13.3 CONDITIONS APPLIED TO PERMITS AS REQUIRED

- 13.3.1 The detailed wording of all conditions will be made available to all Promoters as a separate document and will be available to all contractors. This document can be found on www.southampton.gov.uk
- 13.3.2 The wording of the conditions applied to Permits will be discussed with Promoters. When the Permit Authority considers that a change to conditions is required, it will first discuss with local Promoters on the proposed conditions. Conditions will be published on www.southampton.gov.uk and Promoters will be notified of any new conditions at South East Highway Authorities and Utilities Committee (SEHAUK) meetings.
- 13.3.3 Further information on conditions attached to Permits can be found in the DfT Code of Practice for Permits March 2008.
- 13.3.4 Conditions applied to Permits as required may include:
1. Date Constraints
 2. Time Constraints
 3. Out-of-hours Work
 4. Material and Plant Storage
 5. Road Occupation Dimensions
 6. Traffic Space Dimensions
 7. Road Closure
 8. Light Signals and Shuttle Working
 9. Traffic Management Changes

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10. Work Methodology
11. Consultation and Publicity
12. Environmental
13. Local

13.4 CONDITIONS FOR IMMEDIATE ACTIVITIES

- 13.4.1 Promoters of such activities must contact the Permit Authority by telephone immediately.
- 13.4.2 The Promoter shall submit an application for a Permit within two hours of beginning work. If work starts outside of working hours, an application for a Permit must be submitted by 10am the next working day.
- 13.4.3 The Permit Authority may impose further conditions prior to the issuing of a Permit where this is required. Imposing such conditions will be in discussion with the Promoter of the activity and will be included in the subsequent Permit.
- 13.4.4 Once issued, the Permit reference number must be prominently displayed on the site information board for each set of works.
- 13.4.5 A full description of works being carried out must justify why the activity has been categorised as immediate works.

13.5 BREACHING OF CONDITIONS

- 13.5.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit. Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.
- 13.5.2 Where it appears to the Permit Authority that a condition has been breached and that the Promoter or a person contracted to act on its behalf has therefore committed an offence it will take action as described in Section 18.

13.6 AVOIDANCE OF CONFLICT WITH OTHER LEGISLATION

- 13.6.1 The Promoter should bring such conflicts to the attention of the Permit Authority who will then be responsible for resolving the issue with the other legislative bodies or groups that may be involved and amending the Permit conditions accordingly.
- 13.6.2 If the Promoter has safety concerns about conditions set by the Permit Authority it should raise these concerns with the Permit Authority and if necessary challenge the condition.

14 GRANTING OF PERMITS

14.1 TIMING OF PERMIT ISSUE

- 14.1.1 Where the Permit Authority is content with the proposal, it will Grant a Permit within the response times detailed in Table 1 via EToN.

14.2 ISSUING OF PERMITS

- 14.2.1 A Granted Permit will be issued electronically in accordance with the formats given in the Technical Specification for EToN with the details placed on the Permit register and copies supplied to any Promoter, Authority or other relevant body that has asked to be informed about activities on a particular street.
- 14.2.2 The Permit will specify in detail the activity it allows and its duration. The start and end dates will be in calendar days to prevent any ambiguity over the duration of the Permit.

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14.3 INCLUSION OF CONDITIONS

14.3.1 A Permit will be issued to the Promoter for every Permit that is granted and will include all the conditions attached to the Permit so that there is no ambiguity about the validity and terms of the permit.

14.4 PERMIT UNIQUE REFERENCE NUMBER

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

14.5 AMENDMENT TO THE ORIGINAL APPLICATION

14.5.1 Where the Permit Authority discusses its intention with the Promoter to impose conditions which effectively amend the details of the original application, the Promoter shall amend and resubmit its application.

14.6 PERMIT REFUSAL

14.6.1 If, after careful consideration, the Permit Authority decides to refuse the PAA or Permit application, the refusal will be issued electronically via EToN. An explanation of refusal will be given and discussions with the Promoter may be held regarding amendment to the application.

14.7 RIGHT OF APPEAL

14.7.1 The Promoter has a right of appeal, in accordance with the Dispute Resolution process set down in Section 19 if it is unable to reach agreement with the Permit Authority over the terms it requested or the conditions attached.

14.7.2 In the case of immediate activities it may be that the work has to stop, subject to safety and legal considerations, such as Health and Safety legislation, until the issues are resolved.

14.8 PERMIT APPLICATION DEEMED TO BE APPROVED

14.8.1 If the Permit Authority fails to reply to an application for a Permit or PAA within the designated response times, the Permit or PAA is deemed to be granted under the terms of the application.

14.8.2 The proposed start and end dates, description, location, duration, traffic management, etc, will be included in the Permit and associated conditions for the activity. This detail will then be binding on the Promoter as it would have had the Permit been issued within the timescale. Breaching the conditions will constitute an offence.

14.8.3 No fee will be applied to deemed Permits.

15 REVIEW, VARIATION AND REVOCATION OF PERMITS AND PERMIT CONDITIONS

15.1 PERMIT AUTHORITY POWERS

15.1.1 Within the Permit Scheme, the Permit Authority has the power, under Regulation 15 of the Traffic Management Permit Scheme (England) Regulations 2007, to review, vary or revoke Permits and Permit conditions on its own or a Promoter's initiative. However, the Permit Authority is under no obligation to let activities run beyond the Permitted period.

15.1.2 Any activities that exceed the Permitted duration will be committing an offence and could be subject to section 74 overrun charges.

15.2 PROMOTER REVOCATION

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15.2.1 If a Promoter wishes to cancel a Permit or withdraw a Permit application for which they have no further use or seeks a revocation of a Permit condition, they should use the voluntary cancellation notice detailed within the relevant EToN specification.

15.3 CHANGES TO A PROVISIONAL ADVANCE AUTHORISATION

15.3.1 A PAA cannot be varied once granted.

15.3.2 Where a PAA has been given but a full Permit has not been issued and the proposals change, the Promoter must inform the Permit Authority immediately of the proposed changes and a revised application for a PAA or Permit should be made.

15.4 CHANGES TO PERMITS

15.4.1 If the Permit Authority considers a variation necessary then it should contact the Promoter to discuss the best way of dealing with the situation whilst meeting the coordination duties and other Statutory Requirements of those involved. Good coordination and cooperation between Promoter and the Permit Authority will minimise the time that the Authority needs to vary Permits or their conditions. This will be in the interests of all parties.

15.4.2 This discussion may lead to an agreement on the variation required. In that case, the Permit Authority will then issue a revised Permit on those terms unless, by agreement, the Promoter applies for a Permit variation. The latter may be more appropriate if the Promoter needs to reconsider elements of its plans within the parameters agreed with the Permit Authority.

15.4.3 Any application must include, in all cases, the proposed dates and duration and any other conditions of the activity.

15.5 AVOIDANCE OF CRIMINAL OFFENCE

15.5.1 Variations should be sought as soon as changes are identified to avoid a criminal offence being committed by work being undertaken without a Permit or outside of the conditions associated with that Permit.

15.6 SUSPENDING OR POSTPONING AN ACTIVITY

15.6.1 If a Promoter would like to start an activity at a later date after a Permit has been issued, a Permit variation will need to be applied for and a new Permit be issued. There is no option to suspend or postpone an activity.

15.7 REVIEW OF PERMIT BY PERMIT AUTHORITY DUE TO CIRCUMSTANCES OUTSIDE ITS CONTROL

15.7.1 The Permit Authority may review the Permit and associated conditions in the event of circumstances beyond its control having a significant disruptive effect at the location of the activity. The Permit Authority's policy regarding the circumstances in which it will review, vary or revoke Permits on its own initiative is given in Appendix B.

15.7.2 No fee will apply for Permit variations initiated by the Permit Authority unless, at the same time, the Promoter applies for variations which are not the result of the circumstances causing the Permit Authority's action.

15.8 TIMING OF VARIATIONS

15.8.1 Applications for variations may be made at any time after a Permit has been issued up until the end date of the Permit. Once this date has passed, applications for variations cannot be made.

15.8.2 If a variation is to be made, the Promoter shall telephone the Permit Authority to discuss prior to submitting a variation and only apply, again electronically, if the Authority is so prepared.

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15.9 ELECTRONIC APPLICATION FOR A VARIATION

15.9.1 Where the existing Permit has more than 20% of the original duration or more than two working days to run, whichever is the longer, the Promoter shall apply for a variation electronically through EToN.

15.10 VARIATIONS FOR IMMEDIATE ACTIVITIES

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

15.10.2 As they are immediate works, the Promoter will submit the first Permit application within two hours of starting work. That first application will contain the location of the initial excavation or opening:

- i. For any further excavations or openings on the same street within 50 metres of the original hole, the Promoter will telephone the Permit Authority with the new location. No Permit variation will be needed and no variation charge will apply
- ii. The Promoter will have to apply for a Permit variation for the first excavation in each new 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres, etc. Standard variation charges will apply, however the Permit Authority may use their discretion to waive these charges.
- iii. For additional excavations within each band, the Promoter is encouraged to telephone the Permit Authority with the new location. No Permit variation will be needed and no variation charge will apply
- iv. If the search carries into a different street or a new USRN, (including if the street changes to a different Authority), then a separate Permit application will be needed
- v. If the Promoter cannot contact the Permit Authority by telephone, it should record the fact and send the message electronically

15.10.3 Conditions for these activities may be varied to take into account the fact that a new location, even within the permissive bands, can be more disruptive

15.11 INFORMATION REQUIRED FOR VARIATION APPLICATIONS

15.11.1 Applications for Permit variations must contain the following information as applicable:

- i. The Permit reference number
- ii. The revised timescale
- iii. Any change to the description of the activity
- iv. A revised illustration
- v. Any change to the method of excavation
- vi. Any variation to the depth of the excavation
- vii. Any changes to the reinstatement method
- viii. Any changes to the conditions
- ix. Any changes to Traffic Management including TTROs

15.12 IF AN AGREEMENT CANNOT BE MADE

15.12.1 If agreement cannot be reached regarding a variation, the Permit Authority may issue an Authority imposed variation on the terms it considers reasonable. If the Promoter disagrees with the decision, it will have the option to invoke the dispute resolution procedure (See Section 19)

15.13 REVIEW OF PERMIT DUE TO NON-COMPLIANCE BY THE PROMOTER

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15.13.1 If the Permit Authority considers that a Promoter is failing to comply with the conditions of a Permit then it may revoke the Permit or issue a Fixed Penalty Notice (FPN).

15.13.2 Before revoking a Permit, the Permit Authority will contact the Promoter to warn them of its intention and allow the situation to be discussed.

15.14 WAIVING OF FEES

15.14.1 If the Permit Authority has to revoke a Permit through no fault of the Promoter, no fee will be chargeable for a new Permit.

15.15 WORKING AFTER A PERMIT HAS BEEN REVOKED

15.15.1 A Promoter will be committing an offence if it continues to work after a Permit has been revoked.

16 CANCELLATION OF A PERMIT

16.1 CANCELLATION NOTICE

16.1.1 If a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not yet been granted, it should use the cancellation notice containing the relevant Permit number – see the *Technical Specification for EToN*. There is no fee payable for this process; however Permits already granted will still be charged.

16.2 CONTINUING TO WORK FOLLOWING THE CANCELLATION OF A PERMIT

16.2.1 A Promoter will be committing an offence if it continues to work after a Permit has been cancelled.

17 FEES

17.1 PERMIT AUTHORITY POWER TO CHARGE FEES

17.1.1 To meet the additional costs of introducing and operating the Scheme, Regulation 30 gives the Permit Authority the power to charge a fee in respect of the following:

- i. The application for a PAA in respect of Major activities
- ii. The issuing of a Permit
- iii. Each occasion where there is a variation of a Permit or the conditions attached
- iv. Where a Permit variation would move an activity into a higher category, the Promoter will be required to pay the difference between the Permit fee for the two categories as well as the Permit variation fee

17.2 FEE POLICY

17.2.1 The Permit Authority will charge Statutory Undertakers for the actions detailed in Section 17.1.

17.2.2 Fees will not be payable in the following circumstances:

- i. By the Highway Authority in respect of its own works for road purposes, however a record of the Permit and fee will be used for reporting purposes and fee reviews.
- ii. Where a Permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Table 1 (*section 10.10*) above
- iii. If a Permit variation is initiated by the Permit Authority or the Authority has to revoke a Permit through no fault of the Promoter

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- iv. Where a Promoter wishes to cancel a Permit for which it has no further use, or to cancel or withdraw an application that has been submitted but for which a Permit has not yet been granted

17.2.3 Fee discounts will be given in the following circumstances:

- i. Where several Permit applications for works that are of part of the same project but which are carried out on more than one street, but on a scale comparative to one street, are submitted at the same time.
- ii. Where several Promoters are working within the same site submit applications at the same time. Where the Highway Authority Promoter is collaborating with Statutory Undertakers, those Undertakers will be eligible for the discount.
- iii. Where works are undertaken wholly outside of traffic sensitive times on Traffic Sensitive Streets.
- iv. A discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance supplies for a new development, or where it is demonstrated that a network investment programme is being undertaken to meet customer demand.

17.3 RATE OF DISCOUNT

17.3.1 A discount of **30%** will be applied in the above circumstances.

17.4 OPTION TO WAIVE OR REDUCE FEES

17.4.1 The Permit Authority retains the option to waive or reduce fees at its discretion.

17.5 REVIEW OF FEES

17.5.1 The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs.

17.5.2 The outcome of the annual fee reviews will be published and open to public scrutiny.

17.6 APPROVED SCALE OF FEES

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

17.7 PROCESSING OF FEES

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

17.7.2 A summary may be issued to each Promoter every two weeks so amounts can be confirmed prior to the invoice being raised.

18 SANCTIONS

18.1 PERMIT AUTHORITY'S POLICY

18.1.1 Appendix C sets down the Permit Authority's policy of how it will employ sanctions and this policy should be read in conjunction with this section.

18.2 UNDERTAKING ACTIVITIES WITHOUT A PERMIT

18.2.1 It is a criminal offence for a Statutory Undertaker, or a person contracted to act on its behalf, to undertake specified activities in a specified street in the absence of a Permit, except as set down in section 6.

18.2.2 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

18.3 BREACHING A PERMIT CONDITION

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18.3.1 It is a criminal offence for a Statutory Undertaker or a person contracted to act on its behalf to breach a Permit Condition.

18.3.2 Any person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding level 4 on the standard scale

18.4 ACTION BY PERMIT AUTHORITY

18.4.1 Where a Statutory Undertaker or a person contracted to act on its behalf undertakes without a Permit, works for which a Permit is required, or breaches a Permit condition, the Permit Authority may take one or more of the following courses of action depending on the seriousness and persistence of the offences:

- i. Serve a notice requiring that Statutory Undertaker to take such reasonable steps as detailed in the notice to remedy the situation within a specified timescale
- ii. Where a Statutory Undertaker fails to comply with the requirements of such a notice within the timescale the Permit Authority may undertake the specified steps and recover the costs that are reasonably incurred from the Statutory Undertaker
- iii. Issue a Fixed Penalty Notice (FPN), against the Statutory Undertaker
- iv. Prosecute the Statutory Undertaker

18.4.2 Remedial action could include the removal of the activity; rectify the breach of conditions or discontinuing any obstruction.

18.4.3 In the event that the Permit Authority subsequently considers that an FPN which has been given ought not to have been given, it shall give to the person to whom that notice was given a notice withdrawing the FPN.

18.4.4 Any offences which run alongside to the Permit Scheme under NRSWA will still apply and action will be taken.

19 DISPUTE RESOLUTION

19.1 INTRODUCTION

19.1.1 In order to achieve its objectives for the Southampton Permit Scheme and its wider network management duty, Southampton City Council will operate its Permit Scheme in a manner that will encourage dialogue between the Permit Authority and Promoters.

19.1.2 In many cases this will lead to the setting of terms of Permits and conditions by agreement, but at times this may be at by Southampton City Council's direction.

19.1.3 Southampton City Council recognises that on occasions there will be disagreements.

19.1.4 Southampton City Council as Permit Authority will always use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure.

19.2 INCIDENCE OF DISPUTE RESOLUTION

19.2.1 The dispute resolution procedures described below will be used where there are disagreements that cannot be resolved by informal discussion over requirements of the by Southampton Permit Scheme, including the need for a Permit, the terms of a Permit or the Conditions attached to a Permit. This could be in relation to an application for a Permit (including a PAA) or a Permit variation (whether initiated by the Promoter or by Southampton City Council) and could arise before a Permit is issued, when the terms and conditions are still proposed, or after the Permit has been issued.

19.3 APPEALS PROCEDURE

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

Straightforward issues

19.3.2 Where Southampton City Council and the Promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of the regional SEHAUC (that is those not representing parties directly involved in the dispute) for review. That review should take place within a reasonable period of time from the date of referral by Southampton City Council will accept the result as binding.

Complex issues

19.3.3 If by Southampton City Council and the Promoter(s) involved in the dispute think the issues are particularly complex, HAUC (UK) will be asked to set up a review panel of four members - two Utilities and two Street Authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (UK) joint chairs.

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

19.3.5 The review would normally take place within ten working days from the date on which the issue is referred to HAUC (UK) by Southampton City Council will accept the conclusions of the review panel as binding.

19.4 ADJUDICATION

19.4.1 If agreement cannot be reached by the procedure above, the dispute can be referred to independent adjudication.

19.4.2 Adjudication within the Southampton Permit Scheme will only be used if by Southampton City Council and the Promoter(s) agree in relation to the matter under dispute, that

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

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

20 REGISTERS

20.1 REGISTER OF PERMITS

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

20.1.2 The register will contain information about current and planned activities and will be available electronically to Promoters to assist them in planning and coordinating their own works at the earliest possible stage

20.2 REFERENCING OF INFORMATION

20.2.1 All information held in the register of Permits will be referenced to the USRN and the Permit register will be Geographic Information System (GIS) based.

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21 TRANSITIONAL ARRANGEMENTS

- 21.1.1 Once an Order has been made, the Authority will provide at least four weeks notice of its intention to operate a Permit Scheme from a given date.
- 21.1.2 The Permit Authority will liaise closely with all Promoters during the transition period so that any issues are identified early and appropriate action taken to resolve them.
- 21.1.3 The Permit Scheme will apply to all activities where the administrative processes, such as an application for a Permit or Provisional Advance Authorisation, start after the commencement date of the Permit Scheme stated in the order.
- 21.1.4 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 the changeover date, (for major activities), shall operate under the Permit Scheme. This means that even if the relevant section 54, 55 or 57 NRSWA notice has been sent before the changeover, the Promoter will have to apply for a Permit.
- 21.1.5 If the Promoter has not substantially begun the activity (or phase of activity) one month after the changeover date (for standard, minor and immediate activities) or three months after the changeover date (for major activities), then the Promoter must cancel the NRSWA notice for that activity (or phase of activity) and apply for a Permit.
- 21.1.6 Any other activity which started under the notices regime will continue under that regime until completed.
- 21.1.7 The issue of Fixed Penalty Notices (FPNs) will be suspended for the first month of operation of the Scheme to allow a settling in period.
- 21.1.8 This period is sufficient as much of the Permit Scheme operation is run alongside NRSWA and extensive testing of systems between the Permit Authority and Promoters will have taken place and will continue on the run up to the implementation of the Scheme

22 PERMIT SCHEME MONITORING

22.1 MONITORING AND EVALUATING THE PERMIT SCHEME

- 22.1.1 The Permit Authority will establish a monitoring group to include representatives of the regional HAUK to monitor and evaluate the Permit Scheme to ensure that it demonstrates parity of treatment for all Promoters, particularly between Statutory Undertakers and the Highway Authority's own Promoters.

22.2 USE OF KEY PERFORMANCE INDICATORS

- 22.2.1 Equality will be measured through Key Performance Indicators (KPIs). The following KPIs are mandatory and in addition, the Permit Authority will produce an annual set of KPIs identifying the treatment of individual Promoters.
- 22.2.2 As experience with operating the Permit Scheme is obtained, these additional KPIs will be developed in conjunction with the monitoring group referred to in 22.1

22.3 MANDATORY KPIS

KPI 1
<i>The number of Permit and Permit variation applications received, the number granted and the number refused</i>
This will be measured by Promoter and shown as: <ul style="list-style-type: none">the total number of Permit and Permit variation applications received, excluding any applications that are subsequently withdrawn

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- the number granted as a percentage of the total applications made
- the number refused as a percentage of the total applications made.

KPI 2

The number of conditions applied by condition type

This will be measured by Promoter and shown as:

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

22.4 ADDITIONAL KPIS

KPI 3

The Number of approved extensions

This will be measured by promoter and shown as:

- the total number of permits issued
- the number of requests for extensions shown as a percentage of permits issued
- the number of agreed extensions as a percentage of extensions applied for.

KPI 7

Number of inspections carried out to monitor conditions

This will be broken down by promoter and shown as:

- the number of sample permit condition checks carried out as a percentage of the number of permits issued
- the percentage of sample inspections by promoter should also be shown.

22.5 PRESENTATION OF KPIS TO COORDINATION MEETINGS

22.5.1 The KPIs will be discussed at the local coordination meetings and at other meetings with Promoters. In addition, the KPIs will be made available to any other person on request or via the Authority's website.

23 APPENDIX A: GLOSSARY OF TERMS USED IN THE PERMIT SCHEME.

Activity	Any works undertaken by Statutory Undertakers and the Highway Authority (or their agents/contractors) and any other works that maybe covered in future regulations.
Additional Street Data	Additional Street Data (ASD) refers to other information about streets held on the NSG concessionaire's website alongside the NSG
Apparatus	As defined in section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"
Appeal	If there is an unresolved disagreement between the Promoter and the Permit Authority about the terms and conditions of the Permit or PAA, the Promoter may appeal against the Permit Authority's decision to either SEHAUC or HAUC (UK).
Bank Holiday	As defined in section 98(3) of NRSWA, "Bank Holiday means a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"
Bar holes	Bar holes are used to detect and monitor gas leaks.
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Bridge	As provided in section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"
Bridge Authority	As defined in section 88(1)(b) of NRSWA, "Bridge Authority means the Authority, body or person in whom a bridge is vested"
Carriageway	As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a Highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles"
Code of Practice for Permits	As published by the Department for Transport March 2008
Collaborative working	Includes trench sharing, multi-utility working, utility/works for road purposes situations and compliance testing.
Cycle track	As defined in section 329 of the HA 1980, "cycle track means a way constituting or comprised in a Highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot"
Day	A working day, unless explicitly stated otherwise
DfT	Department for Transport
Emergency works	As defined in section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is

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	required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
EToN	Electronic Transfer of Notices, 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	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"
Footway	As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"
Geographical Information system (GIS)	A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface
HA 1980	The Highways Act 1980
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	As stated in section 8.5, immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in <i>The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</i>
In	As defined in section 105(1) of NRSWA, "in, in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property under, over, along or upon it"
Local Authority	As defined in section 270(1) of the Local Government Act 1972(a) and includes the Common Council of the City of London.
Local Highway Authority	As defined in section 329 of HA 1980, "Local Highway Authority means a Highway Authority other than the Minister"
Main roads	All streets in reinstatement categories 0, 1 and 2 and those streets in categories 3 and 4 which are traffic sensitive for all or part of the time
Maintainable Highway	As defined in section 329 of HA 1980, a "Highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"

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Maintenance	As defined in section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As stated in section 9.2, Major activities are those which: <ul style="list-style-type: none"> • 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 proposed date of the activity • 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
Major Highway works	As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway – <ol style="list-style-type: none"> a) a reconstruction or widening of the highway; b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); c) substantial alteration of the level of the highway; d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the Highway; e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); g) provision of a cattle-grid in the highway or works ancillary thereto; or h) tunnelling or boring under the highway"
Minor activities	As stated in section 9.4, minor activities are those activities other than immediate activities where the planned duration is 3 days or less.
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.
Nationally consistent Street gazetteer (NSG)	A database defined as an "index of streets and their geographical locations created and maintained by the local Highway Authorities" based on BS 7666 standard.
NRSWA	New Roads and Street Works Act 1991.
NSG Concessionaire	The body appointed to manage the NSG on behalf of the local Highway Authorities.
Opening (the street)	Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without

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	any "breaking up" of the street.
Permit	The approval of a Permit Authority for a Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 10. 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 Coordination regime.
Permit Authority	See Section 1.4. A local Authority or other "Highway Authority" which has been given approval by the Secretary of State to operate a Permit Scheme on all or some of its road network.
Permit Scheme	See Section 1. A Scheme approved by the Secretary of State 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. The Promoter will usually be a Statutory Undertaker or the Highway or Traffic Authority.
Protected Street	See Section 1.6. A street that has been designated as a protected street. It serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which Statutory Undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 8.2. The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.
Registerable activities	See Section 5.1. Registerable activities are as listed in Chapter 9 of The Code of Practice for Permits.
Reinstatement	As defined in section 105(1) of NRSWA, "reinstatement includes making good".
Relevant Authority	As defined in section 49(6) of NRSWA, "references in this Part to the relevant Authorities in relation to any works in a street are to the Highway Authority and also: <ul style="list-style-type: none"> a) where the works include the breaking up or opening of a public sewer in the street, the Sewer Authority; b) where the street is carried or crossed by a bridge vested in a Transport Authority, or crosses or is crossed by any other property held or used for the purposes of a Transport Authority, that Authority; and c) where in any other case the street is carried or crossed by a bridge, the Bridge Authority"
Remedial work	Remedial works are those required to put right defects identified and in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	See "Street".
Road Categories: <ul style="list-style-type: none"> • Type 0 • Type 1 	Roads carrying over: <ul style="list-style-type: none"> • 30 to 125 msa* • 10 to 30 msa

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<ul style="list-style-type: none"> • Type 2 • Type 3 • Type 4 	<ul style="list-style-type: none"> • 2.5 to 10 msa • 0.5 to 2.5 msa • Up to 0.5 msa <p>*millions of standard axles</p>
Road works	See “Works for road purposes” definition below.
Special Engineering Difficulties (SED)	See Section 1.6. By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets of extraordinary construction where street works must be carefully planned and executed in order to avoid damage to, or failure of, the street itself or the associated structure with attendant danger to person or property.
Specified Area	That geographical area to which the Permit Scheme applies.
Specified Street	Those streets to which the Permit Scheme applies.
SROH	Specification for Reinstatement of Openings in the Highway.
Standard activities	Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory Undertaker	As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Street	As defined in section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare: <ul style="list-style-type: none"> a) any highway, road, lane, footway, alley or passage; b) any square or court; c) any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions: <ul style="list-style-type: none"> a) if the street is a maintainable highway, the Highway Authority, and b) if the street is not a maintainable highway, the street managers".
Street works	As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: <ul style="list-style-type: none"> a) placing apparatus; or b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".

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Street works licence	As stated in section 50(1) of NRSWA, "the Highway Authority may grant a licence (a "street works licence") Permitting a person: a) to place, or to retain, apparatus in the street, and b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
TMA	The Traffic Management Act 2004.
Traffic	As defined in section 105(1) of NRSWA, "traffic includes pedestrians and animals"
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works"
Traffic regulation order	This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984.
Traffic sensitive street	See section 1.6. This means a street designated by a Highway Authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport Authority	As defined in section 91(1)(a) of NRSWA, "Transport Authority means the Authority, body or person having the control or management of a transport undertaking".
Temporary Traffic Regulation Order (TTRO)	This means an order made under section 14 of the Road Traffic Regulation Act 1984 and amendments.
Trunk road	As defined in section 329 of the HA 1980, "trunk road means a highway, or a proposed highway, which is a trunk road by virtue of section 10(1) or section 19 above or by virtue of an order or direction under section 10 above or under any other enactment".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	Urgent activities are: a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the

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	<p>expiration of the appropriate notice period; and</p> <p>b) Includes activity that cannot reasonably be separated or severed from such activities.</p>
Working day	As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	Street works or Works for road purposes.
Works for road purposes	<p>As defined in section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway:</p> <p>a) works for the maintenance of the highway;</p> <p>b) any works under powers conferred by Part V of the Highways Act 1980 (improvement);</p> <p>c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or</p> <p>d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles".</p>

24 APPENDIX B: POLICY STATEMENT - CIRCUMSTANCES IN WHICH THE PERMIT AUTHORITY WILL REVIEW, VARY OR REVOKE PERMITS ON ITS OWN INITIATIVE

- 24.1.1 Once a Permit has been issued, the Promoter should have reasonable confidence that the road space will be available for them. However, circumstances beyond the Permit Authority's control may occur which may cause the Authority to review the Permit and as a result, may lead to the conclusion that the Permit or its conditions need to be changed or revoked.
- 24.1.2 The Permit Authority's policy is to avoid making such changes other than in exceptional circumstances which could not reasonably have been predicted or where the impact is significant. Such events may include floods and other adverse weather conditions, burst mains, dangerous buildings, etc. which may result in traffic being diverted onto the road where the activity was underway or about to start.
- 24.1.3 If the consequent disruption of such events cannot be mitigated in a way other than by changing or revoking the Permit, the Permit Authority will adopt the following procedure:
- i. As soon as the Permit Authority is aware that it may be necessary to vary or revoke a Permit, it will contact the Promoter to discuss the best way of dealing with the situation.
 - ii. If these discussions lead to an acceptable solution for both the Permit Authority and the Promoter, the Authority will either issue a new Permit incorporating the agreed changes or the Promoter can apply for a Permit variation from which the Authority will issue the new Permit.
 - iii. In the event that agreement cannot be reached, the Permit Authority will issue a new Permit on the terms it considers reasonable but the Promoter would have the option of invoking the dispute resolution procedure as set out in Section 19.
 - iv. No fee will be charged for variations or the revoking of a Permit where it is initiated by the Permit Authority unless, at the same time, the Promoter seeks variations which are not the result of the circumstances causing the Permit Authority's action.
- 24.1.4 The above policy does not restrict the Permit Authority from revoking a Permit if the Promoter is considered to be acting unreasonably and causing unnecessary disruption on site or to the flow of traffic or pedestrians.

25 APPENDIX C: POLICY STATEMENT - EMPLOYMENT OF SANCTIONS

- 25.1.1 Failure to obtain a Permit, where one is required to undertake specified activities in a specified street, or to commit a breach of a Permit condition, constitutes a criminal offence under the Regulations. The Permit Authority is empowered to employ three courses of action; Remedial action, Fixed Penalty Notices or Prosecution, to achieve compliance with the Permit Scheme.
- 25.1.2 Before resorting to these courses of action, the Permit Authority will always endeavour to resolve problems and achieve the necessary compliance with the Permit Scheme by informal negotiation with the Promoter concerned.
- 25.1.3 Where it is not possible to informally resolve the situation with the Promoter, the Permit Authority will usually serve a notice on the Promoter in respect of the non-compliance setting down the action that is to be taken within a set timescale. Failure of the Promoter to positively respond to such a notice may result in the Permit Authority carrying out the required action and recovering all reasonably incurred costs from the Promoter.
- 25.1.4 Dependant on the seriousness and persistence of the offence, the Permit Authority may either issue a Fixed Penalty Notice or commence legal proceedings against the Promoter.

26 APPENDIX D: FIXED PENALTY NOTICES (FPNS)

- 26.1.1 Under the Permit Regulations the Permit Authority intends to use FPNs in conjunction with this Permit Scheme.
- 26.1.2 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.
- 26.1.3 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.
- 26.1.4 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

26.2 PAYMENT OF THE FIXED PENALTY NOTICE

- 26.2.1 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.

26.3 GIVING AN FPN

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

27 APPENDIX E: PERMIT FEES

27.1 PERMIT FEES TABLE

Reinstatement category of street	Main Roads			Minor Roads
	0, 1 and 2	3 and 4		3 and 4
Street designated as traffic sensitive or not	All streets	Traffic sensitive at some times/locations		Non traffic sensitive at any time or location
Time and location of activity	Any time and location	Any part within traffic sensitive times / locations	Wholly within non traffic sensitive times / locations	Any time and location
Provisional Advance Authorisation	£105	£105	£75	£75
Major Works – over 10 days <u>and</u> all major works requiring a traffic regulation order	£240	£240	£150	£150
Major works – 4 to 10 days	£130	£130	£75	£75
Major works – up to 3 days	£65	£65	£45	£45
Standard Activity	£130	£130	£75	£75
Minor Activity	£65	£65	£45	£45
Immediate Activity	£60	£60	£40	£40

Note: That in line with the Permit Authorities policies and procedures, the above fees will be reviewed on an annual basis.

27.2 PERMIT VARIATION FEES

27.2.1 £45 for activities on category 0, 1 and 2 streets, and on 3 and 4 traffic sensitive streets.

27.2.2 £35 for activities on category 3 and 4 non traffic sensitive streets.

27.2.3 If a Permit variation moves an activity into a higher fee category, the Promoter will be required to pay the difference in Permit fee.

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

27.2.5 The review will take into account the on-going Scheme costs and inflationary rates.

27.2.6 The fees will not exceed the maximum charges as set by the DFT.

27.2.7 All Promoters will be notified of any changes to the fees.

28 APPENDIX F: PERMIT AUTHORITY INFORMATION AND CONTACT DETAILS

28.1.1 For up-to-date information on the by Southampton Permit Scheme and a full list of contact information and mandatory and standardised Permit conditions and related matters go to www.southampton.gov.uk and follow the links to Roads and Highways.