

**2013 No. 2398**

**HIGHWAYS, ENGLAND**

**The Traffic Management (Buckinghamshire County Council)  
Permit Scheme Order 2013**

*Made* - - - - *18th September 2013*

*Coming into force* - - *4th November 2013*

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

**Citation and commencement**

1. This Order may be cited as the Traffic Management (Buckinghamshire County Council) Permit Scheme Order 2013 and comes into force on 4th November 2013.

**Interpretation**

2. In this Order—

“the Buckinghamshire County Council Permit Scheme” means the permit scheme set out in the Schedule to this Order in terms commonly known as the “Buckinghamshire Permit Scheme” which was prepared and submitted to the Secretary of State by Buckinghamshire County Council and has been approved by the Secretary of State; and

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

**Commencement of Permit Scheme**

3. The Buckinghamshire County Council Permit Scheme comes into effect on 4th November 2013.

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

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

Signed by authority of the Secretary of State for Transport

*Norman Baker*  
Parliamentary Under Secretary of State

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(a) 2004. c.18.  
(b) S.I. 2007/3372.

SCHEDULE

Article 2

THE BUCKINGHAMSHIRE COUNTY COUNCIL PERMIT SCHEME



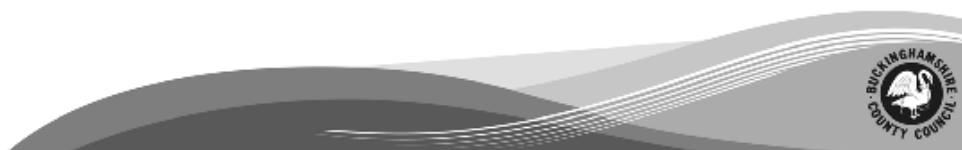
**Buckinghamshire County Council**

**Permit Scheme**

**For**

**Road Works and Street Works**

**(Traffic Management Act 2004)**



**Buckinghamshire County Council**  
Permit Scheme for Road Works and Street Works

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## **1. INTRODUCTION**

### **1.1 BACKGROUND**

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

### **1.2 THE PERMIT SCHEME**

This Permit Scheme, known as the 'Buckinghamshire Permit Scheme for Road Works and Street Works' or within this document as 'the Permit Scheme' sets out its objectives, requirements and procedures based on Part 3 of the TMA, the Traffic Management Permit Schemes (England) Regulations 2007 ('the Regulations'), Statutory Instrument 2007 No. 3372, and the Code of Practice for Permits (March 2008).

### **1.3 THE PERMIT AUTHORITY**

The Permit Scheme is operated by Buckinghamshire County Council as the Street Authority for Buckinghamshire (excluding Milton Keynes), hereinafter referred to as 'the Permit Authority'.

### **1.4 RELATIONSHIP TO THE NEW ROADS AND STREET WORKS ACT 1991 (NRSWA)**

Permit Schemes differ from existing powers for managing activities on the street in a number of key respects:

- They provide an alternative to parts of the notification system under NRSWA, whereby instead of informing a Street 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.
- Highway Authority own works are included in the scheme and are treated in exactly the same way as a statutory undertaker.
- Conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits.
- The Permit Authority's control over variations to the permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

### **1.5 CHANGES TO NRSWA LEGISLATION**

The Permit Scheme, when brought in to effect, will replace parts of NRWSA, specifically notices relating to Section 54 (advanced notice of certain works), Section 55 (notice of starting date of works) and Section 57 (notice of emergency works). Other elements of NRSWA are also revoked or modified (Appendix A) to necessitate the Permit Scheme and NRSWA operating effectively together.

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- Sections of NRSWA revoked:  
s.53; s.54; s.55; s.56; s.57; s.66
- Sections of NRSWA modified:  
s.58; s.73A; s.74; s.88; s.89; s.93; Schedule 105; Schedule 3A
- Regulations modified:  
The Street Works (Registers, Notices, Directions and Designations)  
(England) Regulations 2007 SI 2007/1951

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 undertakers' activities. 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 parity of treatment for all promoters.

#### **1.6 ACTIVITIES**

Within this document the term 'promoters' will be used for both utility and highway authorities and the term 'activities' will be used rather than 'works' despite the Permit Scheme applying only to street works and highway works.

#### **1.7 EQUIVALENT DEFINITIONS**

As the Permit Scheme will operate alongside the NRSWA notice 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 Traffic Sensitive Streets.

#### **1.8 OBJECTIVES**

Buckinghamshire has numerous strategic links to the motorway and trunk road network, including the A5, A404, M1, M25, M40 and M4. Buckinghamshire's network also provides key strategic diversion routes for these motorways. Since Buckinghamshire is largely a rural county, one of the key objectives of the permit

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scheme is to ensure journey reliability on the strategic and primary road network and, therefore, focuses on "Strategically Significant Streets" defined as traffic sensitive and type 0, 1 and 2 roads, that carry the greatest volume of traffic and provide important public transport routes.

All activities on the highways can reduce the width of the street available to traffic, pedestrians and other users, and can also inconvenience businesses and local residents. 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.

The objective of the TMA is to enable the management of the traffic network to ensure expeditious movement of traffic (including pedestrians, cyclists and other vulnerable road users) as required under the TMA Network Management Duty.

Part 3 (Permit Schemes) of the TMA aims to empower the Local Highway Authority to minimise disruption from both street and highway works.

**1.8.1 The Permit Scheme Objective**

Manage and maintain the local highway network to maximise the safe and efficient use of road space and provide reliable journey times

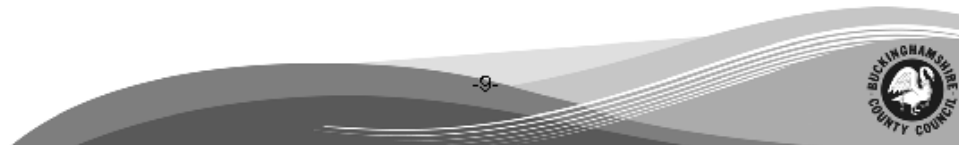
This will result in:

- Reduced congestion 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 sustainable communities and businesses
- Promotion of a safer environment
- Reduced carbon emissions

**1.8.2 Improving Performance**

The Permit Scheme objective will be facilitated by improving performance in line with the Authority's Network Management Duty in relation to the following key factors:

- Enhanced coordination and cooperation
  - › Encouragement of partnership working between the Permit Authority, all Activity Promoters and key stakeholder groups identified within this document
- Provision of more accurate and timely information to be communicated between all stakeholders including members of the public
  - › Promotion and encouragement of collaborative working
- Improvement in timing and duration of activities, particularly in relation to the busiest streets within the network



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- › Promotion of dialogue with regard to the way activities are to be carried out
- › Enhanced programming of activities and better forward planning by all Activity Promoters

**1.8.3 Aligned Objectives**

The Permit Scheme objectives align with the strategic objectives contained within the authorities' local area action plan

The five priorities for Buckinghamshire in this long term strategic plan are:

- : Enhancing accessibility
- :: Tackling congestion
- o Improving the environment
- o Improving road safety
- o Maintaining and managing the transport asset

## **2. SCOPE OF THE BUCKINGHAMSHIRE PERMIT SCHEME**

### **2.1 SPECIFIED AREA**

The Permit Scheme applies throughout the county of Buckinghamshire and extends to strategically significant streets, which includes all traffic sensitive streets, strategic routes and non traffic sensitive streets defined as reinstatement category 0, 1 or 2.

### **2.2 AREAS AND STREETS COVERED BY THE PERMIT SCHEME**

The Permit Scheme will apply to all traffic sensitive streets and non traffic sensitive streets defined as reinstatement category 0, 1 or 2 as identified on the National Street Gazetteer (NSG). The Street Gazetteer Additional Street Data (ASD) will be maintained and updated with relevant information indicating where a street will require a permit. The Street Gazetteer will be available to all Activity Promoters via the National Street Gazetteer Concessionaire's website.

### **2.3 STREET GAZETTEER**

The Street Gazetteer will be produced and maintained by Buckinghamshire County Council as the Highway Authority and Permit Authority. Further information about the Street Gazetteer and additional street data can be found in Appendix B. The Permit Authority will create, maintain and publish the LSG to Level 3.

### **2.4 AREAS AND STREETS NOT COVERED BY THE PERMIT SCHEME**

All activities in category 3 and 4 non-traffic sensitive streets are not subject to requiring a permit. These are subject to the current noticing regime under NRSWA 1991 and the TMA 2004.

All streets under the jurisdiction of Milton Keynes Council as included in their Local Street Gazetteer (LSG).

### **2.5 DEFINITION OF THE TERM 'STREET'**

'Street' refers to that length of a road with a single unique Street Reference Number (USRN). Where a single street has more than one USRN, separate permits will be required for each USRN to which an activity relates.

### **2.6 IDENTIFICATION OF STREETS**

Streets subject to the Permit Scheme will be identified as an Additional Street Data (ASD) record held on the National Street Gazetteer Concessionaire's website alongside the NSG data.

### **2.7 MOTORWAYS AND TRUNK ROADS**

Motorways and trunk roads in Buckinghamshire for which the Highways Agency are the Highway Authority are excluded from the Permit Scheme. See Appendix C.

## **2.8 NON MAINTAINABLE HIGHWAYS**

Private streets that are not maintainable highways, other than those that are expected to become a maintainable highway, are not included in the Permit Scheme.

## **2.9 STREETS TO BE ADOPTED AS MAINTAINABLE HIGHWAYS**

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.

## **2.10 PERMIT VALIDITY**

The permit will be granted for a period of calendar days. This will prevent ambiguity as to whether the permit is valid at weekends or on Bank Holidays. A permit will only be valid for the period between the start and end date.

## **2.11 PERMIT VARIATION**

Changing circumstances for either the promoter or Permit Authority may require permit conditions to be modified. Variations to permits will be confirmed by the granting of an amended permit showing the revised details. If the Permit Authority initiates the variation then there will be no fee charged for the granting of this revised permit, however if the variation is initiated by the Activity Promoter then a permit variation fee will be applicable.

Applications for permit variations must contain the following information as applicable:

- The revised timescale.
- Any change to the description of the activity.
- Any change to the location within the same street
- A revised illustration.
- Any change to the method of excavation.
- Any variation to the depth of the excavation from less than 1.5m to more than 1.5m
- Any changes to the conditions.
- Any changes to Traffic Management.
- The need for a TTRO when not thought to be required initially

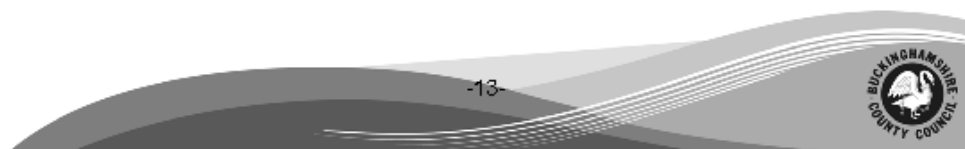
If a full permit has not yet been granted and the promoter needs to make a change, the promoter must inform the Permit Authority. For Major works, the promoter may also need to make a new Provisional Advance Authorisation (PAA) application as PAAs cannot be varied.

It is important that permit variations are sought whenever changes are needed as working without a permit or outside the permit conditions is a criminal offence.

For further information on permit variations refer to section 11.

**2.12 WORKING WITHOUT A PERMIT**

If a permit is required, but has not been sought or granted, or the permit has been cancelled, activities cannot be carried out without committing a criminal offence.



### **3. SPECIFIED ACTIVITIES**

#### **3.1 ACTIVITIES REQUIRING A PERMIT**

The Permit Scheme controls the following activities undertaken on the public highway and as defined as Registerable Activities under NRSWA.

These include:

- Street works - work on plant and apparatus in the street by undertakers, except for works by licensees under Section 50 of NRSWA.
- Works for road purposes - maintenance and improvement works to the road itself carried out by, or on behalf of, the Highway Authority (under Section 86 of NRSWA).
- Major highway works (including Developer Activities under Section 278 of the Highways Act 1980).
- Other activities that may be introduced under future regulations.
- All activities that involve the breaking up or resurfacing of the street.
- All activities that involve the opening of the carriageway or cycleway on traffic sensitive streets, or streets with a reinstatement category of 0,1 or 2.
- All activities that require the use of any form of temporary traffic control as defined in the Code of Practice for Safety at Street Works and Road Works.
- All activities that reduce the number of lanes available on a carriageway of three or more lanes.
- All activities that require a Temporary Traffic Regulation Order (TTRO) or notice, or the suspension of pedestrian crossing facilities.
- All activities that require a reduction in width of the existing carriageway of a traffic sensitive street, or street with a reinstatement category of 0,1 or 2.

The Permit Authority will be able to specify any required conditions to the permits and promoters **must** comply with the terms and conditions of the permits.

*One permit can only cover one activity on one street as per Section 9.5.*

#### **3.2 WORKS FOR ROAD PURPOSES**

The Permit Scheme rules, including permit conditions, will apply equally to both Highway Authority 'works for road purposes' and statutory undertaker activities. Fees will not be applied to the Highway Authority's own works. The Highway Authority and any promoter of 'works for road purposes' must ensure that they have followed the equivalent processes and declare that they have fulfilled these requirements in their permit applications.

Permit Authorities must demonstrate parity of treatment for all Activity Promoters, particularly between statutory undertakers and the Highway Authority's own work promoters, which will be measured through Key Performance Indicators.



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Diversions to accommodate works for road purposes shall not require the statutory undertaker to apply for a permit. The Highways Authorities activity promoter shall be responsible for the permit application to cover the diversions works.

**3.3 ACTIVITIES NOT REQUIRING A PERMIT BEFORE THEY START**

Immediate activities ~~do~~ require a permit but because 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 from the Permit Authority within 2 hours. If the works commence out of working hours then a permit must be applied for by 10am the next working day. Immediate activity permit applications must comply with the relevant conditions as per Appendix D.

**3.4 WORKS AND ACTIVITIES FOR WHICH A PERMIT IS NOT REQUIRED**

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 have to follow the normal NRSWA procedures through their respective councils. Further information regarding exempt activities can be found in section 4.2.

#### **4. PERMIT GENERAL**

##### **4.1 REQUIREMENT TO OBTAIN A PERMIT**

Any promoter who wishes to carry out an activity on a specified street must obtain a permit from the Permit Authority.

This will allow the promoter to:

- Carry out the specified activity
- At the specified location
- Between the start and end dates shown
- Subject to any conditions that may be attached or required.

All of this information will be included in the permit.

##### **4.2 EXEMPT ACTIVITIES**

The following activities do not require a permit:

- Activities carried out following the granting of a street works licence issued under section 50 of NRSWA.
- Third Party Activities e.g. repair to private apparatus.
- Activities carried out by Parish, Town or District Councils where a Section 50 licence or licence to excavate has been applied for.
- Traffic census surveys.
- The maintenance of fire hydrants by fire service vehicles provided the activity is undertaken outside traffic sensitive periods.
- Pole testing not requiring excavation. All pole testing involving excavation requires registration and will need a permit before the works commence as would be the case with other excavations. 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.

###### **4.2.1 Continuity of Streetworks Register**

For continuity of the register, promoters of activities not requiring a permit are nevertheless encouraged to apply for a permit to ensure that road space is available. This will ensure that their work will not be interrupted by other activities for which a permit has been granted. No fee will be charged in the granting of a permit for exempt activities. If, during the course of the activity, this situation changes, then all work must cease, the highway re-opened for all users and an application submitted to the Permit Authority for the appropriate permit. The application for an optional permit will be the same as for other permits and as detailed in Section 9.

#### **4.3 ONE APPLICATION PER STREET**

Separate permits will be required for each USRN to which an activity relates.

#### **4.4 ACTIVITIES COVERING SEVERAL STREETS**

Where a specified activity as part of the same project involves a number of specified streets, a separate PAA or permit will be required for each street, and all permits granted shall be cross-referenced to all related applications and, where streets not included in the scheme are involved, the appropriate notice will also be cross-referenced. Fees for specified activities which involve more than one PAA or permit will be subject to a discount, as per section 13.5.

#### **4.5 MULTIPLE PHASE & LINKED ACTIVITIES**

Each phase of an activity will require a separate permit. Each permit must relate to the original activity by using the original ETON activity reference number used in the first and subsequent phases (e.g. interim to permanent reinstatement phases as well as any remedial works phases should they be required).

- o A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works.
- o A promoter must clarify that an activity is to be carried out in phases on the initial PAA or permit application.
- o For a major activity, the ETON activity reference number must be used within the PAA (as per section 6.2).
- o Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. All works in these circumstances must be related and operationally dependant upon each other.
- o Unconnected activities carried out by the same promoter in one street must not be treated as parts, or phases, of a single activity.
- o Customer connections associated with the installation of a new main or cable run, or the replacement or renewal of existing assets, will be considered to be linked activities when the work is completed as a single occupancy of the street. *If the installation of customer connections is undertaken at a later date then the promoter shall apply for a separate permit.*
- .. Even if an activity involving more than one street forms part of one project in management and contractual terms, separate permits and PAAs must be obtained for each street or USRN.

#### **4.6 REMEDIAL WORKS**

Remedial works are required to put right defects identified in accordance with the Specification for Reinstatement of Openings in the Highway (SROH), the Code of Practice for Inspections and NRSWA Regulations, and will require a new permit. This new activity phase must be cross-referenced to the permit for the original activity by using the original ETON activity reference, as per section 4.5.

#### **4.7 INTERRUPTED ACTIVITIES**

If an activity is interrupted because, for example, the promoter needs some specialist plant or apparatus other than that originally planned, it is the promoter's responsibility to notify the Permit Authority and agree the appropriate action. If the Permit Authority is satisfied that the excavation can remain open whilst the equipment is obtained, then a variation will be required and an extension to the permit granted. However, where it is considered that the opening should be reinstated and the road returned to full traffic use then the promoter will need to apply for a further, chargeable, permit in order to complete the work at a later date.

#### **4.8 CROSS BOUNDARY ACTIVITIES**

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.

Where a project with activities in more than one street straddles the boundary between the Permit Authority and an adjacent Street Authority, separate permit applications, including any PAA, should be submitted to the Permit Authority and prescribed notices should be submitted to the Street Authority in line with regulations.

A single project reference should be included on applications and all notices so that both authorities can consider the impact and co-ordinate the activities together.

#### **4.9 COLLABORATIVE WORKING**

The Permit Authority encourages collaborative working between promoters for street works and works for road purposes. Where two or more Activity Promoters decide to enter into such arrangements, one must take on the role of the primary promoter with overall responsibility for the activities, and will be the point of contact in communications with the Permit Authority. The secondary promoter(s) retain the same responsibility for submitting permit applications for work to be carried out by them, or on their behalf. The Permit Authority will grant permits to all the promoters involved, not just the primary promoter. The fees will be discounted, as per section 13.5, to reflect the collaborative approach, subject to all criteria being met. The secondary promoter(s) will install their apparatus in the same trench. The primary promoter will then backfill and reinstate the trench. The Registration notices must be submitted by the primary promoter and the primary promoter will be responsible for the reinstatement.

The primary promoter must detail the other promoters involved and the scope of the collaborative working in the initial application. The primary promoter must also ensure that estimates of works duration are agreed and/or confirmed with the secondary promoter(s) when submitting PAAs and/or permit applications. This is necessary in order to comply with the overrun charging requirements in the permit and NRSWA regulations.

Only those registration notices submitted by the promoter responsible for the reinstatement are required to show the actual inspection units attributable to the

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street works. The other promoters in these circumstances must indicate a 'No Excavation' status on the Section 74 Work Stop Notice. Notice text within the Work Stop notice must indicate that reinstatements have been registered by the promoter responsible for the reinstatement.

This process may vary in line with future amendments to the Technical Specification for EToN.

**4.9.1 Working Together**

A similar approach to discounted permits will be followed for multi promoters sharing road space (e.g. road closures, shared traffic management), although each individual promoter should apply for a permit in the normal way.

**4.10 REINSTATEMENT**

If a permanent reinstatement cannot be completed during the first phase, the activity shall be regarded as having two separate phases. Under the provisions of NRSWA, this will mean two separate works/activities for Section 74 charging. Each phase is from the start date in the relevant permit to the completion of either interim or permanent reinstatement and the removal of all surplus materials and equipment from site.

**4.11 CHARGES FOR OVERRUNNING STREET WORKS / ACTIVITIES**

Charges for overrunning activities, under Section 74 of NRSWA, will be made alongside the Permit Scheme, as per Section 1.5. These regulations incorporate the process of setting and modifying the duration of the activity through the permit application, approval and variation processes, with the option to treat all or parts of an extension to the duration as a chargeable overrun.

**4.12 PERMIT DURATION AND VALIDITY**

The permit will allow an activity to be carried out for a specified duration between the start and end date on the permit. A promoter working outside those dates will not have a valid permit and would be potentially committing an offence. If the activity cannot commence on the proposed start date and a variation is required, the promoter must inform the Permit Authority no later than the preceding day by telephone.

There is no automatic extension of the permit end date in these circumstances and 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 NRSWA. Otherwise, the promoter must apply for a variation to the permit. If the Permit Authority has reason to believe the activity did not commence on the start date and has not been informed by telephone that the activity would not start on the agreed start date then a variation to the end date may be refused. The Permit Authority may or may not agree to a variation depending on the circumstances, and if not, the promoter may be subject to Section 74 overrun charges, fixed penalty notice or prosecution.



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 unless a variation is granted.

#### **4.13 EARLY START**

A promoter may request an early start before or after applying for a PAA or a permit. Where a permit has been granted and an early start has been agreed by the Permit Authority, the promoter shall submit a variation to the permit, or in the case of a PAA, include the revised dates on the application for the subsequent permit. An early start reference number will be issued by the Permit Authority, and must be quoted on the permit application or permit variation application.

Where an early start has been agreed before the PAA or Permit is applied for, there will be no additional charges applied to the permit fee, however, where a variation application is made to request an early start after the permit has been granted or deemed, a variation charge will apply.

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

#### **4.14 APPLICATION REQUIREMENTS**

All applications for a permit must include the information indicated in Section 7.

## **5. PROVISIONAL ADVANCE AUTHORISATION AND PERMIT TYPES**

There are two types of permit covered by the Permit Scheme.

### **5.1 PROVISIONAL ADVANCE AUTHORISATION (PAA)**

Provisional Advance Authorisation (PAA) is effectively an early provisional permit granted before the final details of an activity have been finalised. PAAs are only for major activities, i.e. those which are large and/or likely to be more disruptive. It replaces the advanced notice under Section 54 of NRSWA.

Once a PAA has been granted or deemed, the promoter must serve a full permit application which must be granted or be deemed before activities can commence as defined in Section 5.2.

Once the PAA is granted, the promoter knows that the activities are approved and the affected road space is provisionally reserved. However, as it may be difficult to be certain of the start date three months before the event, the proposed start date is regarded as provisional and may be amended in the application for a final permit.

The granting of a PAA does not prevent the Permit Authority from subsequently refusing to grant a permit to which the PAA relates.

Unless otherwise agreed with the Permit Authority in advance, all PAAs must be served with a minimum application period of three months ahead of the proposed start date in line with Table 1 in Section 9.9.

### **5.2 PERMITS**

Permits are full permit applications with final details for all registerable activities on the specified street. Permit applications are required for all classes of activities defined in Section 6.0. The timing of permit applications to the Permit Authority will depend on the proposed activity. A copy of each permit is to be provided by the applicant upon request made by a relevant authority and to any person having apparatus in the street to which the application relates.

All permit applications must be submitted in line with Table 1 in Section 9.9.

## **6. CLASSES OF ACTIVITY REQUIRING A PERMIT**

### **6.1 CLASSES COVERED BY THE PERMIT SCHEME**

There are four classes of Permit covered by the Permit Scheme. The classes and response times can be found in Table 1 in Section 9.9.

### **6.2 PERMIT FOR MAJOR ACTIVITIES**

- › Have been identified in an Activity Promoters' annual operating programme or are normally planned or known about at least six months in advance of the proposed start date for the activity (early engagement with the Permit Authority is strongly encouraged prior to the PAA application whilst the major activities are still in the planning stage).
- Require a Temporary Traffic Regulation Order (i.e. not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other activities other than immediate activities.
- Have a duration of 11 working days or more, other than immediate activities.

Major Activity Permits are required for the most significant activities on the highway which are likely to cause the most disruption, and will require the promoter to obtain a Provisional Advance Authorisation as part of the application process.

Minimum application periods for Major activities are defined in Table 1 of Section 9.9.

### **6.3 PERMIT FOR STANDARD ACTIVITIES**

Standard activities are those activities, other than immediate or major activities, that have a planned duration of between four and ten working days inclusive.

Minimum application periods for Standard activities are defined in Table 1 of Section 9.9.

### **6.4 PERMIT FOR MINOR ACTIVITIES**

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

Minimum application periods for Minor activities are defined in Table 1 of Section 9.9.

### **6.5 PERMIT FOR IMMEDIATE ACTIVITIES**

Immediate Activities are either:

- Emergency activities, which are defined in Section 52 of NRSWA, are activities required to end, or prevent, circumstances, either existing or imminent, that



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might cause damage to people or property. This applies to both street works and works for road purposes which fall within the definition of activities. The term also includes activities not falling within that definition but which cannot be severed from those that do - such as activities away from the emergency site that are necessary to shut off or divert a supply. Remedial works to dangerous defective reinstatements are classed as emergency works (but there will be a need to cross reference these to the permit given for the parent activity).

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

Promoters carrying out immediate activities must contact the Permit Authority by telephone immediately where the specified street is especially vulnerable to traffic disruption as indicated on the ASD. The call will be logged and a unique reference number provided. If the activities are identified out of working hours the promoter must leave a telephone message with contact details, time, location and reason for the immediate activities. The Permit Authority will return the call by 09.00am the next working day and provide the unique reference number. This reference number must be submitted on the permit application in the form of an agreement as defined by the Technical Specification for ET&N.

Minimum application periods for immediate activities are defined in Table 1 of Section 9.9.

#### **6.6 BURDEN OF PROOF**

The activity description must justify why the activity is immediate.

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 an offence. Appropriate enforcement action may be taken by the Permit Authority. This may include the revocation of the permit, fixed penalty notices, and/or criminal proceedings against the statutory undertaker.

## **7. INFORMATION REQUIRED IN A PERMIT APPLICATION**

(Including Provisional Advanced Authorisation Applications)

### **7.1 PERMIT AUTHORITY REQUIREMENTS**

Permit applications must contain the required level of information in order for the Permit Authorities to properly assess the application and if necessary request that the appropriate conditions be added.

To aid the application and co-ordination process, the quality of the information supplied within any application must be sufficient to allow the Permit Authority to make an efficient and informed decision in relation to the following:

- The overall objectives of the Permit Scheme as defined in Section 1.8.
- The full impact of the proposed activities on the highway and users of the highway.
- Identification of potential activity conflicts.
- The potential for collaborative working.
- Identification of any permit conditions that may be required.

### **7.2 TECHNICAL SPECIFICATION FOR ETON**

Permit applications will always be served in accordance with the Technical Specification for ETON.

### **7.3 UNIQUE STREET REFERENCE NUMBER (USRN)**

An application shall relate to one proposed activity in only one street.

### **7.4 DESCRIPTION OF ACTIVITY AND COLLABORATIVE PROMOTERS**

A detailed description of the activity must be provided to allow the Permit Authority to assess the likely impact of the activities.

Descriptions must justify the proposed duration of the activity

In the case of collaborative working, a full description of the collaborative scheme of works must be provided and the Activity Promoters identified. Contact details for all Activity Promoters working in collaboration must be provided in all permit applications including out of hours details.

### **7.5 LOCATION**

Promoters must give an accurate activity location based on National Grid References (NGRs), in line with the Technical Specification for ETON.

Polygons for all activity application types, as defined in Section 6, can be supplied.

If any NGR contained within a permit application is considered to be inaccurate or misleading, the application may be refused.

#### **7.5.1 Locations for Major Works**

Start and end National Grid References (NGRs) must be supplied as a minimum, however, a poly line (line centre of site) is desirable, particularly if proposed works areas or trenches deviate from a straight line, for example, following the curvature of a street or requiring a road crossing.

#### **7.5.2 Locations for Standard, Minor and Immediate Works**

A centre point NGR must be supplied as a minimum; however, as with major works, a line or a poly line (line centre of site) is desirable in the following circumstances:

- The activity area or trenches are expected to be more than 10 metres in length.
- Activity locations on the application in the same street are separated.
- Activity areas or trenches are to deviate from a straight line (for example, following the curvature of a street or requiring a road crossing).

#### **7.5.3 Location Descriptions**

NGRs must be supported by the notice location text facility defined in the Technical Specification for EToN. This data must contain relevant and detailed information, specific to the application, to include the following:

- House names and numbers including where works are to start and finish.
- Proximity to fixed geographic points where house numbers or names cannot be obtained (for example, distance from a junction of another street).
- Where activities are affecting the verge, footway or carriageway (or a combination of the above).

If the activity location description of the proposed permit is considered to be inadequate the application may be refused.

### **7.6 TIMING AND DURATION**

Each permit application must include the proposed start and end dates of the activity. The duration is in consecutive calendar days not working days and should indicate if

the activities are intended to be carried out over weekends, bank holidays or out of normal working hours.

Where activities are proposed in traffic sensitive streets, start and end times for each day should be specified within the conditions.

### **7.7 ILLUSTRATION**

Activity Promoters should provide an illustration of the activity, particularly where the activity is significant in terms of potential disruption due to its position and size.

This may include more than just major activities - a small excavation at a critical junction may be much more disruptive.

Illustrations, where provided, should be based on an extract of the plan held by the Activity Promoter showing the location of their apparatus at the site in question.

Illustrations should be sent via EToN as an attachment wherever possible.

### **7.8 TECHNIQUES TO BE USED FOR UNDERGROUND ACTIVITIES**

Details of the planned techniques, such as open cut, trench share, minimum dig technique or no dig must be provided. Until such times as there is an EToN field specifically for this information, it should be included as a comment on the permit application.

### **7.9 TRAFFIC MANAGEMENT PROPOSALS**

Details of traffic management proposals will be required within the permit application.

#### **7.9.1 Portable Traffic Signals**

Details of portable traffic signals must be contained within the permit application. If prior approval has been given this should be noted on the permit application.

#### **7.9.2 Traffic Regulation Orders**

Details of any Traffic Regulation Orders (TROs) and Temporary Traffic Regulation Orders (TTROs) will be required within the application, including any requirement for action by the Highway Authority, such as the need for, and approval of temporary road closures.

In the case of, for example, the suspension of a parking bay, bus lanes, one way systems or pedestrian crossings, the Activity Promoter should make an application to the appropriate authority.

Applicants requiring a TTRO should be aware that additional costs will be levied and the Activity Promoters should familiarise themselves with the timescales relating to TTRO applications.

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A PAA must specify that an application has been made to the relevant authority for a TTRO where required.

The follow-up major works PA must confirm that a TTRO has been made by the relevant authority.

#### **7.10 DEPTH**

Activity Promoters must indicate if they anticipate the excavation will exceed 1.5m at the time of application. This can be added as a comment until such time that an EToN field is available specifically for this information. See Section 11.7 for Permit Variation requirements on Depth.

#### **7.11 INSPECTION UNITS**

The Activity Promoter is required to indicate the estimated 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.

#### **7.12 CONTACT PERSON**

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

#### **7.13 CONDITIONS ON PERMIT APPLICATIONS**

Conditions are set out in Section 8. The application must contain all relevant conditions and must be served within the EToN condition fields as specified by the Technical Specification for EToN.

##### **7.13.1 Mandatory Conditions for All Activities Including Immediate Activities**

- › Mandatory Conditions M1 to M3 will apply to every permit that is granted.
- › Mandatory Conditions can be found in Appendix D.

##### **7.13.2 Immediate Mandatory Conditions**

For all immediate activities where a permit is not required prior to starting work.

- Mandatory Conditions M1 to M3 will also apply to every permit that is granted for immediate activities.
- Immediate Mandatory Conditions IM1 to IM3 will apply to every immediate activity permit that is applied for and will be effective before and after the permit is granted.

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- › Mandatory Conditions for planned and immediate activities can be found in Appendix D.

**7.13.3 Specific Conditions**

- › Where specific conditions are required they must be specified in the permit application.
- › The type of specific conditions that may be applied to an activity can be found in Appendix D.

**7.14 FAILURE TO COMPLY**

Failure to comply with the above requirements may affect the response time and ultimately the success of the permit application, which may be refused.

All Mandatory conditions are assumed and do not need to be detailed in the permit application, however, specific conditions, as agreed with the Permit Authority, must be recorded on the permit application.

## **8. PERMIT CONDITIONS**

### **8.1 CONDITIONS**

The Permit Scheme allows for the Permit Authority to specify conditions that will be applied to permits. Any permit granted will specify in detail the activity and will reflect any conditions on the original application. If the activity strays outside the scope of the permit it becomes subject to a variation agreement. If an agreement is not sought by the Activity Promoter, or not agreed by the Permit Authority, then the authority will be able to take appropriate enforcement action.

The types of conditions that may be applied to permits are detailed in Section 10 of the Traffic Management Permit Scheme (England) Regulations 2007.

### **8.2 BREACHING OF CONDITIONS**

Regulation 20 of the permit regulations provides that it is a criminal offence for a statutory undertaker or a person contracted to act on its behalf to breach a permit condition.

If the Permit Authority considers that a promoter is failing to comply with the conditions of a permit then it may revoke the permit. The Permit Authority will contact the promoter to warn them of its intention to revoke a permit, and allow the situation to be discussed.

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 committed an offence, the Permit Authority will take appropriate action as described in Section 14.

### **8.3 CONDITION TYPES**

The scheme defines three types of permit condition.

#### **8.3.1 Mandatory Conditions**

- › These conditions will be applicable to **all** permits including immediate activities.
- › When the Permit Authority decides that a change to conditions applied to all permits is required, it will first consult all promoters on the proposed conditions.

#### **8.3.2 Mandatory Conditions for Immediate Activities**

- These conditions will apply to all permits and permit applications for immediate works as defined in Section 6.
- The Permit Authority may impose further conditions prior to the granting of a permit. The imposition of such conditions will be subject to

discussion with the promoter of the activity and will be included in the subsequent permit.

- o Mandatory Conditions for planned and immediate activities can be found in Appendix D

### **8.3.3 Specific Conditions**

- o Specific Conditions, defined in Appendix D, will be applied when and where they are required for an activity.
- o Standard wording and terminology around these conditions will be published on the Permit Authority website. This terminology is to be utilised where conditions are to form part of a permit application.

### **8.3.4 Local Conditions**

- o Where 24 hour temporary traffic signals are to be used, the signals must be manned during traffic sensitive times to control the tidal flow of traffic and minimise delays. Use of Stop/Go boards may be required instead of lights.
- o Activity Promoters must use authorised pre-set traffic management plans for critical signalised junctions as specified by the Permit Authority.
- o The effect of planned activities to a Public Transport provider, such as Bus Company, has to be taken into consideration when the Permit Authority considers the permit application. These providers require consultation on the planned works to provide alternative services in order to minimise the impact of works. A condition may be applied as a result.
- o Where it is considered to be necessary, the Permit Authority will apply other local conditions that are applicable to the nature of the work and network constraints. The application of local conditions to specific permits will follow discussions with the promoter of the activity.

## **8.4 WORKS FOR ROAD PURPOSES CONDITIONS**

- o The Highway Authority is to consult with any person who has apparatus likely to be affected by the permit activities.
- o The Highway Authority is to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.

## **8.5 AVOIDANCE OF CONFLICT WITH OTHER LEGISLATION**

The Permit Authority should try to ensure that any conditions applied to a permit do not conflict with the Activity Promoter's obligations under separate legislation. The Activity Promoter should bring such conflicts to the attention of the Permit Authority, who will then be responsible for resolving the issue with the other body and amending the permit conditions accordingly.

All parties should promote safe working practices and act reasonably and responsibly.



If the Activity 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.

#### **8.6 PERMIT AUTHORITY IMPOSED CONDITIONS**

The Permit Authority may impose further conditions prior to the granting of a permit where this is deemed necessary. The imposition of such conditions will be after discussion with the promoter of the activity, and the conditions will be included in a modified application and the subsequent permit.

#### **8.7 REVISIONS TO CONDITIONS**

Promoters will be consulted on any proposed changes to permit conditions and will be given the opportunity to comment and participate in the process; the consultation period will be proportionate to the proposed revision. Following consultation, the revised conditions will be published on the Permit Authority website.

## **9. PERMIT APPLICATIONS**

### **9.1 TIMING OF APPLICATIONS**

The timing of applications for permits and PAAs, and the Permit Authority's response time, will vary according to the proposed activity. The minimum times are given in Table 1 below. Activity Promoters should give as much notice as possible, so as to facilitate the coordination process. Where the activity is dependent on a Temporary Traffic Regulation Order, temporary traffic signal approval or the suspension of parking regulations, the relevant timescales should be taken in to account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA. The application process will begin when the Permit Authority receives the applications, as defined in the EToN Specifications, not when the permit was sent.

### **9.2 SUBMITTING AN APPLICATION**

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

### **9.3 SYSTEM FAILURE**

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 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. email or fax), or may be sent by post or delivered by any other method agreed with the Permit Authority.
- 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.
- Audit trails and systems must be set up to demonstrate proof of writing and to record delivery of permit applications.
- In the event of complete system failure, any permit variation application or information or discussion should be made by telephone to the appropriate contact given in Appendix E. The officer concerned will issue an individual reference number. This reference number must be displayed on the electronic application through EToN following recovery of service to ensure correct cross-referencing.
- Following recovery of the service, a copy of the application or notice should be sent through EToN to ensure information on the activities is correctly recorded in the register.

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- c Fixed Penalty Notices (FPNs), Section 74 charges and any other penalties that result due to system failures may be waived provided that the Activity Promoter informs the Permit Authority about the system failure.

#### **9.4 COMPLIANCE WITH ETON**

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

#### **9.5 ONE APPLICATION PER STREET**

Each application shall refer to one activity in only one street as per Section 4.3. Where a project covers more than one street, all related applications must be cross-referenced and the project reference included on each application. Single applications containing activities in more than one street will not be accepted by the Permit Authority.

#### **9.6 USE OF PLAIN ENGLISH**

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

#### **9.7 NOTIFICATION TO INTERESTED PARTIES**

Where the Additional Street Data (ASD) indicates other interested parties, the Permit Authority will check whether any parties have registered an interest prior to an application for a permit or PAA being granted, and will notify the interested party.

#### **9.8 COMMUNICATION AND PUBLICITY REQUIREMENTS**

- o Activity Promoters must carry out necessary consultations as set down in Sections 88, 89 and 93 (as amended) and Sections 90 and 91 of the NRSWA, dealing with notification to bridge, transport and sewer authorities.
- o Consultations with Network Rail are the same as with NRSWA.
- o Reference must be made to the regulations current at the time.

#### **9.9 APPLICATION AND RESPONSE TIMES**

The Permit Scheme sets down the application and response times for dealing with permit applications and variation applications in the table below. In all cases given in Table 1, the time period is measured from the time of receipt of the application by the Permit Authority, in accordance with the application and response time rules defined in the relevant section of the "Technical Specification for the Electronic Transfer of Notifications". A "response" means a decision to grant or refuse a permit, but where there are reasons why the permit cannot be granted on the terms applied for, the response indicating that a permit will not be granted on those terms will explain the reasons to the applicant.

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**TABLE 1: Application and Response Times**

Application and response times						
ACTIVITY TYPE	Minimum application periods ahead of proposed start date		Minimum period before permit expires for application for variation (including extension)	Response times for issuing a permit or seeking further information or discussion		Response times to applications for permit variations
	Application for provisional advance authorisation	Application for permit		Application for provisional advance authorisation	Application for permit	
Major	3 months	10 days	2 days or 20% of the original duration whichever is longest	1 calendar month	5 days	2 days
Standard	n/a	10 days		n/a	5 days	
Minor	n/a	3 days		n/a	2 days	
Immediate	n/a	Within 2 hours		n/a	2 days	

The term “days” in the table above refer to working days as defined in NRSWA and the Regulations.

**9.10 APPROVAL OF PERMIT APPLICATIONS**

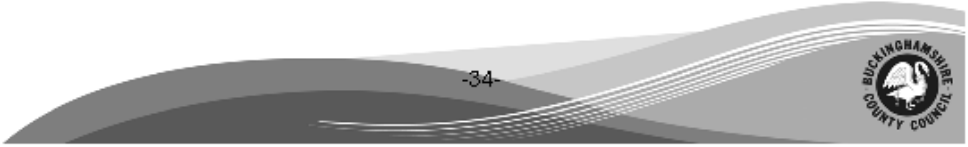
If the Permit Authority is content with the proposal, it will grant a permit within the response times detailed in Table 1. The permit will be based solely on the details provided in the application that is being granted, including associated documentation, for example drawings and any conditions imposed by the Permit Authority. A permit shall be granted in accordance with the Technical Specification for EToN.

**9.11 REFUSAL OF PERMIT APPLICATIONS**

A Permit Authority cannot refuse legitimate activities, but does reserves the right to refuse an application for a permit or PAA where it considers elements of the application to be unacceptable, for example timing, location or conditions.

**9.12 RESTRICTIONS ON ACTIVITIES DUE TO EMBARGOES**

Where a promoter wishes to apply for a permit to carry out specified activities on a specified street where a notice has been published under Sections 58 or 58A of 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. If the consent is given, the Permit Authority will provide an agreement reference number. This agreement reference number must be included in the specific EToN field for agreement details with the permit application for the permit to be approved.



### **9.13 ERROR CORRECTION**

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

This procedure cannot be used without the prior agreement of both parties. A variation fee will not be applicable if the error correction is requested prior to the permit being granted by the Permit Authority. If the permit has been granted, a variation fee may be applicable.

## **10. APPROVAL OF PERMITS**

### **10.1 TIMING OF PERMIT APPROVAL**

Where the Permit Authority is content with the proposal, it will grant a permit within the response times detailed in Table 1 above via EToN.

### **10.2 METHOD OF PERMIT GRANT**

A permit will be granted 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. The permit will specify in detail the activity it allows and its duration. Once the Permit Authority has been notified of a promoter's system failure, the Permit Authority will contact the Activity Promoter and agree an alternative method by which permit should be sent.

### **10.3 INCLUSION OF CONDITIONS**

A permit will be sent electronically to the promoter for every permit that is granted and will include all the conditions identified in the application that is being granted.

### **10.4 DAYS OF WORK**

To prevent ambiguity as to whether the permit is valid, even at weekends or on Bank Holidays, the start and end dates should be in calendar days. This is important for the operation and enforcement of Permit Schemes given the penalties for working without a permit.

If the permit allows working at weekends or on Bank Holidays, the permit start and end dates should accommodate that, even if those days do not count towards the reasonable period for Section 74 of NRSWA or the starting window.

It should be noted that if the permit states that the works should start on Monday and finish on Friday, the weekend cannot be used as additional days without the express approval of the Permit Authority by means of a permit variation.

### **10.5 PERMIT UNIQUE REFERENCE NUMBER**

All permits will be given a unique reference number in line with the EToN Technical Specifications and permits granted for linked activities will include the common project reference to enable them to be cross-referenced.

### **10.6 REMEDIAL WORK**

In the event of remedial activities being required after the expiry of the permit, an application must be made for a new permit. The new permit must be cross-referenced to the permit for the original activity, always using the original EToN activity reference used in the first and subsequent phases.

#### **10.7 NOTIFICATION OF REFUSAL**

If, having considered an application for a permit or PAA, the Permit Authority decides to refuse the application, the permit refusal will be sent electronically in accordance with the formats given in the Technical Specification for EToN. It will explain precisely why the application is unsatisfactory and which aspects need modification.

#### **10.8 RIGHT OF APPEAL**

The Activity Promoter has a right of appeal, in accordance with the dispute resolution process set down in the Code of Practice for Permits. If it is not possible for the Activity Promoter to reach a satisfactory resolution in discussions with the Permit Authority, it may be necessary for the activity to stop until the issues are resolved. In the case of immediate activities, stopping the activity may be subject to safety and legal considerations.

#### **10.9 PERMIT APPLICATION DEEMED TO BE APPROVED**

If the Permit Authority fails to reply to an application for a permit or PAA within the designated response times, the permit or PAA is deemed to be granted on the terms of the application. The proposed start and end dates, description, location, duration, traffic management etc. will be included in the permit and associated conditions for the activity and will then be binding on the Activity Promoter in the same manner as if the permit had been granted within the timescale. Breaching the conditions will constitute an offence. In cases of deemed permits, no permit fee will be applicable.

#### **10.10 AMENDMENT TO THE ORIGINAL APPLICATION**

Where the Permit Authority discusses its intention with the Activity Promoter to impose further conditions, which effectively amend the details of the original application, the Activity Promoter shall modify and resubmit the application. There will be no charge for the variation if instigated by the Permit Authority. If the variation is instigated by the promoter, permit variation charges will apply if the preceding application has already been granted. A fee will not be charged for a varied application that is submitted before the preceding application has been granted.

## **11. REVIEW, VARIATION AND REVOCATION OF PERMITS AND PERMIT CONDITIONS**

### **11.1 PERMIT AUTHORITY POWERS**

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 and any activities which exceed the allowable duration will potentially be subject to overrun charges under Section 74 of NRSWA.

### **11.2 GENERAL PRINCIPLES**

Changing circumstance, for either a promoter or for the Permit Authority may require permits and/or conditions attached to them to be modified.

The promoter might request a change if new information comes to light, an unexpected event occurs or discoveries are made on site meaning that they need to alter their original plans or duration of the activity. The promoter must submit an application for a permit variation and, if approved, the Permit Authority will grant a new permit incorporating the variation.

The Permit Authority may take the initiative if, for example, an unexpected event on the network occurs so that planned activities, or those activities already under way, have to be reconsidered. The Permit Authority will discuss with a promoter whether the promoter will submit a permit variation application or whether the Permit Authority will grant a new permit based on an authority imposed variation, incorporating any changes. No fee will be charged for a variation imposed by the Permit Authority.

### **11.3 AVOIDANCE OF CRIMINAL OFFENCE**

It is important that variations are sought when changes are needed as working without a permit or outside the conditions imposed is a criminal offence.

### **11.4 CHANGES TO A PROVISIONAL ADVANCE AUTHORISATION**

A Provisional Advance Authorisation cannot be varied, however, the Permit Authority will allow for a reasonable adjustment of start and end dates when the Permit Application is made. If a full permit has not yet been granted, the promoter should discuss the proposed changes with the Permit Authority to ascertain whether a revised PAA is required or whether the changes are acceptable for a Permit to be applied for.

### **11.5 TIMING OF VARIATION**

Applications for variations may be made at any time after the permit has been granted and any time before or during the activity. Application for variations cannot be made after the end date has passed.



**11.5.1 Electronic Application for a Variation**

Where the existing permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter must apply for a variation electronically via EToN. Promoters are strongly encouraged to telephone the Permit Authority prior to submitting an electronic variation regardless of the remaining duration on the existing permit.

**11.5.2 Telephone Application for a Variation**

Where the criteria in Section 11.5.1 is not met, the promoter must first telephone the Permit Authority to determine whether the authority is prepared to grant a variation and then must apply electronically via EToN, if the authority agrees. In any case, a permit variation will not be granted if the end date has already passed.

**11.5.3 Electronic Systems Failure**

In the event of an electronic systems failure, applications must be sent another way, for example fax or post. These alternatives are the same as with the NRSWA notification systems as specified in the Technical Specification of EToN. Promoters are strongly encouraged to email wherever possible and must notify the Permit Authority of the electronic system failure within one working day. Should the promoter fail to inform the Permit Authority of such systems failures within the specified timescale the permit/ variation applications may be subject to a fixed penalty notice.

**11.6 VARIATIONS FOR MULTIPLE EXCAVATIONS AND IMMEDIATE ACTIVITIES**

Activities can be particularly subject to change where a promoter has to make several excavations or registerable openings in the street to locate a fault. An example is where gas has migrated along a duct to emerge from the ground some distance from the actual leak. A series of excavations or openings have to be made from where the symptoms are apparent to trace the point of the fault. In normal circumstances every new excavation would require a permit variation. The arrangements below aim to avoid a succession of variations as each hole is dug. Nonetheless it is important that the Permit Authority knows what is going on so that it can coordinate and manage these and other activities in the area. As immediate activities, the promoter will submit the first permit application containing the location of the initial excavation or opening within two hours of starting work.

- c) The promoter will have to apply for a permit variation for the first excavation in each further 50 metre band away from the original hole in the same street, i.e. 50-100 metres, 100-150 metres etc. Standard variation charges can be applied, although the Permit Authority may opt to waive such charges as a general rule, or for particular cases. Separate variations would be required for bands going in opposite directions.

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- 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 is needed.
- If the promoter cannot contact the authority by telephone it should record that and send the message electronically.

#### **11.7 INFORMATION REQUIRED FOR VARIATION APPLICATION**

Applications for permit variations must contain the following information as applicable:

- Any agreement reference number provided by the Permit Authority.
- The revised timescale.
- Any change to the description of the activity.
- A revised scope of works.
- Any change to the method of excavation.
- Any variation to the depth of the excavation from less than 1.5m to more than 1.5 m
- Any changes to the conditions, if applicable.
- Change to Traffic Management
- Need for a TTRO when not thought to be required
- Any change to the location of the actual excavation to that stated on the original application.

#### **11.8 VARIATION/REVIEW OF PERMIT BY PERMIT AUTHORITY DUE TO UNFORESEEN CIRCUMSTANCES**

The Permit Authority may review the permit and associated conditions in the event of unforeseen circumstances 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 F. No fee will apply for permit variations initiated by the Permit Authority unless, at the same time, the Activity Promoter applies for permit variations which are not the result of the circumstances causing the Permit Authority's action.

#### **11.9 REACHING AGREEMENT**

If the promoter initiates a permit variation the promoter must first telephone the Permit Authority to determine whether the authority is prepared to grant a variation as per Section 11.5.

If the Permit Authority considers a variation necessary then it should contact the Activity 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 promoters and the Permit Authority will minimise the times that the authority needs to vary permits or their conditions. This will be in the interests of all parties.

**11.10 IF AN AGREEMENT CANNOT BE REACHED**

If agreement cannot be reached, the Permit Authority may issue an authority imposed variation on the terms it considers reasonable, but the promoter would have the option to invoke the dispute resolution procedure.

**11.11 REVIEW OF PERMIT DUE TO NON-COMPLIANCE BY THE PROMOTER**

If the Permit Authority considers that an Activity Promoter is failing to comply with the conditions of a permit, it may issue an FPN or revoke the permit. Before revoking a permit, the Permit Authority will contact the Activity Promoter to inform them of its intention and initiate a discussion.

**11.12 WORKING AFTER PERMIT HAS BEEN REVOKED**

An Activity Promoter will be committing an offence if it continues an activity when a permit has been revoked.

## **12. SUSPENSION, POSTPONEMENT OR CANCELLATION OF A PERMIT**

### **12.1 SUSPENDING OR POSTPONING AN ACTIVITY**

There is no mechanism for formally suspending or postponing a permit. Should the activity need to occur at a later date once a permit has already been approved then the promoter must cancel the permit and reapply for a new permit. Permit fees apply to the new permit application.

### **12.2 CANCELLING A PERMIT**

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 Technical Specification for ET oN. No fee is payable for cancellations, however, permits already granted will still be charged.

### **12.3 CONTINUING TO WORK FOLLOWING CANCELLATION OF A PERMIT**

An Activity Promoter will be committing an offence if it continues to work after a permit has been cancelled.

## **13. FEES**

### **13.1 PERMIT AUTHORITY'S POWER TO CHARGE FEES**

The Traffic Management Act, Section 37 (7) and Regulation 30 of The Traffic Management Permit Scheme (England) Regulations 2007 give the Permit Authority the power to charge a fee in respect of the following:

- o The application for a PAA in respect of major activities.
- o The granting of a permit.
- o Each occasion where there is a variation of a permit or the conditions attached.
- o 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.

The current approved fee level for permits and permit variations, including variation fees, are given in Annex 1 and reflect costs over and above the cost of running the current noticing system.

### **13.2 ALLOWABLE COSTS AND FEES**

The income from fees shall not exceed the total allowable costs prescribed in the permit regulations. The allowable costs of the complete scheme and its overall income have to be balanced. This balance can be achieved over several years.

Allowable costs are limited to:

- o the proportion of direct costs and overheads attributable to operating the scheme for undertakers
- o the element of those costs that are over and above the cost of the authority's co-ordination duty under NRSWA

This includes the costs of dealing with:

- o activities which required a permit but for which no permit was sought
- o proposed activities which would be subject to a permit but which do not lead to an application, for example, activity planning involving the authority which is later abandoned

Overheads can include:

- o non-salary staff-related costs such as pensions and benefits
- o appropriate allocation of accommodation costs
- o appropriate allocation of central services costs
- o appropriate share of IT costs (software and hardware)

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- general administration and management
- monitoring the permit system and the production of KPIs
- invoicing

### **13.3 FEE POLICY**

The Permit Authority will charge undertakers for the above actions, as per Section 13.9 below.

### **13.4 WHERE FEES WILL NOT BE PAYABLE**

Fees will not be payable in the following circumstances:

- If the promoter is a Highway Authority in respect of its own works for road purposes, but records of all permits granted and the fees that could have been charged will be kept in order to assist in the review of fees referred to in Section 13.8.
- Where a permit is deemed to be granted because the Permit Authority failed to respond to an application within the time set down in Section 9.9.
- If a permit variation is initiated by the Permit Authority, an Authority Imposed Variation, or the authority has to revoke a permit through no fault of the promoter.
- Where the promoter has applied for an optional permit (as described in Section 4.2.1).
- Where the Activity Promoter has sent a cancellation before the permit has been approved by the Permit Authority.

### **13.5 REDUCED FEES**

Fee discounts will be given in the following circumstances:

- Where the promoter submits more than one separate PAA or permit application at the same time (or within 3 working days) for activities that are part of the same project but are carried out on more than one street, a discount will be applied to each PAA or permit. The term 'project' does not cover area-wide activities but activities of a scale that could be carried out in one street, but happen to cover two or more streets.
- Where works are undertaken in collaboration with other works promoters and several promoters are working within the same site submit applications at the same time. The primary promoter will require a permit with full information about the activities, and the other promoters will require a permit so that the authority knows who is working there.
- Where the Highway Authority promoter is collaborating with undertakers, those undertakers will be eligible for the discount.

### **13.6 RATE OF DISCOUNT**

A discount of 30% will be applied to each permit in the above circumstances.

### **13.7 OPTION TO WAIVE OR REDUCE FEES**

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

### **13.8 REVIEW OF FEES**

The Permit Authority will review its scale of fees annually to ensure that the overall fee income does not exceed the allowable costs. The outcome of the annual fee reviews will be published and open to public scrutiny.

### **13.9 PERMIT FEES LEVEL**

- o The current approved fee level for permits is given in Annex 1.
- o Fees for permit variation, including variations to conditions, are given in Annex 1.
- o If a permit variation moves an activity into a higher fee category, the promoter must pay the difference in permit fee as well as the permit variation fee.
- o No fee is payable if a permit variation is initiated by the Permit Authority.

### **13.10 PROCESSING OF FEES**

Monthly invoices will be issued to each Activity Promoter, with all permits referenced. A summary will be issued to each promoter every two weeks so that amounts can be confirmed before the invoice is raised so as to avoid late payments. Each promoter is required to provide an email contact to where the summary can be sent.

### **13.11 USE OF INCOME**

It is not the intention of the Permit Authority to generate surplus from this Permit Scheme. Income will only be used to cover the cost of administration and operation of the scheme.

The administration of permits obtained on behalf of the Highway Authority do not form part of the fee structure calculation for this Permit Scheme.

### **13.12 FEES REVIEW**

The permit fees are based on Officer time and additional operating costs involved in processing street works permit applications and the Permit Authority will review permit and variation fees annually to satisfy themselves that there is no significant variation between the expected income and expenditure. Following a fees review the fees may be adjusted where either a surplus or deficit exists to ensure that a balance of cost and income is achieved over a number of years.

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

## **14. SANCTIONS**

### **14.1 PERMIT AUTHORITY'S POLICY**

Appendix G sets out how the Permit Authority will employ sanctions, and should be read in conjunction with this section, together with current NRSWA legislation and the Code of Practice for Permits.

### **14.2 UNDERTAKING ACTIVITIES WITHOUT A PERMIT**

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 4.2.

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

### **14.3 BREACHING A PERMIT CONDITION**

It is a criminal offence for a statutory undertaker, or a person contracted to act on its behalf, to breach a permit condition.

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

### **14.4 ACTION BY PERMIT AUTHORITY**

The regulations empower the authority to issue a notice requiring remedial action within a set timeframe if the promoter is working without a permit or in breach of any conditions. This replaces the power under Section 66 of NRSWA.

The remedial action could include removing the activity, remedying the breach of conditions or discontinuing any obstruction.

Where a statutory undertaker, or a person contracted to act on its behalf, undertakes activities for which a permit is required, without a permit, or breaches a permit condition, the Permit Authority may take one of the following courses of action depending on the seriousness and persistence of the offences:

- o 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. Where a statutory undertaker fails to comply with the requirements of such a notice within the timescale the Permit Authority may undertake any steps as it considers appropriate to achieve the outcome in the notice, and may recover any costs that are reasonably incurred from the statutory undertaker **OR**
- o Issue a Fixed Penalty Notice, (FPN), against the statutory undertaker **OR**
- o Prosecute the statutory undertaker.



**14.5 PROSECUTION AND FIXED PENALTY NOTICES**

The Permit Authority may prosecute any offence through the courts. Normally the decision as to whether an offence will be dealt with by FPN or through the courts will be taken at the outset, however prosecution should not necessarily be the preferred option as the process is time-consuming and even FPNs do not offer an immediate solution. Other remedial options should be considered in the first instance, depending on the seriousness and persistence of offences.

**14.6 OTHER NRSWA OFFENCES**

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

## **15. OVERRUN CHARGING REGIME**

### **15.1 SECTION 74**

Section 74 of NRSWA enables Highway Authorities to charge undertakers if their activities in the publicly maintained highway are unreasonably prolonged. Buckinghamshire County Council intends to run a scheme for overrun charges under Section 74 of NRSWA to operate alongside the Permit Scheme.

The requirements for overrun charges are set out in the regulations made under Section 74 of NRSWA (the Section 74 regulations). The Section 74 regulations may be subject to change from time to time in which case the amended or replacement regulations will apply. For details of the Section 74 operation, reference must be made to the regulations current at the time.

The Section 74 regulations current at the time will continue to apply but the operation of the overstaying regime is modified under the Buckinghamshire County Council Permit Scheme to incorporate the process of setting and modifying the duration of the activity (or “works” in Section 74 terms) through the permit application, approval and variation processes.

Activities carried out by an Activity Promoter on behalf of a Highway Authority, or by the Highway Authority themselves, are not subject to Section 74 overrun charges. However, under the Buckinghamshire County Council Permit Scheme, promoters of such activities will be required to follow the same procedures as promoters who are undertakers.

### **15.2 CHARGING REGIME**

The charges are set in Section 74 of the Regulations and any other Regulations or Codes of Practice that apply at the time

The Highway Authority will endeavour to ensure that the facts used for proposing charges are accurate and in line with the current regulations.

Where the works promoter can provide evidence that the dates given in Section 74 notices are incorrect, the charges applied will be based on the evidence. If incorrect information has been given in a notice and proven by the works promoter, the Highway Authority may issue an FPN if it considers that an offence has been committed. The burden of proof is with the works promoter to prove that a physical overrun has not occurred in these circumstances. If no evidence can be provided, Section 74 charges will be applied in relation to the information provided in the notice.

### **15.3 REMEDIAL WORKS**

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

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Any overrun on remedial works will be charged at the rate appropriate as set out in the Section 74 regulations

**15.4 SEPARATION OF PERMIT FEE ACCOUNTS**

Section 74 overrun charges and Permit Scheme fees will be kept in separate accounts for audit purposes.

## **16. FIXED PENALTY NOTICES**

The permit regulations provide for certain offences under Part 3 of the TMA to become fixed penalty offences. This means that they can be dealt with by FPNs. Fixed Penalty Notices offer the offender an opportunity to discharge criminal liability for an offence by paying a penalty amount, although prosecution through the Magistrates' Courts remains an option for Permit Authorities. Reference should be made to regulations current at the time.

## **17. REGISTERS**

### **17.1 REGISTER OF PERMITS**

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

The Permit Scheme requires each Permit Authority to maintain a register of each street covered by their Permit Scheme. The register should contain information about all registerable activities on those streets and forward planning information about activities and other events, which could potentially affect users of the streets.

Permit Authorities will still need a register under Section 53 of NRSWA for street information.

This will cover those streets that are not part of the Permit Scheme, including non-maintainable streets.

A local register will be maintained by each of the Street Authorities for its own geographic area. It will include information on all streets other than those streets that are the responsibility of another authority.

### **17.2 REFERENCING OF INFORMATION**

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.

## 18. KEY PERFORMANCE INDICATORS

### 18.1 MONITORING AND EVALUATING THE PERMIT SCHEME

The Permit Authority must demonstrate parity of treatment for all Activity Promoters, particularly statutory undertakers and the Highway Authority's own promoters. Equality will be measured through Key Performance Indicators (KPIs).

### 18.2 USE OF KEY PERFORMANCE INDICATORS

The following KPIs will be used to measure parity - KPI1 and KPI2 are mandatory and KPI3 and KPI7 are the additional ones that will be measured.

- KPI 1 - The number of permits and permit variation applications received, the number granted and the number refused.
- KPI 2 - The number of conditions applied by condition type.
- KPI 3 - The number of approved permit variations (extensions).
- KPI 7 - The number of inspections carried out to monitor conditions.

Further KPIs may be introduced depending upon national guidance.

### 18.3 MANDATORY KPIS

#### **KPI 1: The number of permit and permit variation applications received, the number granted and the number refused**

This will be measured by promoter and shown as:

- The total number of permit and permit variation applications received, excluding any applications that are subsequently withdrawn.
- The number granted as a percentage of the total applications made.
- The number refused as a percentage of the total applications made.

This will be a core indicator of the operation of the permit system.

#### **KPI 2: The number of conditions applied by condition type**

This will be measured by promoter and shown as:

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

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

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The number and types of condition applied are likely to be determined by the specific location, scale and category of the activities. There will be a need to separate the data to get down to reasonably equivalent situations. For example, if for minor activities on category 2 streets, one promoter had an average of four conditions and another had an average of seven conditions, then that would suggest an imbalance. Similarly, if one promoter had conditions for restricted hours of working on traffic-sensitive streets in 90% of cases and another had such conditions in only 80% of cases, then that would raise a question.

**18.4 PRESENTATION OF KPIS TO COORDINATION MEETINGS**

The KPIs will be discussed at the quarterly Local and County HAUC coordination meetings as appropriate and will be made available to any other person on request, or the authority may wish to publish them on their website.

**APPENDIX A**

**DISAPPLICATION AND MODIFICATION OF NRSWA**

**Disapplication of NRSWA**

The permit regulations disapply or modify certain sections of NRSWA. In permit areas the duties of Activity Promoters and Street Authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the regulations.

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



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**Modifications to NRSWA**

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

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

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	tunnels		
S 93	Works affecting level crossings or tramways	Modified	Modified to work in conjunction with permits.
S 105	Minor Definitions	Modified	Modified to work in conjunction with permits
Schedule 3A	Restrictions following substantial street works	Modified	Modified to work in conjunction with permits

**Other Restrictions**

NRSWA imposes various restrictions on all undertakers, such as procedures for working on streets with special engineering difficulties or near to level crossings. To maintain equal treatment for all promoters under Permit Schemes, authorities should apply equivalent requirements to Highway Authority promoters, even though they may be part of the same local authority, as they do to utilities and other promoters.

The TMA aims to mandate the *Safety Code of Practice*, issued under Section 65 of NRSWA, in the longer term. Section 71 of the TMA makes provision for this but until it is implemented authority Activity Promoters are encouraged to comply with the safety code within the permit regime. It is suggested that Permit Authorities attach a condition, to this effect, to permits for highway activities.

## **APPENDIX B**

### **The Street Gazetteer and Additional Street Data**

#### **Introduction**

The Permit Authority will produce a Local Street Gazetteer (LSG) and a copy is held centrally by the NSG Concessionaire. The gazetteer contains the information about the streets in Permit Authorities' geographical area. The Permit Authority will create, maintain and publish the LSG to Level 3.

#### **Identification of Permit Street**

Systems used by Activity Promoters will need to define if a particular activity is subject to the existing NRSWA noticing rules or this Permit Scheme. To achieve this, the Permit Authority has defined a specific operational district as the Permit Authority. The OD file for this district is set in accordance with current procedures as defined within the EToN Technical Specification and by the National Street Gazetteer Concessionaire.

NRSWA notices should continue to be sent to the primary notice authority for the street until the Permit Scheme goes live.

#### **Additional Street Data**

Additional Street Data (ASD) refers to other information about streets held on the NSG Concessionaire's website alongside the NSG data. The Permit Authority shall provide the following information for the ASD:

- a) The Street Authority responsible for maintaining the street;
- b) Whether the street is publicly maintainable, prospectively publicly maintainable, or private;
- c) Whether the street is covered by this Permit Scheme or the NRSWA notification regime;
- d) Any other authorities and Activity Promoters with an interest in the street;
- e) The street reinstatement category;
- f) Designations of protected streets;
- g) Designations of streets with special engineering difficulty;
- h) Designations of traffic sensitive streets;
- i) Whether the street is subject to early notification of immediate activities;
- j) Where possible, streets on which it might be expected that Section 58A directions may be used (conditions relating to the non use of that street for new apparatus, but not the maintenance of existing apparatus);
- k) Other features of the street. This may include information about structures, environmental areas, parking restrictions, priority lanes, special surfaces, standard surface and special construction needs etc;

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- l) Designations may cover only part of a street or may vary along a street. The relevant detail will be recorded in the ASD.  
Items (a) to (h) are mandatory and (i) to (l) are optional

**APPENDIX C**

Schedule of motorways and trunk roads in Buckinghamshire excluded from this Permit Scheme. For information regarding works on these roads, contact the Highways Agency.

Address 1	Address 2
M25 JUNCTION 15 ANTI CLOCKWISE TO M4 EASTBOUND LINK ROAD	SOUTH BUCKS
M25 JUNCTION 15 ANTI CLOCKWISE TO M4 WESTBOUND LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM JUNCTION 15 TO M40 JUNCTION 2 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM JUNCTION 17 TO M40 JUNCTION 1 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM M40 JUNCTION 1A TO M25 JUNCTION 15 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 FROM M40 JUNCTION 1A TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M25 JUNCTION 16 TO JUNCTION 15	SOUTH BUCKS
M25 JUNCTION 16 TO JUNCTION 17	SOUTH BUCKS
M4 JUNCTION 7 TO JUNCTION 9	HIGH WYCOMBE
M40 JUNCTION 1 FROM JUNCTION 1A OFF SLIP	SOUTH BUCKS
M40 JUNCTION 1 TO JUNCTION 1A	SOUTH BUCKS
M40 JUNCTION 1 TO JUNCTION 1A ON SLIP	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 1 OFF SLIP TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 1 TO M25 JUNCTION 15 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A FROM JUNCTION 2 TO M25 JUNCTION 15 LINK ROAD	HIGH WYCOMBE
M40 JUNCTION 1A FROM JUNCTION 2 TO M25 JUNCTION 17 LINK ROAD	SOUTH BUCKS
M40 JUNCTION 1A TO JUNCTION 1	SOUTH BUCKS
M40 JUNCTION 1A TO JUNCTION 2	SOUTH BUCKS
M40 JUNCTION 2 FROM JUNCTION 1A OFF SLIP	SOUTH BUCKS
M40 JUNCTION 2 FROM JUNCTION 3 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 2 TO JUNCTION 1A	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 1A ON SLIP	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 3	SOUTH BUCKS
M40 JUNCTION 2 TO JUNCTION 3 ON SLIP	SOUTH BUCKS
M40 JUNCTION 3 FROM JUNCTION 2 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 2	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 2 ON SLIP	HIGH WYCOMBE
M40 JUNCTION 3 TO JUNCTION 4	HIGH WYCOMBE
M40 JUNCTION 4 FROM JUNCTION 3 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 4 FROM JUNCTION 5 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 4 TO A404 LINK ROAD	HIGH WYCOMBE
M40 JUNCTION 4 TO JUNCTION 3	HIGH WYCOMBE
M40 JUNCTION 4 TO JUNCTION 3 ON SLIP	HIGH WYCOMBE

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M40 JUNCTION 4 TO JUNCTION 5	HIGH WYCOMBE
M40 JUNCTION 4 TO JUNCTION 5 ON SLIP	HIGH WYCOMBE
M40 JUNCTION 5 FROM JUNCTION 4 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 5 FROM JUNCTION 6 OFF SLIP	HIGH WYCOMBE
M40 JUNCTION 5 TO JUNCTION 4	HIGH WYCOMBE
M40 JUNCTION 5 TO JUNCTION 4 ON SLIP	HIGH WYCOMBE
M40 JUNCTION 5 TO JUNCTION 6	HIGH WYCOMBE
M40 JUNCTION 5 TO JUNCTION 6 ON SLIP	HIGH WYCOMBE
A40 EASTBOUND DENHAM EXIT SLIP	SOUTH BUCKS
A40 HILLINGDON BDY TO M40 MOTORWAY	SOUTH BUCKS
A40 WESTBOUND DENHAM ENTRY SLIP	SOUTH BUCKS
A404 FROM A4155 TO THE RIVER BRIDGE	MARLOW
A404 FROM M40 TO A4155	LITTLE MARLOW
A404 NORTHBOUND OFF SLIP TO A4155	HIGH WYCOMBE
A404 NORTHBOUND ON SLIP FROM A4155	HIGH WYCOMBE
A404 SOUTHBOUND ON SLIP FROM A4155	HIGH WYCOMBE
A404 SOUTHBOUND ON SLIP TO A4155	HIGH WYCOMBE
HANDY CROSS ROUNDABOUT	HIGH WYCOMBE

## **APPENDIX D**

### **Mandatory and Specific Permit Conditions**

#### **Mandatory Conditions**

The following conditions apply to all permits in all works categories as defined in Section 6.

**M1** The permit reference number must be prominently displayed on an information board for each set of works.

**M2** The Activity Promoter must have a copy, either electronic or hard copy, of the permit on site for inspection by the Permit Authority.

It is understood that it may be difficult to have a physical or electronic copy of a permit that has been subject to a variation on site for inspection. It will be understood therefore that providing the works are being carried out in line with the latest variation then the works promoter will not be in contravention of the permit conditions.

**M3** Where pedestrian ramps and temporary walkways are necessary as a consequence of proposed works, then it will be a condition of the permit that all pedestrian ramps are edged in yellow to assist those pedestrians who are visually impaired.

#### **Mandatory Conditions for Immediate Activities**

**IM1** Promoters who are about to carry out immediate activities on streets which are especially vulnerable to traffic disruption, indicated on the street gazetteer with an ASD designation of 'subject to early notification', must telephone the Permit Authority's specified number immediately such activities become necessary.

**IM2** An information board detailing relevant contact details for the promoter will be displayed on site as soon as activities commence.

Where emergency activities on site are in progress, it is recognised that until the permit is received by the Activity Promoter, the permit number cannot be displayed on site.

The Activity Promoters must display the permit number in respect of permits for emergency activities, on site, by 10.00am on the next working day after the day on which the permit for those activities has been received by the Activity Promoter.

**IM3** The works description must justify, giving specific reasons, why the activity has been categorised as immediate works.

If the Permit Authority disputes whether an activity, or part of an activity, is immediate the promoter must provide evidence that it falls into this category.

**Specific Conditions/ Condition Types (to be applied where appropriate to the activity)**

BH1 Date Constraints - Any date(s) between the start and completions dates on which activities should not take place, which may also include periods when not only should no activity take place, but that the site should also be cleared of all plant, materials and equipment, including all traffic management measures and signing, lighting and guarding.

BH2 Time Constraints - The times of day at which activities can and cannot be carried out

BH3 Out of Hours Work - Whether or not the duration of the activities includes, allows for or requires weekend and Bank Holiday working.

BH4 Material and Plant Storage - Whether materials and plant can be stored on site.

BH5 Road Occupation Dimensions - The width and/or length of road space that can be occupied – including allowing for signing, lighting and guarding – at any one time during the period of the activities.

BH6 Traffic Space Dimensions - The road space that is available to all traffic, including pedestrians, at certain times of the day.

BH7 Road Closure - That the need for a road, or relevant section, should be closed to traffic during the activities.

BH8 Light Signals and Shuttle Working - That shuttle working, Stop/Go, Give and Take and/or portable lights signals are to be used or that manual control of traffic lights to be used on traffic sensitive streets and traffic sensitive times, or as traffic conditions dictate.

BH9 Traffic Management Changes - If the traffic management is likely to change during the life of the activities the activity promoter must stipulate this on the permit application or submit a permit variation application.

BH10. Work Methodology - The way in which the specified activities are to be carried out and the methods to be used (i.e. no dig, trench share etc.). Or, that the promoter will agree with the Permit Authority its way for dealing with excavation and reinstatement, e.g. hand dig, first time reinstatement, where spoil can be stored etc.

BH11 Consultation and Publicity - Where activities on the street have the potential to cause significant disruption to residents and businesses and travelling public. For example,

- o A minimum of two weeks advance notice of activity to be given to nearby householders and businesses and/or traffic and pedestrians using the road.
- o Details of the activity are to be displayed at the location of the activities.
- o Meetings with Local Councillors where appropriate, especially for major activities.

BH12. Environmental - As appropriate, Activity Promoters are to consult with the Permit Authority's Arboriculture consultants and/or other environmental officials when drawing up their proposals. Activity Promoters need advise county archaeologists where appropriate and specify that the activities will take place in conservation areas, areas of outstanding natural beauty, sites of special scientific interest, protected species areas, ancient monuments (including milestones) and Roman roads. For example:

- o Night and weekend working in agreement with PA officers.



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- Activity Promoters considering burying plant and apparatus that is currently above ground are to consult with other utilities with similar apparatus to see if the underground facility can be shared.
- Noise and lighting – Activity Promoters are to consult with the Permit Authority, especially for 'out of hours' working if flood lights, generators, road saws, planners, excavators, pavement layers etc are to be used.

The specific conditions outlines above are not meant to be exclusive and other appropriate conditions may be applied where deemed reasonable following discussions with the activity promoter.

## **APPENDIX E**

### **PERMIT AUTHORITY INFORMATION AND CONTACT DETAILS**

Buckinghamshire County Council is the local authority for the county of Buckinghamshire. Its area of control does not include Milton Keynes, which is a unitary authority.

For up-to-date information on the Buckinghamshire Permit Scheme and a full list of contact information and mandatory and standardised permit conditions and related matters go to <http://www.buckscc.gov.uk> and follow the links to the Buckinghamshire Scheme.

## **APPENDIX F**

### **Policy Statement – Circumstances in which the Permit Authority will review, vary or revoke permits on its own initiative**

Once a permit has been granted, the Activity 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 Permit Authority to review the permit and, as a result, may lead to the conclusion that the permit or its conditions need to be varied or revoked.

The Permit Authority's policy is to avoid making such variations 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 on to the road where the activity was underway or about to start.

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 Activity 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 grant an Authority Imposed Variation incorporating the agreed changes or the promoter can apply for a permit variation from which the authority will grant the new permit.

(iii) In the event that agreement cannot be reached, the Permit Authority will grant an Authority Imposed Variation on the terms it considers reasonable but the promoter would have the option of invoking the dispute resolution procedure

(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.

The above policy does not restrict the Permit Authority from revoking a permit if the Activity Promoter is considered to be acting unreasonably and causing unnecessary disruption to the flow of traffic or pedestrians.

## **APPENDIX G**

### **Employment of Sanctions.**

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 to achieve compliance with the Permit Scheme.

- o An intervention power (remedial action)
- o Fixed Penalty Notices
- o Prosecution

Before resorting to these courses of action, the Permit Authority will always endeavour to resolve problems and achieve the necessary compliance within the Permit Scheme by informal negotiation with the Activity Promoter concerned.

Where it is not possible to informally resolve the situation with the Activity Promoter, the Permit Authority will initially 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.

As a last resort, and 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.

**APPENDIX H**

**GLOSSARY OF TERMS**

<b>Term</b>	<b>Explanation</b>
Activity	Any works undertaken by statutory undertakers and the Highway Authority, and any other works that may be covered in future regulations. An activity is defined, within the scope of this scheme, as one project which may involve multiple excavations in the same street as pre-defined by the works promoter in the permit application. Activities not related to this project are to be classified as a separate activity and will require a separate permit.
Activity Promoter	See promoter
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 Activity 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.
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"
Breaking up (the street)	Any disturbance to the surface of the street (other than opening the street)
Bridge	As it says 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

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	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
Emergency works	As defined in Section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property"
EToN	Electronic Transfer of Notices, 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 9.2.4, 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



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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 38 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"
Maintenance	As defined in Section 329 of HA 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly"
Major activities	As stated in Section 9.2.1 of the Code of Practice for Permits, major activities are activities which have been identified in a promoter's annual operating programme, or if not identified in that programme, are normally planned or known about at least six months in advance of the date proposed for the activity; or activities, other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more"
Major highway works	As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway - (a) 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 9.2.3, 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 Street gazetteer (NSG) geographical locations created and maintained by the local highway authorities" based on BS 7666 standard.
NRSWA	New Roads and Street Works Act 1991.



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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 any "breaking up" of the street.
Permit	The approval of a Permit Authority for an Activity Promoter to carry out activity in the highway subject to conditions.
Permit application	See Section 9. The application that is made by a promoter to the authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Co-ordination regime.
Permit Authority	See Section 1.3 - A local authority or other "Street 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 1.2 - 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	Any street that 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 undertakers can place the equipment that would otherwise lawfully have been placed in the protected street.
Provisional Advance Authorisation	See Section 5.1. The early approval of activities in the highway, equivalent to the advance notice given under Section 54 of NRSWA.
Registerable	Registerable activities correspond to specified works in the regulations.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Relevant authority	As defined in Section 49(6) of NRSWA, "references in this Part to the relevant authorities in relation to any works in a street are to the street authority and also (a) where the works include the breaking up or opening of a public sewer in the street, the sewer authority; (b) where the street is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, that authority; and (c) where in any other case the street is carried or crossed by a bridge, the bridge authority"
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	See "highway".
Road works	Works for road purposes.
Special Engineering	By virtue of Section 63 of NRSWA, the term special





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Difficulties (SED)	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	A person entitled by virtue of a statutory right to carry out street works.
Strategically significant streets	Defined as including traffic sensitive streets as defined under Regulation 16 of The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007 as well as streets which fall into reinstatement categories 0,1, or 2 as defined in Section 1.3 of the Statutory Reinstatement on Highways 2010.
Street	As defined in Section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in Section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers".
Street works	As defined in Section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)".
Street works licence	As stated in Section 50(1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

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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 street authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transport 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".
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".
Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Unique Street Reference Number (USRN)	As defined in the British Standard BS7666.
Urgent activities	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 expiration of the appropriate notice period; and (b) includes activity that cannot reasonably be severed from such activities.
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	As defined in Section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions

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executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles'.

## **APPENDIX I**

### **Associated Documentation**

BS 7666 Spatial datasets for Geographical Referencing. Specification for a Street Gazetteer. July 2008

Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters Rev. 3rd edition March 2008

Code of Practice for Safety at Street Works and Road Works November 2005

Department for Transport Permit Schemes Guidance July 2008

Department for Transport Statutory Guidance for Permits March 2008

Highways Act 1980

National Street Gazetteer

New Roads and Street Works Act 1991

Specification for the Reinstatement of Openings in Highways April 2010

The Road Traffic Act 1984

The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2012

The Street Works (Registers, Notices, Directions and Designations)(England) Regulations 2007

The Technical Specification for the Electronic Transfer of Notices December 2008

Traffic Management Act 2004

Traffic Management Act 2004 Code of Practice for Permits

Traffic Management Permit Schemes (England) Regulations 2007

## **APPENDIX J**

### **Transitional Arrangements**

The changeover date will be in the Order authorising the scheme and must be a minimum of four weeks after the Order is made. The Permit Authority should ensure that discussion takes place with all promoters during the transition period to ensure that issues are picked up early and problems dealt with quickly.

The basic rules of transition will apply on all roads where the Permit Scheme operates. (Activities on non-strategic and non-traffic sensitive streets will continue under the notices regime).

(a) The permit regime will apply to all activities where the administrative processes, such as application for a permit or Provisional Advance Authorisation, start after the commencement date.

(b) 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 (for major activities) shall operate under the Permit Scheme. This means that even if the relevant Section 54, Section 55 or Section 57 NRSWA notice has been sent before the changeover, the promoter will have to apply for a permit.

(c) Any other activities which started under the notices regime will continue under that regime until completion. Given the advanced notice of the changeover there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction might be such a situation. In those few cases, discussions should take place between the authority and the promoters concerned to work out a practical way of dealing with the activities.

As there will be advance notice of the changeover, there should be few activities where these rules will create difficulties. Activities co-ordinated in the run-up to the imposition of a restriction under Section 58 or 58A of NRSWA might be such a situation. In those few cases, the Permit Authority will discuss the situation with the promoters concerned to work out a practical way of dealing with the activities.

## **EXPLANATORY NOTE**

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

This Order gives effect to the Buckinghamshire County Council Permit Scheme.

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

*Article 3* gives effect to the permit scheme, which will come into effect on 4th November 2013. The permit scheme referred to in this article is set out in the Schedule to the Order.

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

A copy of the Buckinghamshire County Council Permit Scheme is deposited and can be inspected at the offices of Buckinghamshire County Council, County Hall, Walton Street, Aylesbury, Buckinghamshire. HP20 1UA and is available to inspect on the Council's website <http://www.buckscc.gov.uk>.

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