

**BOROUGH OF TELFORD & WREKIN**  
**TRAFFIC MANAGEMENT ACT 2004**  
**The Telford & Wrekin Council Permit Scheme Order 2025**

Borough of Telford & Wrekin in exercise of its powers conferred by section 33A(2) of the Traffic Management Act 2004 and all other enabling powers hereby makes the following Order –

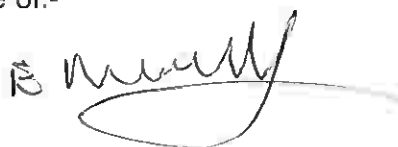
1. This Order may be cited as "The Telford & Wrekin Council Permit Scheme Order 2025"
2. The Telford & Wrekin Council Permit Scheme" means the Telford & Wrekin Permit Scheme document which is set out in the Schedule to this Order
3. The whole part of Part 8 of the Traffic Management Permit Scheme (England) Regulations 2007 shall apply to the specified streets within the Telford & Wrekin Permit Scheme
4. The Telford & Wrekin Council Permit Scheme shall come into effect on 17<sup>th</sup> November 2025
5. This Order supersedes the previous Telford & Wrekin Council Permit Scheme Order 2016 made on 29<sup>th</sup> April 2016 which took effect from 1<sup>st</sup> June 2016

Dated: 13<sup>th</sup> November 2025

**THE COMMON SEAL  
OF BOROUGH OF  
TELFORD & WREKIN**

Was hereunto affixed this 13<sup>th</sup> day of November 2025

In the presence of:-



**EMMA HARVEY  
LEAD LAWYER:  
PROPERTY & COMMERCIAL**



## **Schedule**

### **The Telford & Wrekin Council Permit Scheme**

#### **BOROUGH OF TELFORD & WEKIN**

#### **TRAFFIC MANAGEMENT ACT 2004**

#### **TELFORD & WREKIN COUNCIL PERMIT SCHEME**

1. The Telford & Wrekin Council Permit Scheme has been prepared under the powers provided in Part 3 of the Traffic Management Act 2004 ("TMA") and the Traffic Management Permit Schemes (England) Regulations (2007), (as amended) Statutory Instrument 2007 No. 3372 ("The Regulations") made on 28 November 2007. It is a permit scheme for the purposes of Section 32(1) of the TMA.
2. The Telford & Wrekin Council Permit Scheme is the West and Shires Permit Scheme version 1.6 (WaSP) attached as Appendix 1 and the Telford & Wrekin Council Addendum attached as Appendix 2.
3. The Telford & Wrekin Council Addendum at Appendix 2 contains information specific to operations of the Telford & Wrekin Council Permit Scheme in the Borough of Telford and Wrekin and sets out a number of provisions which supplement the WaSP at Appendix 1 and apply it to the administrative area of Borough of Telford & Wrekin. The WaSP and the Telford & Wrekin Council Addendum together comprise the Telford & Wrekin Council Permit Scheme.
4. Telford & Wrekin Council in preparing this permit scheme also had particular regard to the requirements of the Equality Act 2010 (in particular Part 3) and associated Council policies.
5. The WaSP at Appendix 1 and the Telford & Wrekin Addendum at Appendix 2 contain introductions and background information relating to these documents which assist in understanding the proposed operation of the Telford & Wrekin Council Permit Scheme.

## **Appendix 1**

### **The Telford & Wrekin Council Permit Scheme**

**V1.6**

# **West and Shires Permit Scheme**

**FEBRUARY 2025**

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## 1 Introduction

- 1.1.1.1 The West and Shires Permit Scheme ("the WaSP scheme") has been developed under the powers provided in Part 3 of the Traffic Management Act 2004 ("TMA") and the Traffic Management Permit Scheme (England) Regulations 2007, and as amended. These regulations are referred to as the "Permit Scheme Regulations" within this permit scheme. It is a permit scheme for the purposes of Section 32(1) of the TMA.
- 1.1.1.2 In preparing this permit scheme, the highway authorities had regard to the statutory guidance issued by the Secretary of State and the Department for Transport.
- 1.1.1.3 The highway authorities in preparing this scheme also had regard to the requirements of Section 149 of the Equality Act and associated codes of practice.
- 1.1.1.4 The WaSP scheme replaces the 'noticing' system under the New Roads and Street Works Act 1991 ("NRSWA") for works taking place on the highway. The WaSP scheme allows the participating authority ("Permit Authority") to better manage activities on the highway and minimise disruption and inconvenience.
- 1.1.1.5 The WaSP scheme requires an activity promoter ("promoter") to apply for a permit in order to 'book' time on the highway. The term 'activity promoter' applies equally to statutory undertakers and their contractors and to the highway authority and their contractors. The Permit Authority issues permits with conditions attached to better focus the activity by reducing the impact to road users and other stakeholders; this might be in relation to the timing of the works, the traffic management and methodology or any other factor that is deemed important. Equally the Permit Authority can refuse to issue a permit if it feels the planning, or the detail of the application is insufficient. The WaSP scheme allows the Permit Authority to recoup the cost of coordinating and managing the activity by charging for issuing a permit.
- 1.1.1.6 As required by Regulation 4(1)(c), under the WaSP scheme, activities for both the statutory undertaker and the highway authority are treated similarly in terms of coordination and the setting of conditions. The Permit Authority will operate in a manner that demonstrates parity between applicants at all times and those departments dealing with permits and coordination will be separated from other highways activities.
- 1.1.1.7 Provisions of NRSWA that have been disapplied and modified in respect of the WaSP scheme are set out in Appendix B. Activities by undertakers licensed under Section 50 of NRSWA do not require permits and such activities will continue to be subject to those requirements of NRSWA as set out in *The Street Works (Registers, Notices, Directions and Designations) (England) regulations 2007* and the *Code of Practice for the Co-ordination of Street and Road Works*, and as subsequently amended.
- 1.1.1.8 This version of the WaSP Scheme comes into force through the powers conferred by Section 33A (2) of the TMA by an Order made by the WaSP Permit Authority.
- 1.1.1.9 In making the changes to the WaSP Scheme the Permit Authority undertook a consultation in accordance with Permit Scheme Regulations prior to the revised Permit Scheme coming into effect. There is no transitional arrangement required to bring this version into operational usage.
- 1.1.1.10 The WaSP scheme will be reviewed as set out in guidance by all participating authorities.
- 1.1.1.11 A glossary of terms is provided in Appendix A.

## 2 Principles of a Permit Scheme

### 2.1 Managing the Network

- 2.1.1.1 Any activity on the highway has the potential to cause inconvenience to vehicular traffic, pedestrians, cyclists and others. They may also cause inconvenience for residents and business. Where the activity affects traffic flows directly there is the likelihood of congestion and disruption.
- 2.1.1.2 Effective coordination and management of the highway requires reliable and timely information being communicated and enables differences between those competing for space or time in the street to be resolved in a positive and constructive way. In addition, efficient design of an activity on the highway will significantly mitigate the potential disruption of that activity.
- 2.1.1.3 Permits provide the basis for this with the requirement to manage the applications from utility and highway works in a proactive manner, which are the two activities that often have the greatest effect on traffic and disruption.
- 2.1.1.4 Section 59 of NRSWA places a duty on the street authority to coordinate works of all kinds on the highway. Of equal importance is the parallel duty under Section 60 on undertakers to cooperate in this process.
- 2.1.1.5 The Traffic Management Act 2004 and the associated Permit Scheme Regulations widen the Section 59 coordination duty to include other prescribed activities that involve temporary occupation or use of road space and incorporates any activities included in a Permit Scheme. In addition, Section 16 of the TMA introduces a network management duty on the traffic authority and requires them to secure the expeditious movement of traffic on their network, and facilitate the movement of traffic on the networks of their neighbouring authorities.

### 2.2 Operational Purpose of the Permit Scheme

- 2.2.1.1 The WaSP scheme takes into consideration these statutory duties placed on the permit authorities and in particular aims to benefit a number of areas that are important for delivery of the participating WaSP scheme authority's local transport plans, including:
- coordination of activities on the highway through better active management of the road network
  - environmental benefits stemming from the reductions in disruption and congestion and improvements in material usage
  - long term maintenance of the highway pavement asset
  - public health benefits from greater control over pollution and environmental impacts as well as safe working practices
  - incident response and improved information to the travelling public
  - public transport benefits which come from more structures and coherent stakeholder engagement at all stages of an activity's life
  - improved asset management
- 2.2.1.2 The WaSP scheme has been developed as a framework; a single set of rules upon which each participating authority can apply independently on their own roads to encourage consistency as far as practical whilst recognising the need for local discretion and regional differences.

- 2.2.1.3 The DFT considers permit schemes provide the best method of managing the road network. They help ensure the safety of the activity on the highway, the quality of workmanship and network assurance while not unreasonably delaying these activities from taking place. To this end:
- fee levels have been developed by each individual WaSP scheme authority that are considered proportionate to the significance of the street and the likely amount of work required to effectively coordinate and manage activities on that street in their scheme area. These are provided in each participating authority's Annex to this scheme (see Appendix C);
  - discounts are available for those promoters that are able to deliver work in a proactive way to lessen the impact of their activities, for instance through collaboration or innovation;
  - there will be a flexible approach to works management including 'early starts' and in particular the scheduling and delivery of major schemes;
  - the scheme follows the *Statutory Guidance for Permit Conditions* to assist promoters identify and use these to best effect through a common and consistent approach;
  - those activities that are important to the economic growth of UK plc such as major civil or telecoms/digital infrastructure projects and major events are treated and managed in a way that benefits all stakeholders;
  - WaSP scheme authority's aim to adopt recommended operational approaches as directed by the Highway Authorities and Utilities Committee (HAUC) or other locally or nationally agreed advice;
  - the operating authorities will form working groups to ensure a proactive, consistent and practical approach to exploring ways to reduce the impact of highways activities, while helping initiatives to facilitate economic growth;
  - WaSP scheme Operational Guidance has been developed as part of the scheme to provide further guidance and clarification and best practice on many elements of the scheme's day-to-day operation. This is a 'live' document, and over time it will be adapted and added to.
- 2.2.1.4 The WaSP scheme authorities will actively promote wider engagement between themselves, activity promoters and other departments within their authority that play an important role in the overall network assurance, by:
- close engagement with the authority's own highways contractors and other divisions (for instance development control and planning, event and contingency planning, environmental health, parks and the environment, parking, parish and town councils etc.) to improve working practices and ensure high quality of information and comprehensive planning processes are in place;
  - holding regular meetings between the statutory undertakers and the WaSP scheme authorities to discuss matters of operational performance and explore practical ways of undertaking essential works, exploring innovative methods of working and reducing disruption.
- 2.2.1.5 Principles engrained in NRSWA and TMA are that effective permit scheme objectives must include provisions:
- to ensure safety;
  - to minimise inconvenience to people using a street, including a specific reference to people with a disability;
  - to protect the structure of the street and the integrity of the apparatus in it.

2.2.1.6 In addition, *The Traffic Management (Guidance on Intervention Criteria) (England) Order 2007* sets out what the Secretary of State would take into account in determining whether or not a local traffic authority is performing its network management duties. This includes:

- co-ordinating and planning works and known events;
- ensuring parity with others, by applying the same standard or approaches to an authority's own works as to those of other works promoters.

## 2.3 Key Scheme Objectives

2.3.1.1 The scheme's primary objectives are:

- to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road works and other highway events and activities through proactive management of activities on the highway;
- to improve the quality and timeliness of information received from all activity promoters to increase and improve the publicly available data for integration into the Council-wide travel information;
- to encourage a proactive approach to planning and undertaking of works on the highway from promoters and thus lessen the impact of activities on road users;
- to protect the structure of the street and the integrity of the apparatus in it;
- to ensure safety of those using the street and those working on activities that fall under the Scheme, with particular emphasis on people with disabilities;
- to ensure parity of treatment for all activity promoters particularly between statutory undertakers and highway authority works and activities.

2.3.1.2 The successful performance of the Scheme will bring a number of subsidiary benefits. These include:

- maximising the safe and efficient use of road space;
- providing reliable journey times;
- improving the resilience of the network;
- minimising inconvenience to all road users;
- improving public satisfaction.

## 2.4 Measuring the Objectives

2.4.1.1 The *Statutory Guidance for Permit Schemes* indicates that aspects of the scheme objectives should be measurable while Regulation 4(1)(d) requires the Permit Authority to describe how they will evaluate the scheme.

2.4.1.2 Chapter 13 sets out in more detail the metrics that will be used to measure how the scheme is performing. These are based on Operational Measures and Key Performance Indicators.

2.4.1.3 KPIs and Operational Measures will be published quarterly by each individual Permit Authority and will be made available in a raw format (without additional analysis) on their website and at performance and coordination meetings.

2.4.1.4 An evaluation report will be produced either by each individual Permit Authority, or as a group, where the annual KPIs and Operational Measures will be analysed more fully to evaluate the scheme. This will be published in line with requirements set out by HAUC or DFT.

**2.4.2 Working Groups**

- 2.4.2.1 The permit scheme authorities will establish an Operational Board to oversee the operation of the permit scheme. An Operational Group will also be formed between permit authorities, statutory undertakers, and other stakeholders to enable discussion and evaluation of the scheme objectives.
- 2.4.2.2 Smaller working groups will be created when there is a need to consider specific issues arising from the day-to-day operation of the permit scheme and will also provide a point of reference for establishing best practice and encouraging enterprise and innovation in the region from permit authorities and activity promoters.
- 2.4.2.3 Working groups will develop permit advice notes specific to the scheme to encourage consistent application of the scheme principles by both permit authorities and activity promoters.

## 3 Principles of Coordination and Permit Management

### 3.1 Principles of Coordination

- 3.1.1.1 To meet the objectives and outcomes required by the WaSP scheme, activity promoters and permit authorities need to adhere to four main principles.
- The need to balance the potentially conflicting interests of road users and activity promoters' customers.
  - The importance of close cooperation and liaison between permit authorities and activity promoters.
  - An acknowledgement that activity programmes and practices may have to be adjusted to ensure that the statutory objectives of the coordination provisions are achieved.
  - Successful coordination requires accurate and timely information and good communication between permit authorities and activity promoters.
- 3.1.1.2 The Scheme will operate in a way that encourages proactive planning, scheduling and management of activities so that traffic disruption is minimised as far as practically possible.
- 3.1.1.3 The principles of Sections 58 and 58A of NRSWA will operate alongside the WaSP scheme to help coordinate larger resurfacing schemes and utility projects.
- 3.1.1.4 Small scale and short duration activities, particularly in non-traffic-sensitive situations, are unlikely to cause significant disruption. However, where several activities are close together they can be disruptive or cause a nuisance. Effective coordination therefore needs to consider proposals of every scale and duration.
- 3.1.1.5 The Permit Authority will undertake the principles of coordination as described in the HAUC guidance documents, the *Code of Practice for the Co-ordination of Street and Road Works* and related guidance issued by the Department for Transport and any other such best practice guidance in general use.

### 3.2 Principles for Promoters

- 3.2.1.1 It is essential that all promoters take the permit scheme objectives and the wider TMA objectives into account when planning and managing their works.
- 3.2.1.2 The prime responsibility for planning, supervising and carrying out individual activities falls on the activity promoter.
- 3.2.1.3 Promoters must consider the needs of all road users, including those with disabilities – whether they are pedestrians, equestrians, cyclists, or motorists – throughout the planning and execution of activities.
- 3.2.1.4 Promoters should ensure that they engage fully with any stakeholders and interested parties that the Permit Authority deems necessary and be prepared to modify their proposals where appropriate and practicable.
- 3.2.1.5 Promoters should take into account the space needed for both the works and the storage of plant and materials when assessing the likely disruption the activity might cause.

### 3.3 Principles for the Permit Authority

- 3.3.1.1 In order to respond to a permit application, the Permit Authority must consider all aspects of the proposed activity and other influences that may affect traffic. These include, but are not limited to:
- the road network capacity;

- the scope for collaborative working opportunities, including trench and duct sharing between promoters or working within the same area of traffic management;
  - the optimum timing and duration of activities;
  - the effect on traffic both on the Authority's network and adjoining highway authority;
  - safety for those engaged in the activity as well as the general public;
  - appropriate techniques and arrangements particularly at road junctions and pinch points, strategically significant streets or those with special engineering difficulties;
  - environmental impacts from both noise, excessive spoil and materials, and congestion;
  - the effect of other activities that take place on or affect the highway, for instance events and street parties, licensed operations or other consents under the Highways Act 1980, developments that affect the highway, highways activities such as gritting or rubbish clearance.
- 3.3.1.2 The Permit Authority will consider the difficulties that any proposed activity will or may cause and, where possible, agree an acceptable way forward either from the information provided in the permit application or through further discussion. Any agreements made will be validated using specific conditions that will apply to each activity to ensure that the work is carried out in the manner agreed, to minimise disruption and inconvenience particularly to local businesses and residents.
- 3.3.1.3 The Permit Authority will initiate liaison with all necessary stakeholders and interested parties where the activity is likely to affect these organisations and will take into account their opinions and considerations. These may include, but are not limited to
- the emergency services, normally via the Police;
  - public transport operators and authorities, including Network Rail;
  - local authority areas such as planning or environmental health officers, or parish, town or borough councils;
  - other appropriate bodies, for example those representing disabled people, pedestrians, cycling groups, hauliers and motorists;
  - the Ministry of Defence, English Heritage, the National Farming Union, local tourism boards, the Environment Agency and any organisation as required.
- 3.3.1.4 As required by Regulation 40 The WaSP scheme will operate in a fair and equitable way ensuring a level playing field with all promoters competing for time and space on the highway. The Permit Authority will ensure sufficient separation between those operating the permit scheme and those responsible for highway activities so that parity of treatment is evident.

## **3.4 Permit Management**

### **3.4.1 Technology**

- 3.4.1.1 Street Manager is a digital service for the creation, co-ordination and monitoring of road and street works. Part 8A of the 2007 regulations was inserted by the *Street and Road Works (Amendments Relating to Electronic Communications) (England) Regulations 2020* to require use of Street Manager, or any other service provided by the DFT, by authorities and statutory undertakers.

- 3.4.1.2 Permit applications must include locations by means of Ordnance Survey National Grid References (NGR). This together with the use of the nationally consistent street gazetteer means that the Permit Authority will be able to visualise the impact of different activities on their networks and the interaction between these activities.

### **3.4.2 The Register**

- 3.4.2.1 In accordance with Section 7 of *The Traffic Management Permit Scheme (England) regulations 2007*, the Permit Authority will maintain a register of each street covered in their scheme, as well as a register under Section 53 of NRSWA for other street information that are not part of the WaSP scheme. Advice is available from the NSG concessionaire concerning setting up the authority's Associated Street Data (ASD) correctly in order to manage these parallel registers. Further details about the register are given in the *Code of Practice for the Co-ordination of Street and Road Works*.
- 3.4.2.2 Part 8A requires authorities to use Street Manager as the register for the information set out in the 2007 regulations and Section 53 as amended in NWSRA.

## 4 Scope of the Permit Scheme

### 4.1 Streets Covered in the WaSP Scheme

- 4.1.1.1 As required by Regulation 7, The "specified area" for the purposes of each authority operating the WaSP scheme will be the geographical area encompassed by that local authority's boundary.
- 4.1.1.2 All streets maintained by, or on behalf of, the local authority are included within this scheme as set out in Regulation 8. These are identified within the authority's Additional Street Data (ASD).
- 4.1.1.3 Trunk roads and motorways for which National Highways is the highway authority are not included in the scheme.
- 4.1.1.4 Activities on privately maintained streets do not fall under the permit scheme but will be recorded on the authority's street works register as notices under Section 53 of NRSWA.

### 4.2 Street Gazetteer

- 4.2.1.1 For the purposes of the WaSP scheme the term "street" refers to a length of highway associated with a Unique Street Reference Number (USRN) as determined by the National Street Gazetteer Concessionaire. "Street" is defined in section 48 of NRSWA.
- 4.2.1.2 The Permit Authority will maintain and publish a gazetteer of all streets operating under the permit scheme to level 3 standard (as defined under BS7666) including the USRN and additional street data (ASD).
- 4.2.1.3 Further detail on the content and application of the street gazetteer are provided in the *Code of Practice for the Co-ordination of Street and Road Works* and related guidance.
- 4.2.2 **Reinstatement Designation**
  - 4.2.2.1 Reinstatement categories are defined in the statutory *Specification for the Reinstatement of Openings in Highways* (SROH) and are the same as those used under NRSWA. Designations for each street in the local street gazetteer will be provided in the authority's ASD.
- 4.2.3 **Traffic-Sensitive Streets**
  - 4.2.3.1 Traffic-Sensitive Streets are defined under regulation 16 of *The Street Works (Registers, Notices, Directions and Designations) (England) regulations 2007*.
- 4.2.4 **Locally and Strategically Significant Streets**
  - 4.2.4.1 Strategically Significant Streets includes traffic-sensitive streets, as well as streets which fall into reinstatement categories 0, 1 or 2.
  - 4.2.4.2 The WaSP Scheme fee structure has been developed to include other streets of Local Significance which do not fall under the definition of Strategically Significant Streets. These typically include streets linking rural communities, flood diversion routes, or roads near military establishments, where the impact from activities on these roads could be severe.
  - 4.2.4.3 For the purposes of permit charges and notification timescales, Locally Significant Streets will fall under the ASD designation of 'traffic-sensitive'.

- 4.2.4.4 For the purposes of Section 74 (*New Roads and Street Works Act 1991*) overruns, Locally Significant Streets that do not already fall within the regulatory definition of 'traffic sensitive' will not be considered as traffic-sensitive and will not attract the higher charge bands.

#### **4.2.5 Early Notification of Immediate Activities**

- 4.2.5.1 Some streets or parts of a street are particularly vulnerable to traffic disruption. For these locations, the Permit Authority may wish to have the earliest possible information about an Emergency or Urgent activity to enable it to initiate traffic management arrangements and provide information to the public that will mitigate the impact of the activity. These streets will be indicated within the authority's ASD as those which are "streets subject to early notification of Immediate activities" and where early notification is required.

### **4.3 Activities Covered by the Permit Scheme**

- 4.3.1.1 For the purposes of the WaSP scheme Specified Works are "registerable activities" as defined in *The Street Works (Registers Notices Directions and Designations) (England) regulations 2007* and any subsequent amendments. This applies equally to streets works as defined by Section 48(3) of NRSWA and works for road purposes as defined by Section 86(2) of NRSWA and Regulation 6(2) of the Permit Regulations.

- 4.3.1.2 The term "specified works" is used generically in the Permit Scheme Regulations. The term "activity" is used in this scheme to encompass any registerable activity that requires a permit.

#### **4.3.2 Registerable Activities**

- 4.3.2.1 For clarity the following works are registerable for all promoters and information related to them has to be recorded on the register and may only take place with a valid permit.

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

#### **4.3.3 Non Registerable Activities**

- 4.3.3.1 The following works are not classed as registerable.

- 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 flow.
- Pole testing which does not involve excavation does not require a permit.
- Testing of fire hydrants by fire service vehicles, provided the work is done outside traffic-sensitive periods.
- Core holes not exceeding 150 mm in diameter do not require registration in advance, unless one or more of the rules above relating to traffic management impact apply.

**4.3.4 Bar Holes**

- 4.3.4.1 Bar holes are used to detect and monitor leaks or faults will require an Immediate permit only if they lead on to any further work that falls into the registerable category given above. When bar holes are carried out and it is known that no further activity in the street is required a registration under Section 70 (3) of NRSWA must be sent within 10 ten days. The bar holes will count as a single excavation and reinstatement for registration purposes.

**4.3.5 Other Highways Activities**

- 4.3.5.1 Works and repairs for District and Parish Councils acting on their own account and not on behalf of Highway Authority, including works on street lighting etc., are considered as street works and thus will attract the same charges and penalties as any other statutory undertaker.
- 4.3.5.2 It is for activity promoters to ensure that permit applications for such activities are made and that the activity is registered, as appropriate.

**4.3.6 Section 50 Licences**

- 4.3.6.1 Licences issued under Section 50 (NRSWA) do not require a permit, however a licence should be issued in line with the permitting requirements of the WaSP scheme and the activity must be entered onto the street works register to aid coordination and to comply with the requirements under NRSWA.

## 5 How to make Permit Applications

### 5.1 General Principles

#### 5.1.1 Purpose

5.1.1.1 Any promoter of a registerable activity that wishes to carry out such an activity must obtain a permit from the Permit Authority.

5.1.1.2 The permit will allow the activity promoter to carry out the specified activity:

- at the specified location;
- between the dates shown; and
- subject to any conditions that may be attached.

5.1.1.3 Permits will be required for all registerable activities on all streets designated as public highway as specified on the local street gazetteer.

5.1.1.4 The content of applications and notifications and communications relating to all aspects of the permit will be made using, and will comply with, the definitive format and content of the protocols as set out in the Street Manager business rules which may change from time to time. Where there is a failure in the system then other methods of communication will be acceptable (see Section 5.9).

#### 5.1.2 Types of Permits

5.1.2.1 The WaSP scheme allows two types of application:

- Provisional Advance Authorisation (PAA). These are used only for major activities (as defined in Permit Scheme Regulations) which are likely to be large and/or more disruptive and provide advance notice but not necessarily with full details of the final activity.
- Permit Application (PA). These will contain fully accurate and timely details as prescribed and will be required for all registerable activities, including as a follow-up to a PAA.

### 5.2 Activity Categories

5.2.1.1 The WaSP scheme applies to the following works categories, as defined in Regulation 3 (*The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007*). Application periods are set out in table 1, Section 7.1.

#### 5.2.2 Major Activities

5.2.2.1 Major activities are those that:

- require a temporary traffic regulation order (not a temporary traffic notice) under the Road Traffic Regulation Act 1984 for any other registerable activities other than immediate activities; or,
- have a duration of 11 days or more, other than immediate activities.

#### 5.2.3 Standard Activities

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

#### 5.2.4 Minor Activities

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

**5.2.5 Immediate Activities**

5.2.5.1 Immediate Activities are either emergency works or urgent works. Refer to the Code of Practice for the Coordination of Street and Road Works and legislation for full definition (see also glossary).

5.2.5.2 Emergency works, which are defined in Section 52 of NRSWA, are:

- any works whose execution at the time they are executed is required to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause damage to persons or property.

Where works comprise items some of which fall within the preceding definition, the expression "emergency works" shall be taken to include such of the items as do not fall within that definition as cannot reasonably be severed from those that do.

5.2.5.3 Urgent works are defined in the Permit Scheme Regulations as activities:

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

They include works that cannot reasonably be severed from such works.

5.2.5.4 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.

5.2.5.5 Remedial works to dangerous defective reinstatements are classed as Immediate works.

5.2.5.6 See also section 5.6 for information on remedial works and severable works.

**5.3 Provisional Advance Authorisations (PAAs)**

5.3.1.1 In accordance with Regulation 11, a Provisional Advance Authorisation (PAA) must be obtained for Major activities. A PAA is not required for Minor, Standard or Immediate activities or those classed as remedial works.

5.3.1.2 PAAs provide a mechanism for significant activities to provisionally 'book' road space prior to further planning and discussion between the activity promoter and the Permit Authority. They replace the NRSWA Section 54 Advance Notice.

5.3.1.3 A PAA may only contain one street or USRN.

5.3.1.4 The PAA must be applied for not less than three months in advance of the proposed commencement date of those works or as agreed with the Permit Authority. An application for a PAA must always specify proposed start and end dates. However, as it may be difficult to be certain of the start date three months before the event, the proposed start date is regarded as provisional and may be amended in the application for a final permit.

5.3.1.5 A PAA must be followed-up by a full permit application within the required timeframes, as set out in table 1, Section 7.1.

- 5.3.1.6 The information required in support of an application for a PAA is the same as for a permit application. The application should follow the definitive formats required by Street Manager. While it is recognised that comprehensive information may not be known at this early stage, as much detail should be provided as possible to enable the Permit Authority to adequately assess the submission.
- 5.3.1.7 The Permit Authority must respond to an application for a PAA within the required timeframes, as set out in table 1, Section 7.1 from the date the application is received by the Permit Authority. The response may either grant the PAA or refuse it, giving reasons (see Chapter 7).
- 5.3.1.8 Where the Permit Authority decides that the activity promoter needs to provide additional information or undertake a publicity exercise prior to submission of the follow-up permit application, they will inform the activity promoter. This will be part of the ongoing planning and agreement process and the activity promoter will be required to provide this information or provide evidence of the publicity exercises undertaken as part of the conditions of the full permit application.
- 5.3.1.9 The dates and the detail of the PAA should be considered as provisional and should any of these details change significantly then the activity promoter should inform the Permit Authority of the changes as soon as possible.
- 5.3.1.10 A PAA cannot be varied, only resubmitted. The Permit Authority may therefore decide that a new PAA is required if significant changes to the detail are required. Alternatively, if the Permit Authority feels the changes are less significant then, these changes can be made as part of the full permit application.
- 5.3.1.11 In accordance with Regulation 11(5), the granting of the PAA does not guarantee that a Permit will be subsequently issued, particularly if the Permit Authority feels that the activity promoter has not provided suitable levels of detail as noted in the sections above or where dates have changed so significantly they clash with another activity.

## **5.4 Requirements for Permit Applications**

### **5.4.1 *Timing of Permit Applications***

- 5.4.1.1 Table 1 in Section 7.1 provides minimum application timescales for PAAs and permit applications.
- 5.4.1.2 An activity that is classed as Immediate (Emergency or Urgent) must have an application submitted within two hours of the activity starting, or in the case of the activity commencing out of normal working hours or on a non-working day, in line with current regulations or guidance.

### **5.4.2 *Method of Making Permit Applications***

- 5.4.2.1 All permit notifications, including PAAs, permit applications and variations, must be made electronically, and must comply with the Street Manager protocols.
- 5.4.2.2 Where there is an electronic system failure by either the activity promoter or the Permit Authority, an alternative strategy must be implemented (see Section 5.9).

### **5.4.3 *Content of Permit Applications***

- 5.4.3.1 All applications must comply with the definitive format and content given in the Street Manager protocols (see also Section 5.5).
- 5.4.3.2 To ensure that information made publicly available can be understood by the general public the description of activities and other information should be in plain English with minimal industry specific jargon.

- 5.4.3.3 The Permit Authority will actively encourage the use standardised durations for routine activities which will be developed by the WaSP Working Groups and referenced in the WaSP scheme Operational Guidance.
- 5.4.3.4 Each application must contain information about activities in only one street. To improve co-ordination, projects covering more than one street should cross-reference all related applications.
- 5.4.3.5 The promoter should ensure that Immediate permit applications are as accurate as possible, and they must contain what the promoter believes to be the appropriate conditions for the works (see Chapter 6). The works must take place within the terms of the permit application submitted.
- 5.4.3.6 An Immediate application should comply with any conditions specified by the Permit Authority whether generic for such activities or specific to one activity (see Section 6.3).

#### **5.4.4 Applications involving other Interested Parties**

- 5.4.4.1 Any undertaker, authority or relevant body or organisations who wish to be informed about any activities on a street should ensure their interest is entered in the street authority's ASD against that street. Promoters and the Permit Authority must ensure that any such interested parties are copied in on all notifications.
- 5.4.4.2 Street Manager provides this functionality. However, some interested parties may not have access to the electronic systems so they should be sent copies by an alternative method.
- 5.4.4.3 The Regulation 37 amend NRSWA Section 88, 89 and 93. Together with Sections 90 and 91, these deal with notifications to bridge, transport and sewer authorities to ensure that consultation takes place on streets with structures and other special engineering difficulties (as described in the authority's ASD).

#### **5.4.5 Permit Start and End Dates**

- 5.4.5.1 A permit allows an activity to be carried out between the start and end date (in calendar days) given on the permit and that the duration of the works will be reflected in the permit conditions. This allows an activity to be carried out on weekends or Bank Holidays.
- 5.4.5.2 A promoter working outside the permit dates would not have a valid permit and potentially would be committing an offence.
- 5.4.5.3 However, in other respects the reasonable period of the activity remains operating on working days, as defined in the Permit Scheme Regulations. On strategically significant streets, the duration of the activity will exactly match the time from the start date to the end date excluding any non-working days between the two dates.
- 5.4.5.4 For activities on strategically significant streets where an activity is delayed on the permit start date, the activity promoter should contact the Permit Authority as soon as possible on the due start date so that the Permit Authority can put into place any additional or mitigating actions it considers necessary.
- 5.4.5.5 The promoter may decide they are able to begin the activity on a subsequent day, submitting the Section 74 Actual Start notice. However, there is no automatic extension to the permit or the reasonable period in these circumstances and the end date remains the same unless an agreement is reached between the promoter and the Permit Authority, and a permit variation is granted (see Chapter 8).
- 5.4.5.6 On non-strategically significant streets there is a validity window to provide a flexible commencement period after the proposed start date of the permit.
- 5 days for major and standard activities.

- 2 days for minor activities.

5.4.5.7 Once the works commence and an Actual Start notice is submitted the permit end date will adjust to take into account the actual start date and the previously agreed reasonable period and permit duration. Street Manager provides this functionality automatically.

5.4.5.8 In both cases above, if the activity promoter cannot complete the activity before the permit end date, they must apply for a permit variation to extend the permit. This would be required even if the extra days were at a weekend (a permit expires at midnight). The Permit Authority may or may not agree to an extension of the reasonable period, depending on the circumstances, and the activity promoter may be subject to over-run charges under NRSWA Section 74 (see Chapter 8).

#### **5.4.6 Non-working Days**

5.4.6.1 If the impact or duration of an activity can be lessened by extending works on site into weekends and bank holidays, then promoters are actively encouraged to consider these possibilities. The WaSP scheme authorities will make a general policy available as part of the WaSP scheme Operational Guidance for such situations and will proactively seek opportunities to lessen road occupancy.

5.4.6.2 In such situations, conditions will be placed on the permit to define when such works may take place and any other constraints as deemed necessary by the Permit Authority (see Chapter 6).

#### **5.4.7 Early Starts**

5.4.7.1 An activity must not start before the expiry of the application period except where an early start has been agreed with the Permit Authority.

5.4.7.2 The Permit Authority will allow early starts to a permit (a reduction to the minimum notice period as set out in table 1, Section 7.1) providing that:

- it does not conflict with other activities;
- there is a legitimate reason for the request and not a result of poor works planning by the activity promoter;
- activity promoters do not use early starts regularly to conceal poor works management.

5.4.7.3 The Permit Authority will consider a promoter's request for an early start and such a request will not be unreasonably refused. An early start must be applied for in the manner requested by the Permit Authority as detailed in the WaSP scheme Operational Guidance.

#### **5.4.8 Actual Start and Works Stop Notifications (Section 74)**

5.4.8.1 WaSP scheme will follow the requirements for submission of Actual Start and Works Stop notifications as set out in Regulations or any other guidance issued by HAUC. These Notices must be sent electronically through Street Manager.

5.4.8.2 In the case of an Immediate activity the permit application will be taken as the actual start date notice as it is made after the activity has commenced, and the status should always be "In Progress".

### **5.5 Content of a Permit Application and Provisional Advance Authorisation**

- 5.5.1.1 The Street Manager business rules provides detail on the required fields to be submitted as part of a permit application or PAA. Additional information or constraints will be provided as part of the condition text.
- 5.5.1.2 The Permit Authority recognises that full information may not be fully known at the time an application for a PAA is made. However, activity promoters should make every effort to provide the most accurate information available at each stage.
- 5.5.2 Reference Number**
- 5.5.2.1 Each application must include a unique reference number. Details of the numbering system are given in the Street Manager business rules.
- 5.5.3 Description of Activity**
- 5.5.3.1 This must be a comprehensive description of what the activity is and its purpose to allow the Permit Authority to assess the likely impact. This should include:
- detail on the works being undertaken;
  - a description of methodologies employed;
  - description of the layout and impact of the activity (for example traffic management);
  - details of any collaborative working; such as details of the other promoters and brief descriptions of the activities being undertaken;
  - any other information pertinent to that activity.
- 5.5.3.2 To ensure that information made publicly available can be understood by the public the description of activities and other information should be, within reason, in plain English with minimal industry specific jargon.
- 5.5.4 Location of Activity**
- 5.5.4.1 An accurate location must be provided based on Ordnance Survey National Grid References (NGRs). For a small excavation or opening then a point NGR should be provided. A polyline or a polygon feature must be provided to describe trenches or wider areas taken up as described in the Statutory Guidance.
- 5.5.4.2 The location must have a textual description that matches the NGR provided.
- 5.5.4.3 The street must be given based on the unique street reference number (USRN) provided in the street gazetteer as defined by the National Street Gazetteer Concessionaire. Each permit may only contain one street.
- 5.5.4.4 Where the activity is likely to cause significant disruption a description of the space taken up by the activity should be provided. The Permit Authority may request additional information such as a traffic management plan or schematic to show the site footprint.
- 5.5.4.5 Promoters applying for Immediate activities must provide a location that reflects where the activity is actually taking place. If the location then changes a permit variation must be obtained (see Section 8.2).
- 5.5.5 Timing and Duration**
- 5.5.5.1 The proposed permit start and end dates (in calendar days) will clearly define the time period an activity will take up road space.
- 5.5.5.2 Details of the times of day the activity is to be carried out should be provided, including any proposal to work at night.
- 5.5.5.3 Details must be provided where the activity promoter proposes to undertake activity on weekends or Bank Holidays to speed up the activity or reduce disruption.

- 5.5.5.4 These constraints on the activity will be submitted as conditions and will be taken into consideration by the Permit Authority.

**5.5.6 Illustration**

- 5.5.6.1 An illustration may be required for any activity where the Permit Authority considers that the disruption caused by the activity may be significant or where the location is difficult to define.

- 5.5.6.2 An illustration must include details of the activity and location of utility apparatus, the extent of the highway occupancy and if requested by the Permit Authority a numerical measure of estimated disruption. This additional information may be in the form of sections, photographs, traffic management drawings and any other relevant material. In combination, all of this material will be referred to as the traffic management plan. This material may be 'attached' to the applications using Street Manager or submitted in some other format.

- 5.5.6.3 If required for Major works, an illustration of the activity should be provided at or prior to the permit application stage. It is expected that this will be part of the PAA planning process or the discussion resulting from a PAA submission.

**5.5.7 Methodology**

- 5.5.7.1 Details of the proposed techniques, such as open cut, trench share, minimum dig etc. should be provided as part of the works description.

**5.5.8 Traffic Management and Temporary Traffic Regulation Orders**

- 5.5.8.1 Details of types of traffic management or traffic control must be referred to when submitting a PAA or the permit application. Certain traffic management proposals will also require suitable conditions detailing the constraints on these proposals.
- 5.5.8.2 The activity promoter must supply details of traffic management proposals together with any requirement for action by the local authority or others, for instance:

- A need for a Temporary Traffic Regulation Order (TTRO);
- Lifting of parking restrictions;
- Approval for portable traffic signals (PTS);
- Suspension of bus stops.

- 5.5.8.3 The extra time required for gaining these approvals need to be considered by the activity promoter.

- 5.5.8.4 Additional costs associated with these are not included within the scope of this permit scheme.

**5.5.9 Depth**

- 5.5.9.1 Where it expected that an excavation will be deeper than 1.5metres, activity promoters must provide their best estimate of the excavation depth. While this might be expressed as a range, it should nonetheless provide a meaningful indication of the nature and extent of activity involved.

**5.5.10 Reinstatement Type**

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

**5.5.11 Inspection Units**

- 5.5.11.1 The application must state the provisional number of estimated inspection units appropriate to the activity, in accordance with the rules laid down in the Inspections Code of Practice and *The Street Works (Inspection Fees) (England) Regulations 2022*. Where there is trench sharing, only the primary promoter is required to give the inspection units.

#### **5.5.12 Contact Person**

- 5.5.12.1 The application must include the name and contact details of the person appointed by the activity promoter to deal with any problems that may occur during the activity, including any provision made by the activity promoter for out-of-hours contact.
- 5.5.12.2 On permit applications (and on PAAs if the information is known at the time) the application should include the name of the main contractor carrying out the activity. This will help with the Permit Authority's consideration of the application and with any discussions that need to take place before the permit can be issued.

#### **5.5.13 Proposed Conditions**

- 5.5.13.1 Where there are constraints in the permit application, it should include conditions that specify in detail the activity and support the application. These conditions are based on the *Statutory Guidance for Permit Scheme Conditions* (see Chapter 6).
- 5.5.13.2 Where the Permit Authority considers necessary it will also request that certain conditions be added to the application before issuing the permit.
- 5.5.13.3 Permit conditions might be applicable to any activity.

### **5.6 Phasing of Activities**

- 5.6.1.1 A phase of an activity is a period of continuous occupation of the street (whether or not work is taking place for the whole time) between the start and completion of the works.
- 5.6.1.2 One permit can only contain one phase and the dates given in a permit application will denote the dates for that phase. A phase can end only when all the plant, equipment and materials, including any signing, lighting and guarding have been removed from the site and the highway returned fully to public use.
- 5.6.1.3 The promoter should clarify that an activity is to be carried out in more than one phase on the application.
- 5.6.1.4 Phased activities must relate to the same works. These could be single or multiple-but-linked excavations, or a trench dug progressively along the street as part of a continuous operation, or where a permanent reinstatement or remedial works are undertaken at a later date.
- 5.6.1.5 Each phase will require a permit and the same activity reference should be used for all phases or cross-referenced to the other phases. If the works are classed as Major they will also require a Provisional Advance Authorisation, except in the case of remedial works (see Section 5.6.4). Each phase will be classed as a separate activity or works, for the purposes of NRSWA (for instance Section 74, guarantee periods etc).
- 5.6.1.6 Linked activities carried out at separate locations in a street must be treated as belonging to the same set of works. Unconnected activities carried out by the same promoter in one street should not be treated as phases, of a single set of works.

#### **5.6.2 Cross Boundary Activities**

- 5.6.2.1 Where an activity or project crosses the boundary between authorities the works promoter must submit the relevant notices or permit applications to each authority. Early discussion with both authorities will help avoid conflicting requirements.

**5.6.3 Interim to Permanent Reinstatements**

- 5.6.3.1 When an activity is completed with an interim reinstatement then the activity will be regarded as having more than one phase and a new permit must be obtained for the permanent reinstatement phase. The same works reference number should be used ("cross referenced" to the original activity).

**5.6.4 Remedial Works**

- 5.6.4.1 Remedial works will require a new permit to be obtained for the remedial phase. The same works reference number should be used as the original activity ("cross referenced" to the original activity).
- 5.6.4.2 Where remedial works fall within the definition of Major works, a Provisional Advance Authorisation is not required.
- 5.6.4.3 Where remedial works fall within the definition of 'immediate' or are required to remedy dangerous defects, the activity will be categorised as Immediate.

**5.6.5 Severable Works**

- 5.6.5.1 The definition of emergency works in Section 52 of NRSWA provides that items of work which "cannot be reasonably severed" from the emergency works are regarded as part of them. The same test applies to urgent works.
- 5.6.5.2 Work which can be "reasonably severed" from the immediate activity must therefore be regarded as separate activities and classified accordingly.
- 5.6.5.3 Typically, immediate activities shall consist only of a repair to end the emergency, or restore the service, and complete the necessary reinstatement. Follow-up activities undertaken to provide a permanent solution are "severed" and subject to a separate permit application.
- 5.6.5.4 If the activity promoter leaves site after dealing with the immediate problem, including carrying out an interim reinstatement and closing down the site, and returns later for further activities - it is clear that these are "severed".

**5.6.6 Interrupted Activities**

- 5.6.6.1 There may be circumstances where a promoter is unable to complete their activity in one phase as originally intended. This may be due to difficulties that could not have been reasonably foreseen, for instance adverse weather conditions or an engineering complication. The promoter should contact the Permit Authority immediately this becomes apparent.
- 5.6.6.2 If the Permit Authority is content for the excavation to remain open then a permit variation will be required to extend the current permit. If the Permit Authority does not consider the reason for the extension to be acceptable, they may not extend the 'reasonable period'; the activity would therefore be subject to Section 74 overrun charges (see Chapter 10).
- 5.6.6.3 If the Permit Authority wishes the excavation to be closed down, reinstated, and returned to use then agreement should be sought with the Permit Authority on the timing of the subsequent permit to complete works at a later date.
- 5.6.6.4 Whenever an activity is interrupted, the activity promoter should first agree a way forward with the Permit Authority before starting any of the processes above. Failure to do so may result in the Permit Authority unable to consider the reasonableness of the extension, or treating the subsequent application as an illegitimate use of activity phases.

**5.6.7 Third Party Damage**

- 5.6.7.1 If the activity is interrupted because the activity promoter, or their contractor, has caused third party damage, then it is the activity promoter's responsibility to seek the authority's approval to a variation to allow the damage to be repaired by the owner of the apparatus.
- 5.6.7.2 In the interests of good practice, a permit is required by the third party while they are undertaking these works to help the Permit Authority identify that another party is working at this location. This permit will not be chargeable and nor will Section 74 charges apply to the third party.
- 5.6.7.3 However, the normal notifications and timing rules still apply to the permit application although in the interests of expediency an 'early start' should be requested for the subsequent permit application and the activity promoter is expected to complete the repairs without unreasonable delay.
- 5.6.7.4 The activity site and the reinstatement remains the responsibility of the original promoter, unless this is agreed otherwise between all activity promoters and the Permit Authority, until it is able to clear site and issue a Works Stop notification.

**5.6.8 Collaborative Works**

- 5.6.8.1 Collaborative working may include:
- trench sharing;
  - activities that share traffic management or road space;
  - multi-agency activities that limit the number of days an area of road space is occupied.
- 5.6.8.2 The Permit Authority will proactively seek to encourage collaborative working opportunities between any activity promoters. It is accepted that there are often issues with such arrangements, particularly contractual complications and CDM or site management. Nevertheless, every opportunity will be sought to minimise the disruption to users of the highway.
- 5.6.8.3 In the event of collaborative working, the primary promoter should take overall responsibility as the agreed point of contact with the Permit Authority. The secondary promoter(s) retain the same responsibility for submitting permit applications for work being carried out by them or on their behalf.
- 5.6.8.4 As an example, if the nature of joint working is trench sharing, the primary promoter will excavate the trench and install its own apparatus. The secondary promoters will install their apparatus in the same trench. The primary promoter will then backfill and reinstate the trench unless it has been agreed with both the Permit Authority and the relevant secondary promoter beforehand that one of the secondary promoters do it. In this case, the responsibility for the quality of the reinstatement will lie with the activity promoter that completed it. A similar approach to primary and secondary promoters will be followed for other forms of collaborative working.
- 5.6.8.5 Only those permit applications submitted by the primary promoter are required to show the estimated inspection units attributable to the street works. The primary promoter should detail the other promoters involved and the scope of the collaborative working in the initial application. The primary promoter must also ensure that estimates of works duration are agreed and/or confirmed with the secondary promoter(s) when submitting notices. This is necessary in order to comply with the overrun charging requirements in the Permit Scheme Regulations.

5.6.8.6 The Permit Authority will issue permits to all the activity promoters involved. However, the fees will be adjusted to reflect the collaborative approach (see Section 9.4), provided all the applications meet the criteria set out in Regulation 31(4) of the Permit Scheme Regulations.

5.6.8.7 Further reductions may be made at the discretion of the Permit Authority where the collaborating promoters can demonstrate to the Permit Authority significant benefits in terms of the permit scheme objectives. All issued permits shall record the identity of the primary promoter and all the secondary promoters.

#### **5.6.9 Forward Planning**

5.6.9.1 Promoters are encouraged to maximise the use of forward planning notices even if the information being submitted is incomplete or uncertain. Forward planning information on long-term programmes from all activity promoters will help permit authorities to co-ordinate activities. It will enable better coordination opportunities such as helping the authority to identify opportunities for joint working and to coordinate the timing of resurfacing.

5.6.9.2 Forward planning notices should be reviewed and updated regularly to include details as they are finalised. Promoters should follow the Street Manager business rules with regard to the content of forward planning notices and how they are recorded on the register.

5.6.9.3 Forward planning notices do not remove the requirement to apply for a Provisional Advance Authorisation or permit at the appropriate time.

### **5.7 Section 58 Restrictions on Further Activities**

5.7.1.1 The powers to restrict further works in all or part of a street following substantial road or street works (NRSWA Section 58 and 58A respectively) apply to streets covered by the WaSP scheme.

5.7.1.2 The Permit Authority will exercise its powers under these sections in accordance with Regulation 9A of the Permit Scheme Regulations, and any guidance given in the *Code of Practice for Coordination of Street and Road Works* or other good practice guidance.

### **5.8 Supplementary information**

5.8.1.1 Regulation 9(3A) requires supplementary information to be provided as part of the permit application. This should cover activities the applicant is aware of and which are ancillary to the works to which the permit application relates, and which it would be helpful for the authority to be aware of for network management and coordination purposes.

5.8.1.2 Regulations and HUAC guidance defines "supplementary information" is that relating to information about any activities ancillary to the specified works which are to be carried out either in the street to which the application relates or in an adjacent street. Typically this includes:

- Placement of portable traffic signals or other traffic control;
- Placement of site welfare facilities;
- Placement of site compounds for equipment, spoil or material storage.

5.8.1.3 The mechanism for supplying supplementary information is provided by *HAUC Guidance on Ancillary Activities*.

**5.9 Electronic service disruption**

- 5.9.1.1 Where there is a failure of the Permit Authority or a promoter electronic system (either due to the system being used or because of a Street Manager outage), the Permit Authority will implement an interim alternative strategy for managing permit applications, variations, responses and other statutory notifications to ensure that workflows are not unduly interrupted.
- 5.9.1.2 All applications and notifications must be resubmitted through Street Manager following recovery of service. Promoters must ensure that all resent notices are sequenced correctly.
- 5.9.1.3 Street Manager business rules and guidance set out suitable alternative strategies.

## 6 Conditions

### 6.1 General Principles

- 6.1.1.1 The permit must specify the activity it allows in detail. Any other limits or constraints on the activity will be reflected in permit conditions as provided for in Regulation 10.
- 6.1.1.2 The conditions available are only those specified in Regulation 10(1) to (3) and use the numbering and wording set out in the *Statutory Guidance for Permit Scheme Conditions* or as amended. The conditions may be applicable to any activity including Works for Road Purposes. It is for the activity promoter to supply the required conditions as part of their permit application or permit variation.
- 6.1.1.3 The *Statutory Guidance for Permit Conditions* contains conditions that will be applied to all permits, or permits for certain kinds of activity in all cases. The WaSP scheme does not require these conditions to be attached to the permit as they are considered to be applied to the permit.
- 6.1.1.4 For expediency and in consideration to electronic system character constraints, when using conditions in some cases the relevant shorthand text contained within the *Statutory Guidance for Permit Conditions* may be applied with any required constraints or necessary detail.
- 6.1.1.5 Where the Permit Authority considers it necessary and appropriate to apply conditions that differ from the proposals in the application, then they will either refuse the permit or request a modification (see Section 7.1), stating the reasons for this. Any authority imposed conditions must be reasonable and comply with regulations. The promoter may then decide whether to reapply for a permit or invoke the dispute procedure with the Permit Authority as set out in Chapter 12.
- 6.1.1.6 If the Permit Authority considers that an activity promoter is failing to comply with the conditions of a permit, then it may invoke a sanction such as a fixed penalty notice (see Chapter 11), or revoke the permit (see Section 8.4).
- 6.1.1.7 Failure to comply with conditions may leave the activity promoter liable to criminal prosecution. Refer also to Section 11.
- 6.1.1.8 Refer to *Statutory Guidance for Permit Scheme Conditions* for full details of how permit conditions are used.

### 6.2 Permit Conditions attached to Highway Works

- 6.2.1.1 Conditions may be imposed on all permits, regardless of promoter.
- 6.2.1.2 Regulation 10(3) allows the Permit Authority to attach a condition to a permit in respect of works to be carried out by or on behalf of a highway authority, requiring the highway authority to consult with any person who has apparatus likely to be affected by the permit works. This condition will be applied to all permits for all highway authority works.
- 6.2.1.3 In these instances, the Permit Authority will require the highway authority and its contractor to take all reasonably practicable steps to comply with any requirement made by that person which is reasonably necessary for the protection of the apparatus or for securing access to it.

### 6.3 Conditions Placed on Immediate Activities

- 6.3.1.1 Immediate activities are by definition emergency or urgent and therefore may commence without a permit being in place.

- 6.3.1.2 An application for Immediate activities must be given within two hours of the activity starting or in the case of the activity taking place out of normal working hours, within two hours of the commencement of the next working day. Refer to the *Code of Practice for the Coordination of Street and Road Works* for further information.
- 6.3.1.3 Regulation 13 provides for the WaSP scheme to impose conditions on an activity that is not the subject of a permit, effectively the period between an Immediate activity starting on site and the issuing of the permit. Any imposed conditions placed on immediate works will comply with the conditions and categories set out in the *Statutory Guidance for Permit Scheme Conditions* or as amended and will be recorded in each individual authority Annex (see Appendix C).
- 6.3.1.4 At any stage of an Immediate activity, where the activity promoter requires the use of portable traffic signals or to shut a street that is designated within the authority's ASD as one where "early notification of Immediate Activities is required", the activity promoter should contact the Permit Authority prior to implementing these traffic management provisions.
- 6.3.1.5 Prior to the issuing of a permit for Immediate works, the activity promoter must work within the terms and conditions supplied in its original application.
- 6.3.1.6 It is accepted that for Immediate activities, very little may be known about the location of the activity prior to attendance on site. The activity promoter should make every effort to supply additional conditions if required, based on the information provided from site.
- 6.3.1.7 These conditions should be submitted as soon as reasonably practicable, this is expected to be within 24 hours of the activity starting on site, or by the end of the first working day following commencement of the activity where this takes place on a weekend or bank holiday. The WaSP scheme Operational Guidance provides more detail on the timeline for this requirement.
- 6.3.1.8 The Permit Authority may impose conditions on Immediate activities after assessment of the application, where it feels necessary to do so. The imposition of such conditions must be reasonable, and based on the Permit Authority's knowledge of a particular location or area and the implications such an activity might have on the network or for safety.
- 6.3.1.9 If other elements of the permit need changing this should be communicated to the activity promoter and a permit variation should be submitted to reflect the changes.
- 6.3.1.10 For an immediate activity, the works area may be agreed after the works have started on site. Where changes to the site are agreed, these should be implemented within an agreed timeframe and a relevant permit condition added to the permit as soon as practicable, this is expected to be within 24 hours of the activity starting on site, or by the end of the first working day following commencement of the activity where this takes place on a weekend or bank holiday.
- 6.3.1.11 Where other approvals might be required (for instance bus stop suspensions, TTROs etc) then these should be submitted as soon as reasonably possible. This will ensure that the Permit Authority is fully aware of potential problems at that location and is able to give advice and assistance quickly and effectively and to ensure that the activity promoter acts responsibly and is not undertaking an activity without the required approvals. A permit condition may be required retrospectively to reference these approvals, in line with statutory guidance.

## 7 Issuing a Permit and other Responses

### 7.1 Permit Responses

- 7.1.1.1 In accordance with Regulation 16, the Permit Authority will respond to all permit applications within the timescale set out in table 1 below. A response corresponds to a Street Manager notification of Grant Permit or Refuse Permit or Permit Modification Request, or any other required future notification.
- 7.1.1.2 Any Permit Authority operating the WaSP scheme should act reasonably in reaching decisions with respect to applications for a permit. In particular, they will consider whether issuing the permit will accord with their statutory duties to co-ordinate and to manage the network and the objectives of the WaSP scheme.

| ACTIVITY TYPE                                                                                                                                                       | Minimum application periods ahead of proposed start date |               | Minimum period before permit expires for application for variation (including extension) | Response time for issuing a permit or seeking further information or discussion |        | Response time for responding to applications for permit variations |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------|--------------------------------------------------------------------|
|                                                                                                                                                                     | PAA                                                      | PA            |                                                                                          | PAA                                                                             | PA     |                                                                    |
| Major                                                                                                                                                               | 3 months                                                 | 10 days       | 2 days or 20% of the original duration whichever is the longer                           | 1 calendar month                                                                | 5 days | 2 days                                                             |
| Standard                                                                                                                                                            | N/A                                                      | 10 days       |                                                                                          | N/A                                                                             | 5 days |                                                                    |
| Minor                                                                                                                                                               | N/A                                                      | 3 days        |                                                                                          | N/A                                                                             | 2 days |                                                                    |
| Immediate                                                                                                                                                           | N/A                                                      | 2 hours after |                                                                                          | N/A                                                                             | 2 days |                                                                    |
| Notes: "days" in the above table refer to working days, as defined in NRSWA and the Permit Scheme Regulations.                                                      |                                                          |               |                                                                                          |                                                                                 |        |                                                                    |
| Street Manager rules define 3 months as 84 calendar days, and 1 month as 28 calendar days. For consistency WaSP will use the time periods set out by Street Manager |                                                          |               |                                                                                          |                                                                                 |        |                                                                    |
| These timescales may be subject to amendment by legislation                                                                                                         |                                                          |               |                                                                                          |                                                                                 |        |                                                                    |

Table 1: application and response times

### 7.1.2 Issuing a Permit

- 7.1.2.1 If the Permit Authority is content that all the information contained in the application meets an acceptable standard of detail to enable it to consider fully the impact of the activity and the suitability of the timing and methodology and any conditions attached to the application, it will issue a permit by way of a Grant Permit notification.
- 7.1.2.2 Each permit issued will be given a unique reference number based on the works reference number. Details of the numbering system are given in the Street Manager business rules.
- 7.1.3 **Amending a Permit Application**

- 7.1.3.1 If it is necessary to seek further clarification of the information contained in the application then the Permit Authority will endeavour to resolve this within the mandatory response times so that the estimated start date and duration of the original application remains.
- 7.1.3.2 The Permit Authority should submit a Modification Request notification to allow the activity promoter the opportunity to make amendments to their application and resubmit this within a timeframe to allow the Permit Authority the required time to assess the application.
- 7.1.3.3 As long as the timeframes are met, the original start and end dates of the first application can be kept and no early start agreements are required.
- 7.1.3.4 If the matter cannot be resolved satisfactorily within the timeframes or the response period, then the Permit Authority will refuse the application.
- 7.1.3.5 If a Modified Application is not subsequently submitted or is not submitted within the required timeframes for it to be assessed before the proposed start date of the permit, then in accordance with Regulation 16 the permit is considered Refused.
- 7.1.3.6 The Street Manager business rules set out the requirements and timelines in more detail.

#### **7.1.4 Refusing a Permit**

- 7.1.4.1 Under Regulation 9(10) if the application does not contain the required information to the satisfaction of the Permit Authority then they will refuse the permit by way of a Refuse Permit notification.
- 7.1.4.2 A Refused permit must clearly detail the reasons for refusal so that the activity promoter is able to amend their subsequent application.
- 7.1.4.3 Where an application has been refused and the activity promoter is able to submit a suitably amended application that requires an 'early start' (see also Section 5.4.7) to maintain the original requested time slot, the Permit Authority will endeavour to agree the same start date. However, this is at the discretion of the Permit Authority being confident in the amended application and that there is no subsequent conflict with another activity. The activity promoter should follow the 'early start' procedure as detailed in the WaSP scheme Operational Guidance.
- 7.1.4.4 The WaSP scheme Operational Guidance contains information on refusals and sets out to provide a common framework for refusing applications across the WaSP scheme, including the use of standardised refusal texts.

#### **7.1.5 Deemed Permits**

- 7.1.5.1 When the Permit Authority fails to respond within the required timescales, or where for technical reasons the response does not reach the activity promoter within the required timescales, that permit is considered to be deemed to be granted.
- 7.1.5.2 In these situations, the activity promoter is at liberty to continue to undertake their activity in line with their original permit application. However, the activity should not take place in a manner different to that intended by the original application and indicated by the permit content and proposed conditions.
- 7.1.5.3 When it becomes apparent to the Permit Authority that a permit has deemed, then it is good practice for the Permit Authority to consider the permit as it stands and contact the relevant activity promoter if it becomes clear that the activity should not proceed as detailed. This might be because the conditions or the contents of the application itself are insufficient, or where a conflict between activities is likely, or where the activity is likely to cause considerable disruption that could be mitigated through discussion and changes.

- 7.1.5.4 In these cases, the activity promoter should discuss and agree any changes required by the Permit Authority. The fee for the variation, or cancellation and resubmission, to that original deemed permit must be waived by the authority.

## **7.2 Immediate permits**

- 7.2.1.1 An activity that is classed as Immediate (emergency or Urgent) will have started on site before the application is submitted. The application must contain what the promoter believes to be appropriate conditions for the works.
- 7.2.1.2 The default position of the Permit Authority will be to grant the permit since works are already taking place.
- 7.2.1.3 The Permit Authority will issue a permit within two days of the activity starting. Once issued, the activity promoter is bound by the terms of the permit and the attached conditions.
- 7.2.1.4 A Modification Request cannot be used with Immediate permits. Should the Permit Authority require changes, they must be requested using an Authority Imposed change notification (see Section 6.3 and Section 8.3).

## 8 Variations to Permits

- 8.1.1.1 Changing circumstances, for either an activity promoter or an authority, may require permits and/or the conditions attached to them to be varied. This might be because of a changing situation on site, or unexpected events affecting the network requiring a reconsideration of the way the activity is being carried out.
- 8.1.1.2 Regulation 15 provides for the WaSP scheme to allow permit variations. Variations to a permit need to be made before the permit expires or passes its end date. The method and content of applying for a Variation notification are detailed in the Street Manager business rules.
- 8.1.1.3 As set out in Section 5.3, a PAA cannot be varied. In circumstances where the details of a PAA have changed but a full Permit has not yet been issued, the activity promoter should inform the Permit Authority of the proposed changes and the Permit Authority will indicate whether a new PAA is required or a Permit Application containing the new information must be made.

### 8.2 Variations initiated by the Activity Promoter

#### 8.2.1 *Necessary Variations*

- 8.2.1.1 From time to time an activity promoter will need to apply for a justifiable variation to a permit and/or its conditions. Some situations where a variation may be needed are:

- because the proposal in the original application was inaccurate or unrealistic;
- because the location or the method of working has changed in some way;
- where the activity promoter requires an extension to the agreed duration.

- 8.2.1.2 The Permit Authority recognises that it should not prevent necessary activity, so the variation is likely to be granted, although the Permit Authority may require the conditions attached to the original permit to be varied or new conditions added if the changes to the permit warrant it.

#### 8.2.2 *Applying for a Variation*

- 8.2.2.1 The activity promoter should make a request to vary the permit as soon as it becomes clear that the activity might require a change or may overrun so that the Permit Authority can investigate the request to satisfy itself that the proposed variation is appropriate and reasonable.
- 8.2.2.2 Regulation 15 (2) provides the following ways of applying for a permit variation.
- Where the existing permit has more than 20% of its duration or more than two days to run, whichever is the longer, the activity promoter must apply for a variation electronically. This is to ensure that the variation is captured within the Permit Authority mandatory response time.
  - In any other case the activity promoter should first contact the Permit Authority to ascertain whether the Permit Authority is prepared to grant the variation. If the Permit Authority agrees then the variation must be applied for electronically.
- 8.2.2.3 The Permit Authority will set out a procedure for requesting a variation to a permit within the WaSP scheme Operational Guidance.
- 8.2.2.4 A permit cannot be varied after it has expired (passed the permit end date). In these cases a new permit must be applied for. The activity promoter may be working illegally during this period.

8.2.2.5 If the Permit Authority is content that all the information contained in the application meets an acceptable standard of detail to enable it to consider fully the impact of the activity and the suitability of the timing and methodology and any conditions attached to the application, it will issue a permit by way of a 'grant permit' response.

8.2.2.6 The Permit Authority will respond to the request within two days of receipt (as shown in table 1, Section 7.1).

### **8.2.3 Extensions**

8.2.3.1 In certain situations, an activity promoter may not be able to complete the works within the original permit duration and an extension to the permit may be required.

8.2.3.2 The Permit Authority is under no obligation to allow an activity to run beyond its permitted period. An activity that continues past its end date without a valid permit in place may constitute a criminal offence.

8.2.3.3 Where the Permit Authority considers the proposed extension to be reasonable and the activity does not conflict with other planned activities then the Permit Authority will not unreasonably withhold the extension.

8.2.3.4 There may be occasions where the Permit Authority does not consider the proposed extension to be reasonable. For instance, this might be due to poor works management by the activity promoter or an issue on site that the Permit Authority considers should have been dealt with more expediently. In these cases, the Permit Authority will grant a variation to the permit so that the activity promoter is not operating without a valid permit in place. However, the Permit Authority may use its powers under Section 74 of NRSWA to charge the activity promoter for an overrun of the 'reasonable period'.

8.2.3.5 Although in many cases the Permit Authority will grant the permit extension to minimise the disruption of a return visit, it may be necessary for the activity promoter to vacate the street to allow another activity to take place or to open up space for traffic. In these situations the activity promoter must submit a new application to complete the activity at a later date.

8.2.3.6 The Permit Authority will set out a procedure for requesting an extension to the permit within the WaSP scheme Operational Guidance.

## **8.3 Variations Initiated by the Permit Authority**

### **8.3.1 Necessary Variations**

8.3.1.1 Once a permit is issued, the activity promoter should have reasonable confidence that the road space will be available to them. Nevertheless, there may be circumstances beyond the Permit Authority's control that necessitate a change in either the permit or its conditions.

8.3.1.2 Such changes should happen only when the new circumstances could not have been reasonably predicted and where the impact is significant. For example, extra traffic being diverted onto the road for which the permit has been issued due to another road being closed by floods, burst mains or a dangerous building, etc. If the consequent disruption cannot be mitigated in a better way it may be necessary to vary aspects of the permit such as the time or manner of working.

8.3.1.3 The Permit Authority should contact the activity promoter as soon as it becomes aware of a potential problem to discuss the best way to deal with the situation. It is vital that both parties work together to ensure the circumstances on the ground can be properly coordinated and managed, while ensuring the activity promoter can best manage their changing situation to minimise further inconvenience and disruption and expedite the works swiftly.

- 8.3.1.4 If changes to the activity are required, a Permit Variation detailing the new terms should be applied for by the activity promoter. It may be necessary for the Permit Authority to first issue an Authority Imposed Variation notification to annotate the required changes, before the activity promoter submits a Permit Variation and the Permit Authority can subsequently grant this.
- 8.3.1.5 It may be that instead of a permit variation, a new permit is issued, particularly if the activity promoter is required to suspend their operation or leave site. This should be agreed first between the Permit Authority and activity promoter.
- 8.3.1.6 The Permit Authority recognises that requesting a variation to a permit may cause substantial disruption to the activity promoter. However, where agreement cannot be reached, the Permit Authority will issue an Authority Imposed Variation notification to direct the changes it feels necessary to best manage the activity on the ground. The promoter must comply or reinstate and leave site. The promoter may then invoke the dispute resolution procedure set out in Chapter 12.

## **8.4 Suspension, Postponement or Cancellation of a Permit**

- 8.4.1.1 There is no mechanism in the Permit Scheme Regulations to formally suspend or postpone a permit, only for varying or revoking it them.
- 8.4.1.2 If the Permit Authority has to suspend or postpone an activity that it has already issued a permit for but which it intends can happen at a later date, it should use the permit variation provisions as described above to enforce the change of dates. No fee will be charged for such authority-initiated variations.

### **8.4.2 Revoking a Permit**

- 8.4.2.1 Regulation 10(4) allows a WaSP scheme authority to revoke a permit in exceptional or unforeseen circumstances. Typically this might be for:
- where it considers that an activity promoter is continually failing to comply with the terms of that permit and its conditions or for safety breaches;
  - unforeseen circumstances like flooding, industrial action;
  - conflicting emergency works;
  - other network failure.
- 8.4.2.2 The Permit Authority will inform the activity promoter immediately if it becomes necessary to do so and allow a reasonable timeframe for the undertaker to either suspend its activities pending an agreement to continue working or to make the site safe and leave site. Where necessary the Permit Authority may use its provisions under Regulation 18 to clear the street or take any other action necessary.
- 8.4.2.3 The Permit Authority should consider whether other sanctions are more suitable than, or necessary in addition to, the revoking of a permit (see Chapter 11).
- 8.4.2.4 Where a new permit or permit variation is required to resume an activity, a fee will be payable in line with the permit charges set by that WaSP authority, unless the Permit Authority has to revoke a permit through no fault of the activity promoter in which case there will be no charge for a replacement application (see Section 9.3).

### **8.4.3 Cancelling a Permit**

- 8.4.3.1 If a promoter wishes to cancel a permit or withdraw a permit application for which they have no further use, they should submit a cancellation notice for that permit through Street Manager

- 8.4.3.2 It is essential that the cancellation should be submitted as soon as possible so that the Permit Authority can put in place any mitigating action it feels necessary. It also allows road space to be made available for other works promoters, and maintains accurate information on the Street Works Register.
- 8.4.3.3 There is no fee for cancelling a permit although the charge for granting the permit originally will remain payable.
- 8.4.3.4 Any activity that takes place after a permit is cancelled may constitute a criminal offence.
- 8.4.3.5 A permit that is 'in progress', or one for Immediate activities, should not be cancelled unless that works status has been submitted in error. The Street Manager business rules detail how these situations should be dealt with.

## **9 Permit Charges**

### **9.1 Introduction**

9.1.1.1 Under Regulation 30 the WaSP scheme is able to charge statutory undertakers a fee in the following circumstances.

- The application of a provisional advance authorisation.
- The issue of a permit.
- The variation of a permit or the conditions of a permit.
- The difference between fees for an activity when it moves from one works category to another.

### **9.2 Fee Levels**

9.2.1.1 The WaSP scheme Permit Authority's will set their fee levels independently of each other, in accordance with the DFT guidance, and in accordance with the maximum fee levels specified in Regulation 30.

9.2.1.2 Fees for each WaSP scheme Permit Authority are detailed in the authority Annex (see Appendix C).

9.2.1.3 Income from the scheme will only be used to meet the allowable costs of running the scheme.

### **9.3 Waiving Permit Fees**

9.3.1.1 Regulation 30 also provides a mechanism for discounting or waiving the normal permit fee. Under the WaSP scheme a promoter will not be charged a fee:

- if the activity promoter is a highway authority or is carrying out Works For Road Purposes (works on behalf of a highway authority);
- if a permit is deemed to be granted because the Permit Authority had failed to respond to an application in the time required;
- if a permit variation is initiated by the Permit Authority;
- where the Permit Authority has to revoke a permit through no fault of the activity promoter the permit fee will be refunded to the Promoter;
- for the maintenance of fire hydrants carried out by the fire service or a contractor designated by the fire service to carry out this work on their behalf;
- where the works are Diversionary Works as a result of a Major Highway or Bridge works, initiated by the Highway Authority, as described in Section 86 of NRSWA;
- Any other circumstances as detailed within Permit Scheme Regulations.

9.3.1.2 In addition, the Permit Authority may waive an individual charge where it considers such action is merited.

### **9.4 Reduced Permit Fees**

9.4.1.1 A minimum discount of 50% will be applied to permit applications in the following situations.

#### **9.4.2 Collaborative Works**

9.4.2.1 Regulation 31(4) provides for a permit fee discount where activity promoters are collaborating, either in timing or extent of the programmed activity, to reduce the impact of their works. This includes where statutory undertakers are collaborating with highway authority works.

- 9.4.2.2 The Permit Authority must be satisfied that all activities are designed and are being undertaken in a manner that minimises the impact of the works. All promoters must apply for a permit, and these must be cross-referenced to one another so that the Permit Authority is able to identify the scope of the collaborative working. The applications must be made within three days of one another.

**9.4.3 Multiple Applications for Single Activity**

- 9.4.3.1 The Statutory Guidance for Permits requires the Permit Authority to apply a discount where an activity promoter submits multiple permit applications where an activity is part of a project that involves working on more than one adjacent streets. For example, if repairs on a pipe go round a corner from one street into another. It is not intended to cover whole area wide projects in a single permit.

**9.4.4 New Connections**

- 9.4.4.1 A discount will be applied where a new connection is being made at the request of a statutory undertaker's customer. This will only apply in the case of completely new or first-time connections.
- 9.4.4.2 The statutory undertaker will be required to show clearly on the customer invoice that the permit fee is waived by the Permit Authority and indicate that this is part of a joint agreement with the Permit Authority. A copy of this invoice must be provided to the Permit Authority if required.

**9.4.5 Working only outside Traffic Sensitive Times**

- 9.4.5.1 A discount will be applied where an activity promoter is able to undertake their works outside of traffic-sensitive times on a strategically significant street.
- 9.4.5.2 In general, this is only applicable on works that are less than one-day duration since these can fall between or after peak periods. However, this discount should also be applied to works where carriageway impact is minimised for peak or traffic-sensitive periods, for instance opening up the carriageway by using plating, or a change of traffic management/control when operatives are not working on site.
- 9.4.5.3 Suitable permit conditions must be attached (Chapter 6), and it would be necessary to gather evidence from site (for instance photos or inspection records) to show that this condition was being maintained for the duration of the activity or as agreed. Suitable evidence provided by the activity promoter or contractor should be acceptable as long as it meets the requirements of the Permit Authority to ascertain compliance.

**9.4.6 Innovation**

- 9.4.6.1 A discount will be applied where the activity promoter is able to undertake their works using an innovative working practice and achieve a saving in disruption.
- 9.4.6.2 In order to apply this discount there must be quantifiable benefits, for instance either a significant reduction in duration or a physical reduction in site footprint that allows a higher level of trafficking.
- 9.4.6.3 The Permit Authority should, where possible, quantify this benefit economically, in order to justify this discount. These situations should be highlighted within the WaSP scheme authority's evaluation report.
- 9.4.6.4 It will be the intention of the WaSP scheme that a working group will work with statutory undertakers to define more clearly situations where this discount may be applied, and this will become part of the WaSP scheme Operational Guidance. As new technologies or methodologies become the norm then these agreements may need to be reconsidered regularly.

**9.4.7 Economic Development**

- 9.4.7.1 A discount may be applied where it is demonstrated that an activity provides significant economic benefit to the local authority or Council. For instance, supplies for a new development, or where it is demonstrated that a network investment programme is being undertaken to meet customer demand.
- 9.4.7.2 The WaSP scheme Operational Guidance will detail instances when this discount will be applied.

**9.4.8 Other Situations**

- 9.4.8.1 Each WaSP scheme authority may waive an individual charge or offer a discount where it considers such action is merited.

**9.5 Individual Authority Discounts**

- 9.5.1.1 Each WaSP scheme Permit Authority may set out additional circumstances where it will always waive or discount permit fees and this will be contained in the authority's Annex (Appendix C).

**9.6 Additional Charges**

- 9.6.1.1 Applications for permit variations initiated by the activity promoter may be charged a fee. This is subject to the exemptions detailed above and individual permit fee profiles for each WaSP scheme authority.
- 9.6.1.2 Where a variation to extend a permit takes that permit into a higher works category, the activity promoter will be required to pay the difference between the permit fees for the two categories as well as the permit variation fees.
- 9.6.1.3 No fee is payable for permit variations initiated by the Permit Authority, unless at the same time, the activity promoter seeks variations which are not the result of the circumstances causing the Permit Authority action. In such a case the variation fee would be payable, subject to the exemptions detailed above and each individual WaSP scheme authority permit fee profile. The Permit Authority should act reasonably in this matter.

**9.7 Fee Review**

- 9.7.1.1 Each WaSP scheme authority will review its level of fees as part of its regular wider scheme evaluation to ensure that the overall fee income does not exceed the allowable costs. The outcome of the fee reviews should be made available to public scrutiny if requested.
- 9.7.1.2 If a sustained surplus or deficit occurs over a number of years the fee levels should be adjusted accordingly.

**9.8 Invoicing Arrangements**

- 9.8.1.1 The WaSP scheme Operational Guidance sets out individual authority's processes for invoicing and payment terms.

## 10 Charging for Overrunning Activities

- 10.1.1.1 The WaSP scheme authorities will operate an overrun charging scheme under Section 74 of NRSWA, alongside this permit scheme.
- 10.1.1.2 The scheme will apply as set out in the *Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) 2009* regulations and any future amendments as detailed in regulations or the relevant code of practice.
- 10.1.1.3 Permit scheme regulation 37(4) modifies Section 74 of NRSWA to allow the duration of the activity to be set or modified through the permit application and variation process.
- 10.1.1.4 Activities carried out by, or on behalf of, a highway authority are not subject to Section 74 overrun charges. However, under the WaSP scheme promoters of such activities should follow the same procedures as promoters who are undertakers. The Permit Authority should inspect such activities in the same way as an undertaker's activity and should carry out any evaluations, in accordance with the *Code of Practice for the Coordination of Street and Road Works*, equally to all Promoters.
- 10.1.1.5 For the purposes of Section 74, Locally Significant Streets that do not fall into the regulatory definition of "traffic sensitive" or Reinstatement category 0,1 or 2 will not be charged at the higher Section 74 rates (see Section 4.2.4).

## 11 Permit Offences and Sanctions

### 11.1 Permit Offences

- 11.1.1.1 The Permit Scheme Regulations create two offences for statutory undertakers:
- Regulation 19 - Carrying out activities on the street without a permit, or in the case of immediate works not applying for a permit within two hours of the works starting.
  - Regulation 20 - Carrying out activities on the street or highway in a way that contravenes the conditions attached to a permit, or the conditions that are applied to an immediate activity before a permit is issued for those activities.
- 11.1.1.2 Permit offences do not apply to highway authority activities; however the Permit Authority should monitor these activities in the same way it does statutory undertakers to ensure a consistent approach (see Chapter 13).
- 11.1.1.3 Details on the permit offences are provided in the *Code of Practice for the Coordination of Street and Road Works* and Statutory Guidance.

### 11.2 Sanctions

- 11.2.1.1 Where possible the Permit Authority will seek to resolve problems informally to achieve compliance with the permit scheme. Where this fails, or where an activity promoter persistently offends, or the Permit Authority considers that an informal resolution is not appropriate, then the Permit Authority has three sanctions it may use.
- Issue a notice to take remedial action.
  - Issue a Fixed Penalty Notice (FPN).
  - Prosecution.
- 11.2.2 Remedial Action**
- 11.2.2.1 Regulation 18 allows the Permit Authority to issue a Notice in respect of non-compliance, requiring remedial action within a timeframe set out by the Authority, where a promoter is working without a permit or in breach of a permit condition.
- 11.2.2.2 The remedial activity may include removing the activity, remedying the breach of condition or discontinuing the obstruction.
- 11.2.2.3 The steps the Permit Authority requires the activity promoter to take, and the timeframe set out in the notice, will be reasonable for the circumstances.
- 11.2.2.4 Where a promoter does not take the remedial action within the timeframe, the Permit Authority will take such steps as it considers appropriate to achieve the outcome in the notice and may recover any costs from the undertaker.
- 11.2.3 Fixed Penalty Notice**
- 11.2.3.1 Permit Scheme Regulations 21 to 28 authorise permit authorities to issue Fixed Penalty Notices in respect of criminal offences. Fixed Penalty Notices offer the offender an opportunity to discharge liability for an offence by paying a penalty amount.
- 11.2.3.2 The Permit Authority will follow the FPN procedures set out in the *Code of Practice for the Co-ordination of Street and Road Works* and Statutory Guidance.
- 11.2.3.3 Prosecution through the magistrates' court remains an option for the Permit Authority.

**11.2.4 Prosecution**

- 11.2.4.1 The authority may prosecute the offence through the courts following the usual processes. Normally this option will be invoked where an undertaker is persistently offending on an issue that the Permit Authority considers serious.
- 11.2.4.2 Decisions on the prosecution of alleged offences are for the Permit Authority. Prosecution should not necessarily be the preferred option - the process can be time consuming and even FPNs do not offer an immediate solution.

## 12 Dispute Procedures

- 12.1.1.1 Permit authorities and activity 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.
- 12.1.1.2 If agreement cannot be reached locally on any matter arising under this permit scheme, then the dispute should be referred on using the dispute resolution processes set out in the *Code of Practice for the Co-ordination of Street and Road Works*.

## 13 Monitoring the Permit Scheme

- 13.1.1.1 The objectives of the permit scheme are set out in Section 2.3. As required by Permit Scheme Regulations the Permit Authority will carry out an evaluation of the WaSP Scheme to show how the scheme is being operated and to measure whether the objectives are being met.
- 13.1.1.2 All highway authority and statutory undertaker activities will be included to show operational parity.
- 13.1.1.3 The performance metrics will be based upon Operational Measures and Key Performance Indicators that will enable permit authorities to monitor their own performance and continuous improvement year on year.
- 13.1.1.4 KPIs and Operational Measures will be published quarterly by individual WaSP scheme authorities and should be made available in a raw format (without additional analysis) on their websites and at performance and coordination meetings.
- 13.1.1.5 As set out in Statutory Guidance, a report will be produced by each individual Permit Authority to evaluate the scheme objectives within their operational area.
- 13.1.1.6 It may be that the WaSP scheme authorities as a group compare and evaluate the annual KPIs and Operational Measures more fully to consider how the scheme operates across the region as a whole and to look at standardising practices and identify differences.
- 13.1.1.7 The WaSP scheme Operational Guidance sets out the key measures and metrics that may be used in the evaluation report. Over time these may change, depending on the quality of the data and reporting available in both individual SWR systems and Street Manager.

### 13.2 Limits to providing Operational Measures

- 13.2.1.1 Individual systems used across permit authorities have slightly different rulesets for how certain data are extracted or reported upon and therefore it is accepted that this will make it difficult for all permit authorities who are part of this scheme to provide accurate and comparable KPIs and associated measures. Every effort will be made to ensure that all the data is obtained in as consistent a format as possible across all authorities. Details of this are provided in the WaSP scheme Operational Guidance.
- 13.2.1.2 It is recognised that different SWR systems may not be able to provide some of this data and some permit authorities may not be able to collate some measures or KPIs accurately or with confidence. There is therefore also a requirement that permit authorities keep records outside of their SWR.

### 13.3 Working Groups

- 13.3.1.1 An aim of this regional scheme is to commit members to continuous improvement of the scheme by promoting closer working relationships between permitting authorities and all promoters. It is the intention of the WaSP permitting authorities to closer align their processes and to continue to work with the activity promoters to address issues as they arise.
- 13.3.1.2 It is anticipated that all permit authorities operating the scheme will form a scheme oversight committee, and from this will establish small working groups to consider specific aspects of the scheme or its operation, for instance:
  - Operational principles;

- Best practice;
- Site safety;
- Fixed Penalty Notice application;
- Operational Measures and KPI data collation;
- Innovation;
- Legal issues.

- 13.3.1.3 The working groups will also provide a point of reference for establishing best practice and encouraging enterprise and innovation in the region from permit authorities and activity promoters.
- 13.3.1.4 Working groups will develop permit advice notes specific to the scheme to encourage consistent application of the scheme principles by both permit authorities and activity promoters.
- 13.3.1.5 Working groups may consider the usefulness of setting specific targets for permit authorities or activity promoters based around one or more sets of operational measures.
- 13.3.1.6 The working groups will publish their minutes openly and encourage discussion between different parties.

## **14 Varying and Ceasing to Operate the WaSP Scheme**

### **14.1 Varying the Permit Scheme**

- 14.1.1.1 It may be necessary to change the Permit Scheme from time to time.
- 14.1.1.2 As the WaSP Scheme is developed as a framework scheme (originally a Common Scheme) it will only be possible to change the principal Permit Scheme where all the Permit Authorities reach a unanimous decision in favour of varying the Permit Scheme. To do so each Permit Authority will amend the Order and exercise their powers conferred by Section 33A(2) of the Traffic Management Act 2004 to make this Order.
- 14.1.1.3 In accordance with Permit Scheme Regulations, prior to amending the Order the proposed changes to the Permit Scheme will be subject to consultation with the persons specified in Permit Scheme Regulations. The consultation period will be proportionate to the nature and significance of the change.

### **14.2 Ceasing to Run the Permit Scheme**

- 14.2.1.1 If a Permit Authority wishes to cease to run the Permit Scheme, in accordance to Permit Scheme Regulations, they will first consult all specified persons and then revoke the Permit Scheme.
- 14.2.1.2 Until the Order is also revoked by the Permit Authority the Permit Scheme will continue in operation in that Permit Authority's area.

## 15 Conflict with other Legislation and Legal Liability

- 15.1.1.1 The Permit Authority will work with activity promoters to promote safe working practices and all parties must act reasonably and responsibly. Each situation will be considered on its merits.
- 15.1.1.2 The Permit Authority must ensure that any conditions applied to a permit do not conflict with the activity promoter's obligations under separate legislation. The Permit Authority's intention is that an activity promoter should not be put in a position where they cannot escape being in breach of either permit conditions or other relevant legislation.
- 15.1.1.3 The activity promoter should bring such concerns, conflicts or potential conflicts to the attention of the Permit Authority as soon as is practicable. The Permit Authority will be responsible for resolving the issue with the other body or bodies concerned, e.g. Environmental Health officials, and amending the permit conditions accordingly. If they are not satisfied the activity promoter may invoke the dispute resolution procedure.
- 15.1.1.4 The applicant will be liable for all actions, costs, claims, demands, charges and expense arising out of any activity covered by the WaSP scheme, including those that may arise out of, or be incidental to, the execution of the works.
- 15.1.1.5 Part 8 of the Permit Scheme Regulations provides for the disapplication of certain sections of NRSWA, details of which are contained in Appendix B of this document.

## 16

## Appendix

## 16.1

**APPENDIX A – Glossary of Terms**

|                                         |                                                                                                                                                                                                                                                                                          |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Activity promoter (also Works Promoter) | A works promoter is anyone (including utility companies, statutory undertakers, highway authority road work providers and contractors) responsible for undertaking works on the highway                                                                                                  |
| Additional Street Data (ASD)            | Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG                                                                                                                                                      |
| Apparatus                               | As defined in section 105(1) of NRSWA, "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus"                                                                                                                                        |
| Arbitration                             | As defined in section 99 of NRSWA, "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"  |
| Authority                               | Authority includes the references in NRSWA, TMA and other legislation to highway authority and permit authority                                                                                                                                                                          |
| Bank Holiday                            | As defined in section 98(3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated"                                                                                   |
| Bar hole                                | Bar holes are small diameter holes made in the ground along the route of a gas pipe in a bar test survey to determine the location of any leakage                                                                                                                                        |
| Breaking up (the street)                | Any disturbance to the surface of the street (other than "opening the street")                                                                                                                                                                                                           |
| Bridge                                  | In section 88(1)(a) of NRSWA, "references to a bridge include so much of any street as gives access to the bridge and any embankment, retaining wall or other work or substance supporting or protecting that part of the street"                                                        |
| Bridge authority                        | As defined in section 88(1)(b) of NRSWA, "bridge authority means the authority, body or person in whom a bridge is vested"                                                                                                                                                               |
| BS7666                                  | BS 7666:2006 Parts 0, 1 and 2. British Standard used for the compilation and implementation of a local land and property gazetteer (LLPG) or local street gazetteer (LSG)                                                                                                                |
| Carriageway                             | The part of the road intended for vehicles rather than pedestrians. As defined in section 329 of HA 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles" |
| Contravention                           | As defined in section 329 of HA 1980, "contravention in relation to a condition, restriction or requirement, includes failure to comply with that condition, restriction or requirement, and "contravene" is to be construed accordingly"                                                |
| Council                                 | As defined in section 329 of HA 1980, "council means a county council, the Great London Council or a local authority"                                                                                                                                                                    |
| Critical gyratory or roundabout system  | A gyratory or roundabout system where, in the absence of street works or works for road purposes, no less than 5 per cent of peak hour vehicles on average are delayed by more than 20 seconds.                                                                                          |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Critical signalised junction | A traffic signal junction at which, in the absence of street works or works for road purposes and at times when the exit is not blocked, no less than 5 per cent of peak hour vehicles on average fail to clear the junction on the first green signal                                                                                                                                                |
| Culvert                      | A structure in the form of a large pipe or pipes, box or enclosed channel generally used for conveying water under a road                                                                                                                                                                                                                                                                             |
| DfT                          | Department for Transport                                                                                                                                                                                                                                                                                                                                                                              |
| Duration                     | The duration of Works is calculated in working days                                                                                                                                                                                                                                                                                                                                                   |
| Emergency activities         | As defined in section 52 of NRSWA, "emergency works means works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent (or which the person responsible for the works believes on reasonable grounds to be existing or imminent) which are likely to cause danger to persons or property" |
| Excavation                   | Breaking up the street                                                                                                                                                                                                                                                                                                                                                                                |
| Fixed Penalty Notice (FPN)   | As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty"                                                                                                                                                                                            |
| Footpath                     | As defined in Section 66 of the Wildlife and Countryside Act 1981 a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road. Excludes footway                                                                                                                                                                                          |
| Footway                      | As defined in section 329 of the HA 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only"                                                                                                                                                                                                         |
| HA 1980                      | The Highways Act 1980                                                                                                                                                                                                                                                                                                                                                                                 |
| HAUC                         | The Highway Authorities and Utilities Committee                                                                                                                                                                                                                                                                                                                                                       |
| Highway                      | As defined in section 328 of the HA 1980, "highway means the whole or part of a highway other than a ferry or waterway"                                                                                                                                                                                                                                                                               |
| Highway authority            | As defined in sections 1 and 329 of the HA 1980, any authority responsible for a highway maintainable at public expense                                                                                                                                                                                                                                                                               |
| Highway works                | "works for road purposes" or "major highway works"                                                                                                                                                                                                                                                                                                                                                    |
| Immediate activities         | Immediate activities are either emergency activities or urgent activities                                                                                                                                                                                                                                                                                                                             |
| JAG (UK)                     | Joint Authorities Group (UK)                                                                                                                                                                                                                                                                                                                                                                          |
| Local authority              | As defined in section 270(1) of the Local Government Act 1972 and includes the Common Council of the City of London                                                                                                                                                                                                                                                                                   |
| Local highway authority      | As defined in section 329 of HA 1980, "local highway authority means a highway authority other than the Minister"                                                                                                                                                                                                                                                                                     |
| Local street gazetteer (LSG) | A subset of the NSG containing details of all streets in a highway authority area, being a self-contained entity created and maintained by the highway authority covering all streets in their geographic area regardless of maintenance responsibility                                                                                                                                               |
| Maintainable highway         | As defined in section 329 of HA 1980, a "highway maintainable at the public expense means a highway which by virtue of section 36 above or of any other enactment (whether contained in this Act or not) is a highway which for the purposes of this Act is a highway maintainable at the public expense"                                                                                             |

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| Major activities                             | Major activities are activities other than immediate activities, where (i) the authority has indicated to the promoter, or (ii) the promoter considers, that an order under section 14 of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction on roads) is required; or activities, other than immediate activities, which have a planned duration of 11 days or more"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Major highway works                          | As defined in section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the highway authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by section 184 of the Highways Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway" |
| Minor activities                             | Minor activities are those activities other than immediate activities where the planned duration is 3 days or less                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| National Highways                            | National Highways was appointed under the Infrastructure Act 2015 as a strategic highways company responsible for operating, maintaining and improving motorways and certain major A-roads (the strategic road network) in England                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Nationally consistent street gazetteer (NSG) | A database defined as "an index of streets and their geographical locations created and maintained by the local highway authorities" based on the BS7666 standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Network management duty                      | As stated in Part 2 of TMA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| National grid Reference (NGR)                | Ordnance Survey Grid Reference, describing a point location using 6 digits eastings and 6 digit northings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| NSG concessionaire                           | The NSG concessionaire receives, validates and combines the individual LSGs, TRSG and any individual ASD records into the NSG which is then published on a monthly basis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| NRSWA                                        | New Roads and Street Works Act 1991                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Opening the street                           | Removing a lid or cover to a manhole, inspection chamber, meter box or other structure embedded in the street without any "breaking up" of the street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| OSGR                                         | Ordnance Survey Grid Reference (see also NGR)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Passenger Transport Authority                | One of several geographical authorities made up of representatives from local authorities in the area, responsible for public transport in their area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Permit                                       | The approval of a permit authority for an activity promoter to carry out activity in the highway subject to conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Permit application                           | 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)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Permit authority                             | A highway authority or other "street authority" which has approval to operate a permit scheme on all or some of its road network by order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Permit scheme                                | A scheme approved by Local Authority Order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Promoter (activity promoter)           | The organisation promoting the works and is used to cover <ul style="list-style-type: none"> <li>- undertaker</li> <li>- utility company</li> <li>- highway authority carrying out road works</li> <li>- utility company</li> <li>- highway authority carrying out road works</li> </ul>                                                                                                                |
| Protected street                       | Any street that serves a specific strategic major traffic need and therefore needs to be protected from unnecessary excavation and works and providing there is a reasonable alternative route in which undertakers can place the equipment that would otherwise lawfully have been placed in the protected street                                                                                      |
| Provisional Advance Authorisation      | The early approval of activities in the highway, equivalent to the advance notice given under s 54 of NRSWA                                                                                                                                                                                                                                                                                             |
| Public Right of Way (PRoW)             | PRoW. One of the following:<br>A synonym for a highway, that is, any way over which there is a public right of passage including those ways for which there is no statutory method for recording their existence.<br>One of the four rights recordable on the definitive map: Public footpath, Public bridleway, Restricted byway, Byway open to all traffic                                            |
| Reasonable Period                      | Such period as is agreed by the authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question                                                                                                                                                                                                  |
| Registerable                           | Registerable activities correspond to specified works in the regulations                                                                                                                                                                                                                                                                                                                                |
| Reinstatement                          | As defined in section 105(1) of NRSWA, "reinstatement includes making good"                                                                                                                                                                                                                                                                                                                             |
| Reinstatement Category                 | As set out in the Specification of Reinstatements of the Highway (SROH) a classification of reinstatement based upon volumes of traffic utilising the street.                                                                                                                                                                                                                                           |
| Remedial work                          | Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and the associated regulations.                                                                                                                                                                                                                             |
| Road                                   | "highway"                                                                                                                                                                                                                                                                                                                                                                                               |
| Road category                          | This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice "Specification for the Reinstatement of Openings in Highways"                                                                                                                                                                                                                                 |
| Road works                             | Works for road purposes                                                                                                                                                                                                                                                                                                                                                                                 |
| Special Designation                    | A special designation record provides details of any special attributes of a particular street. It forms part of additional street data (ASD)                                                                                                                                                                                                                                                           |
| Special Engineering Difficulties (SED) | 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 |
| Standard activities                    | Standard activities are those activities, other than immediate activities, that have a planned duration of between 4 and 10 days inclusive                                                                                                                                                                                                                                                              |
| Statutory right                        | As defined in section 105(1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence"                                                                                                                                                     |

|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Statutory Undertaker                                             | A legal term used to describe those organisations that have certain legal rights and obligations when carrying out particular development and infrastructure work. Typically they are utilities, communications companies and Network Rail: those who deal with water, gas, electricity, communications and railways etc. The statutory right is enabled in primary legislation such as the Electricity Act, the Water Act, the Gas Act, the Communications Act.                                                                                                            |
| Strategically significant streets (SSS)                          | 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 the Specification for Reinstatement of Highways (SROH)                                                                                                                                                                                                                             |
| Street                                                           | As defined in section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not"                                                                                                                                                                                                                                                    |
| Street authority                                                 | As defined in section 49(1) of NRSWA, "the street authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the highway authority, and (b) if the street is not a maintainable highway, the street managers"                                                                                                                                                                                                                                                                                                |
| Street Manager                                                   | The Department for Transport's digital service for planning and managing roadworks. Data can also be provided to Street Manager by means of an interface which complies with the Department for Transport's Application Programming Interface (API) specification for planning and managing roadworks. See here for the API documentation                                                                                                                                                                                                                                   |
| Street managers (different from electronic communication system) | As defined in section 49(4) of NRSWA, "the expression "street managers", used in relation to a street which is not a maintainable highway, means the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street"                                                                                                                                                                                                                                    |
| Street works                                                     | As defined in section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street" |
| Street Works UK                                                  | Group representing statutory undertakers, amongst others                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Street works licence                                             | As stated in section 50(1) of NRSWA, "the street authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)                            |
| Substantial road works                                           | Works for road purposes which comprise a reconstruction, widening, alteration in the level, resurfacing or specialist non-skid surface dressing of the part of the highway concerned.                                                                                                                                                                                                                                                                                                                                                                                       |
| TMA                                                              | The Traffic Management Act 2004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Temporary Traffic Regulation Order (TTRO)                        | This means an order made under the Road Traffic Regulation Act 1984                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic                               | As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Traffic control                       | Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Traffic Management                    | Traffic management is dictated by road space/occupation. Permit Scheme Regulations note that: "traffic management arrangements" includes signs, signals, road markings, barriers and other measures which are intended to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).                                                                                                                                                                                                                                                                                                                                                                                         |
| Traffic sensitive street              | This means a street designated by a street authority as traffic sensitive pursuant to section 64 of NRSWA and in a case where a limited designation is made pursuant to section 64(3) any reference to works in a traffic sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation                                                                                                                                                                                                                                                                                                                                                                      |
| Transport Authority                   | The authority, body or person having the control or management of a transport undertaking                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Undertaker                            | As defined in section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be" - ref "Statutory Undertaker"                                                                                                                                                                                                                                                                                                                                                                                                               |
| Unique street reference number (USRN) | As defined in the British Standard BS7666                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Urgent activities                     | Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the appropriate notice period; and (b) includes activity that cannot reasonably be severed from such activities |
| Validity Window                       | The validity window is a period of time that applies to works on some roads at non-traffic sensitive times/where national condition NCT01b applies (see Section 5.4.5).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Working day                           | As defined in section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Works category                        | A collective term for the four different types of works defined by regulation; comprised of immediate, minor, standard and major works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Works for road purposes               | As defined in section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles"                                                                                                                                                                   |
| Works promoter (Activity Promoter)    | A works promoter is anyone (including utility companies, statutory undertakers, highway authority road work providers and contractors) responsible for undertaking works on the highway                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## 16.2 APPENDIX B – Modifications and Disapplication of NRSWA

### B.1 Disapplication of NRSWA

The Permit Scheme Regulations disapply or modify certain sections of NRSWA. In permit areas the duties of activity promoters and street authorities under the following sections of NRSWA are replaced by equivalent duties imposed under Part 3 of the TMA and the Permit Scheme Regulations.

| NRSWA section |                                               | Change     | Permit Scheme Regulations – Revised arrangements                                                                                                                                                                                                                                                                                                       |
|---------------|-----------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S54           | Advance notice of certain works               | Disapplied | Replaced by applications for provisional advance authorisation.                                                                                                                                                                                                                                                                                        |
| S55           | Notice of starting works                      | Disapplied | Replaced by applications for permits                                                                                                                                                                                                                                                                                                                   |
| S56           | Power to direct timing of street works        | Disapplied | Replaced by permit conditions and variations, including those initiated by the permit authority.                                                                                                                                                                                                                                                       |
| S57           | Notice of emergency works                     | Disapplied | Replaced by applications for immediate activities.                                                                                                                                                                                                                                                                                                     |
| S66           | Avoidance of unnecessary delay or obstruction | Disapplied | Replaced by equivalent provisions for permit authorities to require promoters in breach of the permit requirements to take remedial action and failing that for the authority to act.<br><br>24-hour compliance period to be replaced with a requirement for promoters to comply within a reasonable specified period determined by the circumstances. |

Table 2: Promoter's Duties – disapplied sections of NRSWA

| NRSWA section |                                                                             | Change               | Permit Scheme Regulations – Revised arrangements                                                                                                                                                                                                                                                                                                                          |
|---------------|-----------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 53            | The street works register                                                   | Modified             | Permit Scheme Regulations prescribe similar provisions for permit registers                                                                                                                                                                                                                                                                                               |
| S58           | Restriction on works following substantial road works                       | Modified             | <p>The authority's ability to issue permits with start and end dates replaces directions to start work covered in S 58(5) to (78).</p> <p>The Permit Scheme 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.</p> |
| S58A          | Restriction on works following substantial street works                     | Modified             | Schedule 3A is modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                              |
| S64           | Traffic-sensitive streets                                                   | Modified             | Permit Scheme Regulations provide that permit applicant are notified of proposals to designate streets as traffic-sensitive streets.                                                                                                                                                                                                                                      |
| S69           | Works likely to affect other apparatus in the street                        | Effectively extended | Permit Scheme Regulations create an equivalent requirement on highway authority promoters.                                                                                                                                                                                                                                                                                |
| S74           | Charge for occupation of the highway where works are unreasonably prolonged | Modified             | Permit Scheme Regulations make provision to operate in parallel with permits.                                                                                                                                                                                                                                                                                             |
| S88           | Bridge, bridge authorities and related matters                              | Modified             | Modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                                             |
| S89           | Public sewers, sewer authorities and related matters                        | Modified             | Modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                                             |
| S90           | Provisions as to reinstatement of sewers, drains or tunnels                 | Modified             | Modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                                             |
| S93           | Works affecting level crossings or tramways                                 | Modified             | Modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                                             |
| S105          | Minor definitions                                                           | Modified             | Modified to work in conjunction with permits.                                                                                                                                                                                                                                                                                                                             |

Table 3 Promoter's duties – modifications to NRSWA

**16.3 APPENDIX C - West and Shires Permit Scheme Authority Annex**

- 16.3.1.1 The WaSP Scheme is a framework scheme (formerly a 'common regional scheme') but there may be certain areas of the scheme that may be adjusted to suit individual authorities. This primarily includes the permit fee profiles and the additional discounting of fees, as well as specific objectives and measures.
- 16.3.1.2 Each Authority will set out these elements in their own specific Annex.
- 16.3.1.3 This chapter provides for Annex's from each WaSP scheme authority to enable it to set out any specific items pertaining to their operation of the WaSP scheme.
- 16.3.1.4 The Authority's Annex is available on the Council's website or upon request to the Council.

## Appendix 2

### **The Telford & Wrekin Council Addendum**

# West and Shires Permit Scheme



Telford & Wrekin  
COUNCIL

Telford & Wrekin Council Addendum  
to  
West and Shires Permit Scheme Version 1.5

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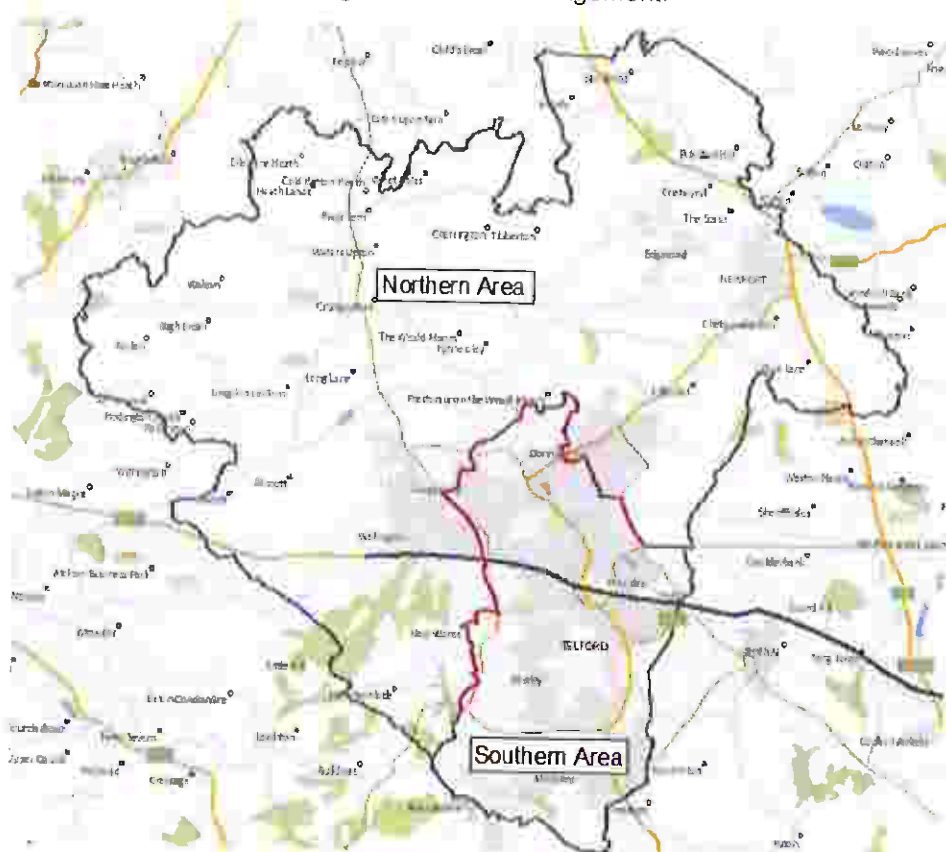
## 1 Introduction

- 1.1.1.1 The West and Shires Permit Scheme ("the WaSP scheme") has been developed under the powers provided in Part 3 of the Traffic Management Act 2004 ("TMA") and the *Traffic Management Permit Schemes (England) Regulations 2007*, (as amended) Statutory Instrument 2007 No. 3372 ("the Regulations") made on 28 November 2007. It is a permit scheme for the purposes of Section 32(1) of the TMA.
- 1.1.1.2 While the original concept of a 'common permit scheme' no longer applies following the amendments to the permit scheme regulations in 2015, the notion of a number of regional authorities working in a similar manner and using the same core permit scheme as a basis for a common approach is still valid. All references to 'common scheme' or indeed the West and Shires Permit Scheme should be taken in this vein.
- 1.1.1.3 The most recent DfT guidance *Statutory guidance for permit schemes October 2015* note that this document replaces all previously issued guidance. However many of the previous documents, although no longer statutory, form an important set of reference materials for the development and operation of a permit scheme and therefore are all referenced appropriately as part of this Addendum and the West and Shires Permit Scheme document itself.
- 1.1.1.4 The latest version of the West and Shires Permit Scheme is version 1.5 which forms the consultation document for Telford & Wrekin and Addendum
- 1.1.1.5 This Addendum document contains background information leading to Telford & Wrekin Council's preparation of a Permit Scheme and sets out how Telford & Wrekin Council will operate the WaSP scheme.

## 2 Background

- 2.1.1.1 Telford & Wrekin was new town established in the 1960's and 70's and since then continued to grow and develop into a vibrant town. The borough has experienced a transformation that has enhanced its physical surroundings and its social and economic wellbeing. Transport has a key role if we are to continue to achieve economic viability and develop a community where people want to live, work and play. The demand for transport is ever increasing as it enables us to access jobs, education, healthcare, shops, leisure and so on however there is increasing importance being placed on minimising the impact of everything we do on the local environment.
- 2.1.1.2 The Borough is a designated growth point and the forthcoming Local Plan sets out the vision to deliver 15,500 houses and 76ha of employment land by 2031. With this high level of planned growth, there is the potential for traffic to grow by up to 30% over this period. Whilst there is a recognition that the Council will continue to promote and push to increase the use of public transport, cycling and walking as an alternative mode of transport, it is acknowledged that the car will remain essential for many journeys within the authority's area, both for local traffic and for regionally.
- 2.1.1.3 The availability of reliable and efficient transport networks plays a major role in the effectiveness of the Telford & Wrekin economy and the Council's adopted Transport Growth Strategy sets out the necessary infrastructure investment in order to achieve this. Evidence has shown that a good transport network is important in sustaining economic success in modern economies. Where investment in transport infrastructure and services has been inadequate, this has been shown to adversely impact on future growth and competitiveness.
- 2.1.1.4 Telford & Wrekin's key challenges are to manage traffic within their continually growing area, ensuring that access is provided to key developments as well as to accommodate increasing number of motor vehicles and other modes of road transport, while reducing both carbon emissions and providing a safer highway.
- 2.1.1.5 Telford & Wrekin has a considerable number of popular tourist attractions and other attractions including sites of historic significance, archaeological sites and stately homes. The Ironbridge Gorge to the south of the borough is designated as a UNESCO World Heritage Site and attracts approximately 1 million visitors per annum. This area has a sensitive road network and infrastructure due to the historic nature of the roads and due to the geology in the Gorge. The Borough is also home to The International Centre, the fifth biggest conference centre in the UK, which attracts 450,000 day delegates per year.
- 2.1.1.6 As such there is a considerable volume of traffic carrying tourists into or through the area. Effective management of the highway network is vital to stimulating further growth of tourism businesses, which will lead to increased visitor numbers, ultimately benefiting other businesses and promoting wider infrastructure improvements.
- 2.1.1.7 Telford & Wrekin's Local Transport Plan (LTP) 2011-2026 (and the associated implementation plans) sets out Telford & Wrekin's transport objectives. Operating a permit scheme has already been identified as part of the overall strategy as a tool to help achieve the wider aims.

- 2.1.1.8 Permits provide greater accuracy of works timing, particularly on traffic sensitive roads. The use of conditions when granting a permit will allow Telford & Wrekin to manage the way that works activities are carried out providing tighter control of network space. Evidence from previous successfully implemented schemes suggests that the provision and use of well thought-out conditions and, where appropriate, enforcement action helps drive improvements in reducing occupation of the highway by works. The cost of the permits also helps dissuade promoters from planning works unnecessarily and poorly.
- 2.1.1.9 The highway network is an essential part of the local economy and its effective management ensures that everyone benefits; from improvements in safety to all road users, journey reliability and decreased environmental impacts. A well-managed network will also aid local regeneration projects and help improve local transport further promoting the local economy.
- 2.1.1.10 Through implementing the West and Shires Permit Scheme, Telford & Wrekin Council plan to increase the efficient running of the highway network by minimising the disruption and inconvenience caused by road works and other highway events and activities through proactive management of activities on the highway. A number of the Scheme aims tie directly into Telford & Wrekin's policy objectives, which suggests a Permit Scheme will be a fitting tool in introducing beneficial change to network management.



### 3 Telford & Wrekin Council Permit Scheme

#### 3.1 Telford & Wrekin Council Addendum

3.1.1.1 This addendum to operate the WaSP scheme is for Telford & Wrekin Council. It contains information specific to Telford & Wrekin Council that might differ from other authorities using the WaSP scheme.

3.1.1.2 All references to the Telford & Wrekin Council Permit Scheme, or 'the Scheme' refers to WaSP read in conjunction with this Addendum.

3.1.1.3 Telford & Wrekin Council's Traffic Management Team will operate the Scheme. The team's correspondence address is Telford & Wrekin Council, Darby House, Lawn Central Telford, TF3 4JA or [streetworks@telford.gov.uk](mailto:streetworks@telford.gov.uk)

#### 3.1.2 Streets covered by the Telford & Wrekin scheme

3.1.2.1 The "specified area" as required under Regulation 7, will be the geographical area encompassed by Telford & Wrekin Council's boundary in respect of Telford & Wrekin Council.

3.1.2.2 All streets maintained by, or on behalf of Telford & Wrekin Council are included within the scheme (Regulation 8). These streets are identified as part of Telford & Wrekin Council's additional street data (ASD).

3.1.2.3 Highways England roads and private streets are not included in the scheme.

#### 3.1.3 Objectives and measures

3.1.3.1 Telford & Wrekin Council will use the objectives and measures as described in the WaSP scheme and associated guidance issued by either the Department for Transport or HAUC.

#### 3.1.4 Strategically significant streets

3.1.4.1 Strategically significant streets includes traffic-sensitive streets (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 *Specification for the Reinstatement of Openings in Highways* (SROH).

3.1.4.2 In addition, the Permit Authority may include other streets that are significant locally, for instance streets linking rural communities where the impact from activities on the highway could be severe. This definition is given in the DFT document *Permit Schemes – Additional Guidance (January 2013)*.

3.1.4.3 Telford & Wrekin Council has designated a number of additional streets over and above the 'traffic sensitive' network as strategically significant. In general these are classed along the following considerations.

- Village Route: Road identified as being strategic to Village/Hamlet, in particular some villages with only one or two roads in and out of the village are particularly vulnerable to disruption from even small scale activities on these roads
- Commuter Route: Road identified as high volume use. These might also be due to tourism. A particular problem with these roads is the scale of diversion routes which can often be 40 or 50 miles

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- Diversion Route: Road identified as being used as diversion route, for instance off Highways England roads, or at times of flooding
- 3.1.4.4 A full list of all streets included in the permit scheme, with an indication of those considered strategically significant is available on request from the Traffic Management Team. These streets are also identified within Telford & Wrekin Council's Additional Street Data (ASD). Because of the limitation on both the EToN specification and the National Street gazetteer data transfer format, these streets, for the purposes of a permit scheme, are classed in the local street gazetteer as 'traffic sensitive', while having a textual indication that they are classed as "SSS".
- 3.1.4.5 Under the West and Shires Permit Scheme, streets that are classed as SS Streets do not fall under the higher Section 74 charges for overruns however they do attract a higher permit charge to reflect the greater importance placed on them in terms of coordination and potential for disruption.
- 3.1.4.6 This small increase in the numbers of streets that might fall under the higher permit charge band has been taken into account in the compilation of the fee structure detailed below.
- 3.1.5 Fee Levels**
- 3.1.5.1 Telford & Wrekin Council has set their fee levels in accordance with the DFT document *Permit Fees Guidance (July 2008)*, and the *Additional Advice Note – for developing and operating future permit schemes (January 2013)*, and in accordance with the maximum fee levels specified in Regulation 30.
- 3.1.5.2 The levels set reflect Telford & Wrekin Council's commitment to keeping charges proportionate to the level of work done in issuing a permit. However given the number of annual activities taking place within Telford & Wrekin's area, and the consideration that a permit scheme should cover the authorities cost of operating it (for Statutory Undertakers) as well as be cost neutral, Telford & Wrekin have made the decision to charge for all categories of works, on all streets.
- 3.1.5.3 The fee levels set ensures Telford & Wrekin Council are able to operate the WaSP scheme in a rigorous and effective manner, focussing on more significant activities and those taking place on streets where disruption is likely to be highest while ensuring that those communities and businesses that rely on the more rural network can still benefit from the application of a permit scheme on these roads.
- 3.1.5.4 There is a charge for Permit Variations on all streets. This reflects the added work required to manage changed situations and is an incentive for activity promoters to plan and submit permits accurately in the first instance.

| Activity type                                                                  | Charge on strategically significant streets | Charge on non-strategically significant streets |
|--------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------|
| Provisional Advance Authorisation                                              | £105                                        | £75                                             |
| Major activities (over 10 days duration AND major activities requiring a TTRO) | £221                                        | £150                                            |
| Major activities (4 to 10 days duration)                                       | £130                                        | £75                                             |
| Major activities (up to 3 days duration)                                       | £65                                         | £45                                             |
| Standard activities                                                            | £118                                        | £67                                             |

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|                      |     |     |
|----------------------|-----|-----|
| Minor activities     | £49 | £34 |
| Immediate activities | £60 | £35 |
| Permit variation     | £45 | £35 |

### **3.1.6 Waiving and reduced permit fees**

- 3.1.6.1 Section 9.3 and 9.4 of the WaSP scheme document details when a fee may be waived or discounted.
- 3.1.6.2 Additionally Telford & Wrekin Council may waive an individual charge or offer a discount where it considers such action is merited.
- 3.1.6.3 Telford & Wrekin Council intends to follow DfT or HAUC guidelines with respect to the discounting of fees for works that take place wholly outside traffic sensitive times.

### **3.1.7 Fee Review**

- 3.1.7.1 Telford & Wrekin Council is committed to undertaking a review of its level of fees in accordance with Regulation 16A to ensure that the overall fee income does not exceed the allowable costs in running the scheme. The outcome of the fee reviews will be published and open to public scrutiny.
- 3.1.7.2 If a sustained surplus or deficit occurs over a period of time, the fee levels will be adjusted accordingly.

### **3.1.8 Invoicing arrangements**

- 3.1.8.1 Problems with electronic systems, or incorrect sequencing of notices, or other reasons may lead to differences between the activity promoter and the Permit Authority over what each party consider applicable charges.
- 3.1.8.2 Telford & Wrekin Council intend to provide a schedule of charges to each activity promoter on a monthly basis in the form of a 'draft invoice'. This will be submitted to the activity promoters for them to review and reconcile with their own systems.
- 3.1.8.3 Following this submission there will be a one-month period to enable the activity promoter to agree the charges with Telford & Wrekin Council.
- 3.1.8.4 Following agreement, or where no response has been submitted, Telford & Wrekin Council will submit a final invoice under its normal terms of payment.
- 3.1.8.5 The WaSP scheme Operational Guidance will provide further details on this process and invoicing and payment terms.

### **3.1.9 Conditions**

- 3.1.9.1 Telford & Wrekin Council Permit Scheme follows the DfT Statutory Guidance on permit conditions, or any amendments or guidance issued in future.
- 3.1.9.2 This guidance is contained in the *Statutory guidance for Highway Authority Permit Schemes – Permit scheme conditions (March 2015)*

**3.1.10 Details of transitional Arrangements**

- 3.1.10.1 Telford & Wrekin Council intends to commence the permit scheme on 1<sup>st</sup> June 2016.
- 3.1.10.2 The permit regime has been designed to follow closely the processes and timescales of the NRSWA noticing regime.
- 3.1.10.3 The basic rules of transition from noticing to permitting will apply on all roads where the permit scheme operates.
- 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
  - Activities which are planned to start on site more than one month after the changeover date (for all activity categories including Major) 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 activity promoter will have to cancel these and re-apply for a permit or PAA
  - Any other activities which started under the notices regime will continue under that regime until completion
- 3.1.10.4 Where section 54, 55 or 57 notices are submitted but require cancelling and amending to a PAA/PA, Telford & Wrekin Council will ensure that road space already booked will not be affected, and will assist the activity promoter by providing early start agreements as required.
- 3.1.10.5 Telford & Wrekin Council will proactively examine their street works register in advance of implementation to help identify those notices that may need to be amended in this way.
- 3.1.10.6 Where an activity promoter considers that in certain circumstances it would be beneficial to agree follow a different rule for transition of notices to permits, they should submit this in writing to Telford & Wrekin prior to the scheme coming into effect. Any request will be judged on a case-by-case basis with due regard to both the additional needs of the promoter, any additional workloads for the authority and with consideration of parity for other promoters.
- 3.1.10.7 As required in Regulation 3, the Permit Authority will give a minimum of 4 weeks notice of commencement of the scheme, following the Order being made, to all those previously consulted on the permit scheme.

**3.1.11 Waiving of fees during transitional period**

- 3.1.11.1 The following applies to ALL promoters during the first calendar month of operation (from 1<sup>st</sup> June 2016 to 30<sup>th</sup> June 2016).
- 3.1.11.2 Telford & Wrekin Council will operate the Telford & Wrekin Council Permit Scheme for the first calendar month with no charge for permits issued.
- 3.1.11.3 In addition Telford & Wrekin Council will discount Fixed Penalty Notices for Regulation 20 offences (Offence to breach a permit condition) for this first calendar month to a zero charge.
- 3.1.11.4 Telford & Wrekin Council will monitor offence levels and where it is considered that an activity promoter has high levels of non-compliance and is not showing the capability, or meeting Telford & Wrekin Council's expectation to improve over time, then the FPN charges will be increased sooner to act as an additional driver to improve practices.

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- 3.1.11.5 This bedding-in period will allow a transition that will not penalise genuine mistakes and will allow both Telford & Wrekin Council and activity promoters to work closely together to ensure the first few months of the implementation of the Telford & Wrekin Council Permit Scheme concentrates on the important aspects of the scheme and provides an opportunity for concerted dialogue to ensure the success of the scheme as a whole.

### **3.2 Permit Scheme Resourcing**

Telford & Wrekin Council's Network Management team will be based on two areas, north and south, for the purposes of permitting and permit compliance inspections.

## **4 Significant infrastructure projects**

- 4.1.1.1 A permit scheme requires Telford & Wrekin Council to take into account significant infrastructure projects that have a significant impact on the economic policy of the region or the UK as a whole.
- 4.1.1.2 Section 9.4.7 of the WaSP scheme document provides for the WaSP scheme authorities to discount permit application fees for these kinds of activities.
- 4.1.1.3 This is in addition to the WaSP scheme stated purpose to ensure that permits do not hinder these kinds of project and should be used as a tool to help manage the activities on the ground, while not detracting from the Authority's aim to deliver a safe and minimally disrupted network. It is key to the scheme that it does not unduly obstruct activity promoters in the work that they do.
- 4.1.1.4 Telford & Wrekin Council have a number of large developments that are currently in the planning process, including a number of Growth Point Package junction improvements, dualling of two major routes in Telford Town Centre and replacement of the rail bridge at Telford Central Station. It is anticipated that section 9.4.4 of WaSP will enable them to ensure that new connections or diversionary works are exempt from permit fees.

### **4.2 BT Broadband**

- 4.2.1.1 Currently BDUK has been installed in a number of Telford & Wrekin Council's major towns.
- 4.2.1.2 Telford & Wrekin Council is now working with BT/Openreach on the 'Superfast Telford' project to get superfast broadband to 98% of Telford & Wrekin residents and businesses. The permit team will enable Telford & Wrekin Council to help project manage this and better and ensure that any potential disruption will be minimised.
- 4.2.1.3 Telford & Wrekin Council intend to guide Openreach through the permit transition and onwards until its completion as well as provide additional assistance to Openreach to aid the planning and permitting processes.
- 4.2.1.4 Telford & Wrekin Council will hold regular meetings with BT/Openreach and have already done an extensive piece of work considering cabinet locations and ensuring they are situated suitably.
- 4.2.1.5 This level of assistance will ensure that the application process is more efficient in terms of timelines and submission requirements. This will ensure that once activities are ready to take place on the ground there will be no delays due to a lack of information or problems with communication, while ensuring that they take place within the legislative requirements of NRSWA and TMA and the WaSP scheme.

## 5 Regulatory Compliance

5.1.1.1 The following table shows which sections of the scheme relate to which regulations

| Regulation                                                                                                                                                                                                                                                   | Am'd Reg | WaSP paras/other           | Comments                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------|--------------------------------------------------------------------------------------------------|
| <b>PART 1 - INTRODUCTION</b>                                                                                                                                                                                                                                 |          |                            |                                                                                                  |
| 1. Citation, commencement, and application                                                                                                                                                                                                                   |          | N/A                        |                                                                                                  |
| 2. Interpretation                                                                                                                                                                                                                                            | 3        | N/A                        |                                                                                                  |
| <b>PART 2 – APPLICATION FOR SCHEME</b>                                                                                                                                                                                                                       | 4        |                            |                                                                                                  |
| 3. Consultation for new permit schemes                                                                                                                                                                                                                       | 5        | 1.1.1.9<br>1.1.1.10        | Consultation undertaken as per regs, and responded to.                                           |
| 4. Procedural requirements for submitting new permit schemes                                                                                                                                                                                                 | 6        |                            |                                                                                                  |
| a) the name of every person who is a highway authority for one or more of the specified streets                                                                                                                                                              |          | 4.1 and Addendum           |                                                                                                  |
| (b) what the objectives of the Permit Authority are for that permit scheme;                                                                                                                                                                                  |          | 2.3                        |                                                                                                  |
| (c) how the Permit Authority proposes to ensure that it will comply with the obligation set out in reg. 40                                                                                                                                                   |          | 1.1.1.6                    |                                                                                                  |
| (d) how and when the Permit Authority proposes to evaluate that permit scheme so as to measure whether the objectives for it have been met;                                                                                                                  |          | 2.4 and Chapter 14         | Plus Regulation 16A - evaluation of scheme (1.1.1.11)                                            |
| (e) the costs and benefits (whether or not financial) which the Permit Authority anticipates will result from that permit scheme and how such costs and benefits will be demonstrated when the permit scheme is evaluated in accordance with regulation 16A; |          | CBA and Economic appraisal | Submitted separately. See also r.16A                                                             |
| (f) the evidence considered by the Permit Authority when it decided to include any provisions in the permit scheme as to the fees which may be charged, and the reasons for its decision;                                                                    |          | Fee Matrix                 | Submitted separately                                                                             |
| (g) the date on or after which the Permit Authority proposes that the permit scheme should come into effect                                                                                                                                                  |          | Addendum                   | Submitted separately                                                                             |
| (h) details of any transitional arrangements which the Permit Authority would wish to apply in relation to the permit scheme coming into effect; and                                                                                                         |          | Addendum                   | Submitted separately                                                                             |
| (i) the responses received to the consultation undertaken under regulation 3                                                                                                                                                                                 |          | Consultation undertaken    |                                                                                                  |
| 4(2). The Permit Authority shall confirm in the permit scheme that the scheme has been prepared in accordance with these Regulations and that it had regard to the Guidance                                                                                  |          | 1 and Addendum             |                                                                                                  |
| 5. Varying and revoking permit schemes at the Permit Authority's request                                                                                                                                                                                     | 7        | 15                         |                                                                                                  |
| <b>PART 3 – PERMIT SCHEME CONTENT</b>                                                                                                                                                                                                                        |          |                            |                                                                                                  |
| 6. Specified works                                                                                                                                                                                                                                           |          | 4.3                        |                                                                                                  |
| 7. Specified area                                                                                                                                                                                                                                            |          | 4.1                        |                                                                                                  |
| 8. Specified streets                                                                                                                                                                                                                                         |          | 4.1 and Addendum           |                                                                                                  |
| 9. Permits; specified streets, works and information contained within                                                                                                                                                                                        | 8        | 5                          | note amendment provided for in 5.1.1.3. Note required information also dictated by ETON protocol |

## Telford & Wrekin Council Addendum

|                                                                              |    |                       |                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------|----|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9(3) scheme states which specified people do not have to apply for permits   |    | 4.3                   |                                                                                                                                                                                                                                   |
| 10(1)(2)(5). Conditions attached to permits                                  | 9  | 6                     | Note amendment fully covered in Chapter 6                                                                                                                                                                                         |
| 10(3) Provision to revoking a permit                                         |    | 8.4                   |                                                                                                                                                                                                                                   |
| 11. Provisional advance authorisations                                       |    | 5.3                   |                                                                                                                                                                                                                                   |
| 12. Permit reference numbers                                                 |    | 5.5.2                 | Note dictated by EToN Specification                                                                                                                                                                                               |
| 13. Conditions on works to which requirement to obtain permit does not apply |    | 6                     | Relating to "immediate activities" which 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 |
| 14. Criteria to be taken into account by Permit Authority                    |    | 5.7                   | In relation to notices issued under NRSWA Section 58/58A                                                                                                                                                                          |
| 15. Review, variation and revocation of permits and permit conditions        |    | 7 and 8               |                                                                                                                                                                                                                                   |
| 16. Time limits on Permit Authority                                          |    | 7                     |                                                                                                                                                                                                                                   |
| 16A. Evaluation of permit schemes                                            | 10 | 1.1.1.11 and Addendum |                                                                                                                                                                                                                                   |
| <b>PART 4 - PUBLICITY</b>                                                    |    |                       |                                                                                                                                                                                                                                   |
| 17. Notification of permit scheme                                            | 11 | Addendum              | Notification to be submitted four weeks in advance of proposed start of scheme                                                                                                                                                    |
| <b>PART 5 - SANCTIONS</b>                                                    |    |                       |                                                                                                                                                                                                                                   |
| 18. Action which may be taken for unauthorised works                         |    | 11                    |                                                                                                                                                                                                                                   |
| 19. Offence to undertake works without a required permit                     |    | 11                    |                                                                                                                                                                                                                                   |
| 20. Offence to breach a permit condition                                     |    | 11                    |                                                                                                                                                                                                                                   |
| 21. Giving Fixed Penalty Notices                                             |    | 11                    |                                                                                                                                                                                                                                   |
| 22. Time limit for giving fixed penalty notice                               |    | 11                    |                                                                                                                                                                                                                                   |
| 23. Form of fixed penalty notice                                             |    | 11                    | Note set out in Code of Practice and EToN Technical Specification                                                                                                                                                                 |
| 24. Penalties payable when fixed penalty notice given                        |    | 11                    |                                                                                                                                                                                                                                   |
| 25. Discounts for early payment                                              |    | 11                    |                                                                                                                                                                                                                                   |
| 26. Saving from proceedings where fixed penalty notice given                 |    | 11                    |                                                                                                                                                                                                                                   |
| 27. Withdrawal of fixed penalty notice                                       |    | 11                    |                                                                                                                                                                                                                                   |
| 28. Application of sums received from fixed penalties                        |    | 11                    |                                                                                                                                                                                                                                   |
| <b>PART 6 - FEES</b>                                                         |    |                       |                                                                                                                                                                                                                                   |
| 29. Prescribed costs                                                         |    | 9                     | Plus Fee Matrix                                                                                                                                                                                                                   |
| 30. Power to charge a fee and discounts                                      | 12 | 9                     | Note amendments covered by discounts                                                                                                                                                                                              |
| 31. Savings from the payment of fees and discounts                           |    | 9                     |                                                                                                                                                                                                                                   |
| 32. Application of sums received as fees                                     |    | 9                     | Plus financial statement                                                                                                                                                                                                          |
| <b>PART 7 - REGISTERS</b>                                                    |    |                       |                                                                                                                                                                                                                                   |
| 33. Duty to maintain register                                                |    | 3.4.2                 |                                                                                                                                                                                                                                   |
| 34. Access to register                                                       |    | Appendix C            |                                                                                                                                                                                                                                   |
| <b>PART 8 - OTHER ENACTMENTS</b>                                             |    |                       |                                                                                                                                                                                                                                   |
| 35. Application of Part                                                      | 13 |                       |                                                                                                                                                                                                                                   |
| 36. Disapplication of enactments                                             |    | Appendix B            |                                                                                                                                                                                                                                   |
| 37. Modification of enactments                                               |    | Appendix B            |                                                                                                                                                                                                                                   |
| 38. Modification of Regulations                                              |    | N/A                   |                                                                                                                                                                                                                                   |
| <b>PART 9 - MISCELLANEOUS</b>                                                |    |                       |                                                                                                                                                                                                                                   |
| 39. Service of documents, etc                                                |    | N/A                   |                                                                                                                                                                                                                                   |
| 40. Non-discrimination                                                       |    | 1.1.1.6, 2 and 14     |                                                                                                                                                                                                                                   |