TRAFFIC MANAGEMENT ACT 2004 – PART 3

LEICESTER CITY COUNCIL

LEICESTER CITY PERMIT SCHEME ORDER 2018

Made 29th March 2018

Coming into force 1st May 2018

This Order is made by Leicester City Council ("the Authority") in exercise of its powers conferred by section 33A (2) and Part 3 of the Traffic Management Act 2004.

This order may be cited as the Leicester City Permit Scheme Order 2018.

WHEREAS

The Leicester City Permit Scheme set out in the Schedule to this Order complied with all aspects of the Traffic Management Act 2004, the Traffic Management Permit Scheme (England) Regulations 2007 as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, and with all applicable primary and secondary legislation and the Authority having had regard to the applicable Guidance in relation the Traffic Management Permit Schemes.

BY THIS ORDER:

The Leicester City Permit Scheme set out in the Schedule to this Order shall have effect on and from the 1st day of May 2018 and the enactments specified in Appendix B and Appendix C to the said Scheme shall be disapplied or modified to the extent specified therein.

The common seal of

LEICESTER CITY COUNCIL

As affixed hereto

In the presence of:

Authorised Signatory
Leicester City Permit Scheme

For Coordination of Road and Street Works
Leicester City Permit Scheme v1.1

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1. Introduction

1.1. Scheme Background

1.1.1. The Leicester City Permit Scheme (hereafter referred to as 'The Scheme') has been developed and is in accordance with the powers provided in Part 3 of the Traffic Management Act 2004 ('TMA') and the Traffic Management Permit Scheme (England) Regulations 2007 ('the Regulations'), Statutory Instrument 2007 No. 3372 made on 28 November 2007, as amended by the Traffic Management Permit Scheme (England) (Amendment) Regulations 2015, Statutory Instrument 2015 No. 958 made on 26 March 2015 ('the Regulations').

1.1.2. In preparing this permit scheme, Leicester City Council (hereafter referred to as 'the Authority') have had regard to the guidance issued by the Secretary of State and the Department for Transport the Statutory Guidance for Highway Authority Permit Schemes (October 2015) and the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions (March 2015).

1.1.3. The Authority has additionally referred to the supporting documents like 'Advice Note For local highway authorities developing new or varying existing permit schemes' (June 2016) issued by DfT, 'HAUC (England) Guidance; Operation of Permit Schemes' (Feb 2017) issued by HAUC, in anticipation of pragmatic discharge of the Authority's duties.

2. Overview of Permit Schemes

2.1. Background

2.1.1. Permit schemes provide a new way to manage activities in the public highway. They were introduced by Part 3 of the Traffic Management Act 2004 (TMA) to improve authorities' abilities to minimise disruption from street and highway works.

2.2. Permit

2.2.1. Any promoter proposing specified activities on a specified street within the scope of the scheme must obtain a Permit from the Authority. The Permit will allow the applicant to:
   i. Carry out the specified activity;
   ii. At the specified location;
   iii. Between the dates shown and for the duration shown on the Permit;
   iv. Between the start and end times shown (if appropriate);
   v. Subject to the conditions that may be attached to the Permit.

2.3. Relationship to NRSWA

2.3.1. Permit schemes provide an alternative to the 'notification system' of the New Roads and Street Works Act 1991 (NRSWA) and differs from existing powers for managing activities on the street in number of key respects:
   i. Rather than informing the authority of the promoters' intentions, permit schemes may be envisaged as schemes to book occupation of the street for specified periods and for a specified purpose.
ii. highway authorities' activities undertaken by itself, its partners or agents are included.

iii. conditions which impose constraints on the dates and times of activities and the way that work is carried out can be attached to permits.

iv. the authority's control over variations to the permit conditions, particularly time extensions, gives a greater incentive to complete activities on time.

2.3.2. Permit schemes will replace parts of NRSWA, particularly the notices related to section 54 (advanced notice of certain works), section 55 (notice of start of works) and section 57 (notice of emergency works) (see Appendix B - Disapplied Sections from the NRSWA (1991) and Appendix C - Modifications to NRSWA (1991)).

2.3.3. Where necessary, promoters must also submit any notices required by those sections of NRSWA not disapplied in the permit regulations. Details of these can be found in the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters.

3. Objectives of the Scheme

3.1. Key Objectives

3.1.1. The Scheme's objectives are-

i. Proactively manage the activities on the highway to ensure minimum disruption to the road users and

ii. Improve the quality and timeliness of information received by the Authority from all works promoters.

iii. Encourage collaborative behaviour among promoters.

iv. Protect the structure of the street and the integrity of apparatus in it.

v. Ensure the safety of those using the street and those working on activities that fall under the Scheme.

vi. Ensure parity of treatment for all works promoters.

4. Forward Planning Information

4.1. Planning

4.1.1. Works promoters are strongly encouraged to give forward planning information about road or street works in their long-term programme, which may include those works in their annual operating programme, or three or five-year rolling programmes.

4.1.2. It is understood that at such an early point, it may be difficult to provide an accurate description of the works and the timeline. However, including very disruptive works early in the permits register, even with a broader timeline, will enable the promoters to consider collaborative working and highlight other associated works that may need to be carried out alongside the major works.

4.1.3. The Forward Planning Information can be sent electronically. The technical specification for electronic transfer of notices defines a Forward Planning
Information Notice. Promoters are advised to use this notice to provide information to the Authority.

4.1.4. Forward Planning Information does not remove the need to apply for a Provisional Advance Authorisation or a permit at the appropriate time. The aim of the Forward Planning Information is to promote collaboration and better coordination among promoters and the Authority.

5. Specified Streets

5.1. Streets Covered by the Permit Scheme

5.1.1. The Scheme will apply within the administrative boundaries of Leicester City Council to all streets for which Leicester City Council is the highway authority, i.e. publicly maintained by or on behalf of Leicester City Council. These are the "specified streets" as set out in the Regulations.

5.1.2. The Permit Scheme shall not apply to:
   i. roads managed, maintained and operated by Highways England;
   ii. roads managed, maintained and operated by Leicestershire County Council;
   iii. streets not adopted by Leicester City Council as maintainable by the local highway authority.

5.1.3. Works on privately maintained roads will be recorded under Section 53 of NRSWA.

5.2. Street Gazetteer

5.2.1. The Authority will publish and maintain the record of all streets on which the Scheme will operate. The gazetteer will include the Unique Street Reference Number (USRN) and Additional Street Data (ASD) in the information format defined in technical specification for electronic transfer of notices.

5.3. Streets Subject to Special Controls

5.3.1. Certain streets are designated as being subject to special controls. The four categories of street identified by the Authority as subject to special controls are:
   i. Protected streets.
   ii. Streets with special engineering difficulties.
   iii. Traffic sensitive streets.
   iv. Streets subject to early notification of immediate activities.

5.3.2. The Authority will maintain and update street designations and publish the information from time to time.

6. Specified Activities

6.1. Registerable Activities

6.1.1. The Scheme controls the following activities undertaken on the public highway and as defined as Registerable Activities:
   i. Street Works as in Part 3 of NRSWA, defined by S48, except for works by licensees under S50 of NRSWA; and
Leicester City Permit Scheme v1.1

ii. Works for Road Purposes as defined by S86 of NRSWA – maintenance and improvement to the road itself carried out by, or on behalf of, the highway authority; and
iii. Major Highway Works (including Developer activities under Section 278 of the Highways Act 1980).
iv. Other activities that may be introduced under future regulations.

6.1.2. The following activities are registerable for all activity promoters and the information related to them has to be recorded on the register. These works can only be carried out with a valid permit:

   i. All activities that involve the breaking up or resurfacing of any street, (but see below for pole testing involving excavation);
   ii. All activities that involve the opening of the carriageway or cycleway of traffic-sensitive streets at traffic sensitive times;
   iii. 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;
   iv. All activities that reduce the number of lanes available on a carriageway of three or more lanes;
   v. All activities that require a temporary traffic regulation order or notice, or the suspension of pedestrian crossing facilities;
   vi. All activities that require a reduction in width of the existing carriageway of a traffic-sensitive street at a traffic-sensitive time.

6.1.3. The following activities are non-registerable:

   i. Traffic Census Surveys - Traffic census surveys have deliberately not been included as disclosure of this information prior to a census taking place can encourage a change to the normal pattern of traffic flows.
   ii. Pole testing - Pole testing does not require pre-registration and, therefore, does not need a permit unless one or more of rules from 6.1.2(ii)-6.1.2(vi) above apply. However, where an associated excavation has taken place, the work must be registered using section 70(3) under NRSWA for the purposes of reinstatement inspections within 10 days of completion.
   iii. Fire service vehicles - Fire service vehicles occasionally need to be parked adjacent to fire hydrants when these are being tested. These operations are exempt from the requirement to obtain a permit, provided the work is done outside traffic sensitive periods.
   iv. Core Holes - Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of rules from 6.1.2 above apply.
   v. Road Markings - Road Markings that are not part of other registerable activity and unless the activity infringes any of the rules from 6.1.2 above apply.

6.1.4. Where a promoter is using portable light signals and the heads are located on a road that is not part of the main works, but the traffic signals are placed on a traffic sensitive street or boundary, a permit request will be sent to the Authority for coordination purposes. No fee will be charged for this permit. This is in accordance with HAUC(England) Advice Note 2017/03 “Notification of Portable Traffic Signals (PTS) on adjacent streets".

Version 1.1
6.2. Bar Holes
6.2.1. Bar holes are used to detect and monitor gas leaks. When bar holes are carried out and it is known that no further activity in the street is required (such as when a gas leak is reported but none detected), a registration under s70 (3) of NRSWA should be sent within 10 days, once final monitoring checks have been established. The bar holes will count as a single excavation and reinstatement for registration purposes.

6.2.2. An immediate permit must be sent within two hours of the start of any other registerable street works to repair any fault, involving excavation or activities defined in 6.1.2 above associated with the bar holes. All bar holes must be reinstated and registered when work on site is complete.

6.3. S50 Licences
6.3.1. Section 50 licences do not require a permit; however, the information will be recorded on the Street Works Register for coordination purposes.

7. Registers
7.1. Register for Permit and Street Works
7.1.1. The Authority will maintain a register of permits in accordance with regulation 33 and 34, Part 7 of the 2007 Regulations.

7.1.2. All information held in the register will be referenced to the USRN and will be Geographic Information System (GIS) based. The Street Works Register will continue to be used to keep record of historical information under Section 53 of NRSWA. This information may be combined with permits information to improve coordination of works.

7.1.3. The permit register and streetworks register will be kept on an electronic system. In accordance with The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 requirement, the permit registers will use Geographic information System (GIS). Permit register will follow this requirement to ensure consistency between all holdings of street related data.

7.2. Content of Registers
7.2.1. The permit register held by the Authority will record:
   i. copies of all Provisional Advance Authorisation, permit and permit variation applications submitted to the Authority relating to registerable activities in any street;
   ii. copies of all permits and Provisional Advance Authorisations given by the Authority, including conditions attached as well as all variations to permits and conditions including any permits "deemed" granted;
   iii. copies of all revoked permits, refused Provisional Advance Authorisations and refused permits, together with the reasons for such refusals;
   iv. copies of all notices, consents and directions served by a street authority under section 58 or 58A of NRSWA;
   v. copies of all notices served by a promoter under sections 58 and 58A of NRSWA;
vi. copies of all notices given under section 74 of NRSWA;
vii. description and location of activities for which plans and sections have been submitted under Schedule 4 of NRSWA (streets with special engineering difficulties);
viii. particulars of notices given by any relevant authority under Schedule 4 of NRSWA;
ix. particulars of street works licences under section 50 of NRSWA, including details of conditions and changes of ownership and of any NRSWA notices or directions associated with those licenses;
x. information under section 70(3) and (4A) of NRSWA as to completion of reinstatements;
xi. particulars of apparatus notified to the street authority under section 80(2) of NRSWA;
xii. every notice of works pursuant to section 85(2) of NRSWA;
xiii. details of every street for which the local highway authority are the street authority;
xiv. details of every street which is a prospectively maintainable highway over which a permit scheme would operate;
xv. details of every street over which a permit scheme would operate, of which the local authority is aware, which is a highway but for which it is not the highway authority;
xvi. details of every street which is a) a protected street; b) a street with special engineering difficulties; c) a traffic-sensitive street;
xvii. the road category of each street;
xviii. details of every street where early notification of immediate activities is required.

7.3. Access to Registers
7.3.1. Access to the registers will be in accordance with Regulation 34, Part 7 of the 2007 Regulations.

7.4. Restricted Information
7.4.1. Restricted information is anything certified by, or with the authorisation of, the Secretary of State as being restricted information for safeguarding national security or information certified by, or with the authorisation of, an undertaker as being restricted information because its disclosure would, or would be likely to, prejudice the commercial interests of that undertaker, such as a contract under negotiation or tender.

7.4.2. The promoter must indicate restricted information on the relevant permit or PAA application.

7.4.3. Restricted information will not be shown on Leicester City Council website.

7.5. Retention of Information
7.5.1. Information will be retained on the registers for a minimum of six years after completion of the guarantee period of the activity referred to in the TMA guidance.
8. Permit Types

8.1. Provisional Advance Authorisations

8.1.1. The works promoters must apply for a Provisional Advance Authorisation for major works at least three months before the proposed start of major works unless the Authority agrees to a shorter period. (refer to Appendix D, for application and response times). Provisional Advanced Authorisation applications are only required in relation to Major activities. Standard, minor and immediate activities do not require an application for a Provisional Advance Authorisation.

8.1.2. Applications for Major activities will not be accepted by the Authority unless a Provisional Advance Authorisation application has been previously submitted.

8.1.3. It is understood that at this stage all the details will not necessarily be known but the PAA application must include sufficient information to allow the Authority to assess the application. This should contain, at a minimum, the following information:

i. location of activity;
ii. proposed start and end dates;
iii. an outline description;
iv. times of working, including hours of the day and any weekend provisions;
v. the road space occupancy;
vi. method of working;
vii. traffic management.

8.1.4. The Authority may, for complicated works or highway locations such as multiway junctions or roundabouts, request a Traffic Management drawing to be sent before a permit application. This will enable the works promoter and the Authority to coordinate the activity better by allowing adequate time for assessment.

8.1.5. A fee will be charged for each Provisional Advance Authorisation in addition to any subsequent Permit fee (see Appendix E). The fee for a PAA is chargeable upon receipt of the associated permit application (see Appendix E). The Authority has the discretion to reduce the charge where Provisional Advance Authorisations are submitted for schemes that involve multiple neighbouring streets as part of a planned and coordinated programmes of works.

8.1.6. A copy of the Provisional Advance Authorisation will be provided by the promoter upon request to any person identified as having apparatus in the street to which the Provisional Advance Authorisation relates.

8.1.7. The Authority, as the organisation responsible for the register, will provide information relating to S50 Licences and assets maintained by the Highway Authority.

8.1.8. The Authority will carry out tasks compliant with the duty to coordinate works. If an owner of apparatus contacts the Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.
8.1.9. The granting of a Provisional Advance Authorisation will not prevent the Authority from subsequently refusing to grant a Permit for the specified activity proposed in the Provisional Advance Authorisation.

8.2. Permits
8.2.1. A permit, by definition, is an authorisation from the Authority which permits certain specified works to be carried out on a single specified street for a specified duration. The application period for Permits will depend on the type of works. For application and response times, refer to Appendix D.

8.2.2. A copy of the Permit application will be provided by the promoter upon request to any person having apparatus in the street to which the Permit application relates.

8.2.3. The Authority will provide information relating to S50 Licences and assets maintained by the Highway Authority.

8.2.4. If an owner of apparatus contacts the Authority to request information, additional to that circulated from the register, then the request will be forwarded to the promoter.

8.3. Permit Categories
8.3.1. There are four categories of Permit with The Permit Scheme:
   i. Permit for Major Activities
   ii. Permit for Standard Activities
   iii. Permit for Minor Activities
   iv. Permit for Immediate Activities

8.4. Permit for Major Activities
8.4.1. Permits for Major Activities will require the promoter to obtain a Provisional Advance Authorisation as part of the application.

8.4.2. Major activities are activities which:
   i. Have been identified in an organisation’s annual operating programme or which have been normally planned or known about at least six months in advance of the proposed date of the activity; or,
   ii. Other than immediate activities, require a temporary traffic regulation order, (i.e. not a temporary traffic notice), such as a temporary road closure under the Road Traffic Regulation Act 1984 for any other activities; or,
   iii. Other than immediate activities, have duration of 11 working days or more.

8.4.3. For Major Activities, the promoter must apply for a permit in accordance with the timescales set out in Appendix D. If the proposed start and end dates are different from those in the Provisional Advance Authorisation then the applicant must explain and justify the reason for the variation.

8.4.4. Applications for Major activities will not be accepted by the Authority unless a Provisional Advance Authorisation application has been previously submitted.
8.5. Permit for Standard Activities
8.5.1. Standard activities are activities, other than immediate or major activities, that have a planned duration of between 4 and 10 working days inclusive. Activities lasting less than 10 working days but which require a traffic regulation order will be classified as Major Activities.

8.5.2. An application for a Standard Activity Permit shall be submitted to the Authority in accordance with the timescales set out in Appendix D and must include a description of the proposed activity together with the proposed start and end dates of the activity.

8.6. Permit for Minor Activities
8.6.1. Minor activities are activities, other than immediate or major activities, that have a planned duration of 3 working days or less. Activities lasting 3 working days or less but which require a traffic regulation order will be classified as Major Activities.

8.6.2. An application for a Minor Activity Permit shall be submitted to the Authority in accordance with the timescales set out in Appendix D and must include a description of the proposed activity together with the proposed start and end dates of the activity.

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

   2. urgent activities are defined in the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 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; or,
iii. to reconnect supplies or services where the promoter would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and,

b. includes works that cannot reasonably be severed from such works.

8.7.2. Immediate activities may commence without a permit being obtained prior to the activity starting on the street. The promoter must apply for a permit to the Authority within 2 hours of the activity starting. Where the immediate works are identified and undertaken outside the normal working day (normal working day is after 0800 hours and before 1630 hours), a permit application must be submitted before 1000 hours the next working day.

8.7.3. Where the promoter determines the need to carry out unplanned works on a specified street as indicated on the ASD as vulnerable, they should contact the Authority immediately, by telephone. This should include out of hours, where practicable.

9. Permit Applications

9.1. Timing of Applications

9.1.1. The timing of applications for PAAs and Permits, and the Authority’s response, varies according to the proposed activity. The minimum application and response times are given in Appendix D. Promoters are advised to provide as much notice as possible so as to facilitate the co-ordination process.

9.1.2. Where the activity is dependent on a temporary traffic regulation order, temporary traffic signal approval or the suspension of parking regulations, information in Appendix G should be taken into account and applicants are advised to submit their requests for TTROs and/or temporary traffic signal approval when applying for a PAA.

9.2. Submitting an Application

9.2.1. PAA and Permit applications, should be made electronically as set down in the technical specification for electronic transfer of notices.

9.3. Failure in the system for electronic transfer of notices

9.3.1. Where there is failure in the system for electronic transfer of notices by either the promoter or the Authority, the procedure for “Handling System Unavailability” contained within the technical specification for electronic transfer of notices should be adopted.

9.3.2. Fixed Penalty Notices (FPNs), Section 74 charges and any other penalties that result due to system failures may be waived. However, the promoters shall inform the Authority about system failures and get an agreement to avoid FPNs and Section 74 charges.
9.4. Compliance with electronic transfer of notices
9.4.1. All applications (even when made by paper) must comply with the definitive format and content given in the technical specification for electronic transfer of notices.

9.5. One Application Per Street
Each application shall only refer to activities in one street. If a project covers more than one street, see 9.6.1. Single applications containing activities in more than one street will not be accepted by the Authority.

9.6. Activities Covering Several Streets
9.6.1. Where the specified activity involves a number of specified streets, a separate permit will be required for each street. Permit applications for specified activities covering more than one specified street shall be cross-referenced to all related applications.

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

9.7. Notification to Interested Parties
9.7.1. Where the ASD indicates other interested parties, the promoters should copy their Permit applications to those parties. Promoters are required to check whether any parties have registered such an interest prior to submitting an application for a Permit or PAA.

9.8. Consultation Requirements
9.8.1. Promoters must carry out necessary consultation as set out in S88, S89 and S93 (as amended) and S90 and S91 of the NRSWA.

9.9. Permit Application and Response Times
9.9.1. The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in Appendix D.

9.9.2. The Authority has the right to refuse or request a modification to an application for a Permit where it considers that elements of an application are not acceptable (e.g. timing, location, description, proposed method, dates or conditions, etc.). The Authority will inform the promoter within the timescale set out in Appendix D and explain the reasons for refusal and the amendments required.

9.10. Restrictions on Further Activities
9.10.1. Where a promoter wishes to apply for a permit to carry out specified activities on a specified street where a S58, S58A or S61 of NRSWA is in force, and the activities are not covered by the specific exemptions of that notice, the promoter must make an application for the Authority's consent specifying the grounds on which the consent is sought. This condition applies to all promoters, in the interests of parity.
9.11. When Non-Specified Activities Become Specified Activities
9.11.1. If a non-specified activity changes, such that a Permit becomes required then the activity must stop and a Permit application made. The Authority may require that the highway be reinstated and all works leave site whilst the Permit application process proceeds. The timescales for application and response will be as set out in Appendix D.

9.12. Error correction
9.12.1. Where the Authority identifies an error in data recorded in, or submitted for recording in, the permit register, it will contact the promoter to discuss and agree the corrections to be made. Where the promoter identifies an error, he will contact the 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 Authority who agreed that the correction should be made. The error correction process is described in technical specification for electronic transfer of notices.

9.12.2. This procedure cannot be used without the prior agreement of both parties. A variation fee will be payable where the identified error has been caused by the promoter.

10. Permit Application - Information Required
The following information is required for applications for PAAs and Permits.

10.1. Reference Number
10.1.1. Each application must include a unique reference number. Details of the numbering system are given in the technical specification for electronic transfer of notices.

10.2. Contact Person
10.2.1. All Permit applications must include the contact details of person(s) appointed by the promoter to resolve deal with any problems that may occur during the activity, including provision for out of hours contact.

10.3. USRN
10.3.1. Each application must relate to a single street. In this regard, the term 'street' refers to the length of a road associated with an individual USRN. Hence, where a single street on the ground has more than one USRN, separate Permit applications will be required for each USRN relating to the activity.

10.4. Location
10.4.1. Each application must include an accurate location based on National Grid References (NGR). For example:
10.4.2. For works for road purposes the same system will apply, for example:
   i. small reinstatements or installation of posts, columns, etc. then the centre of
      the excavation must be referenced.
   ii. For surfacing activities, the NGR must reference the extents of the works.

10.4.3. The promoter should also provide information about the space taken up by
   the activity in the street, where the space includes that required for working areas,
   safety zones and storage.

10.5. Activity Description
10.5.1. Each application must include a detailed description of the activity. The detail
   must be sufficient to allow the Authority to assess the impact of the works. The
   promoter should use plain English to describe the activity.

10.6. Timing and Duration
10.6.1. Each Permit application must include the proposed start and end dates of the
   specified activity. Each Permit application should also include the times of day
   when the activity will be carried out.

10.6.2. Each Permit application must also indicate details of weekend, bank holiday
   working, where this is required. Each application should include details of night
   working, if required.

10.6.3. For traffic sensitive streets, details of the times of day the activity is to be
   carried out must also be provided, including any proposal to work on weekends or
   Bank Holidays or at night.

10.6.4. If, for a major activity, the dates on a permit application differ from those on
   the preceding PAA, the promoter must explain the reason(s) for the change.

10.7. Illustration
10.7.1. Provisional Advance Authorisation applications, Major permit applications
   and any other activities that pose disruption, must be accompanied by an
   illustration(s) of the activity and should include details of the activity, and the
   extent of highway occupancy. The illustration may comprise plans, sections,
   digital photographs and similar material. Illustrations should be submitted with the
   application for minor activities located on a designated traffic sensitive street.

For minor activities and Immediate Activities, illustrations may be provided by the
undertaker and they may be requested by the Authority where the activity is likely
    to result in disruption due to the position, size or the type of activity. Illustrations
    and technical specifications must be provided for all specified activities where the
street has a Special Engineering Difficulty designation or if the Street Authority advises that the activity is proximate to a highway structure.

10.7.2. The Authority may request a disruption effect score. Where this is requested, the Authority will provide the traffic count data to the promoter.

10.8. Traffic Management
10.8.1. All Permit applications must include full details of the proposed traffic management method. This should include the site layout, pedestrian facilities and portable light signals where required. All Permit applications must indicate the need for Temporary Traffic Regulation Orders (TTRO), such as road closures and parking restrictions etc. and indicate where the activities will affect the operation of any permanent traffic signal equipment.

10.8.2. The requirement for a TTRO will involve an additional cost and there will be a specific timescale for the making of orders. Alterations to affect the operation of any permanent traffic signal equipment may also incur an additional cost.

10.9. Technique
10.9.1. All Permit applications must include details of the planned technique to be used; for example:
   i. open cut;
   ii. no-dig;
   iii. low-dig (e.g. insertion or pipe bursting);
   iv. trench sharing;

   This detail is required to allow the Authority to understand what activities are being carried out. The planned method can have implications for the impact on traffic.

10.10. Depth
10.10.1. All Permit applications must include a best estimate of the excavation depth.

10.11. Reinstatement
10.11.1. All Permit applications must indicate whether the proposed activity will be completed with:
   i. a first-time permanent reinstatement; or
   ii. an interim reinstatement, followed by a permanent reinstatement.

   A combination of techniques may be appropriate to a particular activity; this must also be indicated on the Permit application.

10.12. Inspection Units
10.12.1. All Permit applications are required to include a provisional number of inspection units appropriate to the activity and in accordance with the Inspections Code of Practice and The Street Works (Inspection Fees) (England) (Amendment) Regulations 2004. (Refer to 12.3.3. for Collaborative Activities)
11. Issuing of Permits

11.1. Timing of Permit Issue
11.1.1. Where the Authority is satisfied with all the requirements of the permit, a permit will be granted. The response times are given in Appendix D.

11.2. Issue of Permit
11.2.1. A permit will be granted electronically in accordance with the formats given in the technical specification for electronic transfer of notices with the details placed on the permit register and copies supplied to any undertaker, authority or other relevant body and other interested parties that have asked to be informed of activities in a particular street or of activities in relation to a particular Permit application.

11.3. Inclusion of Conditions
11.3.1. Each granted permit will specify in detail the specific activity permitted. The Permit will include all of the conditions attached to the Permit. Where any constraints were provided in the original application, such as work being undertaken during school holidays, such constraints will be included in the conditions attached to the granting of the Permit.

11.4. Permit Unique Reference Number
11.4.1. All permits will be given a unique reference number following numbering conventions specified in the technical specification for electronic transfer of notices with cross referencing to linked permits which have been granted.

11.5. Permit Application Deemed to be Approved
11.5.1. If the Authority fails to reply to an application for a Permit or PAA within the designated response times (Appendix D), the Permit or PAA is deemed to be granted in accordance with 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 promoter as they would have, had the permit been granted within the timescale.

11.5.2. Breaching the conditions of a deemed Permit or PAA will constitute an offence.

11.6. Right of Appeal
11.6.1. The promoter has a right of appeal, in accordance with the Leicester City Council's Dispute Procedure, if it is unable to reach agreement with the Authority over the terms it requested or the conditions attached. In the case of immediate activities, it may be that the work will have to stop, subject to safety and legal considerations, until the issues are resolved.
12. Multiple Phase, Linked & Collaborative Activities

12.1. Multiple Phase Activities
12.1.1. One permit will contain one phase of any activity. A phase of an activity is defined as a period of continuous occupation of the street. For multiple phase activities, the promoter must clarify that the activity is to be carried out in phases on the permit application. Each phase will require a separate permit and, if applicable, also a Provisional Advance Authorisation.

12.1.2. Multiple phase works relate to the same activities. These could be a single or multiple-but-linked excavation, or where an interim reinstatement is made and the permanent reinstatement is made at a later point in time (within 6 months or as agreed).

12.1.3. For clarification, a phase of an activity is a period of continuous occupation of the street, or part thereof, whether or not the work is taking place for the whole time, between the start and completion of the activity.

12.2. Linked Activities
12.2.1. Where linked activities are carried out at separate locations in the same street they will be treated as belonging to the same set of works.

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

12.2.3. 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 must apply for a separate permit.

12.3. Collaborative Activities
12.3.1. The scheme is aimed at achieving collaboration among promoters to minimise the disruption caused to the road users. In this regard, the Authority encourages the promoters to utilise opportunities for collaborative working.

12.3.2. Collaborative working includes trench sharing, multi-utility working, joint utility & works for road purposes activities and compliance testing.

12.3.3. Where two or more promoters decide to enter into such arrangements, one must take on the role of the primary promoter with the overall responsibility for the activities and will be the point of contact with the Authority.

While the secondary promoter(s) will be required to make a permit application for the activity for which they are responsible, only the permit application made by the primary promoter will need to show the number of estimated inspection units. The primary promoter's permit application must give details of the other promoter(s) involved and the extent of the collaborative working. The primary
promoter must also ensure that the estimates of works duration are agreed and confirmed with the secondary promoter(s) when submitting the application.

12.3.4. While the Authority will issue permits to all the promoters involved, not just the primary promoter, the fees will be discounted (see Appendix F) to reflect the collaborative approach, subject to all criteria being met.

12.3.5. The primary promoter will excavate the trench and install its own apparatus with the secondary promoter(s) installing their apparatus in the same trench. The primary promoter will backfill and reinstate the trench unless it has previously been agreed with the Authority and the secondary promoter(s) that the secondary promoter(s) will do this work. In which case, the responsibility for the reinstatement will rest with the promoter who undertook this work.

12.3.6. Where, the collaborative working is trench sharing, the primary promoter will excavate the trench and install their own apparatus. The secondary promoter(s) will also install their apparatus in the same trench. The primary promoter will backfill and reinstate the trench unless it has previously been agreed with the Authority and the secondary promoter(s) that the secondary promoter(s) will do this work. In which case, the responsibility for the reinstatement will rest with the promoter who undertook this work.

12.4. Interrupted Activities

12.4.1. In the event of an activity being interrupted and delayed, for instance, due to damage to a third party’s plant or whilst missing apparatus is acquired, the promoter shall contact the Authority to agree what action should be taken. Where the Authority is satisfied that the excavation can remain open while the repairs are implemented or the equipment obtained, then a variation will be required. However, where it is considered that the opening should be reinstated and the road returned to full traffic use then the promoter will need to apply for a further permit to complete the work at a later date.

12.5. Remedial Works

12.5.1. In the event of remedial works being required after the expiry of the permit, an application must be made for a new permit. This permit must be cross referenced to the permit for the original activity. A PAA will not be required for remedial works for works that are a subsequent phase.

13. Early Starts

13.1. Request for an Early Start

13.1.1. When a promoter wishes to commence an activity at shorter notice than the minimum application period, the promoter should telephone the Authority. Depending on whether the request is made before or after submitting an application, 13.1.2 or 13.1.3 will apply.

13.1.2. When it is known an early start is required before an application has been submitted, an application must be submitted containing the dates the promoter
proposes to work including notification comments explaining the reason behind the early start request. The promoter should telephone the Authority to make them aware of the request, especially where the authority response period is after the requested start date. The Authority will then grant the permit if they accept the early start or refuse the permit if the justification is not valid, or road space is not available.

13.1.3. When an application has already been submitted and then an early start is required, a permit variation must be submitted requesting the new dates for the proposed work including notification comments explaining the reason behind the early start request. The promoter should telephone the Authority to make them aware of the request, especially where the Authority response period is after the requested start date. The Authority can then grant the permit if they accept the early start or refuse the permit if the justification is not valid, or road space is not available.

13.1.4. There can be a circumstance where the Authority may request the promoter for an early start. In such case, the Authority will coordinate among the relevant parties.

14. Review, Variation and Revocation of Permit

14.1. Permit Authority Powers

14.1.1. Regulation 15 grants the Authority powers to review, vary and revoke Permits and Permit conditions. There is no obligation upon the Authority to allow activities to continue beyond the permitted period.

14.2. Changes to a Provisional Advance Authorisation

14.2.1. A Provisional Advance Authorisation cannot be varied. Where a Provisional Advance Authorisation has been given, but a full Permit has not been granted and the promoter wants or needs to amend the proposal, then the promoter must inform the Authority immediately of the proposed change and a revised application for a Provisional Advance Authorisation or a Permit should be made.

14.3. Variations

14.3.1. If variations are required, then the promoter should contact the Authority as soon as possible to avoid a criminal offence being committed by working without a Permit or working without complying with the Permit conditions.

14.3.2. If the variation changes the category of Permit required to a higher category, then the promoter will be required to pay the difference between the relevant Permit fees, in addition to the Permit variation fee. (refer to Appendix E).

14.3.3. The number of such variations will be reported each year, including where variations to higher Permit categories have been required for work for road purposes.
14.4. Timing of Variations
14.4.1. Applications for variation may be made at any time after the Permit has been granted or before and during the activity taking place. Applications for variations must not be made after the end date of the Permit has passed. Applications for variations must include the information set out in Section 10, with the variant information clearly identified.

14.4.2. Where the existing permit has more than 20% of its duration or more than two working days to run, whichever is the longer, the promoter shall apply for a variation electronically.

14.5. Telephone Application for a Variation
14.5.1. If 14.4.2 does not apply, then the promoter must telephone the Authority to seek the Authority’s initial opinion on granting a variation. If the initial opinion is to accept a variation the promoter may then submit an electronic application for a variation.

14.6. Variations for Immediate Activities
14.6.1. In the event of immediate activities requiring a series of fault finding excavations or openings, the following procedure shall apply where it is necessary to undertake works beyond the initial excavation or opening covered by the first application.

As immediate works, the promoter will submit the first permit application within two hours of starting the activity. That first application will contain the location of the initial excavation or opening:
   i. For any further excavations on the same street within 50 metres of the original hole, the promoter will telephone the authority with the new location. No permit variation will be needed and no permit charge will apply.
   ii. 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 Authority may opt to waive such charges.
   iii. Separate variations will be required for bands going in opposite directions or on opposite sides of the street.
   iv. For additional excavations within each band, the promoter will telephone the Authority with the new location. No permit variation will be needed and no variation charge will apply.
   v. If the search carries into a different street or a new USRN, then a separate permit application will be needed.
   vi. If the promoter cannot contact the Authority by telephone, it should record the fact and send the message electronically.
   vii. The Permit conditions for Immediate activities may require modification to take account of how the activity develops and of the change of location, traffic management and working method. This may be initiated by the promoter or the Authority, dependant on the site-specific conditions.
14.7. Information Required for Variation Applications
14.7.1. Applications to vary a Permit or Permit Condition must contain the information in Section 10, with the reasons for the required variation clearly stated.

14.8. Permit Refusal and Modification Requests
14.8.1. Where an application for a permit meets the relevant requirements of the Permit Scheme, the Authority shall grant the permit.

The Authority may refuse an application for a permit or PAA on any or all of the following grounds:

i. Where granting a permit will conflict with the Highways Authorities statutory duties under NRSWA (Section 59, General duty of the street authority to coordinate works) and TMA (Part 2, Network Management by Local Traffic Authorities);

ii. Where an application for a permit does not meet the relevant requirements of the Scheme, the Authority shall not grant the permit.

14.8.2. Where the Authority is unhappy with the Conditions applied then the application can be refused by issuing either a "Modification Request" or a "Refuse PAA / Permit / Variation" notification with the inclusion of a comment to reflect the changes required recorded on the refusal notification. The promoter can then send a "Modified Application" with all the required Conditions or making further changes to original plans as necessary.

It should be noted that where a Modification Request is given as the response then this is considered a refusal under the Regulations if the promoter does not subsequently submit a modified application with the same start and end date as the original application. The original application will not "deem" if the promoter fails to send a modified application following a Modification Request.

14.8.3. If, following a Modification Request, a modified application is granted with the same proposed start and end dates as the original application then the response period for the modified permit application will be as prescribed in the technical specification for electronic transfer of notices.

14.9. Permit Authority Initiated Review, Variation or Revocation
14.9.1. The Authority may take the initiative to review, vary or revoke Permits where it appears likely that Permit or Permit conditions or Permit Scheme objectives are not likely to be met, through no fault of the promoter. This could be due to unforeseen circumstances (for example, unusual weather or ground conditions) or because of Immediate unplanned works, leading to a delay in either the start date or the progress of permitted works. In these circumstances, the promoter is primarily responsible for reporting the delay; however, the Authority may take the initiative in the best interests of road users.

14.9.2. Applications to revoke a Permit or Permit condition must clearly state the reasons.
14.10. Review of Permit due to Non-compliance by the Promoter
14.10.1. If the Authority considers that a promoter is failing to comply with the conditions of a permit then it may take action to review, vary or revoke the Permit or Permit Condition. Before revoking a permit or Permit Condition, the Authority will contact the promoter to warn them of its intention and allow the situation to be resolved.

14.11. Waiving of Fees
14.11.1. If the Authority has to revoke a permit through no action, failing or fault on part of the promoter, no fee will be chargeable.

14.12. Suspending or Postponing an Activity
14.12.1. There is no mechanism in the Scheme to formally suspend or postpone a permit, only to vary or revoke one. If the Authority requires a suspension or postponement an activity for which it has already given a permit, but which it intends must happen at a later date, the Authority will contact the promoter and agree that a variation is submitted by the Promoter. There will be no fee for this Permit variation.

14.12.2. If the promoter requires a suspension or postponement of an activity for which it has already received a permit, but which it intends must happen at a later date, then the promoter must submit a Permit Variation request. A fee will apply for this Permit variation.

14.13. Cancellation of a Permit
14.13.1. A promoter who wishes to withdraw an application before a Permit is granted or cancel a permit for which they have no further use must use the cancellation notice as specified in the technical specification for electronic transfer of notices.

14.13.2. There is no fee for a cancellation notice, but no refund of the fee paid for issuing the permit will be made.

14.14. Working after a Permit has been Revoked or Cancelled
14.14.1. A promoter will be committing an offence if it continues to work after a permit has been revoked or cancelled.

15. Permit Conditions
15.1. General Principles
15.1.1. The Scheme allows for conditions to be attached with the permits. The Authority will consider the impact on road users and the disruption caused by the activity to apply conditions where it deems necessary. The Authority will act reasonably and will consider the promoter's ability to meet their statutory obligations while imposing conditions on the permit.
15.2. Types of Conditions
15.2.1. The conditions imposed are those relevant conditions set out in Statutory Guidance for Highway Authority Permit Schemes – Permit Conditions, or subsequent statutory guidance. Where a condition or conditions are applied to permits, the wording and numbering set out in the Statutory Guidance must be used.

15.3. Applying a Condition to a Permit
15.3.1. Where the Authority considers it necessary and appropriate to impose conditions that differ from the proposals in the permit application, the Authority will state the reasons for this action on their refusal of the permit. The promoter can then choose whether to make a revised permit application or dispute the permit refusal.

If the Authority does not agree with the condition(s) applied or requires additional conditions the application may be either:
   i. Refused with the inclusion of a comment to reflect the changes required;
   or
   ii. Responded to with the issuing of a Permit Modification Request.

The promoter should submit a subsequent permit application with any agreed changes. It is the responsibility of the promoter to ensure the application meets the permit conditions specified by the Authority.

15.3.2. Promoters are encouraged to consider the inclusion of conditions on their permit during the initial application. By doing so, the likelihood of the Authority refusing a permit, with a subsequent re-application could be minimised.

15.3.3. Where a Promoter recognises that multiple conditions should be used, or as indicated by the Authority, all multiple conditions should be included on the permit application.

15.4. Specific Conditions
15.4.1. There may be a unique and exceptional circumstance where a specific circumstance means that an additional condition needs to be added to a permit that is not covered by the text of the conditions set in the statutory guidance. This is referenced as NCT13 in the HAUC Guidance.

Any such condition should:
   i. First be agreed with the activity promoter (in line with the respective duties imposed by s59 and s60 of the 1991 Act);
   ii. Be specific to both the circumstances of the particular activity and the locality; falls within regulation 10(2)(a – h);
   iii. Comply with all primary and secondary legislation regulations and that the application of any constraint within a condition does not conflict with the activity promoter’s obligations under separate legislation;
   iv. Follow any further DfT statutory guidance;
   v. Have regard to the advice provided as the Highway Authorities and Utilities Committee (England) 2014 / 01 issued August 2014;
vi. Be labelled under electronic transfer of notices reference 13

15.5. Breaching of Conditions
15.5.1. Where it appears to the Authority that a condition has been breached and that a promoter (or person acting on behalf of a promoter) has committed an offence then the Authority may revoke the Permit and impose a fixed penalty notice.

15.6. Avoidance of Conflict with Other Legislation
15.6.1. The Authority should try to ensure that any conditions applied to a permit do not conflict with the promoter’s obligations under separate legislation or Nationally Significant initiatives, for example Broadband Rollout. The promoter should bring such conflicts to the attention of the 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.

16. Fees
16.1. Permit Authority’s Power to Charge Fees
16.1.1. To meet the costs of introducing and operating the Permit Scheme Regulation 30 gives the Authority the power to charge a fee in respect of the following:
   i. The application for a PAA;
   ii. The granting of a permit;
   iii. Each occasion where there is a permit variation or the conditions attached;
   iv. Where a permit variation would move an activity into a higher permit category, the promoter will be required to pay the difference between the permit categories as well as the permit variation fee.

16.2. Fee Policy
16.2.1. The Authority will charge the promoters a fee for the above actions in 16.1.1. Permit fees are in Appendix E.

16.3. Fees will Not be Payable
16.3.1. Fees will not be payable in the following circumstances:
   i. By the highway authority in respect of its own activities for road purposes, records of all permits issued and the fees that could have been levied, will be kept in order to assist in the review of fees.
   ii. Where a permit is deemed to be granted because the Authority failed to respond to an application within the time set down in Appendix D.
   iii. If a permit variation is initiated by the Authority.
   iv. Where the promoter has sent a cancellation before the permit has been approved by the Authority.
   v. Where a permit is granted but subsequently revoked by the Authority before commencement of the specified works, the Authority shall refund in full any fee charged in accordance with (the Regulations) provided the revocation is not the fault of the permit holder.
16.4. Fee Discounts
16.4.1. Fee discounts and incentives are as set out in Appendix F.

16.5. Option to Waive or Reduce Fees
16.5.1. The Authority retains the option to waive or reduce fees at its discretion.

16.6. Scheme Evaluation (Review of Permit Fees)
16.6.1. The permit scheme and associated permit fees will be evaluated in accordance with the Regulations.

16.7. Processing of Fees
16.7.1. Monthly invoices will be issued to each promoter, with all permits referenced.
16.7.2. A summary may be issued to each promoter every month so amounts can be confirmed prior to the invoice being raised.
16.7.3. Any discrepancies in the invoices or challenges will be discussed quarterly and any resulting reconciliation will be done in the next month’s invoice.

17. Inspection of Activities
17.1. Inspections
17.1.1. All inspections will comply with Code of Practice for Inspections.

18. Permit Scheme Monitoring
18.1. Evaluation
18.1.1. In accordance with the Regulations, the Authority will monitor and evaluate the Permit Scheme to ensure parity of treatment for all activity promoters and that the scheme meets its objectives.
18.1.2. The evaluation of the Scheme shall take place annually for the first three years and at least every third year thereafter.

   In evaluating the Scheme, the Authority will consider
   i. Whether the fee structure needs to be changed in light of any surplus or deficit;
   ii. The costs and benefits (whether or not) of operating the scheme; and
   iii. Whether the permit scheme is meeting key performance indicators where these are set out in the Guidance and as otherwise set out in this scheme.

   The outcome of each evaluation shall be made available to the persons referred to in regulation 3(1) if the 2007 Regulations within three months of the evaluation.
18.2. Key Performance Indicators

18.2.1. A key principle and objective of the Permit Scheme is that it treats all activities covered by the Scheme equally and parity is established between promoters. The Regulations provide for permit schemes to include both street works by statutory undertakers (as defined in NRSWA) and highway works (as defined in Section 86(2) NRSWA) as works for road purposes.

18.2.2. In order to show that the Authority is operating the Permit Scheme in a fair and equitable way the Authority will apply a set of Key Performance Indicators (KPIs). The Authority will report against these KPIs annually as required by the Regulations for first three years of operations.

18.2.3. KPIs for The Leicester City Permit Scheme:

1. The number of permit and permit variation applications received and the number granted and the number refused. This will be measured and shown as:
   i. the total number of permit and permit variation applications received, excluding any applications that are subsequently withdrawn.
   ii. the number granted as a percentage of the total applications made.
   iii. the number refused as a percentage of the total applications made.

2. The number of conditions applied by condition type. This will be measured and shown as:
   i. the number of permits issued
   ii. the number of conditions applied, broken down into condition types.
   iii. The number of each type being shown as a percentage of the total permits issued.

3. The number of approved revised durations. This will be measured and shown as:
   i. total number of permits and permit variations granted.
   ii. the number of requests for revised durations shown as a percentage of permits issued.
   iii. the number of agreed revised durations as a percentage of revised durations applied for.

4. The number of occurrences of reducing the application period (early starts). This will be measured and shown as:
   i. total number of permits and permit variations applications made.
   ii. the number of requests to reduce the notification period shown as a percentage of permits issued.
   iii. the number of agreements to reduce the notification period as a percentage of revised durations applied for.

18.2.4. The Authority may select additional KPIs in addition to the KPIs above (refer to 18.2.3)
18.2.5. The Authority may add additional key performance indicators in the evaluation report and may adopt other nationally developed key performance indicators such as those developed by HAUC (England).

18.2.6. The Authority may elect to evaluate the scheme on a regular basis to closely monitor the performance of the Scheme. The promoters will be informed of the process in the regular meetings.

19. Sanctions

19.1. Permit Authority’s Policy

19.1.1. Appendix I describes the Authority’s policy regarding sanctions. This policy statement should be read in conjunction with this Section 15.

19.2. Undertaking Activities without a Permit

19.2.1. It is a criminal offence for a promoter or a person contracted to act on a promoter’s behalf to undertake a specified works activity in a specified street without obtaining a Permit.

19.3. Breaching a Permit Condition

19.3.1. It is a criminal offence for a promoter or a person contracted to act on a promoter’s behalf to breach a Permit condition.

19.4. Action by the Authority

19.4.1. Where a promoter or a person contracted to act on a promoter’s behalf undertakes without a permit, works for which a permit is required, or breaches a permit condition, the Authority may:
   i. Serve a notice requiring the promoter to take such reasonable steps as detailed in the notice, which may include steps to remove works, to remedy the breach or to minimise or discontinue any obstruction of the street connected with the works to the satisfaction of the Authority;
   ii. If a promoter fails to comply with the requirements of such a notice, within the timescales, then the Authority may undertake the specified steps and recover the costs that are reasonably incurred from the promoter;
   iii. Issue a Fixed Penalty Notice (FPN) against the promoter in accordance with the Regulations;
   iv. Prosecute the promoter.

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

20. Dispute Resolution

20.1. General Principles

20.1.1. The Authority and the promoters must use their best endeavours to resolve disputes without having to refer them to a formal appeals procedure. However, it is recognised that occasionally this may not be possible.
20.1.2. If agreement cannot be reached locally on any matter arising under this permit scheme or the associated Code of Practice or regulations then the dispute should be referred on the following basis.

20.2. Straightforward issues
20.2.1. Where the Authority and the promoter(s) consider that the issues involved in the dispute are relatively straightforward, the matter will be referred to impartial members of a regional HAUC for review. That review should take place within five working days from the date of referral. The Authority will accept the result as binding.

20.3. Complex issues
20.3.1. If the Authority and the promoter(s) involved in the dispute think the issues are particularly complex, HAUC (England) will be asked to set up a review panel of four members - two utilities and two street authorities. One of the four persons will be appointed as Chair of the panel by the HAUC (England) joint chairs.

20.3.2. Each party must make all relevant financial, technical and other information available to the review panel. The review would normally take place within ten working days from the date on which the issue is referred to HAUC (England). The Authority will accept the conclusions of the review panel as binding.

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

20.5. Arbitration
20.5.1. Disputes relating to matters covered by the following Sections of NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA;
   i. Section 61 (6) - consent to placing apparatus in protected streets
   ii. Section 62 (5) - directions relating to protected streets
   iii. Section 74 (2) - charges for occupation of the highway where works are unreasonably prolonged
   iv. Section 74A (12) - charges determined by reference to duration of works
   v. Section 84 (3) - apparatus affected by major works
   vi. Section 96 (3) – recovery of costs or expenses
21. Transition Details

21.1. Transition Arrangements

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

21.1.2. The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.

i. 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;

ii. 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 cancel these and re-apply for a permit or PAA;

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

21.1.3. As required in Regulation 3, the Authority will give a minimum of four weeks' notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme at which point permit fee charges will be applicable. The issue of FPNs will be suspended for the first month of operation of the Scheme to allow a settling in period.

Appendix A: Glossary

Activity, activity promoter
Covers both utilities’ street works and highway authorities’ own works. See Promoter.
<table>
<thead>
<tr>
<th>Additional street data (&quot;ASD&quot;)</th>
<th>Additional Street Data (&quot;ASD&quot;) refers to other information about streets held on the NSG concessionaire’s website alongside the NSG.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apparatus</td>
<td>As defined in Section 105 (1) of NRSWA &quot;apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus&quot;.</td>
</tr>
<tr>
<td>Appeal</td>
<td>Where there is an unresolved disagreement between the activity promoter and the Authority about a Authority’s decision or actions the promoter may appeal using the procedure in Section 15</td>
</tr>
<tr>
<td>Arbitration</td>
<td>As defined in section 99 of NRSWA, &quot;any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers&quot;</td>
</tr>
<tr>
<td>Authority</td>
<td>The relevant local highway authority, which has prepared a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.</td>
</tr>
<tr>
<td>Bank holiday</td>
<td>As defined in Section 98 (3) of NRSWA, &quot;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&quot;.</td>
</tr>
<tr>
<td>Bar hole</td>
<td>A bar hole is used to detect and monitor gas leaks.</td>
</tr>
<tr>
<td>Breaking up (the street)</td>
<td>Any disturbance to the surface of the street (other than opening the street).</td>
</tr>
<tr>
<td>Bridge</td>
<td>As in section 88(1)(a) of NRSWA, &quot;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&quot;</td>
</tr>
<tr>
<td>Bridge authority</td>
<td>As defined in section 88(1)(b) of NRSWA, &quot;bridge authority means the authority, body or person in whom a bridge is vested&quot;</td>
</tr>
<tr>
<td>RS7666</td>
<td>British Standard number 7666 relating to gazetteers.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>As defined in section 329 of HA 1980, &quot;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&quot;</td>
</tr>
<tr>
<td>Co-ordination Meetings</td>
<td>Quarterly meetings to co-ordinate works in highway authority and neighbouring authorities’ roads.</td>
</tr>
<tr>
<td>Council</td>
<td>As defined in section 329 of HA 1980, &quot;council means a county council, the Great London Council or a local authority&quot;</td>
</tr>
<tr>
<td>Cycle track</td>
<td>As defined in Section 329 of the HA 1980, &quot;cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot&quot;.</td>
</tr>
<tr>
<td>Day</td>
<td>In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.</td>
</tr>
<tr>
<td>DfT</td>
<td>Department for Transport.</td>
</tr>
<tr>
<td>Emergency works</td>
<td>As defined in section 52 of NRSWA</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Electronic transfer of notices</td>
<td>The system for passing notices, permit applications, permits and other information between promoters and the Authority as defined by statutory guidance including any new system that will be introduced to replace the current system, EToN. Current system is EToN defined in the Technical Specification for EToN.</td>
</tr>
<tr>
<td>EToN</td>
<td>Current system defined in the Technical Specification for EToN for passing notices, permit applications, permits and other information between promoters and the Authority.</td>
</tr>
<tr>
<td>Excavation</td>
<td>&quot;Breaking up&quot; (as defined above).</td>
</tr>
<tr>
<td>Fixed Penalty Notice</td>
<td>As defined in schedule 4B to NRSWA, &quot;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&quot;.</td>
</tr>
<tr>
<td>Footpath</td>
<td>As defined in Section 329 of the HA 1980, &quot;footpath means a highway over which the public have a right of way on foot only, not being a footway&quot;.</td>
</tr>
<tr>
<td>Footway</td>
<td>As defined in Section 329 of the HA 1980, &quot;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&quot;.</td>
</tr>
<tr>
<td>Frontager</td>
<td>A person or body occupying premises abutting the street.</td>
</tr>
<tr>
<td>Geographical information system (GIS)</td>
<td>A computer system for capturing, storing, checking, integrating, manipulating, analysing and displaying data related to positions on the Earth's surface.</td>
</tr>
<tr>
<td>Highway</td>
<td>As defined in Section 328 of the HA 1980, &quot;highway means the whole or part of a highway other than a ferry or waterway&quot;.</td>
</tr>
<tr>
<td>Highway Authority</td>
<td>As defined in sections 1 and 329 of the HA 1980.</td>
</tr>
<tr>
<td>Highway works</td>
<td>&quot;works for road purposes&quot; or &quot;major highway works&quot;.</td>
</tr>
<tr>
<td>Highways Act 1980</td>
<td>(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&quot;</td>
</tr>
<tr>
<td>Immediate activities</td>
<td>Immediate activities are either emergency works as defined in section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.</td>
</tr>
<tr>
<td>KPI (Key)</td>
<td>One of the DFT performance indicators used to show parity as</td>
</tr>
<tr>
<td>Performance Indicator</td>
<td>defined in Regulation 40.</td>
</tr>
<tr>
<td>-----------------------</td>
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</tr>
<tr>
<td>Land</td>
<td>As defined in section 329 of HA 1980, &quot;land includes land covered by water and any interest or right in, over or under land&quot;.</td>
</tr>
<tr>
<td>Local authority</td>
<td>As defined in section 270(1) of the Local Government Act 1972 and includes the Common Council of the City of London.</td>
</tr>
<tr>
<td>Local planning authority</td>
<td>Local planning authority has the same meaning as in the Town and Country Planning Act 1990&quot;</td>
</tr>
<tr>
<td>Local register</td>
<td>A local register is a register that is maintained by a single street authority for their own geographic area and will include information on all streets other than those streets that are the responsibility of another street authority</td>
</tr>
<tr>
<td>Local street gazetteer</td>
<td>A subset of the NSG containing details of all streets in a local highway authority area, being a self-contained entity created and maintained by the local highway authority covering all streets in their geographic area regardless of maintenance responsibility</td>
</tr>
<tr>
<td>Main roads</td>
<td>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.</td>
</tr>
<tr>
<td>Maintainable highway</td>
<td>As defined in section 329 of HA 1980, a &quot;highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense&quot;</td>
</tr>
<tr>
<td>Maintenance</td>
<td>As defined in section 329 of HA 1980, &quot;maintenance includes repair, and &quot;maintain&quot; and &quot;maintainable&quot; are to be construed accordingly&quot;</td>
</tr>
<tr>
<td>Major activities</td>
<td>As defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 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&quot;.</td>
</tr>
<tr>
<td>Major bridge works</td>
<td>As defined in section 88(2) of NRSWA, &quot;major bridge works means works for the replacement, reconstruction or substantial alteration of a bridge&quot;</td>
</tr>
<tr>
<td>Major highway works</td>
<td>As defined in section 86(3) of NRSWA, &quot;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&quot;</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>conferred by section 64 of the Highways Act 1980</td>
<td>(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</td>
</tr>
<tr>
<td>Major transport works</td>
<td>As defined in section 91(2) of NRSWA, &quot;major transport works means substantial works required for the purposes of a transport undertaking and executed in property held or used for the purposes of the undertaking&quot;</td>
</tr>
<tr>
<td>Minor activities</td>
<td>Are minor works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 as those activities other than immediate activities where the planned duration is 3 days or less</td>
</tr>
<tr>
<td>Minor roads</td>
<td>Streets in reinstatement categories 3 and 4 which are not traffic sensitive at any time.</td>
</tr>
<tr>
<td>National Grid Reference</td>
<td>Location reference using nationally defined eastings and northings. The format in which it is presented must in all cases match that required by the technical specification for electronic transfer of notices.</td>
</tr>
<tr>
<td>National Land and Property Gazetteer (NLPG)</td>
<td>Gazetteer providing a national reference of land and property related Data Nationally consistent street gazetteer (NSG), a database defined as &quot;an index of streets and their geographical locations created and maintained by the local highway authorities&quot; based on the BS7666 standard</td>
</tr>
<tr>
<td>National Street Gazetteer (NSG) — also referred to as Nationally Consistent Street Gazetteer</td>
<td>A database defined as &quot;an index of streets and their geographical locations created and maintained by the local highway authorities&quot; based on the BS7666 standard.</td>
</tr>
<tr>
<td>Network management duty</td>
<td>As stated in Part 2 of TMA.</td>
</tr>
<tr>
<td>Notice management system</td>
<td>Notice management systems receive electronic street works notices and are used by street authorities to manage them together with other relevant information.</td>
</tr>
<tr>
<td>NSG Concessionaire</td>
<td>The body appointed to manage the NSG on behalf of the local highway authorities.</td>
</tr>
<tr>
<td>ODD</td>
<td>operational district data</td>
</tr>
<tr>
<td>OM (Operational Measure)</td>
<td>One of the permit scheme metrics, see Chapter 14</td>
</tr>
<tr>
<td>Opening (the street)</td>
<td>Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without</td>
</tr>
</tbody>
</table>
**Leicester City Permit Scheme v1.1**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Order</td>
<td>Unless otherwise specific, “Order” means a document signed by a person authorised by the Authority to give effect, vary or revoke a permit scheme.</td>
</tr>
<tr>
<td>Ordnance Survey Grid</td>
<td>A spatial location based on the geospatially referenced national grid owned by the Ordnance Survey.</td>
</tr>
<tr>
<td>OSGR</td>
<td>Ordnance Survey Grid Reference</td>
</tr>
<tr>
<td>Permit</td>
<td>The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions.</td>
</tr>
<tr>
<td>Permit Authority</td>
<td>The relevant local highway authority, which has prepared a permit scheme under section 33(1) or (2) of the Traffic Management Act 2004.</td>
</tr>
<tr>
<td>Permit application</td>
<td>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.</td>
</tr>
<tr>
<td>Permit Management System</td>
<td>A computer based system to record permit applications and consents</td>
</tr>
<tr>
<td>Prescribed</td>
<td>As defined in Section 104 of NRSWA, “prescribed means prescribed by the Secretary of State by Regulations, which may (unless the context otherwise requires) make different provision for different cases”.</td>
</tr>
<tr>
<td>Promoter</td>
<td>A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority.</td>
</tr>
<tr>
<td>Protected street</td>
<td>are defined in NRSWA s81 (1)</td>
</tr>
<tr>
<td>Provisional Advance Authorisation (PAA)</td>
<td>The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA.</td>
</tr>
<tr>
<td>Provisional street</td>
<td>A provisional street is a street that does not yet have an entry in the NSG. Typically, these will be newly created and/or private streets</td>
</tr>
<tr>
<td>Public sewer</td>
<td>Public sewer has the same meaning as in the Water Industry Act 1991</td>
</tr>
<tr>
<td>Railway</td>
<td>As defined in section 105(1) of NRSWA, &quot;railway includes a light railway other than one in the nature of a tramway&quot;.</td>
</tr>
<tr>
<td>Reasonable period</td>
<td>As defined in section 74(2) of NRSWA,</td>
</tr>
<tr>
<td>Reasonable times</td>
<td>Reasonable times may be taken to mean normal office hours (08:00 to 16:30, Monday to Friday except Bank Holidays)</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>As defined in section 105(1) of NRSWA, &quot;reinstatement includes making good&quot;.</td>
</tr>
<tr>
<td>Relevant authority</td>
<td>As defined in section 49(6) of NRSWA,</td>
</tr>
<tr>
<td>Remedial work</td>
<td>Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations.</td>
</tr>
<tr>
<td>Road</td>
<td>&quot;Highway&quot;.</td>
</tr>
<tr>
<td>Road category</td>
<td>This means one of the road categories specified in &quot;Specification for the Reinstatement of Openings in Highways&quot; dated June 2002, as revised or re-issued from time to time.</td>
</tr>
<tr>
<td>Road works</td>
<td>Works for road purposes.</td>
</tr>
<tr>
<td>Schema</td>
<td>XML) Schemas express shared vocabularies and allow machines to carry out rules made by people. They provide means for defining the structure, content and semantics of XML documents.</td>
</tr>
<tr>
<td>Small Openings and Small Excavations</td>
<td>All openings with a surface area of two square metres or less.</td>
</tr>
<tr>
<td>Special Engineering Difficulties (SED)</td>
<td>By virtue of section 63 of NRSWA, the term special engineering difficulties relates to streets or, more commonly, parts of streets associated with structures, or streets or 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.</td>
</tr>
<tr>
<td>Standard activities</td>
<td>Are standard works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007. These are activities, other than Immediate activities, that have a duration of between 4 and 10 days inclusive.</td>
</tr>
<tr>
<td>Strategically significant streets (SSS)</td>
<td>Definition given in the ‘Permit Schemes – Additional Guidance (January 2013):’ ‘Strategically significant streets includes 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 of Highways 2010.’ [It should be noted that from time to time to ensure effective traffic management, other streets may be included].”</td>
</tr>
<tr>
<td>Statutory Guidance for Permit Conditions</td>
<td>Means the Statutory Guidance for Highway Authority Permit Schemes – Permit Scheme Conditions&quot;, the most recent publication, issued by the Secretary of State pursuant to section 33(5)(b) of the Traffic Management Act 2004.</td>
</tr>
<tr>
<td>Statutory Guidance for Permits</td>
<td>Means the Statutory Guidance for Permits&quot;, the most recent publication.</td>
</tr>
<tr>
<td>Street</td>
<td>As defined in section 48(1) of NRSWA</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Street authority</td>
<td>As defined in section 49(1) of NRSWA,</td>
</tr>
<tr>
<td>Street works</td>
<td>As defined in section 48(3) of NRSWA,</td>
</tr>
<tr>
<td>Street works licence</td>
<td>As stated in section 50(1) of NRSWA,</td>
</tr>
<tr>
<td>Temporary Traffic Regulation Order</td>
<td>This means an Order made under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984.</td>
</tr>
<tr>
<td>Terms, Permit terms</td>
<td>The works promoter specified activity at the specified location at specified times executed in a specified way etc. as defined in a granted, deemed or varied permit.</td>
</tr>
<tr>
<td>Traffic</td>
<td>As defined in section 105(1) of NRSWA, &quot;traffic includes pedestrians and animals&quot;.</td>
</tr>
<tr>
<td>Traffic authority</td>
<td>As defined in section 121A of the Road Traffic Regulation Act 1984:</td>
</tr>
<tr>
<td>Traffic control</td>
<td>Any of the five methods of controlling traffic detailed in the Code of Practice &quot;Safety at Street Works and Road Works&quot;.</td>
</tr>
<tr>
<td>Traffic flow</td>
<td>The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>Traffic management is dictated by road space/occupation. Permit Scheme Regulations note that: &quot;traffic management arrangements&quot; includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).</td>
</tr>
<tr>
<td>Traffic order</td>
<td>This means an order made under section 1, 6 or 9 of the Road Traffic Regulation Act 1984.</td>
</tr>
<tr>
<td>Traffic-sensitive street</td>
<td>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.</td>
</tr>
<tr>
<td>Traffic-sensitive Time</td>
<td>In relation to a traffic-sensitive street, means: the times or dates specified in the case of a limited designation; and any time in any other case.</td>
</tr>
<tr>
<td>Traffic sign</td>
<td>As defined in section 105(1) of NRSWA, &quot;traffic sign has the same meaning as in the Road Traffic Regulation Act 1984&quot;</td>
</tr>
<tr>
<td>Transport authority</td>
<td>As defined in section 91(1)(a) of NRSWA. &quot;transport authority means the authority, body or person having the control or management of a transport undertaking&quot;</td>
</tr>
<tr>
<td>Transport undertaking</td>
<td>As defined in section 91(1)(b) of NRSWA. &quot;transport undertaking means a railway, tramway, dock, harbour, pier, canal or inland navigation undertaking of which the activities, or some of the activities, are carried on under statutory authority&quot;</td>
</tr>
<tr>
<td>Trunk road</td>
<td>As defined in section 329 of the HA 1980.</td>
</tr>
<tr>
<td>Type 1 (or 2, or)</td>
<td>As defined in the British Standard BS7666.</td>
</tr>
</tbody>
</table>
### 3) Gazetteer

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undertaker</td>
<td>As defined in section 48(4) of NRSWA.</td>
</tr>
<tr>
<td>Unique street reference number (USRN)</td>
<td>As defined in the British Standard BS7666.</td>
</tr>
<tr>
<td>Urgent activities</td>
<td>Are urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007</td>
</tr>
<tr>
<td>Working day</td>
<td>As defined in section 98(2) of NRSWA.</td>
</tr>
<tr>
<td>Works</td>
<td>Street works or works for road purposes.</td>
</tr>
<tr>
<td>Works clear</td>
<td>A notice under NRSWA s74(5C) following interim reinstatement.</td>
</tr>
<tr>
<td>Works closed</td>
<td>A under NRSWA s74(5C) following permanent reinstatement.</td>
</tr>
<tr>
<td>Works for road purpose</td>
<td>As defined in section 86(2) of NRSWA.</td>
</tr>
<tr>
<td>Works Promoter</td>
<td>A person or organisation responsible for commissioning activities in the streets covered by the permit scheme. In the Permit Scheme promoters will be either statutory undertakers or the highway or traffic authority.</td>
</tr>
</tbody>
</table>

### Appendix B: Dis-applied Sections from NRSWA

Where the Permit Scheme applies, 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:

<table>
<thead>
<tr>
<th>NRSWA section</th>
<th>Change</th>
<th>Permit Regulation – Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S53</td>
<td>Disapplied</td>
<td>Permit regulations prescribe similar provisions for permit registers.</td>
</tr>
<tr>
<td>S54</td>
<td>Disapplied</td>
<td>Replaced by applications for provisional advance authorisation.</td>
</tr>
<tr>
<td>S55</td>
<td>Disapplied</td>
<td>Replaced by applications for permits.</td>
</tr>
</tbody>
</table>
### Appendix C: Modifications to NRSWA

Where the Permit Scheme applies, Permit Regulations modify the following sections of NRSWA to accommodate the issuing of permits rather than the exchange of notices:

<table>
<thead>
<tr>
<th>NRSWA section</th>
<th>Change</th>
<th>Permit Regulation – Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S58</td>
<td>Modified</td>
<td>The authority’s ability to issue 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NRSWA section</th>
<th>Change</th>
<th>Permit Regulation – Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S56</td>
<td>Power to direct timing of Street Works</td>
<td>Replaced by permit conditions and variations, including those initiated by the permit authority.</td>
</tr>
<tr>
<td>S57</td>
<td>Notice of Emergency Works</td>
<td>Replaced by applications for immediate activities.</td>
</tr>
<tr>
<td>S66</td>
<td>Avoidance of Unnecessary Delay or Obstruction</td>
<td>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 permit 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.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Change Type</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>S58A</td>
<td>Restriction on works following substantial street works</td>
<td>Modified</td>
</tr>
<tr>
<td>S64</td>
<td>Traffic Sensitive Streets</td>
<td>Modified</td>
</tr>
<tr>
<td>S69</td>
<td>Works likely to affect other apparatus in street</td>
<td>Effectively Extended</td>
</tr>
<tr>
<td>S74</td>
<td>Charge for occupation of the highway where works are unreasonably prolonged</td>
<td>Modified</td>
</tr>
<tr>
<td>S88</td>
<td>Bridge, bridge authorities and related matters</td>
<td>Modified</td>
</tr>
<tr>
<td>S89</td>
<td>Public sewers, sewer authorities and related matters</td>
<td>Modified</td>
</tr>
<tr>
<td>S90</td>
<td>Provisions as to reinstatement of sewers, drains or tunnels</td>
<td>Modified</td>
</tr>
<tr>
<td>S93</td>
<td>Works affecting level crossings or tramways</td>
<td>Modified</td>
</tr>
<tr>
<td>S105</td>
<td>Minor Definitions</td>
<td>Modified</td>
</tr>
</tbody>
</table>
Appendix D: Application and Response Times

This section has been included for information only. Reference should be made to the relevant legislation and Codes of Practice for full and up-to-date details.

The Permit Scheme application and response times for dealing with Provisional Advance Authorisation Permit applications and variation applications are set out in the table below.

The times in the table below are measured from the time that the application is received by the Authority.

A 'response' is a decision to grant or refuse a Permit. Where there are reasons for not granting a Permit on the terms applied for, then the response to the applicant will explain the reason why the Permit will not be granted on those terms. 'Days' refer to working days as defined in the regulations.

<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Minimum Application Period Ahead of Start</th>
<th>Minimum Period</th>
<th>Response time for issuing a Permit or seeking</th>
<th>Response times for</th>
</tr>
</thead>
</table>
## Appendix E: Fees

The Fees applicable for Permit application, PAAs, and Variations are given provided in the table below:

<table>
<thead>
<tr>
<th>Permit Application Category</th>
<th>Reinstatement Category</th>
<th>Cat 0-2 or Traffic Sensitive</th>
<th>Cat 3-4 and Non-Traffic Sensitive</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAA</td>
<td></td>
<td>£97</td>
<td>£64</td>
</tr>
<tr>
<td>Major (More than 10 days) and requiring a TRO</td>
<td></td>
<td>£201</td>
<td>£107</td>
</tr>
<tr>
<td>Major (4-10 days) and requiring a TRO</td>
<td></td>
<td>£101</td>
<td>£54</td>
</tr>
<tr>
<td>Major (3 days or less) and requiring a TRO</td>
<td></td>
<td>£51</td>
<td>£27</td>
</tr>
<tr>
<td>Standard</td>
<td></td>
<td>£121</td>
<td>£62</td>
</tr>
<tr>
<td>Minor</td>
<td></td>
<td>£61</td>
<td>£31</td>
</tr>
<tr>
<td>Immediate</td>
<td></td>
<td>£58</td>
<td>£28</td>
</tr>
</tbody>
</table>
As stated in the document, the fee for a PAA is payable upon receipt of the associated permit application. Table below describes the possible scenarios and the applicable charges:

<table>
<thead>
<tr>
<th>PAA</th>
<th>Permit Application</th>
<th>Charge for PAA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received and Granted</td>
<td>Not Received</td>
<td>No Charge</td>
</tr>
<tr>
<td>Received not Granted</td>
<td>Received and Granted</td>
<td>Charge</td>
</tr>
<tr>
<td>Not Received (e.g. when Standard Works move to Major Works)</td>
<td>Received and Granted 8</td>
<td>No Charge</td>
</tr>
<tr>
<td>Received and Granted</td>
<td>Received and Refused</td>
<td>Charge</td>
</tr>
</tbody>
</table>

Appendix F: Discounts

This section gives details of the scenario where a fee discount (30%) will apply. The following scenarios will be covered under discounts -

i. Where the work on a traffic sensitive street is done wholly outside of traffic sensitive times

ii. Where the activities on different streets are part of the same project (not covering area-wide activities)

iii. Where two or more activity promoters agree to undertake their activities at the same time, at the same location, under the same traffic management OR trench share to reduce disruption.
Appendix G: Traffic Regulation Orders

**LEGISLATION**
Provisions governing temporary road closures and traffic restrictions for works or other activities in the street are found in Sections 14–16 of the Road Traffic Regulation Act 1984, ("RTRA 1984"), as amended by the Road Traffic (Temporary Restrictions) Act 1991 and Regulations made under RTRA 1984.

**REQUIREMENT FOR AN ORDER OR NOTICE**
Whenever works or other activity on the highway:

i. will prevent any traffic from travelling in any direction which is usually permitted; or

ii. will prevent any traffic from using a special facility; or

iii. general waiting or loading / unloading is to be prohibited; or
iv. where or the use of specific parking arrangements is to be denied, in whole or part; or
v. some other restriction is to be placed on traffic using the highway; or
vi. require the suspension of any existing prohibition/restriction and/or provision

then a Temporary Traffic Regulation Order (TTRO) will be required.

Typically, the circumstances requiring a TTRO include but are not limited to:

i. closing a road to traffic in one or more direction;
ii. closing a footpath to Pedestrians/Cyclists and or Horses;
iii. preventing traffic from making a turning movement;
iv. closing a bus lane or cycle track;
v. requiring general traffic to travel in a bus lane or contrary to some other prohibition;
v. occupying an area within a pay and display or residents parking bay;
vii. preventing traffic from waiting in non-designated areas to create a works area or to enable displaced traffic to travel past the works on the same or other roads;
viii. reducing the speed limit in the vicinity of works for safety purposes.

Appendix H: Policy Statement – Permit Authority Review, Variation and Revocation of Permits

The Authority may take the initiative to review, revoke and vary Permits; however, the promoter should have a reasonable expectation that the road space will be available for the activity to be executed.

It is also desirable for road users and public transport operators to have reliable information and to have an expectation that work will be executed as and when planned.

It is reasonable to expect that situations will occur, outside of the control of the Authority, which may cause the Authority to review the Permit and, or the conditions attached to a Permit. It is possible in some circumstances that the Authority may need to change or revoke the Permit or the conditions.
It is the intended policy that the Authority will avoid making such changes other than in exceptional circumstances and such changes will be based on an assessment of impact on road users. It is envisaged that in circumstances where unpredictable events occur, which result in the loss of capacity on the road network or where strategic diversion routes are required to be activated then planned activities may need to be revised, changed, postponed or cancelled.

If circumstances determine that such action is required then the Authority will contact the promoter(s) as soon as possible to alert them to the situation and discuss the possible course of action.

If possible and practicable the Authority will seek to agree changes with the promoter. The Authority will then issue a revised Permit or the promoter may apply for a revised Permit.

It is anticipated that in most cases agreement will be reached, however if agreement cannot be reached and the Authority issues a new Permit, the promoter will have the option of using the dispute resolution procedure.

The fee for revoking and varying Permits will not be charged when the Authority initiates the action described above, unless the promoter applies for a variation which is not directly linked to the cause of the Permit Authorities initiating action.

The policy only applies to unforeseen circumstances and the actions that are reasonably necessary. It does not prevent the Authority from reviewing, varying and revoking a Permit where the Authority considers that a promoter is acting unreasonably and causing unnecessary or avoidable disruption.

Appendix I - Policy Statement Sanctions

It is a criminal offence to fail to obtain a Permit for specified activities, where a Permit is required, or to fail to comply with Permit conditions.

The Authority will seek to resolve problems quickly and effectively by giving direction of what is required to achieve compliance to the relevant promoter.

If possible, situations will be informally resolved. If a quick and informal resolution is not possible then the Authority will serve notice on the promoter giving a clear description of the non-compliance and direction as to the required remedial action to be taken by the promoter, with timescale for the action.

If the promoter does not respond by taking the required action, within the required timescale, then the Authority may carry out the required action and recover all costs reasonably incurred from the promoter.

If non-compliance is serious or persistent then the Authority may issue a Fixed Penalty Notice or initiate legal proceedings against the promoter.
Appendix J: Contact List

For information related to permits, following the commencement of the Scheme, the Traffic Management team can be reached at traffic.management@leicester.gov.uk.